



Oneida Business Committee

Regular Meeting
8:30 AM Wednesday, March 08, 2023
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

Meeting agenda is available here: oneida-nsn.gov/government/business-committee/agendas-packets/. Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the Government Administrative Office, 1st 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. OATH OF OFFICE

- A. **Oneida Police Department - Andrew Leitzke**
Sponsor: Richard Van Boxtel, Chair/Oneida Police Commission

V. MINUTES

- A. **Approve the February 22, 2023, regular Business Committee meeting minutes**
Sponsor: Lisa Liggins, Secretary
- B. **Approve the February 27, 2023, special Business Committee meeting minutes**
Sponsor: Lisa Liggins, Secretary

VI. RESOLUTIONS

- A. Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until May 11, 2023**
Sponsor: Kaylynn Gresham, Director/Emergency Management
- B. Adopt resolution entitled Emergency Amendments to the Election Law for the 2023 General Election**
Sponsor: David P. Jordan, Councilman
- C. Adopt resolution entitled Amendments to the Emergency Management Law**
Sponsor: David P. Jordan, Councilman
- D. Enter the e-poll results into the record regarding the adopted BC resolution 02-23-23-A Oneida Nation Food Processing Technical Assistance Project Grant Application**
Sponsor: Lisa Liggins, Secretary

VII. STANDING COMMITTEES

- A. COMMUNITY DEVELOPMENT PLANNING COMMITTEE**
 - 1. Accept the January 5, 2023, regular Community Development Planning Committee meeting minutes**
Sponsor: Brandon Stevens, Vice-Chairman
- B. LEGISLATIVE OPERATING COMMITTEE**
 - 1. Accept the February 15, 2023, regular Legislative Operating Committee meeting minutes**
Sponsor: David P. Jordan, Councilman
- C. QUALITY OF LIFE COMMITTEE**
 - 1. Accept the January 19, 2023, regular Quality of Life Committee meeting minutes**
Sponsor: Marie Cornelius, Councilwoman

VIII. STANDING ITEMS**A. ARPA FRF and Tribal Contribution Savings Submissions**

- 1. Review Tribal Member request regarding GWA Food Card Payment for FY-2024 utilizing Tribal Contribution Savings**
Sponsor: Nancy Barton, Tribal Member
- 2. Review Tribal Member request regarding the project status for the proposed general rental apartments**
Sponsor: Mary Graves, Tribal Member
- 3. Review Tribal Member request regarding the Student Relief Fund**
Sponsor: Kelli Lake, Tribal Member

IX. TRAVEL REQUESTS

- A. Approve the travel request - Chairman Tehassi Hill - Midwest Alliance of Sovereign Tribes (MAST) Impact Week of 2023 - Washington, DC - March 19-21, 2023**
Sponsor: Tehassi Hill, Chairman
- B. Approve the travel request - Secretary Lisa Liggins - Emerging Trends in Tribal Enrollment - Albuquerque, NM - April 24-27, 2023**
Sponsor: Lisa Liggins, Secretary
- C. Approve the travel request - Councilwoman Jennifer Webster - Progress Act Negotiated Rulemaking Committee - Washington, DC - March 26-31, 2023**
Sponsor: Jennifer Webster, Councilwoman

X. NEW BUSINESS

- A. Accept the notice of the Rule of Play: Four Card Poker approved by the Oneida Gaming Commission on February 24, 2023**
Sponsor: Mark A. Powless, Chair/Oneida Gaming Commission

XI. GENERAL TRIBAL COUNCIL

- A. Approve two (2) actions regarding the 2023 reconvened annual General Tribal Council meeting**
Sponsor: Lisa Liggins, Secretary

XII. EXECUTIVE SESSION**A. REPORTS**

1. **Accept the Chief Counsel report**
Sponsor: Jo Anne House, Chief Counsel
2. **Accept the General Manager report**
Sponsor: Mark W. Powless, General Manager

B. AUDIT COMMITTEE

1. **Accept the Blackjack Rules of Play compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
2. **Accept the Four Card Poker Rules of Play compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
3. **Accept the Player Tracking compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
4. **Accept the Three Card Poker Rules of Play compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman

C. NEW BUSINESS

1. **Accept PACE LLP update**
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs
2. **Approve sixty-three (63) new enrollments and one (1) relinquishment**
Sponsor: Jennifer Hill-Kelley, Chair/Oneida Trust Enrollment Committee
3. **Review West Mason Sportsbook staffing levels request and determine next steps**
Sponsor: Louise Cornelius, Gaming General Manager

XIII. ADJOURN

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

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

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

Oneida Police Department - Andrew Leitzke

Business Committee Agenda Request**1. Meeting Date Requested:** 03/8/23**2. Session:** Open Executive – must qualify under §107.4-1.Justification: *Choose or type justification.***3. Requested Motion:** Accept as information; OR

Administer Oath of Office for one new hire: Andrew Leitzke

4. Areas potentially impacted or affected by this request: Finance Programs/Services Law Office MIS Gaming/Retail Boards, Committees, or Commissions Other: *Describe***5. Additional attendees needed for this request:**

Eric Boulanger

Brandon Vande Hei

Andrew Leitzke

Name, Title/Entity OR Choose from List

6. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

7. Budget Information:

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

8. Submission:

Authorized Sponsor: Richard Van Boxtel, Police Commission Chairman

Primary Requestor: Eric Boulanger, Chief of Police



Oneida Police Department

P.O. Box 365, Oneida, WI 54155

Eric H. Boulanger
Chief of Police



MEMORANDUM

To: Oneida Business Committee
From: Eric Boulanger, Chief of Police 
Date: February 21, 2023
Subj: Oneida Police Department – Oath of Office for Andrew Leitzke

This is a request to administer the oath of office for new hire: Andrew Leitzke.

Approve the February 22, 2023, regular Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 03/08/23

2. General Information:

Session: Open Executive – must qualify under §107.4-1.
 Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

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

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1

DRAFT**Oneida Business Committee**

Executive Session
8:30 AM Tuesday, February 21, 2023
Virtual Meeting – Microsoft Teams¹

Regular Meeting
8:30 AM Wednesday, February 22, 2023
Virtual Meeting – Microsoft Teams

Minutes**EXECUTIVE SESSION:**

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Secretary Lisa Liggins, Council members: Marie Cornelius, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Jennifer Webster;

Not Present: Treasurer Tina Danforth;

Arrived at: n/a

Others present: Jo Anne House, Keith Doxtator, Mark W. Powless, Todd VanDen Heuvel, Katsitsiyo Danforth, Danelle Wilson, Kristal Hill, Rae Skenandore, Justin Nishimoto, Tana Aguirre, Bill Gollnick, Brandon Wisneski, Melissa Nuthals, Barbara Webster, RaLinda Ninham-Lamberies, Chad Fuss, James Petitjean, Melanie Burkhart, Tina Jorgensen, Nicole Rommel, Cheryl Stevens, Debra Danforth, Jacque Boyle, Lori Hill, Shannon Stone, Eric Bristol, Josephine Skenandore, Jason Doxtator, Mercie Danforth, Jeff Bowman, Nathan King, Jeffrey House, Jeanne Calhoun, Steve Ninham;

REGULAR MEETING

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Secretary Lisa Liggins, Council members: Marie Cornelius, David P. Jordan, Kirby Metoxen, Jennifer Webster;

Not Present: Treasurer Tina Danforth, Councilman Daniel Guzman King;

Arrived at: n/a

Others present: Jo Anne House, Mark W. Powless, Todd VanDen Heuvel, Kaylynn Gresham, Katsitsiyo Danforth, Danelle Wilson, Rhiannon Metoxen, Kristal Hill, Rae Skenandore, Justin Nishimoto, Lisa Summers, Loucinda Conway, Clorissa Leeman, RaLinda Ninham-Lamberies, Melanie Burkhart, Lori Hill, Tina Jorgensen, Debra Danforth, Grace Elliott, Paul Witek, Michelle Tipple, Mari Kriescher, Jameson Wilson, Patricia King, Debbie Melchert, Brooke Doxtator, Shannon Davis, Carol Silva, Martin Prevost, Marlon Skenandore, Jeanne Calhoun, Michelle Braaten, Rosa Laster, Vicki L. Cornelius, Teresa Schuman, Carmelita Escamea, Neoma Orsburn, Mike Debraska, Mary Graves, Aliskwet Ellis;

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 8:30 a.m.

For the record: Councilman Daniel Guzman King is virtually attending the Food Distribution Program on Indian Reservations (FDIPR) Tribal Leader Consultation Work Group consultation. Treasurer Tina Danforth is out on leave.

II. OPENING (00:01:15)

Opening provided by Councilman Kirby Metoxen.

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

DRAFT**III. ADOPT THE AGENDA (00:01:35)**

Motion by Lisa Liggins to adopt the agenda with six (6) noted changes [1) under the Oath of Office section, add item entitled Oneida Community Library Board - Carmelita Escamea; 2) under the Oath of Office section, add item entitled Oneida Nation Commission On Aging - Neoma Orsburn; 3) under the Travel Request section, add item entitled Approve the travel request - Councilman Kirby Metoxen - Indian Gaming Tradeshow & Convention - San Diego, CA - March 27-31, 2023; 4) under the Executive Session, Reports section, add item entitled Accept the Chief Financial Officer February 2023 report; 5) address item VII.A. Determine next steps regarding six (6) vacancies - Oneida Election Board Ad Hoc Committee after the adoption of the agenda; and 6) to address an additional handout for item XV.A.1. Accept the Chief Counsel report], seconded by Jennifer Webster. Motion carried:

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

Item VII.A. was addressed next.

IV. OATH OF OFFICE**A. Oneida Election Board Ad Hoc Committee - Appointees (00:07:51)**

Sponsor: Lisa Liggins, Secretary

B. Oneida Community Library Board - Carmelita Escamea (00:07:51)

Sponsor: Lisa Liggins, Secretary

C. Oneida Nation Commission On Aging - Neoma Orsburn (00:07:51)

Sponsor: Lisa Liggins, Secretary

Oaths of office were administered by Secretary Lisa Liggins. Vicki Cornelius, Teresa Schuman, Rosa Laster, Carmen Escamea, and Neoma Orsburn were present.

V. MINUTES**A. Approve the February 8, 2023, regular Business Committee meeting minutes (00:11:44)**

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to approve the February 8, 2023, regular Business Committee meeting minutes, seconded by Lisa Liggins. Motion carried:

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

DRAFT**VI. RESOLUTIONS**

- A. Enter the e-poll results into the record regarding the adopted BC resolution 02-15-23-A Public Service Commission FY 2023 Broadband Expansion Grant Application (00:12:20)**
Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to enter the e-poll results into the record regarding the adopted BC resolution 02-15-23-A Public Service Commission FY 2023 Broadband Expansion Grant Application, seconded by David P. Jordan. Motion carried:

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

Item VIII.A.1. was addressed next.

VII. APPOINTMENTS

- A. Determine next steps regarding six (6) vacancies - Oneida Election Board Ad Hoc Committee (00:05:20)**
Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to accept the selected applicants and to appoint Vicki Cornelius, Teresa Schuman, Colleen Cornelius, and Rosa Laster to the Oneida Election Board Ad Hoc Committee with a term ending December 31, 2023, and to request the Secretary to re-notice the remaining vacancies, seconded by Marie Cornelius. Motion carried:

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

Item IV. was addressed next.

VIII. STANDING COMMITTEES**A. FINANCE COMMITTEE**

- 1. Accept the January 30, 2023, regular Finance Committee meeting minutes (00:13:11)**
Sponsor: Keith Doxtator, Chief Financial Officer

Motion by David P. Jordan to accept the January 30, 2023, regular Finance Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

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

DRAFT**2. Accept the February 13, 2023, regular Finance Committee meeting minutes (00:13:51)**

Sponsor: Keith Doxtator, Chief Financial Officer

Motion by David P. Jordan to accept the February 13, 2023, regular Finance Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

B. LEGISLATIVE OPERATING COMMITTEE**1. Accept the February 1, 2023, regular Legislative Operating Committee meeting minutes (00:14:23)**

Sponsor: David P. Jordan, Councilman

Motion by Kirby Metoxen to accept the February 1, 2023, regular Legislative Operating Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

C. QUALITY OF LIFE COMMITTEE**1. Review request to reconsider the December 14, 2022, Business Committee action regarding Food Assistance Program and Summer Savings at the Pump analysis (00:14:59)**

Sponsor: Marie Cornelius, Councilwoman

Motion by Jennifer Webster to accept the Quality of Life Committee request regarding the Food Assistance Program and Summers Savings at the Pump analysis report as concluding this request, seconded by Brandon Stevens. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

IX. STANDING ITEMS**A. ARPA FRF and Tribal Contribution Savings Submissions****1. Review Tribal Member request regarding GWA Food Card Payment for FY-2024 utilizing Tribal Contribution Savings (00:21:13)**

Sponsor: Nancy Barton, Tribal Member

Motion by Lisa Liggins to defer the Review Tribal Member request regarding GWA Food Card Payment for FY-2024 utilizing Tribal Contribution Savings to the March 8, 2023, regular Business Committee meeting, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

DRAFT**X. TRAVEL REPORTS**

- A. Approve the travel report - Councilwoman Jennifer Webster - Multiple Events - Washington, D.C. - November 6-12, 2022 (00:22:24)**
Sponsor: Jennifer Webster, Councilwoman

Motion by Marie Cornelius to approve the travel report from Councilwoman Jennifer Webster for Multiple Events in Washington, D.C. - November 6-12, 2022, seconded by Brandon Stevens. Motion carried:

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

- B. Approve the travel report - Councilwoman Jennifer Webster - Administration for Children & Families Tribal Advisory Committee (ACF-TAC) Triannual meeting - Washington, D.C. - February 7-10, 2023 (00:23:05)**
Sponsor: Jennifer Webster, Councilwoman

Motion by David P. Jordan to approve the travel report from Councilwoman Jennifer Webster for the Administration for Children & Families Tribal Advisory Committee (ACF-TAC) Triannual meeting in Washington, D.C. - February 7-10, 2023, seconded by Marie Cornelius. Motion carried:

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

XI. TRAVEL REQUESTS

- A. Approve the travel request - Councilwoman Marie Cornelius - State of the Tribes Address - Madison, WI - March 13-14, 2023 (00:23:59)**
Sponsor: Marie Cornelius, Councilwoman

Motion by Jennifer Webster to approve the travel request for Councilwoman Marie Cornelius to attend the State of the Tribes Address in Madison, WI - March 13-14, 2023, seconded by David P. Jordan. Motion carried:

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

- B. Approve the travel request - Councilwoman Jennifer Webster - The Office of Child Support Enforcement (OCSE) Tribal Consultation - Atlantic City, NJ - April 5-7, 2023 (00:24:36)**
Sponsor: Jennifer Webster, Councilwoman

Motion by Marie Cornelius to approve the travel request for Councilwoman Jennifer Webster to attend The Office of Child Support Enforcement (OCSE) Tribal Consultation in Atlantic City, NJ - April 5-7, 2023, seconded by Kirby Metoxen. Motion carried:

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

DRAFT

- C. Approve the travel request - Councilwoman Jennifer Webster - 2023 Tribal Self-Governance Conference - Tulsa, OK - June 25-30, 2023 (00:25:28)**
Sponsor: Jennifer Webster, Councilwoman

Motion by David P. Jordan to approve the travel request for Councilwoman Jennifer Webster to attend the 2023 Tribal Self-Governance Conference in Tulsa, OK - June 25-30, 2023, seconded by Marie Cornelius. Motion carried:

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

- D. Approve the travel request - Councilman Kirby Metoxen - Indian Gaming Tradeshow & Convention - San Diego, CA - March 27-31, 2023 (00:26:12)**
Sponsor: Kirby Metoxen, Councilman

Motion by David P. Jordan to approve the travel request for Councilman Kirby Metoxen to attend the Indian Gaming Tradeshow & Convention in San Diego, CA - March 27-31, 2023, seconded by Jennifer Webster. Motion carried:

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

XII. NEW BUSINESS

- A. Approve the concept paper for CDC # 21-112 Transitional Residential Detox Treatment Facility (00:27:04)**
Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to approve the concept paper for CDC # 21-112 Transitional Residential Detox Treatment Facility, seconded by Jennifer Webster. Motion carried:

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

Motion by Lisa Liggins to adopt resolution entitled 02-22-23-A Approval of Use of Economic Development, Diversification and Community Development Funds to Conduct a Feasibility Study for CDC # 21-112 Transitional Residential Detox Treatment Facility, seconded by Kirby Metoxen. Motion carried:

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

Motion by Lisa Liggins to approve activation of up to \$300,000 from the Economic Development, Diversification and Community Development Funds for the feasibility study associated with CDC # 21-112 Transitional Residential Detox Treatment Facility, seconded by David P. Jordan. Motion carried:

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

Item XIV.A. was addressed next.

DRAFT**XIII. REPORTS****A. CORPORATE BOARDS****1. Accept the Bay Bancorporation Inc. FY-2023 1st quarter report (01:16:34)**

Sponsor: Jeff Bowman, President/Bay Bank

Motion by Brandon Stevens to accept the Bay Bancorporation Inc. FY-2023 1st quarter report, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

2. Accept the Oneida Airport Hotel Corporation FY-2023 1st quarter report (01:22:40)

Sponsor: Kathy Hughes, Chair/Oneida Airport Hotel Corporation

Motion by Jennifer Webster to accept the Oneida Airport Hotel Corporation FY-2023 1st quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

3. Accept the Oneida ESC Group, LLC FY-2023 1st quarter report (01:23:19)

Sponsor: John Breuninger, Chair/Oneida ESC Group Board of Managers

Motion by David P. Jordan to accept the Oneida ESC Group, LLC FY-2023 1st quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

4. Accept the Oneida Golf Enterprise FY-2023 1st quarter report (01:23:51)

Sponsor: Justin Nishimoto, Agent/Oneida Golf Enterprise

Motion by David P. Jordan to accept the Oneida Golf Enterprise FY-2023 1st quarter report, seconded by Brandon Stevens. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

DRAFT**B. OTHER****1. Defer the Oneida Youth Leadership Institute report to the March 22, 2023, regular Business Committee meeting (01:24:21)**

Sponsor: Marlon Skenandore, Chair/Oneida Youth Leadership Institute

Motion by David P. Jordan to defer the Oneida Youth Leadership Institute report to the March 22, 2023, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

Item XV. was addressed next.

XIV. GENERAL TRIBAL COUNCIL**A. Schedule the 2023 semi-annual General Tribal Council meeting (00:44:44)**

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to schedule the 2023 semi-annual General Tribal Council meeting for Monday, July 24, 2023, at 6:00 p.m., seconded by David P. Jordan. Motion carried:

Ayes: David P. Jordan, Lisa Liggins, Brandon Stevens, Jennifer Webster

Opposed: Marie Cornelius, Kirby Metoxen

Not Present: Tina Danforth, Daniel Guzman King

For the record: Councilwoman Marie Cornelius stated I will not be available on that date, thank you.

B. Approve three (3) requested actions - Petitioner Linda Dallas re: Alcohol and Drug Addiction Treatment Assistance (00:54:52)

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to approve acknowledge receipt of the petition from Linda Dallas regarding Alcohol and Drug Addiction Treatment Assistance, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

Motion by Jennifer Webster to direct the Business Committee Direct Report Offices to complete and submit their administrative impact statements of the petition to the TribalSecretary mailbox by Wednesday, March 15, 2023, seconded by Lisa Liggins. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

Motion by David P. Jordan to direct the Law, Finance, and Legislative Reference Offices to complete, respectively, the legal review, fiscal impact statement, and statement of effect with status updates to be submitted for the March 22, 2023, regular Business Committee meeting agenda and the first BC meeting of the month thereafter or until the final documents are submitted, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

DRAFT**C. Approve three (3) requested actions - Petitioner Linda Dallas re: General Tribal Council Directive for the Oneida Business Committee to stay out of day-to-day business (01:00:23)**

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to approve acknowledge receipt of the petition from Linda Dallas regarding the General Tribal Council Directive for the Oneida Business Committee to stay out of day-to-day business, seconded by Kirby Metoxen. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

Motion by Jennifer Webster to direct the Business Committee Direct Report Offices to complete and submit their administrative impact statements of the petition to the TribalSecretary mailbox by Wednesday, March 15, 2023, seconded by Kirby Metoxen. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

Motion by David P. Jordan to direct the Law, Finance, and Legislative Reference Offices to complete, respectively, the legal review, fiscal impact statement, and statement of effect with status updates to be submitted for the March 22, 2023, regular Business Committee meeting agenda and the first BC meeting of the month thereafter or until the final documents are submitted, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

D. Approve three (3) requested actions - Petitioner Linda Dallas re: FY-2023 Budget (01:02:55)

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to approve acknowledge receipt of the petition from Linda Dallas regarding the FY-2023 budget, seconded by Kirby Metoxen. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

Motion by Jennifer Webster to direct the Business Committee Direct Report Offices to complete and submit their administrative impact statements of the petition to the TribalSecretary mailbox by Wednesday, March 15, 2023, seconded by Lisa Liggins. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

Motion by David P. Jordan to direct the Law, Finance, and Legislative Reference Offices to complete, respectively, the legal review, fiscal impact statement, and statement of effect with status updates to be submitted for the March 22, 2023, regular Business Committee meeting agenda and the first BC meeting of the month thereafter or until the final documents are submitted, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

DRAFT

- E. Approve three (3) requested actions - Petitioner Lloyd Zeise re: Uncap All Employee Wages (01:05:07)**
Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to approve acknowledge receipt of the petition from Lloyd Zeise regarding the Uncap All Employee Wages, seconded by Jennifer Webster. Motion carried:

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

Motion by David P. Jordan to direct the Business Committee Direct Report Offices to complete and submit their administrative impact statements of the petition to the TribalSecretary mailbox by Wednesday, March 15, 2023, seconded by Jennifer Webster. Motion carried:

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

Motion by David P. Jordan to direct the Law, Finance, and Legislative Reference Offices to complete, respectively, the legal review, fiscal impact statement, and statement of effect with status updates to be submitted for the March 22, 2023, regular Business Committee meeting agenda and the first BC meeting of the month thereafter or until the final documents are submitted, seconded by Marie Cornelius. Motion carried:

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

Item XV.A.1. was addressed next.

DRAFT**XV. EXECUTIVE SESSION (01:24:57)**

Motion by David P. Jordan to go into executive session at 9:56 a.m., seconded by Kirby Metoxen.
Motion carried:

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

Motion by David P. Jordan to come out of executive session at 10:08 a.m., seconded by Lisa Liggins.
Motion carried:

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

Item XV.A.1. was re-addressed next.

A. REPORTS**1. Accept the Chief Counsel report (01:08:08);(01:26:27)**

Sponsor: Jo Anne House, Chief Counsel

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

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

Item XV.A.2. was addressed next.

Motion by Lisa Liggins to approve attorney contract - Husch Blackwell LLP - file # 2023-0160, seconded by David P. Jordan. Motion carried:

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

Item XVI. was addressed next.

2. Accept the General Manager report (01:08:44)

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the General Manager report, seconded by Jennifer Webster. Motion carried:

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

DRAFT**3. Accept the Intergovernmental Affairs, Communications, and Self-Governance February 2023 report (01:09:07)**

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by Lisa Liggins to accept the Intergovernmental Affairs, Communications, and Self-Governance February 2023 report and to approve the travel request for Chairman Tehassi Hill to provide testimony for American Indian/Alaska Native programs in Washington, D.C. - March 8-9, 2023, seconded by Marie Cornelius. Motion carried:

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

4. Accept the Treasurer's January 2023 report (01:09:55)

Sponsor: Keith Doxtator, Chief Financial Officer

Motion by Lisa Liggins to accept the Treasurer's January 2023 report, seconded by Jennifer Webster. Motion carried:

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

5. Accept the Security Director FY-2023 1st quarter report (01:10:18)

Sponsor: Katsitsiyo Danforth, Security Director

Motion by Lisa Liggins to accept the Security Director FY-2023 1st quarter report, seconded by Marie Cornelius. Motion carried:

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

6. Accept the Bay Bancorporation Inc. FY-2023 1st quarter executive report (01:10:47)

Sponsor: Jeff Bowman, President/Bay Bank

Motion by Lisa Liggins to accept the Bay Bancorporation Inc. FY-2023 1st quarter executive report, seconded by David P. Jordan. Motion carried:

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

7. Accept the Oneida Airport Hotel Corporation FY-2023 1st quarter executive report (01:11:13)

Sponsor: Kathy Hughes, Chair/Oneida Airport Hotel Corporation

Motion by Lisa Liggins to accept the Oneida Airport Hotel Corporation FY-2023 1st quarter executive report, seconded by David P. Jordan. Motion carried:

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

DRAFT**8. Accept the Oneida ESC Group, LLC FY-2023 1st quarter executive report (01:11:40)**

Sponsor: John Breuninger, Chair/Oneida ESC Group Board of Managers

Motion by Lisa Liggins to accept the Oneida ESC Group, LLC FY-2023 1st quarter executive report, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

9. Accept the Oneida Golf Enterprise FY-2023 1st quarter executive report (01:12:10)

Sponsor: Justin Nishimoto, Agent/Oneida Golf Enterprise

Motion by Lisa Liggins to accept the Oneida Golf Enterprise FY-2023 1st quarter executive report, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

10. Accept the Business Analyst FY-2023 1st quarter report (01:12:38)

Sponsor: Justin Nishimoto, Business Analyst

Motion by Lisa Liggins to accept the Business Analyst FY-2023 1st quarter report, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

11. Accept the Chief Financial Officer February 2023 report (01:13:15)

Sponsor: Keith Doxtator, Chief Financial Officer

Motion by Lisa Liggins to accept the Chief Financial Officer February 2023 report, seconded by David P. Jordan. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

B. AUDIT COMMITTEE**1. Approve limited waiver of sovereign immunity - RSM US LLP agreement - file # 2023-0084 (01:13:45)**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to approve a limited waiver of sovereign immunity - RSM US LLP agreement - file # 2023-0084, seconded by David P. Jordan. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

DRAFT**C. NEW BUSINESS****1. Accept closeout report for complaint # 2023-DR09-01 (01:14:18)**

Sponsor: Kristal Hill, Executive Assistant

Motion by Lisa Liggins to accept the written report from the sub-committee regarding complaint # 2023-DR09-01; to modify the recommended actions in the written report as noted in the memorandum dated February 21, 2023; and to designate Secretary Lisa Liggins to follow through with DR09 on the approved actions, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

2. Review applications for six (6) vacancies - Oneida Election Board Ad Hoc Committee (01:15:11)

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to accept the discussion regarding Oneida Election Board Ad Hoc Committee applications as information, seconded by Jennifer Webster. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

3. Accept additional materials regarding BC resolution 02-15-22-A Public Service Commission FY 2023 Broadband Expansion Grant Application (01:15:48)

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to accept additional materials regarding BC resolution 02-15-22-A Public Service Commission FY 2023 Broadband Expansion Grant Application, seconded by Lisa Liggins. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

Item XIII.A.1. was addressed next.

XVI. ADJOURN (01:27:05)

Motion by Marie Cornelius to adjourn at 10:09 a.m., seconded by David P. Jordan. Motion carried:

Ayes: Marie Cornelius, David P. Jordan, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Daniel Guzman King

Minutes prepared by Aliskwet Ellis, Senior Information Management Specialist.
Minutes approved as presented on _____.

Lisa Liggins, Secretary
ONEIDA BUSINESS COMMITTEE

Approve the February 27, 2023, special Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 03/08/23

2. General Information:

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

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

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

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1



Oneida Business Committee

Special Meeting
10:00 AM Monday, February 27, 2023
Virtual Meeting - Microsoft Teams¹

Minutes

REGULAR MEETING

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

Not Present: Treasurer Tina Danforth, Council member: David P. Jordan;

Arrived at: n/a

Others present: Brooke Doxtator, Barbara Webster, Clorissa Leeman, Danelle Wilson, Debbie Melchert, Eric Boulanger, Jameson Wilson, Jo Ann House, Joel Maxam, Justin Nishimoto, Kathy Metoxen, Katsitsiyo Danforth, Kaylynn Gresham, Lisa Summers, Lori Hill, Loucinda Conway, Louise Cornelius, Marin Prevost, Maureen Metoxen, Melanie Burkhart, Mike Debraska, Nathan Wisneski, Patricia King, Rhiannon Metoxen, Tana Aguirre, Todd Vanden Heuvel, Xavier Horkman;

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 10:01 a.m.

II. OPENING (00:00:17)

Opening provided by Chairman Tehassi Hill.

III. ADOPT THE AGENDA (00:00:43)

Motion by Brandon Stevens to adopt the agenda, seconded by Marie Cornelius. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, Lisa Liggins, Kirby Metoxen,
Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan

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

IV. GENERAL TRIBAL COUNCIL

- A. Determine next steps for the reconvened annual General Tribal Council meeting scheduled on February 27, 2023 (00:01:32)**
Sponsor: Tehassi Hill, Chairman

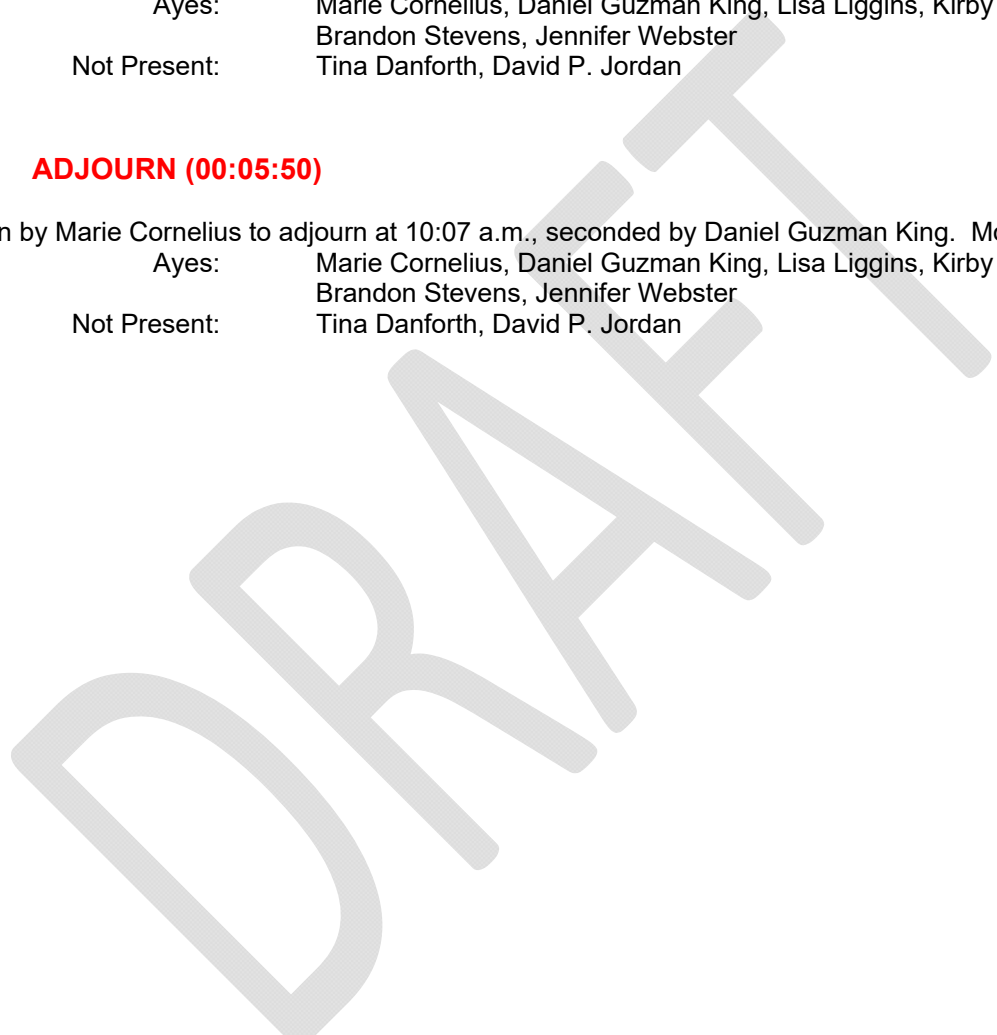
Motion by Jennifer Webster to cancel the February 27, 2023, General Tribal Council meeting and place on the next Business Committee meeting agenda to reschedule, seconded by Brandon Stevens. Motion carried:

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

VI. ADJOURN (00:05:50)

Motion by Marie Cornelius to adjourn at 10:07 a.m., seconded by Daniel Guzman King. Motion carried:

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



Minutes prepared by Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Minutes approved as presented on _____.

Lisa Liggins, Secretary
ONEIDA BUSINESS COMMITTEE

Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until May 11, 2023

Business Committee Agenda Request

1. Meeting Date Requested: 3/8/23

2. Session:

Open Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR Enter the requested motion related to this item.

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: All areas of the Nation

5. Additional attendees needed for this request:

Name, Title/Entity OR Choose from List

Michelle Tipple, Public Health Officer

6. Supporting Documents:

- | | | |
|--|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input checked="" type="checkbox"/> Other: Recommendations | | |

7. Budget Information:

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

8. Submission:

Authorized Sponsor: Kaylynn Gresham, Emergency Management Director

Primary Requestor: _____

Oneida Comprehensive Health Division

Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing



To: Oneida Business Committee

From: Debra Danforth, Oneida Comprehensive Health Division Operations Director
Dr Kennard, Oneida Comprehensive Health Division Medical Director
Michelle Tipple, Community/ Public Health Officer

Date: February 24, 2023

RE: Recommendations to extend public health emergency

We now know the federal public health emergency declaration is set to expire May 11, 2023. This action will have impact on certain flexibilities in programs and policies that have been afforded over the course of the public health emergency declaration. We anticipate communications from impacted programs and policies will occur in the coming weeks.

The health response team recognizes the benefit of extending Oneida's public health emergency declaration to match that of the federal public health emergency. This action would provide a consistent message to the Oneida Community as changes may impact members of the Oneida Community as well.

In collaboration with Oneida Emergency Management, **the health response team recommends the Oneida Business Committee extend the public health emergency to match the expiration of the federal public health emergency declaration, through May 11, 2023.**

Thank you for your continued collaboration and partnership as we work together to slow the spread of COVID-19 in the Oneida community.

Sincerely,

Michelle Tipple BSN, RN
Community/ Public Health Officer

CC: Kaylynn Gresham, Emergency Management
Debra Danforth, Comprehensive Health Division Operations Director
Dr Kennard, Oneida Comprehensive Health Division Medical Director
Mark Powless, General Manager

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 Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Extension of Declaration of Public Health State of Emergency Until May 11, 2023

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

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

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

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

WHEREAS, the federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses; and

WHEREAS, state governors, including the State of Wisconsin, have declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders; and

WHEREAS, on March 12, 2020 the Chairman declared a Public Health State of Emergency, the Oneida Business Committee took actions to take steps to protect the health and welfare of the members, employees and the community, including instituting expenditure restrictions to preserve resources for the provision of governmental services to members most at risk, closure of the Nation’s gaming operations, and insuring that employees will continue to be paid during the Public Health State of Emergency as long as the Nation’s resources will allow; and

WHEREAS, the Public Health State of Emergency has extended continuously since the initial declaration; and

WHEREAS, the status of the COVID-19 pandemic continues to change with identification of new variants and increases in positive rates and increased hospitalizations as identified by the U.S Centers for Disease Control (CDC) with recommendations being changed to reflect this constantly varying pandemic landscape; and

WHEREAS, the CDC is now recommending local review and actions based on lagging and leading indicators that show the ability of the local government and tribes to react to increasing and decreasing rates; and

WHEREAS, the Oneida Business Committee continues to work with the Public Health Officer to understand the public health impacts of COVID-19 and its variants in order to have the most effective information regarding public health safety declarations and guidelines; and

44 **WHEREAS,** the Oneida Business Committee has determined that continuing the Public Health State of
45 Emergency continues to be necessary and that its declaration should be longer given the
46 ongoing pandemic impact and the inability to identify mechanisms to control for infection
47 or protect the public;
48

49 *Extension of Public Health State of Emergency Declaration*

50 **NOW THEREFORE BE IT RESOLVED,** that in accordance with section 302.8-2 of the Emergency
51 Management Law, the Oneida Business Committee extends the Public Health State of Emergency
52 declaration ending at 11:59 p.m. on May 11, 2023.



Statement of Effect

Extension of Declaration of Public Health State of Emergency Until May 11, 2023

Summary

This resolution extends the Nation's Declaration of the Public Health State of Emergency until May 11, 2023.

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

Date: February 22, 2023

Analysis by the Legislative Reference Office

The Oneida Business Committee ("OBC") adopted the Emergency Management law to provide for the development and execution of plans that protect residents, property and the environment in an emergency or disaster; provide for the direction of emergency management, response and recovery on the Reservation, as well as coordination with other agencies, victims, businesses and organizations; establish the use of the National Incident Management System; and designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

Under the Emergency Management law, the OBC is delegated responsibility to proclaim or ratify the existence of a public health emergency. [3 O.C. 302.8-1]. A public health emergency means the occurrence or imminent threat of an illness or health condition which is a quarantinable disease and poses a high probability of a large number of deaths or serious or long-term disability among humans. [3 O.C. 302.3-1(p)]. No proclamation of an emergency by the OBC may last for longer than sixty (60) days, unless renewed by the OBC. [3 O.C. 302.8-2].

As a result of the COVID-19 virus, in accordance with the authority granted to the OBC under the Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" which set into place the necessary authority, should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The OBC has since extended the Public Health State of Emergency until March 19, 2023, through adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, and BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F, BC-01-12-22-B, BC-03-23-22-A, BC-05-11-22-E, BC-07-13-22-F, BC-09-14-22-C, BC-10-26-22-H, and BC-01-11-23-B. [3 O.C. 302.8-2].

This resolution provides that the OBC has determined that continuing the Public Health State of Emergency remains necessary given the ongoing pandemic impact and the inability to identify mechanisms to control for infection or protect the public.

Through the adoption of this resolution, in accordance with section 302.8-2 of the Emergency Management law, the Oneida Business Committee extends the Public Health State of Emergency declaration until 11:59 p.m. on May 11, 2023.

Conclusion

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

Oneida Comprehensive Health Division
Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing



February 24, 2023

Updated COVID-19 data to consider during discussions:

Extension of the Oneida Nation Public Health Emergency declaration.

Submitted by:

Debra Danforth, Dr Jay Kennard, Michelle Tipple

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 NATION JURISDICTION DATA:

COVID-19 Stats

Oneida Nation COVID-19 Data

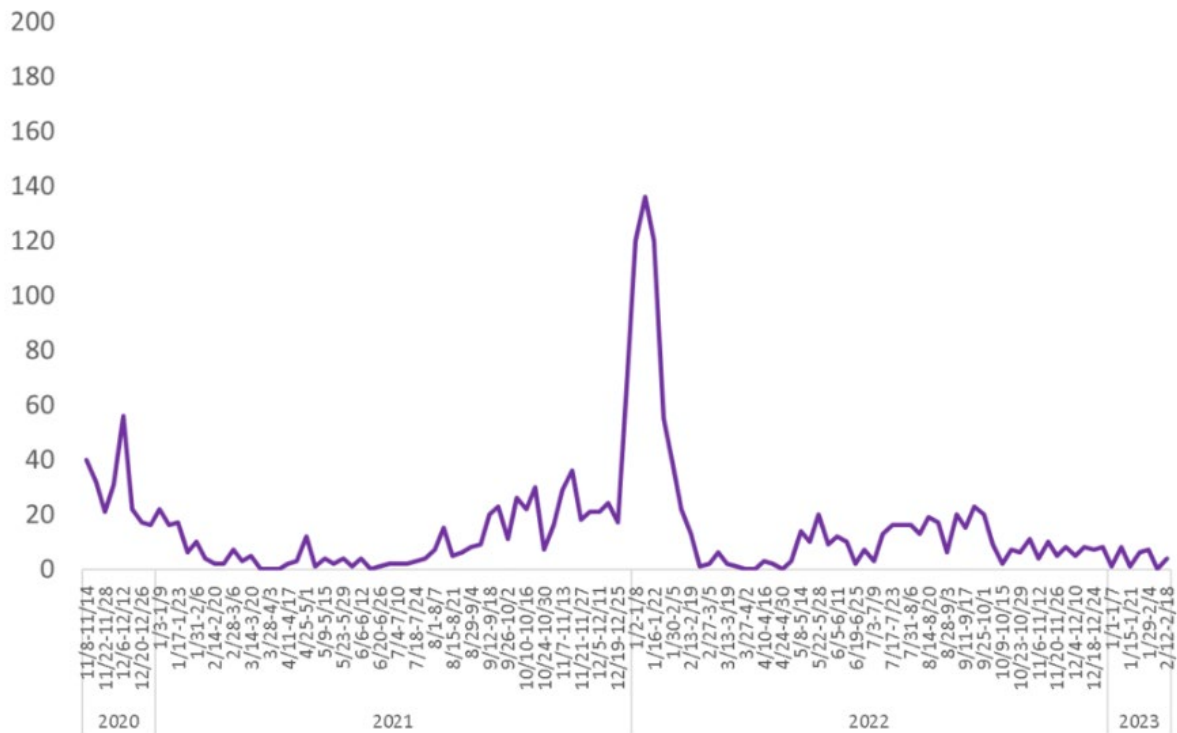
Oneida jurisdiction data is updated weekly on Thursdays

As of 2/22/2023	Confirmed Positive Cases	Deaths
Oneida Nation Total	2,185 (+2)	12
Oneida Nation - Brown County	1,283	5
Oneida Nation - Outagamie County	902	7

Hospitalizations (Ever Hospitalized): 147

Vaccine Breakthrough Cases: 558

**New Weekly COVID-19 Cases
of American Indians on Oneida Reservation**



Oneida Nation Health Department retrieved 02/24/2023

<https://oneida-nsn.gov/connect/news/oneida-nation-covid-19-resource-page/#Stats>

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



Relevant COVID-19 Case Count Data

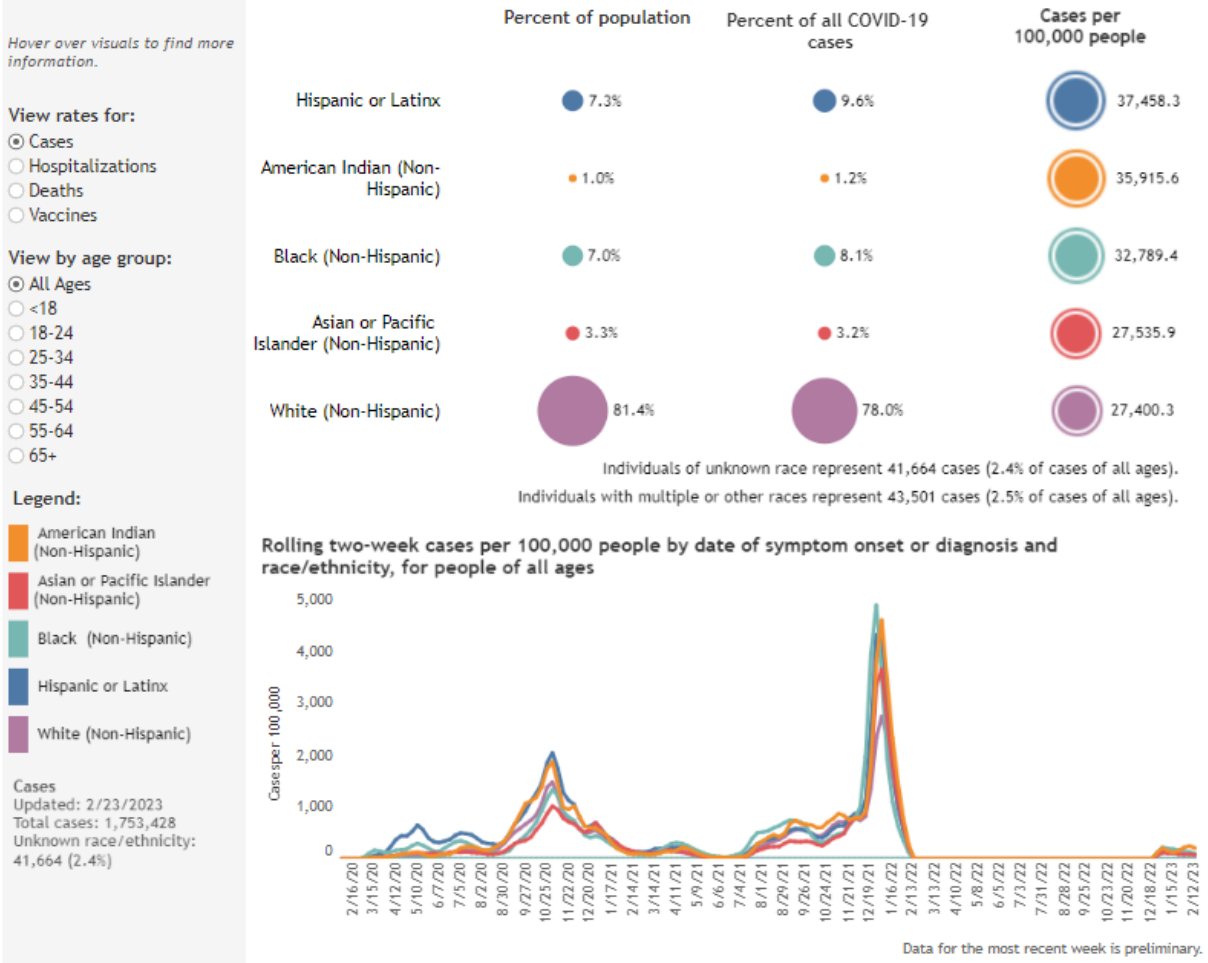
COVID-19: Racial and Ethnic Disparities

Data view by case rates

Health impact of COVID-19 by race and ethnicity

Communities of color have experienced higher rates of COVID-19 cases, hospitalizations, and deaths since the pandemic began. Compared to White Wisconsin residents, **Hispanic or Latinx residents have 1.4 times greater case rates**, **Black residents have 1.6 times greater hospitalization rates**, and **American Indian residents have 1.2 times greater death rates**.

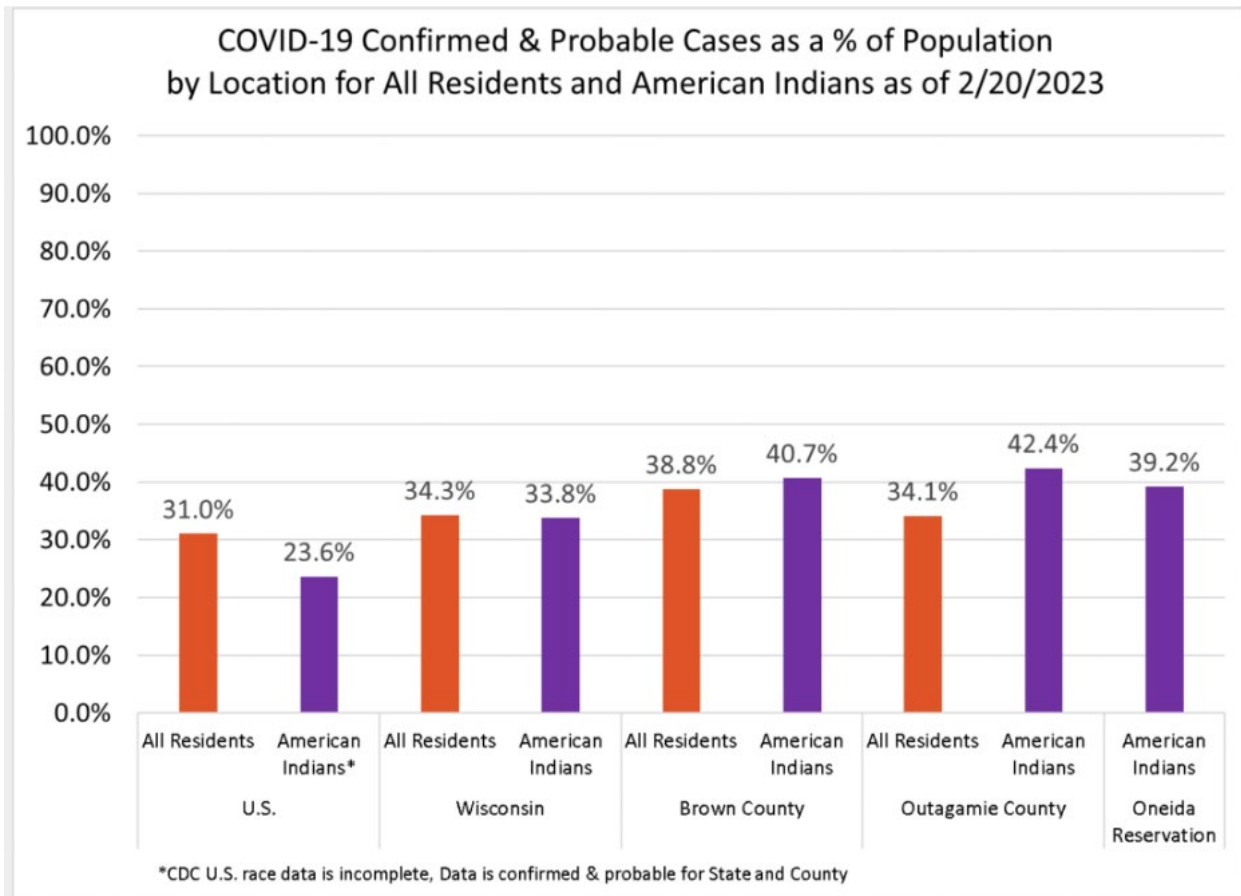
Even while negative outcomes are higher, vaccination rates are lower in communities of color. The highest disparities of vaccination rates exist in Black and Hispanic communities, where **Black residents are 20 percent (0.8 times)**, and **Hispanic or Latinx residents are slightly less (0.9 times)** as likely to be vaccinated compared to White residents.



WI Department of Health Services- Public Health retrieved 02/24/2023
<https://www.dhs.wisconsin.gov/covid-19/disparities.htm>

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





WI Department of Health Services- Public Health

<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>

U.S. Centers for Disease Control and Prevention

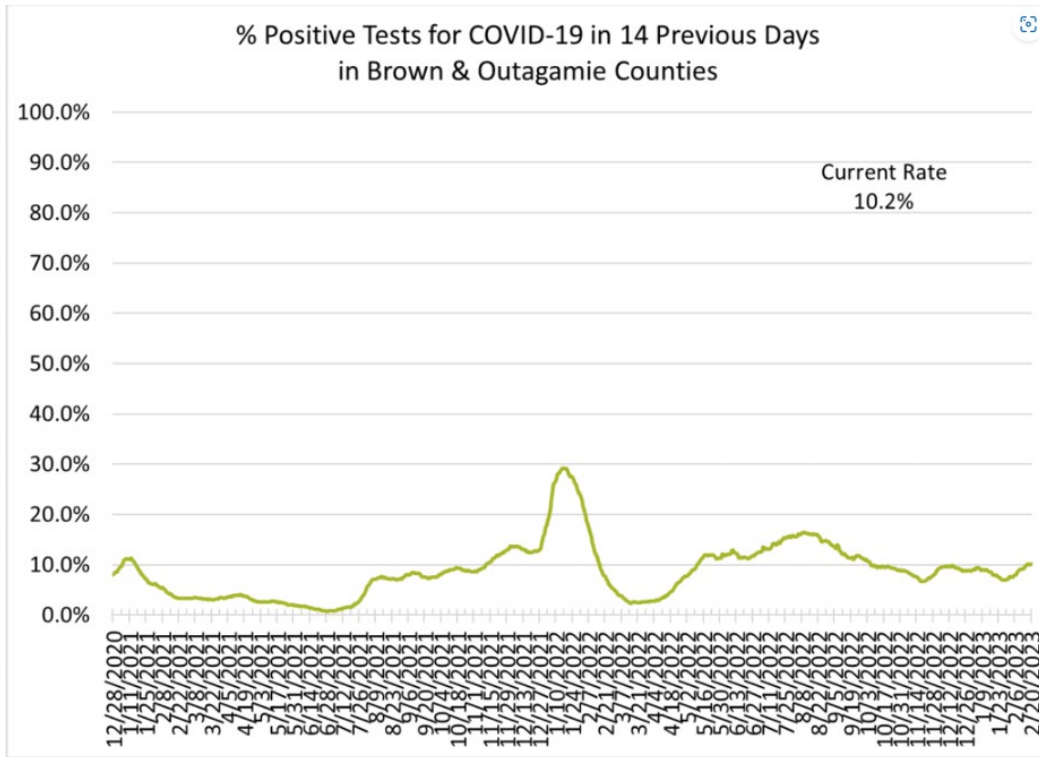
https://covid.cdc.gov/covid-data-tracker/#cases_casesinlast7days

U.S. Census Bureau American Community Survey Population Estimates

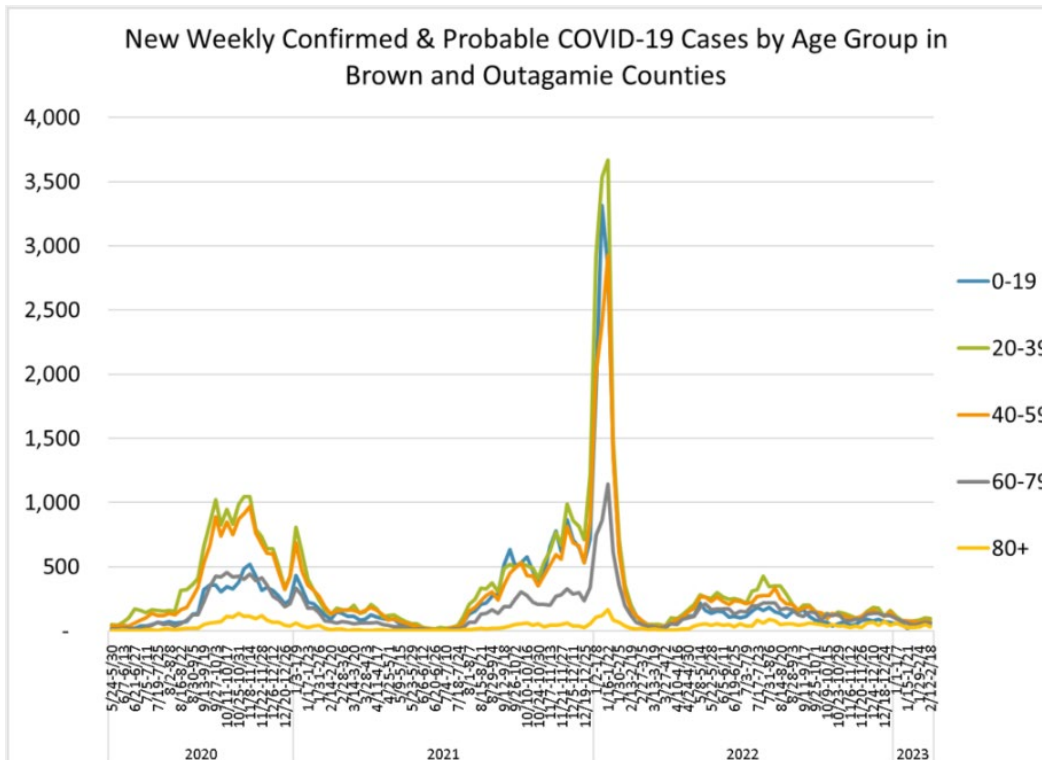
<https://data.census.gov/cedsci/advanced>

Oneida Nation Health Department

<https://oneida-nsn.gov/connect/news/oneida-nation-covid-19-resource-page/#Stats>



WI Department of Health Services- Public Health retrieved 02/24/2023
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



WI Department of Health Services- Public Health retrieved 02/24/2023
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>

COVID-19 Wastewater Surveillance in Wisconsin

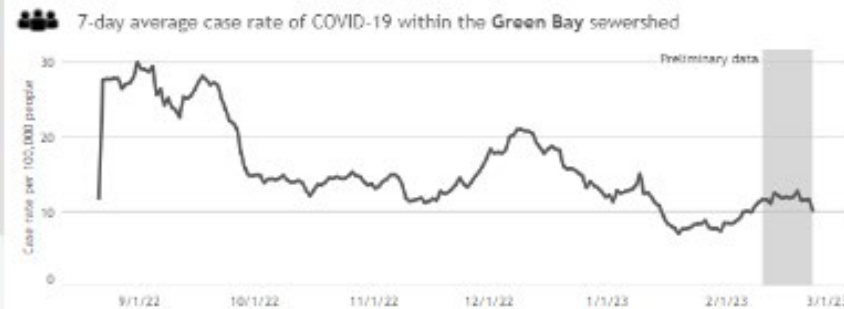
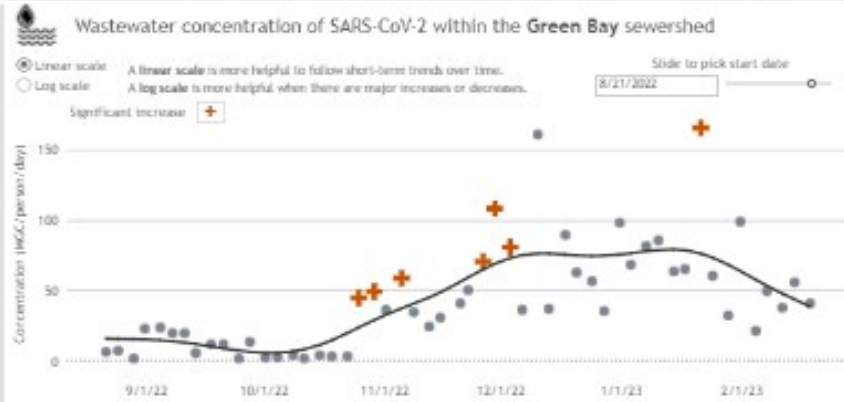


Sewershed-specific SARS-CoV-2 data

Click on the list to select a sewershed. Click again to deselect.

- Appleton
- Ashland
- Baraboo
- Black River Falls
- Brookfield (Fox River)
- Cintolaville
- De Pere
- East Claire
- Green Bay**
- Hartford
- Hayward
- Hudson
- Janesville
- Kenosha
- La Crosse
- Lehi
- Madison
- Mantowoc
- Marinette
- Marsfield
- Mason
- Menomonie
- Merrill
- Milwaukee (Jones Island)
- Milwaukee (South Shore)
- Monroe
- Dconomowoc
- Dalhousie
- Hebtingo
- Platteville
- Plymouth
- Portage
- Racine
- River Falls
- Sheboygan
- Spencer
- Stevens Point
- Superior
- Viroqua
- Walcott
- Waterloo
- Wisconsin
- Wisconsin
- Algoma
- Berlin

Green Bay | Category: **Moderate** | Trajectory: **No alert**
 Estimated population served: 189,000



WI Department of Health Services- Public Health retrieved 02/24/2023
[COVID-19: Wisconsin Coronavirus Wastewater Monitoring Network | Wisconsin Department of Health Services](#)

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



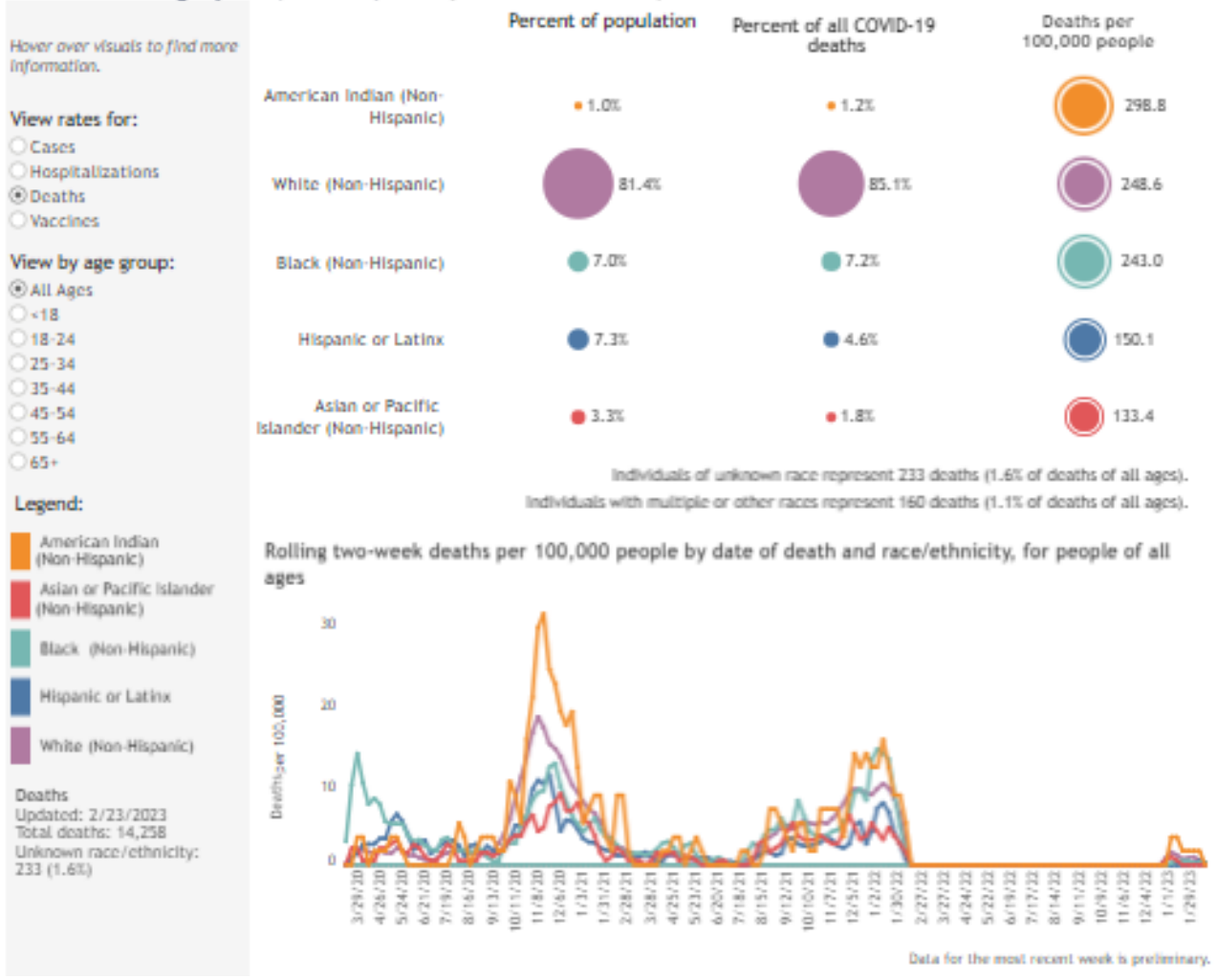
Relevant COVID-19 Death Data

COVID-19: Racial and Ethnic Disparities

Data view by Death rates

Health impact of COVID-19 by race and ethnicity

Communities of color have experienced higher rates of COVID-19 cases, hospitalizations, and deaths since the pandemic began. Compared to White Wisconsin residents, Hispanic or Latinx residents have 1.4 times greater case rates, Black residents have 1.6 times greater hospitalization rates, and American Indian residents have 1.2 times greater death rates. Even while negative outcomes are higher, vaccination rates are lower in communities of color. The highest disparities of vaccination rates exist in Black and Hispanic communities, where Black residents are 20 percent (0.8 times), and Hispanic or Latinx residents are slightly less (0.9 times) as likely to be vaccinated compared to White residents.



WI Department of Health Services- Public Health retrieved 02/24/2023
<https://www.dhs.wisconsin.gov/covid-19/disparities.htm>

Relevant COVID-19 Hospitalization Data

COVID-19: Racial and Ethnic Disparities

Data view by Hospitalization rates

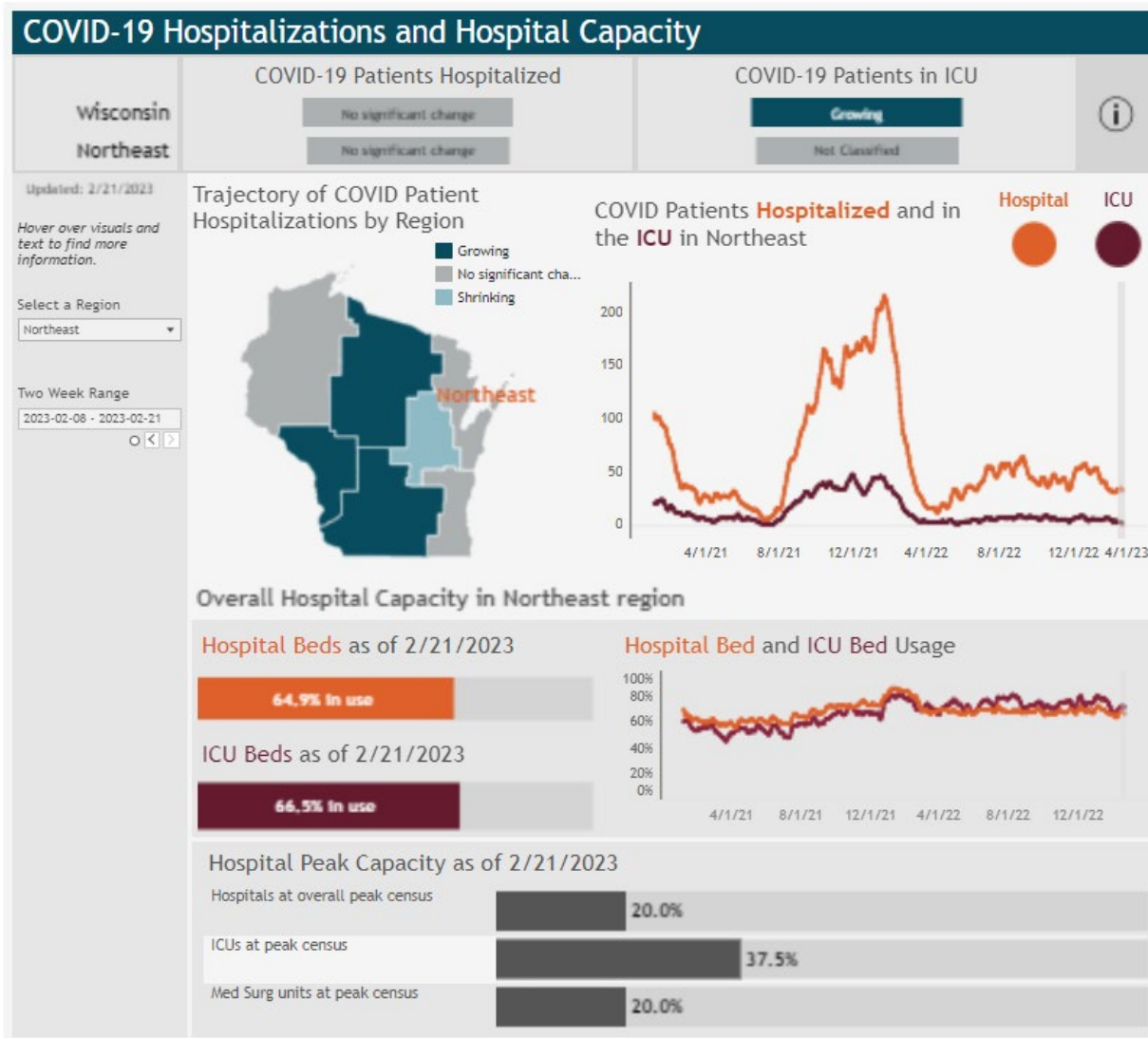
Health impact of COVID-19 by race and ethnicity

Communities of color have experienced higher rates of COVID-19 cases, hospitalizations, and deaths since the pandemic began. Compared to White Wisconsin residents, Hispanic or Latinx residents have 1.4 times greater case rates, Black residents have 1.6 times greater hospitalization rates, and American Indian residents have 1.2 times greater death rates. Even while negative outcomes are higher, vaccination rates are lower in communities of color. The highest disparities of vaccination rates exist in Black and Hispanic communities, where Black residents are 20 percent (0.8 times), and Hispanic or Latinx residents are slightly less (0.9 times) as likely to be vaccinated compared to White residents.



WI Department of Health Services- Public Health retrieved 02/24/2023
<https://www.dhs.wisconsin.gov/covid-19/disparities.htm>

WISCONSIN: COVID-19 HOSPITALIZATIONS AND HOSPITAL CAPACITY



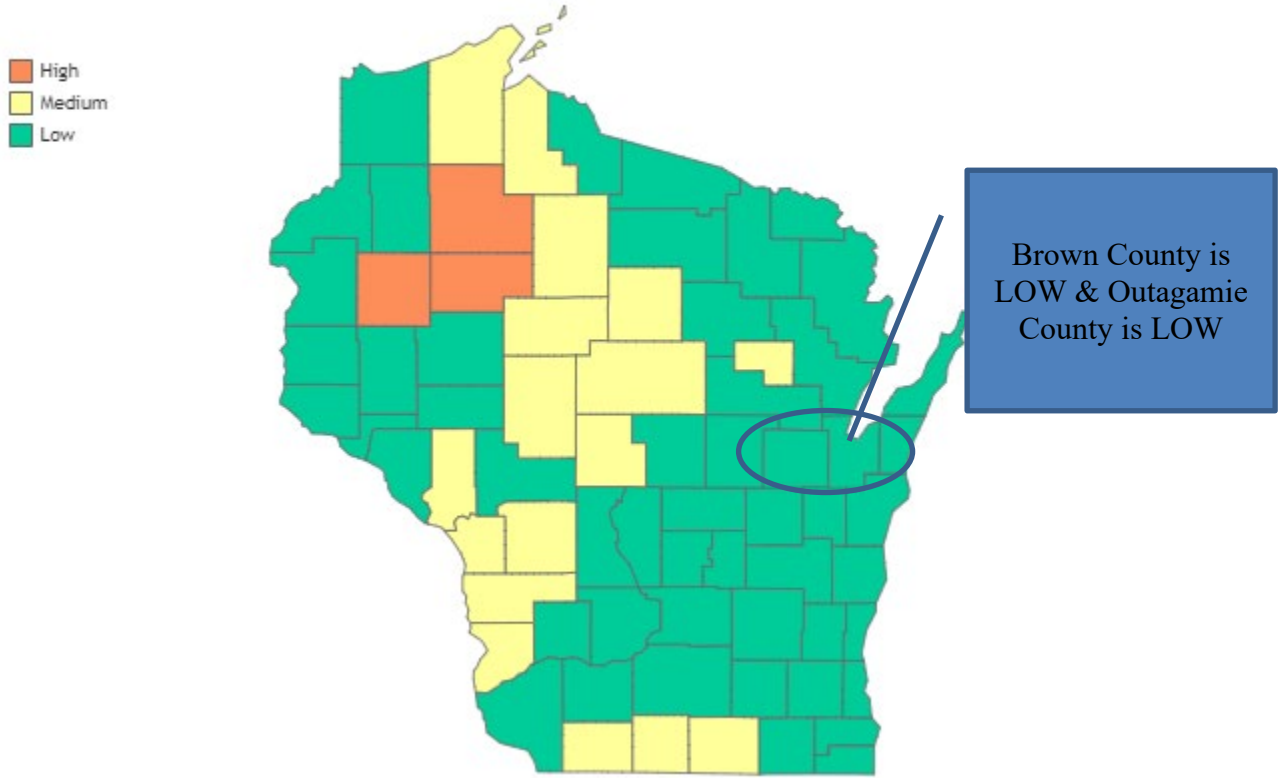
WI Department of Health Services- Public Health retrieved 02/25/2023
<https://www.dhs.wisconsin.gov/covid-19/hosp-data.htm>

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



WISCONSIN: COVID-19 COMMUNITY LEVEL

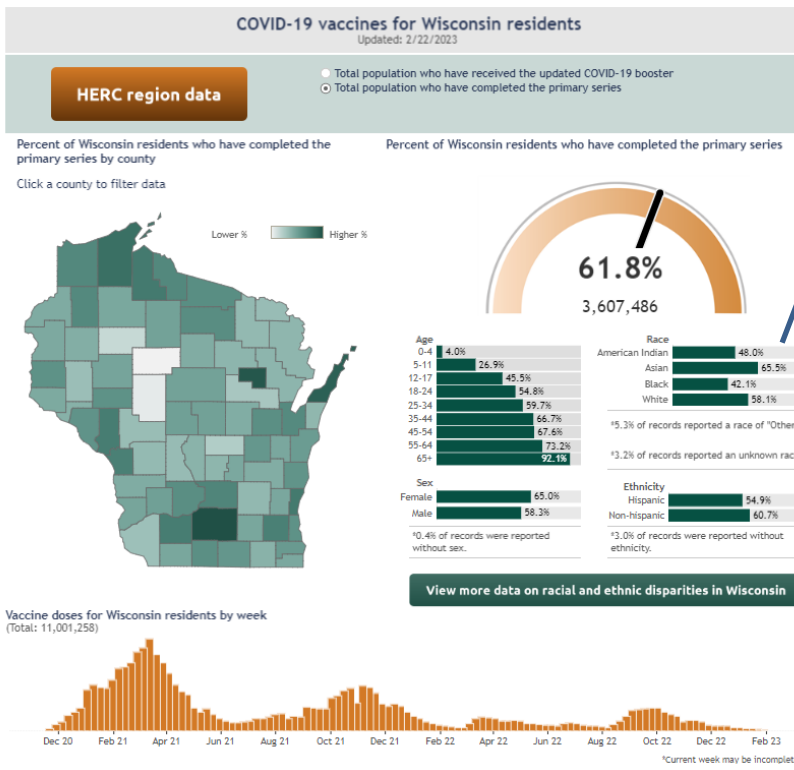
CDC COVID-19 Community Levels
Updated: 2/24/2023



WI Department of Health Services- Public Health retrieved 02/24/2023
<https://www.dhs.wisconsin.gov/covid-19/hosp-data.htm>

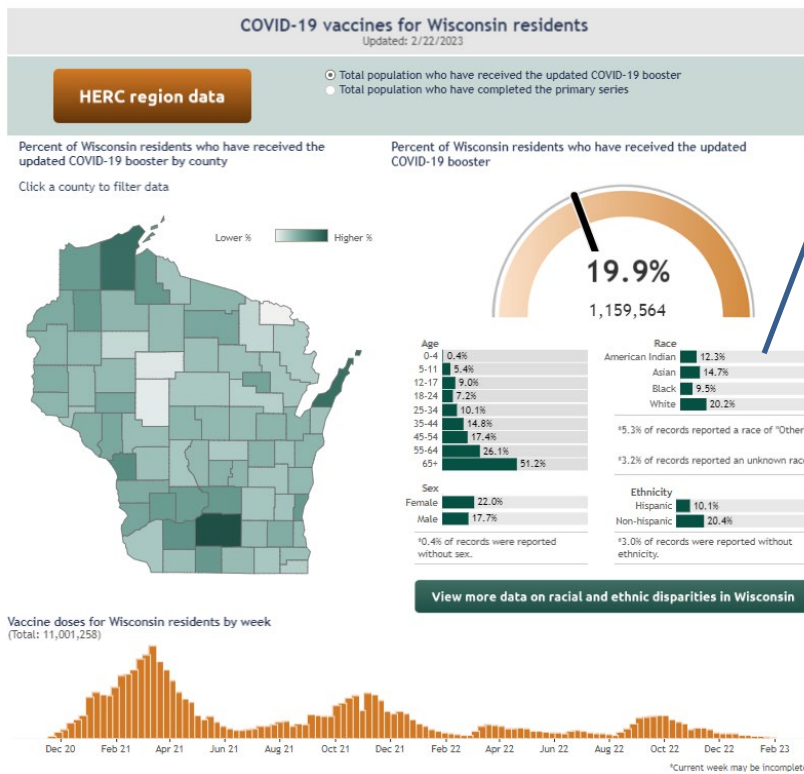
Relevant COVID-19 Vaccination Data

WISCONSIN- FULLY VACCINATED AGAINST COVID-19



American Indian
48.0%

WISCONSIN- ADDITIONAL/ BOOSTER DOSE AGAINST COVID-19



American Indian
12.3%

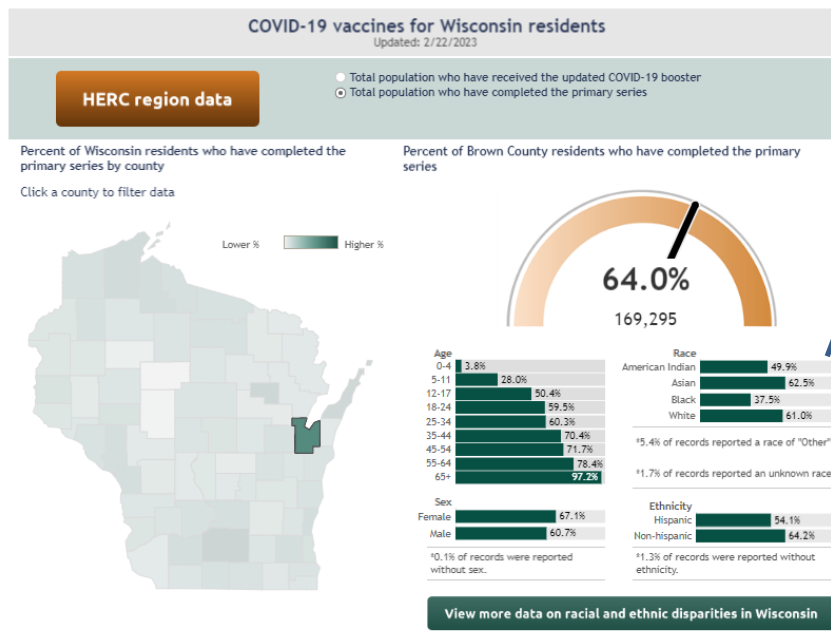
WI Department of Health Services- Public Health retrieved 02/24/2023

<https://www.dhs.wisconsin.gov/covid-19/vaccine-data.htm>

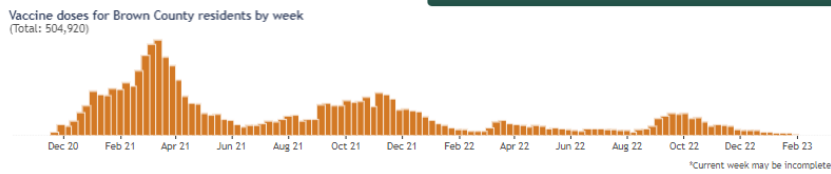
A good mind. A good heart. A strong fire.



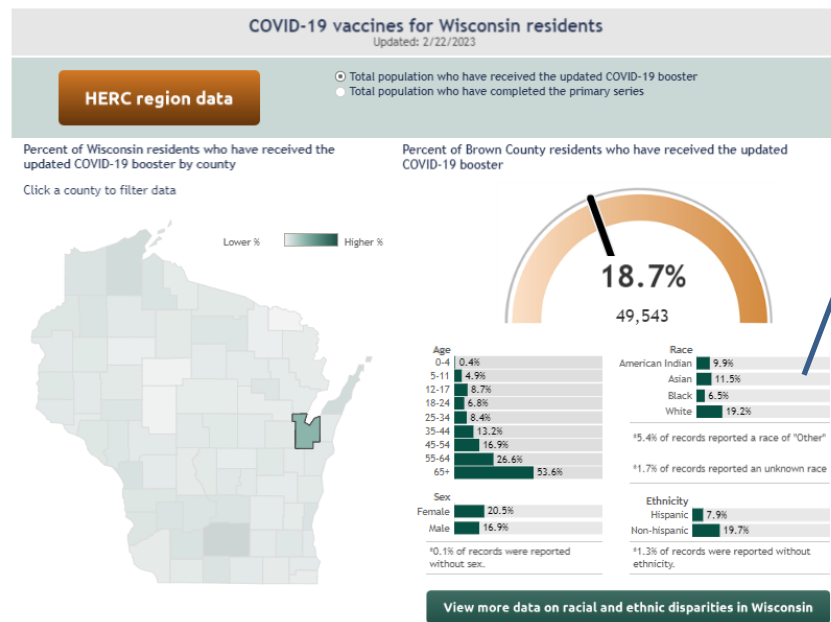
BROWN COUNTY- FULLY VACCINATED AGAINST COVID-19



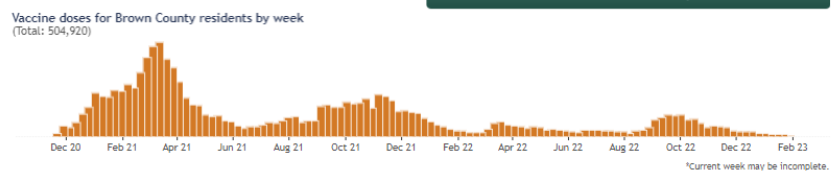
American Indian
49.9%



BROWN COUNTY- ADDITIONAL/ BOOSTER DOSE AGAINST COVID-19



American Indian
9.9%

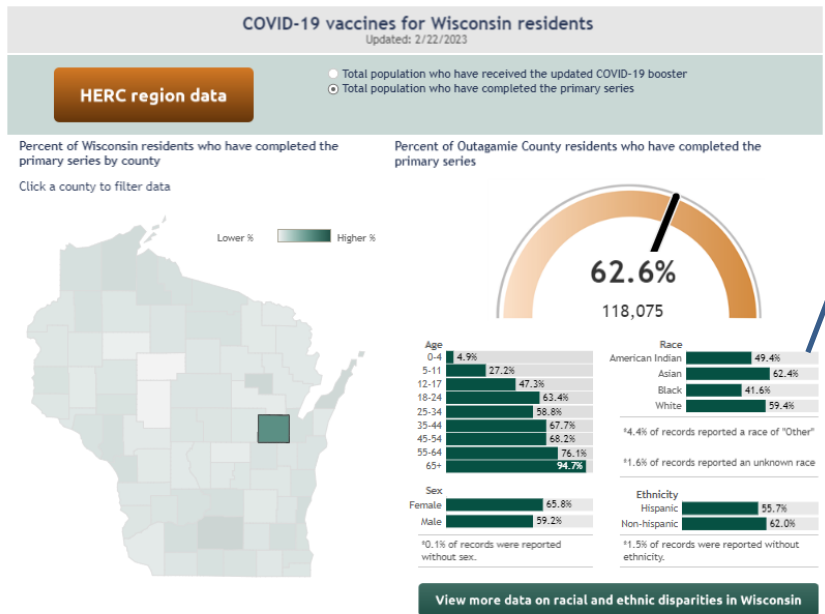


WI Department of Health Services- Public Health retrieved 02/24/2023
<https://www.dhs.wisconsin.gov/covid-19/vaccine-data.htm>

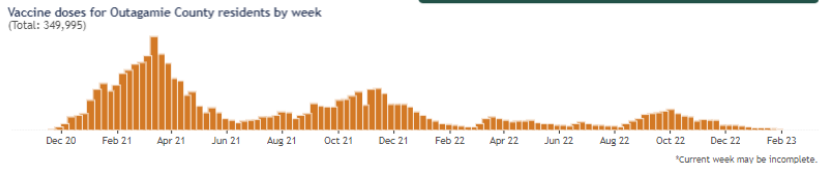
A good mind. A good heart. A strong fire.



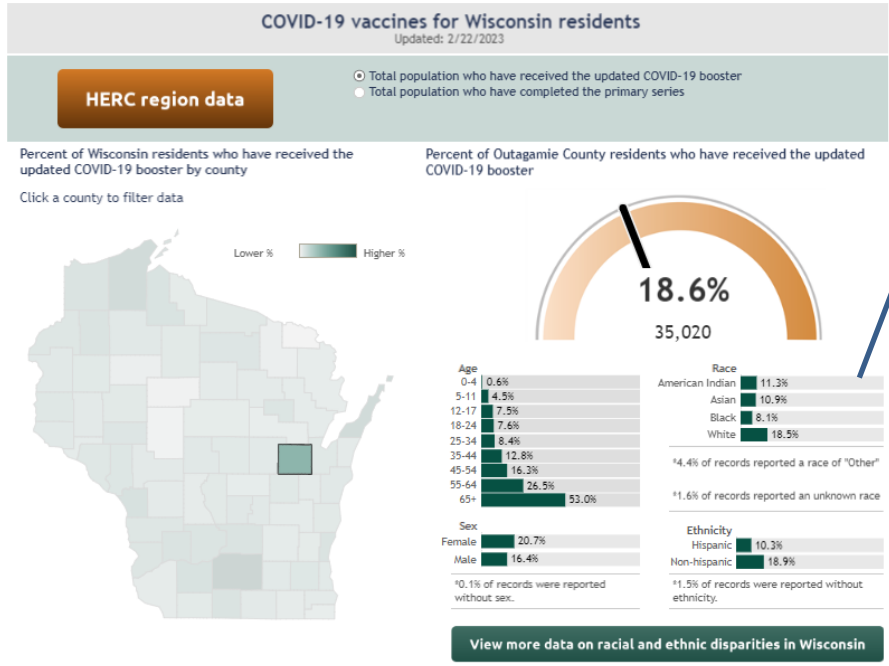
OUTAGAMIE COUNTY- FULLY VACCINATED AGAINST COVID-19



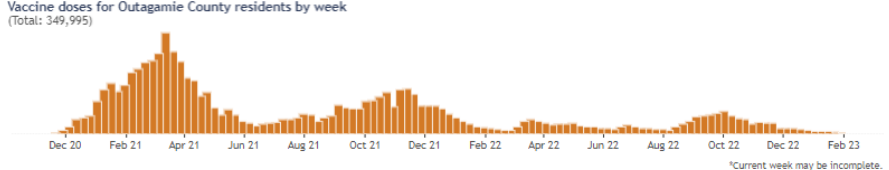
American Indian
49.4%



OUTAGAMIE COUNTY- ADDITIONAL/ BOOSTER DOSE AGAINST COVID-19



American Indian
11.3%



Adopt resolution entitled Emergency Amendments to the Election Law for the 2023 General Election

Business Committee Agenda Request

1. **Meeting Date Requested:** 03/8/23

2. **Session:**

Open Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. **Requested Motion:**

Accept as information; OR

Adopt the resolution entitled, Emergency Amendments to the Election Law for the 2023 General Election

4. **Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: Legislative Operating

Committee

5. **Additional attendees needed for this request:**

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

6. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input checked="" type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input checked="" type="checkbox"/> Other: Legislative Analysis | | |

7. Budget Information:

- | | |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i> | |

8. Submission:

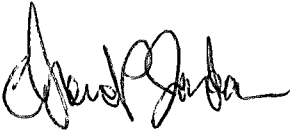
Authorized Sponsor: David P. Jordan, Councilman

Primary Requestor: Clorissa N. Leeman, LRO Senior Staff Attorney



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: March 8, 2023
 RE: Adoption of Emergency Amendments to the Election Law for the 2023 General Election

Please find the following attached backup documentation for your consideration of an emergency amendments to the Election law:

1. Resolution: Emergency Amendments to the Election Law for the 2023 General Election
2. Statement of Effect: Emergency Amendment to the Election Law for the 2023 General Election
3. Election law Emergency Amendments Legislative Analysis
4. Election law Emergency Amendments Draft (Redline)
5. Election law Emergency Amendments (Clean)

Overview

Emergency amendments to the Election law are being sought for the 2023 General Election. On February 15, 2023, the Legislative Operating Committee received a request from the Oneida Election Board to consider emergency amendments to the Election law to ensure the 2023 General Election can be conducted in an efficient and lawful manner. The Election law governs the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1]. The emergency amendments to the Election law will:

- Allow any eligible member of the Nation to apply to be placed on the ballot for an election by submitting an official application form to the Nation's Secretary or designated agent, instead of requiring an individual to petition to be placed on the ballot by obtaining ten (10) signatures of qualified voters. [1 O.C. 102.6-3]; and
- Reduce the number of Election Board members required to sign the election totals from six (6) to three (3). [1 O.C. 102.10-2].

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

The emergency amendments to the Election law are necessary for the preservation of the general welfare of the Reservation population to ensure that the 2023 General Election can occur in an efficient and lawful manner. The 2023 General Election is scheduled for July 15, 2023. The caucus for the 2023 General Election is scheduled for April 15, 2023. Allowing an eligible member of the

Nation to apply to be placed on the ballot for an election instead of requiring a person to petition to be placed on the ballot by obtaining ten (10) signatures of qualified voters creates a more efficient and expedient application process, and eliminates the burden of public health and safety concerns as a result of a heightened cold, flu, and COVID-19 season. Additionally, the number of Election Board members required to sign the election totals is being reduced from six (6) to three (3) due to the Election Board's concern that there will not be enough Election Board members to meet the original requirement for six (6) members. The Election Board has provided that applications for the alternate positions have not yet been received, and although the Election Board will be reaching out to the people that were alternates for the 2022 Special Election, there are tentatively three (3) Election Board members that will have recuse themselves for the 2023 General Election.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of the amendments to the Election law would be contrary to public interest and the process and requirements of the Legislative Procedures Act cannot be completed in time to allow the proposed emergency amendments to be adopted and implemented prior to the April 15, 2023, caucus and the July 15, 2023, General Election.

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

Requested Action

Adopt the Resolution: Emergency Amendments to the Election Law for the 2023 General Election

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Emergency Amendments to the Election Law for the 2023 General Election

- 1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 2 recognized by the laws of the United States of America; and
- 3
- 4 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 5
- 6 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 7 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 8
- 9 **WHEREAS,** the Election law (“the Law”) was adopted by the General Tribal Council on June 19, 1993
- 10 for the purpose of governing the procedures for the conduct of orderly elections of the
- 11 Nation, and was most recently amended by the General Tribal Council through resolution
- 12 GTC-04-23-17-A; and
- 13
- 14 **WHEREAS,** the Oneida Election Board has requested emergency amendments to the Election law to
- 15 ensure the 2023 General Election and its pre-election activities can be conducted in an
- 16 efficient and lawful manner; and
- 17
- 18 **WHEREAS,** the 2023 General Election is scheduled for July 15, 2023, with a caucus date scheduled
- 19 for April 15, 2023; and
- 20
- 21 **WHEREAS,** as a result of the COVID-19 virus, in accordance with the authority granted to the OBC
- 22 under the Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed
- 23 a *Declaration of Public Health State of Emergency* which has since been extended to
- 24 March 19, 2023, through BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-
- 25 A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-
- 26 01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, and BC-05-12-21-A, BC-06-23-21-B, BC-07-
- 27 28-21-N, BC-09-22-21-A, BC-11-24-21-F, BC-01-12-22-B, BC-03-23-22-A, BC-05-11-22-
- 28 E, BC-07-13-22-F, BC-09-14-22-C, and BC-10-26-22-H, and may be extended while the
- 29 Nation continues dealing with the effects of the COVID-19 virus; and
- 30
- 31 **WHEREAS,** section 102.6-3 of the Law provides that any eligible member of the Nation not nominated
- 32 at the caucus is able to file a petition with no less than ten (10) signatures of qualified voters
- 33 to be placed on an election ballot; and
- 34
- 35 **WHEREAS,** the proposed emergency amendments to the Law will allow any eligible member of the
- 36 Nation to apply to be placed on the ballot for an election by submitting an official application
- 37 form to the Nation’s Secretary or designated agent, instead of requiring an individual to
- 38 petition to be placed on the ballot by obtaining ten (10) signatures of qualified voters; and
- 39
- 40 **WHEREAS,** allowing an eligible member of the Nation to apply to be placed on the ballot for an election
- 41 instead of requiring a person to petition to be placed on the ballot by obtaining ten (10)
- 42 signatures of qualified voters creates a more efficient and expedient application process,
- 43 and eliminates the burden of public health and safety concerns as a result of a heightened
- 44 cold, flu, and COVID-19 season; and

45
46 **WHEREAS,** section 102.10-2 of the Law requires that at least six (6) Oneida Election Board members
47 sign the election totals of machine counted ballots, which shall include the tape signed by
48 the members of the Nation before the polls were opened per section 102.9-3(a); and
49

50 **WHEREAS,** the proposed emergency amendments to the Law will reduce the number of Election Board
51 members required to sign the election totals from six (6) to three (3); and
52

53 **WHEREAS,** reducing the number of Election Board members required to sign the election totals
54 addresses the Election Board's concerns that they will not have enough Oneida Election
55 Board members to meet the requirement of section 102.10-2 of the Law; and
56

57 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact
58 legislation on an emergency basis, to be in effect for a period of six (6) months, renewable
59 for an additional six (6) months; and
60

61 **WHEREAS,** emergency adoption of legislation is allowed when legislation is necessary for the
62 immediate preservation of the public health, safety, or general welfare of the Reservation
63 population, and the amendment of the legislation is required sooner than would be possible
64 under the Legislative Procedures Act; and
65

66 **WHEREAS,** the emergency adoption of the amendments to the Law are necessary for the preservation
67 of the general welfare of the Reservation population to ensure that the 2023 General
68 Election can occur in an efficient and lawful manner in accordance with the requirements
69 of the Election law; and
70

71 **WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of these
72 amendments would be contrary to public interest and the process and requirements of the
73 Legislative Procedures Act cannot be completed in time to allow the proposed
74 amendments to be adopted and implemented prior to the April 15, 2023, caucus and the
75 July 15, 2023 General Election; and
76

77 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement
78 when considering emergency legislation; and
79

80 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the emergency
81 amendment to the Election Law effective immediately.



Statement of Effect

Emergency Amendments to the Election Law for the 2023 General Election

Summary

This resolution adopts emergency amendments to the Election law ensure the 2023 General Election and its pre-election activities can be conducted in an efficient and lawful manner.

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

Date: February 16, 2023

Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Election law. The Election law governs the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1]. The emergency amendments to the Election law will:

- Allow any eligible member of the Nation to apply to be placed on the ballot for an election by submitting an official application form to the Nation’s Secretary or designated agent, instead of requiring an individual to petition to be placed on the ballot by obtaining ten (10) signatures of qualified voters. [1 O.C. 102.6-3]; and
- Reduce the number of Election Board members required to sign the election totals from six (6) to three (3). [1 O.C. 102.10-2].

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

The 2023 General Election is scheduled for July 15, 2023, with a caucus scheduled for April 15, 2023. The Oneida Election Board requested emergency amendments to the Election law to ensure that the 2023 General Election can be conducted in an efficient and lawful manner.

Section 102.6-3 of the Law provides that any eligible member of the Nation not nominated at the caucus is able to file a petition with no less than ten (10) signatures of qualified voters to be placed on an election ballot. Allowing an eligible member of the Nation to apply to be placed on the ballot for an election instead of requiring a person to petition to be placed on the ballot by obtaining ten (10) signatures of qualified voters to create a more efficient and expedient application process, as well as eliminate the burden of public health and safety concerns as a result of a heightened cold, flu, and COVID-19 season. As a result of the COVID-19 virus, in accordance with the authority granted to the OBC under the Emergency Management law, on March 12, 2020, Chairman Tehassi

Hill signed a *Declaration of Public Health State of Emergency* which set into place the necessary authority, should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The Public Health State of Emergency has since been extended to March 19, 2023, through BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, and BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F, BC-01-12-22-B, BC-03-23-22-A, BC-05-11-22-E, BC-07-13-22-F, BC-09-14-22-C, and BC-10-26-22-H. [3 O.C. 302.8-2]. This Public Health State of Emergency may be extended while the Nation continues dealing with the effects of the COVID-19 virus.

Section 102.10-2 of the Law requires that at least six (6) Oneida Election Board members sign the election totals of machine counted ballots, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.9-3(a). The reduction of the number of Election Board members required to sign the election totals from six (6) to three (3) was made due to the Election Board's concern that there will not be enough Election Board members to meet the original requirement for six (6) members.

The resolution provides that the emergency amendment to the Election law is necessary for the preservation of the general welfare of the Reservation population to ensure that the 2023 General Election can occur in an efficient and lawful manner in accordance with the requirements of the Election law. Additionally, observance of the requirements under the LPA for the adoption of the amendment to the Election law would be contrary to public interest and the process and requirements of the Legislative Procedures Act cannot be completed in time to allow the proposed amendments to be adopted and implemented prior to the April 15, 2023, caucus and the July 15, 2023 General Election.

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

Conclusion

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



ELECTION LAW EMERGENCY AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> ▪ Allow any eligible member of the Nation to apply to be placed on the ballot for an election by submitting an official application form to the Nation's Secretary or designated agent, instead of requiring an individual to petition to be placed on the ballot by obtaining ten (10) signatures of qualified voters. [1 O.C. 102.6-3]; and ▪ Reduce the number of Election Board members required to sign the election totals of machine counted ballots from six (6) to three (3) members. [1 O.C. 102.10-2].
Purpose	To govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1]
Affected Entities	Oneida Nation Election Board.
Public Meeting	A public meeting is not required for emergency legislation. [1 O.C. 109.8-1(b) and 109.9-5(a)].
Fiscal Impact	A fiscal impact statement is not required for emergency legislation. [1 O.C. 109.9-5(a)].
Expiration of Emergency Legislation	Emergency legislation expires six (6) months after adoption and may be renewed for an additional six (6) month period.

SECTION 2. LEGISLATIVE DEVELOPMENT

A. Background. The Election law was first adopted on June 19, 1993, and most recently amended by the General Tribal Council on April 23, 2017. The Law governs the procedures for the conduct of orderly elections of the Nation. [1 O.C. 102.1-1].

B. Request for Emergency Amendments. On February 15, 2023, the Legislative Operating Committee received a request from the Oneida Election Board to consider emergency amendments to the Election law to ensure the 2023 General Election can be conducted in an efficient and lawful manner.

- The Nation's 2023 General Election is scheduled for July 15, 2023. The caucus for the 2023 General Election is scheduled for April 15, 2023.
- Section 102.10-2 of the Election Law requires that at least six (6) Election Board members sign the election totals on machine counted ballots. The Oneida Election Board provided that they do not have enough Oneida Election Board members to meet the requirement of section 102.10-2. The Oneida Election Board therefore made the request to amend the Election law on an emergency basis to reduce the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots from six (6) to three (3).
- Then at the February 13, 2023, Oneida Election Board meeting the Election Board adopted a motion "that applicants do not turn in a petition with their application, and to request an emergency amendment to include that this request is due to the Public Health State of Emergency and due to the efficiency of the election process."

- 20 ▪ The Legislative Operating Committee determined these amendments should be pursued on an
21 emergency basis for the immediate preservation of the general welfare of the Reservation
22 population.
23

24 **SECTION 3. CONSULTATION AND OUTREACH**

- 25 • Representatives from the following departments or entities participated in the development of this Law
26 and legislative analysis:
27 ▪ Oneida Election Board.
28

29 **SECTION 4. PROCESS**

- 30 **B.** These amendments are being considered on an emergency basis. The Oneida Business Committee may
31 temporarily enact an emergency legislation where legislation is necessary for the immediate
32 preservation of public health, safety, or general welfare of the Reservation population and enactment
33 or amendment of legislation is required sooner than would be possible under this law. [1 O.C. 109.9-
34 5].
35 ▪ The emergency adoption of amendments to this Law are necessary for the preservation of the
36 general welfare of the Reservation population in order to ensure that the 2023 General Election can
37 occur in an efficient and lawful manner.
38 ▪ Observance of the requirements under the Legislative Procedures Act for adoption of the
39 emergency amendments to this Law would be contrary to public interest and the process and
40 requirements of the Legislative Procedures Act cannot be completed in time to allow the proposed
41 emergency amendments to be adopted and implemented prior to the April 15, 2023, caucus and the
42 July 15, 2023, General Election.
43 **C.** The emergency amendments will expire six (6) months after adoption, with one (1) opportunity for a
44 six (6) month extension of the emergency amendments. [1 O.C. 109.9-5(b)].
45 **D.** The Legislative Procedures Act does not require a public meeting or fiscal impact statement when
46 considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact
47 statement will eventually be required when considering permanent adoption of this Law.
48 **E.** The Legislative Operating Committee added these emergency amendments to the Active Files List on
49 February 15, 2023.
50

51 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 52 **A. Application Process to be Placed on Ballot.** In the currently effective version of the Law, any eligible
53 member of the Nation may petition to be placed on a ballot. [1 O.C. 102.6-3]. Each petitioner not
54 nominated at the caucus, or an individual nominated at the caucus but not present to accept the
55 nomination, is required to file a petition form containing the signatures of at least ten (10) qualified
56 voters as well as the endorsee's printed name and address, date of birth, Oneida Nation enrollment
57 number. A qualified voter is an enrolled member of the Nation who is eighteen (18) years of age or
58 older. [1 O.C. 102.3-20]. The proposed amendments to the Law remove the requirement for an eligible
59 member of the Nation to petition to be placed on the ballot and obtain signatures, and instead simply
60 requires that in order to be placed on the ballot an eligible member submits an application form that
61 consists of information that satisfies the minimum requirements for eligible candidates as described in
62 section 102.5-2 of the Law. [1 O.C. 102.6-3(a)-(b)]. Obtaining signatures of qualified voters is no

63 longer required. The requirement that applications be presented to the Nation's Secretary, or designated
64 agent, during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to
65 close of business five (5) business days after the caucus remains the same as the current deadline for
66 petitions. [1 O.C. 102.6-3(c)]. The location to drop-off petitions applications shall be identified in the
67 mailing identifying the caucus date. *Id.* The proposed emergency amendments provide that the Nation's
68 Secretary is then responsible for forwarding all applications to the Election Board Chairperson the next
69 business day following the close of application submissions, as is currently provided for in the Law for
70 petitions. [1 O.C. 102.6-3(d)].

- 71 ■ *Effect.* The caucus for the 2023 General Election is scheduled for April 15, 2023. Allowing an
72 eligible member of the Nation to apply to be placed on the ballot for an election instead of requiring
73 a person to petition to be placed on the ballot by obtaining ten (10) signatures of qualified voters
74 creates a more efficient and expedient application process, as well as eliminates the burden of public
75 health and safety concerns as a result of a heightened cold, flu, and COVID-19 season. All
76 applications to be placed on the ballot will be due to the Nation's Secretary by Friday, April 21,
77 2023.
- 78 ■ As a result of the COVID-19 virus, in accordance with the authority granted to the OBC under the
79 Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed a Declaration of
80 Public Health State of Emergency which has since been extended to March 19, 2023, through BC-
81 03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A,
82 BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-
83 21-D, and BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F,
84 BC-01-12-22-B, BC-03-23-22-A, BC-05-11-22-E, BC-07-13-22-F, BC-09-14-22-C, and BC-10-
85 26-22-H, and may be extended while the Nation continues dealing with the effects of the COVID-
86 19 virus

87 **B. Election Board Members Signature on Machine Counted Ballots.** The proposed amendments lower
88 the number of Oneida Election Board members that are required sign the election totals for machine
89 counted ballots, which includes the tape signed by the members of the Nation before the polls were
90 opened, from six (6) to three (3). [1 O.C. 102.10-2].

- 91 ■ *Effect.* This emergency amendment was made to the Law based on the Election Board's concern
92 that there will not be enough Election Board members to meet the original requirement of section
93 102.10-2 for six (6) members to sign the election totals. The Election Board has provided that
94 applications for the alternate positions have not yet been received, and although the Election Board
95 will be reaching out to the people that were alternates for the 2022 Special Election, there are
96 tentatively three (3) Election Board members that will have recuse themselves for the 2023 General
97 Election.

98 SECTION 6. EXISTING LEGISLATION

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

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

- 106 ▪ The Legislative Procedures Act provides a process for the adoption of emergency
107 legislation when the legislation is necessary for the immediate preservation of the
108 public health, safety, or general welfare of the Reservation population and the
109 enactment or amendment of legislation is required sooner than would be possible under
110 this law. [1 O.C. 109.9-5].
- 111 ▪ The Legislative Operating Committee is responsible for first reviewing the
112 emergency legislation and for forwarding the legislation to the Oneida
113 Business Committee for consideration. [1 O.C. 109.9-5(a)].
- 114 ▪ The proposed emergency legislation is required to have a legislative analysis
115 completed and attached prior to being sent to the Oneida Business Committee
116 for consideration. [1 O.C. 109.9-5(a)].
- 117 a. A legislative analysis is a plain language analysis describing the
118 important features of the legislation being considered and factual
119 information to enable the Legislative Operating Committee to make
120 informed decisions regarding legislation. A legislative analysis
121 includes a statement of the legislation’s terms and substance; intent of
122 the legislation; a description of the subject(s) involved, including any
123 conflicts with Oneida or other law, key issues, potential impacts of the
124 legislation and policy considerations. [1 O.C. 109.3-1(g)].
- 125 ▪ Emergency legislation does not require a fiscal impact statement to be
126 completed or a public comment period to be held. [1 O.C. 109.9-5(a)].
- 127 ▪ Upon the determination that an emergency exists the Oneida Business
128 Committee can adopt emergency legislation. The emergency legislation
129 becomes effective immediately upon its approval by the Oneida Business
130 Committee. [1 O.C. 109.9-5(b)].
- 131 ▪ Emergency legislation remains in effect for a period of up to six (6) months,
132 with an opportunity for a one-time emergency law extension of up to six (6)
133 months. [1 O.C. 109.9-5(b)].
- 134 ▪ Adoption of these proposed emergency amendments would conform with the
135 requirements of the Legislative Procedures Act.
- 136

137 SECTION 7. OTHER CONSIDERATIONS

- 138 **A. *Deadline for Permanent Adoption of Legislation.*** The adoption of emergency amendments to the Law
139 expires six (6) months after adoption. The emergency legislation may be renewed for an additional six
140 (6) month period.
- 141 ▪ *Conclusion:* The Legislative Operating Committee will need to determine if the adoption of these
142 amendments is necessary on a permanent basis, and if so, develop the permanent amendments to
143 this Law within the next six (6) to twelve (12) months.
- 144 **B. *Fiscal Impact.*** A fiscal impact statement is not required for emergency legislation.
- 145 ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except
146 emergency legislation [1 O.C. 109.6-1].

147

Title 1. Government and Finances - Chapter 102

ELECTION

Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsla

People of the Standing Stone how it is we will appoint them the kind of laws we have

102.1. Purpose and Policy	102.8. Registration of Voters
102.2. Adoption, Amendment, Repeal	102.9. Election Process
102.3. Definitions	102.10. Tabulating and Securing Ballots
102.4. Election Board	102.11. Election Outcome and Ties
102.5. Candidate Eligibility	102.12. Elections
102.6. Selection of Candidates	102.13. Oneida Nation Constitution and By-law Amendments
102.7. Notice of Polling Places	

102.1. Purpose and Policy

102.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

102.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all procedures used in the election process.

102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A and, amended by resolutions GTC-01-04-10-A, BC-02-25-15-C and GTC-04-23-17-A, and emergency amended by resolution BC- - - - .

102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act. Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

102.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

102.2-4. 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.

102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

102.3. Definitions

102.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

102.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding holidays of the Nation.

102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation, advertising, rallying, public speaking, or other communications with members of the Nation.

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

38 102.3-6. “Candidate” shall mean a ~~petitioner or~~ nominee or applicant for an elected position whose
39 name is placed on the ballot by the Election Board after successful application.

40 102.3-7. “Clerk” shall mean the election official who identifies proper registration for the purpose
41 of determining voter eligibility.

42 102.3-8. “Close of business” shall mean 4:30 p.m. Monday through Friday.

43 102.3-9. “Conflict of Interest” shall mean any interest, whether it be personal, financial, political
44 or otherwise, in which a Nation elected official, employee, consultant, appointed or elected,
45 member of any board, committee or commission, or their immediate relatives, friends or
46 associates, or any other person with whom they have contact, that conflicts with any right of the
47 Nation to property, information, or any other right to own and operate its enterprises, free from
48 undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in
49 any law or policy of the Nation.

50 102.3-10. “Election” shall mean every primary and election.

51 102.3-11. “General election” shall mean the election held every three (3) years in July to elect the
52 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the
53 Business Committee and may include contests for elected boards, committees and commissions
54 positions.

55 102.3-12. “Judge” shall mean the election official who informs and advises the Chairperson of
56 discrepancies, complaints and controversy regarding voter eligibility.

57 102.3-13. “Judiciary” means the judicial system that was established by Oneida General Tribal
58 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of
59 the Nation.

60 102.3-14. “Lot drawing” shall mean the equal chance method used to select a candidate as the
61 winner of an elected position, in the case of a tie between two (2) or more candidates.

62 102.3-15. “Nation” means the Oneida Nation.

63 102.3-16. “Nation’s newspaper” shall mean the Kalihwisaks, or any other newspaper operated by
64 the Nation for the benefit of transmitting news to members of the Nation, which is designated by
65 the Election Board as a source for election related news.

66 102.3-17. “Oneida Police Officer” shall mean an enrolled member of the Oneida Nation who is a
67 police officer on any police force.

68 102.3-18. “Private property” shall mean any lot of land not owned by the Nation, a residential
69 dwelling or a privately owned business within the boundaries of the Reservation.

70 102.3-19. “Prominent locations” shall mean the polling places, main doors of the Norbert Hill
71 Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida
72 Community Health Center, the SEOTS building and all One-Stop locations.

73 102.3-20. “Qualified voter” shall mean an enrolled member of the Nation who is eighteen (18)
74 years of age or older.

75 102.3-21. “Rejected Ballots” shall mean those ballots which are rejected by the vote tabulating
76 machine.

77 102.3-22. “Spoiled Ballot” shall mean a ballot which contains a voter error or is otherwise marred
78 and is not tabulated.

79 102.3-23. “Teller” shall mean the election official in charge of collecting and storing of all ballots.

80

81

82 **102.4. Election Board**

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

83 *Section A. Establishment, Composition and Election*84 102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this
85 law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.86 102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be
87 elected to terms of three (3) years, not to exceed two (2) consecutive terms.88 102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an
89 Election Board member in any pre-election, election day, or post-election activities while he or
90 she is an ~~petitioner~~, applicant or candidate in any election or there is otherwise a conflict of interest.91 102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member
92 who is removed from the Election Board shall be ineligible to serve on the Board for three (3)
93 years from the time he or she is removed from the Election Board.94 102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the
95 Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed
96 to correspond with the pre-election activities and the needs of the Election Board.

97 102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

98 102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to
99 the Election Board, as recommended by the Election Board, to assist with election day and pre-
100 election activities.101 102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in
102 the By-laws of the Election Board, to preside over the meetings. This selection shall be carried
103 out at the first meeting of the Election Board following an election. The Chairperson shall then
104 ask the Election Board to select a Vice-Chairperson and Secretary.105
106 *Section B. Duties of the Election Board*107 102.4-9. The Election Board shall have the following duties, along with other responsibilities listed
108 throughout this law.

- 109 (a) The Election Board shall be in charge of all registration and election procedures; and
-
- 110 (b) Upon completion of an election, the Election Board shall make a final report on the
-
- 111 election results as set out in this law.

112
113 *Section C. Specific Duties of Officers and Election Board Members*114 102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to
115 being present at all Election Board meetings and assisting the handicapped through the voting
116 process, are as set out herein:117 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing
118 body for applicants found to be ineligible in accordance with 102.5-6 in the event of an
119 appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust
120 Enrollment Department personnel when their election day duties are complete; and shall
121 post and report election results.

122 (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.

123 (c) Secretary: Shall keep a record of the meetings and make them available to the Nation's
124 Secretary, other Election Board members and the public as required in the Open Records
125 and Open Meetings Law.126 (d) Clerks: Shall implement the requirements of identifying and registering all voters and
127 determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

128 Department personnel in the registration process, and assist the Chairperson as directed in
 129 conducting the election. Clerks cannot be currently employed by the Trust Enrollment
 130 Department.

131 (e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as
 132 determined by this law. Shall assist the Chairperson in conducting the election.

133 (f) Judges: Shall inform and advise the Chairperson of all aspects of the election conducted
 134 under this law. In case of disputes among Election Board members, or between members
 135 of the Nation and Election Board members, or any controversy regarding voter eligibility,
 136 the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall
 137 also ensure that all ballots of voters whose eligibility may be in question, remain
 138 confidential.

139

140 *Section D. Compensation Rates*

141 102.4-11. Election Board members are to be compensated at an hourly rate when conducting
 142 elections as provided for in the Election Board's bylaws as approved by the Business Committee.
 143 The Election Board shall have a budget, approved through the Nation's budgeting process.

144 102.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be
 145 compensated at their regular rate of pay out of their respective budgets.

146

147 **102.5. Candidate Eligibility**148 *Section A. Requirements*

149 102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-
 150 laws or other documents, all applicants shall meet the minimum requirements set out in this section
 151 in order to become a candidate.

152 102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

153 (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.

154 (b) be a qualified voter on the day of the election.

155 (c) provide proof of physical residency as required for the position for which they have
 156 been nominated or for which they have ~~petitioned~~applied. Proof of residency may be
 157 through one (1) or more of the following:

158 (1) a valid Wisconsin driver's license;

159 (2) a bill or pay check stub showing name and physical address of the candidate
 160 from the prior or current month;

161 (3) another form of proof that identifies the candidate and that the candidate has
 162 physically resided at the address and identifies that address as the primary
 163 residence.

164 102.5-3. No applicant may have a conflict of interest with the position for which they are being
 165 considered, provided that any conflict of interest which may be eliminated within thirty (30)
 166 calendar days of being elected shall not be considered as a bar to nomination or election.

167 102.5-4. Applications ~~and petitions where the applicant was not nominated during caucus~~ shall be
 168 filed by presenting the information to the Nation's Secretary, or designated agent, during normal
 169 business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday, within five (5) business days after
 170 the caucus. No mailed, internal Nation mail delivery, faxed or other delivery method shall be
 171 accepted.

172 102.5-5. The names of the candidates and the positions sought shall be a public record and made

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

173 available to the public upon the determination of eligibility by the Election Board or the Board's
174 designated agent.

175

176 *Section B. Eligibility Review*

177 102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.
178 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall
179 select the hearing body. The hearing shall be held within two (2) business days of receipt of the
180 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision
181 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days
182 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the
183 Judiciary on an accelerated schedule.

184 102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to
185 verify eligibility. Any applicant found to be ineligible for a nominated or ~~petitioned~~ an applied for
186 position shall be notified by certified mail return receipt requested. The notice shall provide the
187 following information:

188 (a) Position for which they were considered

189 (b) Qualification of the position and citation of the source. (Copies of source may be
190 attached.)

191 (c) A brief summary explaining why the applicant was found to be ineligible.

192 (d) That the applicant has two (2) business days from notification to make an appeal.
193 Appeals must be filed at the location designated on the notice by hand delivery. The
194 location designated shall be on the Reservation. No mailed, internal Nation mail, faxed or
195 other delivery method will be accepted.

196

197 *Section C. Campaign Financing*

198 102.5-8. Contributions:

199 (a) Solicitation of Contributions by Candidates.

200 (1) Candidates shall only accept contributions from individuals who are members
201 of the Nation or individuals related by blood or marriage to the candidate.
202 Candidates may not accept contributions from any business, whether sole
203 proprietorship, partnership, corporation, or other business entity.

204 (2) Candidates shall not solicit or accept contributions in any office or
205 business/facility of the Nation.

206 (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the
207 Election Board in an amount specified in a resolution adopted by the Business Committee.

208 102.5-9. Campaign Signs and Campaigning:

209 (a) Placement of campaign signs:

210 (1) Campaign signs shall not be posted or erected on any property of the Nation
211 except for private property with the owner/tenant's permission.

212 (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum
213 of seven (7) such signs may be placed on a building or on a lot.

214 (3) No campaign sign shall project beyond the property line into the public right
215 of way.

216 (b) Removal of campaign signs. All campaign signs shall be removed within five (5)
217 business days after an election.

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

218 (c) Employees of the Nation shall not engage in campaigning for offices of the Nation
 219 during work hours. The Nation's employees shall be subject to disciplinary action under
 220 the personnel policies and procedures for political campaigning during work hours.

221 (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign
 222 signs that are not in compliance with this law, in accordance with the Zoning and Shoreland
 223 Protection Law.

224 (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the
 225 Election Board in an amount specified in a resolution adopted by the Business Committee.
 226

227 *Section D. Candidate Withdrawal*

228 102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by
 229 the candidate prior to submission of the ballot for printing to any Election Board member,
 230 excluding alternates.

231 102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the
 232 election by submitting in writing a statement indicating they are withdrawing from the election
 233 prior to the opening of the polls to any Election Board member, excluding alternates. This
 234 statement shall be posted alongside any sample ballot printed prior to the election in the newspaper
 235 or any posting at the polling places.

236 102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the
 237 Election Board members in charge of the polling place, to be removed from the ballot. The written
 238 statement shall be posted next to any posted sample ballot.

239 102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from
 240 which they have withdrawn regardless of the number of votes cast for that candidate. A written
 241 statement shall be considered the only necessary evidence of withdrawal and acceptance of denial
 242 of any position withdrawn from.

243 102.5-14. *Candidate Withdrawal After Winning an Election.*

244 (a) In the event a candidate declines an office after winning an election, the Election Board
 245 shall declare the next highest vote recipient the winner. This procedure shall be repeated
 246 as necessary until a winner is declared.

247 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
 248 Special Election shall be held.
 249

250 **102.6. Selection of Candidates**

251 *Section A. Setting of Caucus*

252 102.6-1. The Election Board shall be responsible for calling a caucus before any election is held.
 253 The caucus for the general election shall be held at least ninety (90) calendar days prior to the
 254 election date. Caucuses for other elections shall be held at least forty-five (45) calendar days prior
 255 to the election date. In a general election year, caucuses shall be combined so that candidates for
 256 the Business Committee and elected boards, committees and commissions are nominated at the
 257 same caucus.

258 102.6-2. The procedures for the caucus shall be as follows:

259 (a) Candidates shall be nominated from the floor.

260 (b) Candidates present at the caucus will accept/decline their nomination at the caucus.
 261 Candidates nominated at the caucus, but not present to accept the nomination, shall be
 262 required to follow the ~~petition~~ application process.

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

(c) Nominations shall consist of the following positions: Chairperson, Vice-Chairperson, Treasurer, Secretary, Council Member and other elected positions as required by by-laws or creating documents of a board, committee, or commission.

Section B. Petition Application

102.6-3. Any eligible member of the Nation may apply petition to be placed on a ballot according to the following procedures:

(a) ~~Each petitioner, not nominated at caucus, shall file a petition containing endorsee's original signatures; photocopies shall not be accepted.~~ Applicants -

(b) ~~Petitioners~~ shall use an official petition application form as designated by this law which may be obtained in the Office of the Nation's Secretary or from the mailing for that caucus.

(c) The petition application form shall consist of ~~each endorsee's~~:

(1) ~~printed name and address;~~

(2) ~~date of birth;~~

(3) ~~Oneida Nation Enrollment Number; and~~

(4) ~~signature.~~

(d) ~~Petitioners shall obtain not less than ten (10) signatures of qualified voters as defined under this law.~~ information that satisfies the minimum requirements for eligible candidates. as described in section 102.5-2 of this law.

(e) ~~Petitions~~ Applications shall be presented to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to close of business five (5) business days after the caucus. The location to drop-off petitions applications shall be identified in the mailing identifying the caucus date.

(f) The Nation's Secretary shall forward all petitions applications to the Election Board Chairperson the next business day following the close of petition application submissions.

(g) ~~The Election Board shall have the Trust Enrollment Department verify all signatures contained on the petition.~~

102.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

102.7. Notice of Polling Places

102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of the polling places and the time the polls will be open. This notice shall also be posted in an easily visible position, close to the entrance of the Nation's businesses/facilities.

102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation members, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing.

102.7-4. Notice of the election shall be placed in the Nation's newspaper.

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

308

309 **102.8. Registration of Voters**310 *Section A. Requirements*

311 102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years
312 of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the
313 Oneida Nation Constitution.

314

315 *Section B. Identification of Voters*

316 102.8-2. All voters must present one of the following picture identifications in order to be able to
317 vote:

- 318 (a) Oneida Nation I.D.
- 319 (b) Drivers License.
- 320 (c) Other I.D. with name and photo.

321

322 *Section C. Registration Procedures*

323 102.8-3. Voters shall physically register, on the day of the election, at the polls.

324 102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment
325 with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election
326 Officials during the voting period.

327 102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration
328 Form containing the voter's following information:

- 329 (a) name and maiden name (if any);
- 330 (b) current address;
- 331 (c) date of birth; and
- 332 (d) enrollment number.

333

334 *Section D. Qualification/Verification of Voter Eligibility*

335 102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote,
336 the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with
337 the Trust Enrollment Department personnel who are registering voters, to decide the voting
338 member's eligibility currently being questioned and shall make such decisions from the facts
339 available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation
340 Constitution, Article III Section 2, to vote in the Nation's elections.

341 102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be
342 placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of
343 the voter shall be written next to a numbered list which corresponds to the numbered and sealed
344 envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box
345 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they
346 desire to challenge the decision made by the Election Officials. The Election Board shall make a
347 final decision, within five (5) business days of receiving the appeal and shall report this decision
348 in the final report sent to the Oneida Business Committee.

349

350 **102.9. Election Process**351 *Section A. Polling Places and Times*

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

352 102.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections
353 shall be held in the month of July on a date set by the General Tribal Council. The General Tribal
354 Council shall set the election date at the January annual meeting, or at the first GTC meeting held
355 during a given year. Special Elections shall be set in accordance with 102.12-6.

356 102.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election
357 Board.

358 102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line
359 to vote at 7:00 p.m. shall be allowed to vote.

360 (a) If a ballot counting machine is used, the ballot counting machine shall be prepared
361 prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four
362 (4) members of the Nation verify, through signature on the tape, the ballot box is empty
363 and the ballot counting machine printer tape has a zero (0) total count.

364 102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open,
365 and until the counting of ballots is completed, and tentative results posted.

366 102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such
367 that there is an area with at least two sides and a back enclosure.

368 102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of
369 the voting area, excluding private property.

370 102.9-7. No one causing a disturbance shall be allowed in the voting area.

371 102.9-8. Election Board members may restrict the voting area to qualified voters only. This
372 restriction is in the interest of maintaining security of the ballots and voting process.

373

374 *Section B. Ballot Box*

375 102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and
376 shall be locked until counting at the close of polls. Provided that, with electronic ballot counting,
377 the ballots may be placed within the ballot counting machine as they are received.

378

379 *Section C. Spoiled Ballots*

380 102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

381 102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials
382 and placed in an envelope marked as "Spoiled Ballots."

383 102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15)
384 calendar days following finalization of any challenge of the election, at the Records Management
385 Department.

386

387 *Section D. Rejected Ballots*

388 102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

389 (a) Computer rejected ballots shall be reviewed by the Election Officials to verify the
390 authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final
391 computer total, provided that, a new ballot was not received as set out in sections 102.9-10
392 through 102.9-12.

393 (b) Ballots rejected, either during the computer process or during a manual counting, shall
394 be reviewed by the Election Officials to verify that they are authentic. If the Election
395 Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the
396 ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

397

398 **102.10. Tabulating and Securing Ballots**399 *Section A. Machine Counted Ballots*400 102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate
401 from the ballot counting machine copies of the election totals from the votes cast.402 102.10-2. At least ~~six (6)~~^{three (3)} Election Board members shall sign the election totals, which
403 shall include the tape signed by the members of the Nation before the polls were opened per section
404 102.9-3(a).

405

406 *Section B. Manually Counted Ballots*407 102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the
408 ballot box and remove the ballots.409 102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall
410 be secured in a sealed container for transportation to the ballot counting location. The sealed
411 ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election
412 Officials for counting/tallying of ballots.413 102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and
414 witnessed/monitored by an Oneida Police Officer.415 102.10-6. Ballots must be counted by two different Election Officials until two final tallies are
416 equal in back to back counting. Final tallies shall be verified by the Election Judges.

417

418 *Section C. Securing Ballots*419 102.10-7. The Judges shall place together all ballots counted and secure them together so that they
420 cannot be untied or tampered with without breaking the seal. The secured ballots, and the election
421 totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container
422 in such a manner that the container cannot be opened without breaking the seals or locks, or
423 destroying the container. The Oneida Police Officer shall then deliver, on the day of the election,
424 the sealed container to the Records Management Department for retaining.

425

426 **102.11. Election Outcome and Ties**427 *Section A. Election Results Announcement*428 102.11-1. The tentative results of an election shall be announced and posted by the Election Board
429 within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain
430 the following statement:431 *"The election results posted here are tentative results. Final election results are forwarded*
432 *by the Oneida Election Board to the Oneida Business Committee via a Final Report after*
433 *time has lapsed for recount requests, or challenges or after all recounts or challenges*
434 *have been completed, whichever is longer"*435 102.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation's
436 newspaper, the tentative results of an election.

437

438 *Section B. Tie*439 102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to
440 determine the outcome of an election, the Election Board shall conduct an automatic recount of

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

441 the votes for each candidate receiving the same number of votes. Any recount conducted shall be
442 the only recount allowed for the tied candidates.

443 102.11-4. For Business Committee positions, a run-off election between the candidates with the
444 same number of votes shall be held if there remains a tie after the recount. Said run-off election
445 shall be held within twenty one (21) calendar days after the recount. For all other positions, if
446 there remains a tie after the recount, the Election Board shall decide the winner of the tied positions
447 at least two (2) business days after, but no more than five (5) business days after the recount
448 through a lot drawing, which shall be open to the public.

449 (a) The Election Board shall notify each of the tied candidates and the public of the date,
450 time, and place of the drawing at least one (1) business day before the drawing. Notice to
451 the tied candidates shall be in writing. Notice to the public shall be posted by the Election
452 Board in the prominent locations.

453 (b) On the date and at the time and place the drawing was noticed, the Election Board
454 Chairperson shall clearly write the name of each tied candidate on separate pieces of paper
455 in front of any witnesses present. The pieces of paper shall be the same, or approximately
456 the same, color, size, and type. The papers shall be folded in half and placed in a container
457 selected by the Election Board Chairperson.

458 (c) The Election Board Chairperson shall designate an uninterested party to draw a name
459 from the container. The candidate whose name is drawn from the container first shall be
460 declared the winner. An Election Board member other than the Chairperson shall remove
461 the remaining pieces of paper from the container and show them to the witnesses present.

462

463 *Section C. Recount Procedures*

464 102.11-5. A candidate may request the Election Board to complete a recount, provided the margin
465 between the requesting candidate's vote total and vote total for the unofficial winner was within
466 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is
467 greater. A candidate requests a recount by hand delivering a written request to the office of the
468 Nation's Secretary, or noticed designated agent, within five (5) business days after the election.
469 Requests shall be limited to one (1) request per candidate. The Nation's Secretary shall contact
470 the Election Board Chairperson by the next business day after the request for recounts.

471 102.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the
472 request regarding the results of the recount. Provided that, no recount request need be honored
473 where there have been two (2) recounts completed as a result of a request either as a recount of the
474 whole election results, or of that sub-section.

475 102.11-7. All recounts shall be conducted manually with, if possible, the original Election
476 Officials and Oneida Police Officer present, regardless of the original type of counting process.
477 Manual recounts may, at the discretion of the Election Officials, be of the total election results, or
478 of the challenged sub-section of the election results.

479 102.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed
480 container with the ballots from the Records Management Department and transporting it to the
481 ballot recounting location.

482 102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three
483 (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election
484 Board Chairperson and an Oneida Police Officer shall witness the recount.

485 102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

486 counted until two (2) final tallies are equal in back to back counting and the total count of ballots
487 reconciles with the total count from the ballot counting machine. Sub-sections of candidates may
488 be recounted in lieu of a full recount.

489 (a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be
490 counted twice by different persons and certified by the Judges.

491 (b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior
492 to using an electronic ballot counting device, it shall be certified as correct either by the
493 maker, lessor of the machine, or Election Board.

494

495 *Section D. Challenges and Declaration of Results*

496 102.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a
497 complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall
498 hear and decide a challenge to any election within two (2) business days after the challenge is filed.
499 Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after
500 the issuance of the lower body's decision and decided within two (2) business days after the appeal
501 is filed.

502 (a) The person challenging the election results shall prove by clear and convincing
503 evidence that the Election Law was violated or an unfair election was conducted, and that
504 the outcome of the election would have been different but for the violation.

505 (b) If the Judiciary invalidates the election results, a Special Election shall be ordered by
506 the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon
507 as the Election Law allows for a Special Election.

508 102.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Nation's
509 Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges
510 have been completed, whichever is longer. The Final Report shall consist of the following
511 information:

512 (a) Total number of persons voting.

513 (b) Total votes cast for each candidate by subsection of the ballot.

514 (c) List of any ties and final results of those ties, including the method of resolution.

515 (d) List of candidates elected and position elected to.

516 (e) Number of spoiled ballots.

517 (f) Cost of the election, including the compensation paid to each Election Board member.

518 102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of
519 the election and send notices regarding when the swearing in of newly elected officials shall take
520 place within ten (10) business days after receipt of the Final Report.

521 102.11-14. Candidates elected to the Business Committee shall resign from any salaried position
522 effective prior to taking a Business Committee oath of office

523 102.11-15. Except in the event of an emergency, as determined by the Business Committee,
524 newly elected officials shall be sworn into office no later than thirty (30) calendar days after the
525 official results of an election are declared by the Business Committee.

526 (a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall
527 be considered vacant and the Election Board shall declare the next highest vote recipient
528 the winner. This procedure shall be repeated as necessary until a winner is declared.

529 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
530 Special Election shall be held.

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

531 102.11-16. The Election Board shall send notice to the Records Management Department to
532 destroy the ballots thirty (30) calendar days after the election or after the final declaration of official
533 election results occurs, whichever is longer.
534

102.12. Elections*Section A. Primary Elections; Business Committee*

536 102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty
537 (60) calendar days prior to the election.
538

539 102.12-2. There shall be a primary election for Business Committee positions whenever there are
540 three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-
541 large council member positions.

542 (a) The two (2) candidates receiving the highest number of votes cast for each officer
543 position shall be placed on the ballot.

544 (b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large
545 council member positions shall be placed on the ballot.

546 (c) Any position where a tie exists to determine the candidates to be placed on the ballot
547 shall include all candidates where the tie exists.

548 102.12-3. The Election Board shall cancel the primary election if the Business Committee
549 positions did not draw the requisite number of candidates for a primary by the [petitioning](#)
550 [application](#) deadline set for the primary.

551 102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a
552 winner in the primary, the Election Board shall declare the next highest primary vote recipient the
553 primary winner. This procedure shall be repeated as necessary until the ballot is full or until there
554 are no available candidates. If the ballot has already been printed, the procedures for notifying the
555 Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to
556 print a notice in the Nation's newspaper if time lines allow.
557

Section B. Special Elections

558 102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as
559 defined in this law, may be placed on the same ballot as the subject matter of an election.
560

561 102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business
562 Committee as recommended by the Election Board or as ordered by the Judiciary in connection
563 with an election challenge.

564 102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent
565 locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the
566 Special Election.

567 102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided
568 that no less than twenty-four (24) hours notice of the rescheduled election date is given to the
569 voters, by posting notices in the prominent locations.
570

Section C. Referendums

571 102.12-9. Registered voters may indicate opinions on any development, law or resolution,
572 proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special
573 referendum election.
574

575 (a) Referendum elections in which a majority of the qualified voters who cast votes shall

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

576 be binding on the Business Committee to present the issue for action/decision at General
577 Tribal Council.

578 (b) Referendum requests may appear on the next called for election.

579 (c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the
580 caucus prior to election, regarding issues directly affecting the Nation or general
581 membership.

582

583 *Section D. Initiation of Special Elections*

584 102.12-10. Special Elections may be initiated by a request or directive of the General Tribal
585 Council or the Oneida Business Committee.

586 102.12-11. Special Election may be requested by a member of the Nation to the Business
587 Committee or General Tribal Council.

588 102.12-12. All Special Elections shall follow rules established for all other elections. This includes
589 positions for all Boards, Committees and Commissions.

590

591 **102.13. Oneida Nation Constitution and By-law Amendments**

592 102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida
593 Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition
594 of qualified voters. The requirements for the Oneida Business Committee's initiation of
595 Constitutional amendments are as provided in the Constitution and as further detailed in the
596 supporting standard operating procedures which the Oneida Business Committee shall adopt.
597 Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting
598 a petition to the Office of the Nation's Secretary which includes the full text of the proposed
599 amendments and signatures that are equal in number to at least ten percent (10%) of all members
600 qualified to vote.

601 (a) Qualified voters may request a petition form from the Office of the Nation's Secretary.

602 (b) When a petition form is requested, the Nation's Secretary, or his or her designee, shall
603 direct the Trust Enrollment Department to calculate the number of signatures currently
604 required for a petition submittal, which shall be ten percent (10%) of all members qualified
605 to vote on the date the petition form is requested from the Office of the Nation's Secretary.
606 When the Nation's Secretary receives the calculation from the Trust Enrollment
607 Department, the Nation's Secretary shall provide the requester with the petition form and
608 the number of signatures that are currently required.

609 (c) Such petitions shall be circulated with all supporting materials and submitted a
610 minimum of ninety (90) days prior to the election at which the proposed amendment is to
611 be voted upon. If a petition includes supporting materials in addition to the petition form,
612 each qualified voter signing the petition shall also acknowledge that the supporting
613 materials were available for review at the time he or she signed the petition by initialing
614 where required on the petition form.

615 (d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment
616 Department for verification of signatures and to the Election Board to provide notice that
617 the petition may need to be placed on an upcoming ballot.

618 (e) If the petition is verified by the Trust Enrollment Department to contain signatures from
619 at least ten percent (10%) of all qualified voters, the Election Board shall make an official
620 announcement of the proposed amendments to the Oneida Nation Constitution at least sixty

Draft 1 for Emergency OBC Consideration (Redline to Last Permanent)

2023 03 08

621 (60) days prior to the election at which the proposed amendments are to be voted on.

622 102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation
623 Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general
624 election. Provided that, the Oneida Business Committee or General Tribal Council may order a
625 special election be held to consider the proposed amendments. In such circumstances, the Election
626 Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the
627 next special election.

628 102.13-3. The Election Board shall publish any proposed amendments by publishing a sample
629 ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust
630 Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty
631 (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently
632 posted in each polling place and at administrative offices of the Nation and shall also be published
633 in official Oneida media outlets, which the Oneida Business Committee shall identify by
634 resolution. For the purposes of this section, Oneida administrative offices means the location
635 where the Oneida Business Committee conducts business.

636 102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of
637 the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall
638 ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a
639 true and impartial statement and is written in such a manner that does not create prejudice for or
640 against the proposed amendment.

641 102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed
642 amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that
643 amendment shall become part of the Constitution and By-laws, and shall abrogate or amend
644 existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission
645 of the final election report.

646 102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the
647 amendment receiving the highest affirmation vote prevails.

648
649 *End.*

650

-
- 652 Adopted - June 19, 1993
 - 653 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)
 - 654 Presented for Adoption of 1997 Revisions - GTC-7-6-98-A
 - 655 Amended- October 11, 2008 (General Tribal Council Meeting)
 - 656 Amended-GTC-01-04-10-A
 - 657 Amended – BC-02-25-15-C
 - 658 Amended – GTC-04-23-17-A
 - 659 Emergency Amended – BC-03-17-20-B
 - 660 Emergency Amended – BC-05-13-20-H
 - 661 Emergency Amended – BC-06-24-20-B (Expired at Conclusion of 2020 General Election)
 - 662 Emergency Amended – BC-04-28-21-B (Expired)
 - 663 Emergency Amended – BC-07-13-22-E
 - 664 Emergency Amended – BC-12-28-22-B
 - 665 Emergency Amended – BC- - - -

Title 1. Government and Finances - Chapter 102

ELECTION

Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsla

People of the Standing Stone how it is we will appoint them the kind of laws we have

102.1. Purpose and Policy	102.8. Registration of Voters
102.2. Adoption, Amendment, Repeal	102.9. Election Process
102.3. Definitions	102.10. Tabulating and Securing Ballots
102.4. Election Board	102.11. Election Outcome and Ties
102.5. Candidate Eligibility	102.12. Elections
102.6. Selection of Candidates	102.13. Oneida Nation Constitution and By-law Amendments
102.7. Notice of Polling Places	

1 **102.1. Purpose and Policy**

2 102.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of
3 orderly elections of the Nation, including pre-election activities such as caucuses and nominations.
4 Because of the desire for orderly and easily understood elections, there has not been an allowance
5 made for write-in candidates on ballots.

6 102.1-2. This law defines the duties and responsibilities of the Election Board members and other
7 persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all
8 procedures used in the election process.

9

10 **102.2. Adoption, Amendment, Repeal**

11 102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-
12 98-A, amended by resolutions GTC-01-04-10-A, BC-02-25-15-C and GTC-04-23-17-A, and
13 emergency amended by resolution BC- _ - _ - _ .

14 102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to
15 the procedures set out in the Legislative Procedures Act. Actions of the Election Board regarding
16 amendments to this law and policies adopted regarding implementation of this law are to be
17 presented to the Business Committee who shall then adopt or forward action(s) to the General
18 Tribal Council for adoption.

19 102.2-3. Should a provision of this law or the application thereof to any person or circumstances
20 be held as invalid, such invalidity shall not affect other provisions of this law which are considered
21 to have legal force without the invalid portions.

22 102.2-4. In the event of a conflict between a provision of this law and a provision of another law,
23 the provisions of this law shall control.

24 102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

25

26 **102.3. Definitions**

27 102.3-1. This section shall govern the definitions of words and phrases used within this law. All
28 words not defined herein shall be used in their ordinary and everyday sense.

29 102.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on
30 the Election Board during an election and until election results have been certified.

31 102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for
32 acceptance on a ballot.

33 102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding
34 holidays of the Nation.

35 102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to
36 support or reject a particular candidate of the Nation including, without limitation, advertising,
37 rallying, public speaking, or other communications with members of the Nation.

Draft 1 for Emergency OBC Consideration

2023 03 08

38 102.3-6. "Candidate" shall mean a nominee or applicant for an elected position whose name is
39 placed on the ballot by the Election Board after successful application.

40 102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose
41 of determining voter eligibility.

42 102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

43 102.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political
44 or otherwise, in which a Nation elected official, employee, consultant, appointed or elected,
45 member of any board, committee or commission, or their immediate relatives, friends or
46 associates, or any other person with whom they have contact, that conflicts with any right of the
47 Nation to property, information, or any other right to own and operate its enterprises, free from
48 undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in
49 any law or policy of the Nation.

50 102.3-10. "Election" shall mean every primary and election.

51 102.3-11. "General election" shall mean the election held every three (3) years in July to elect the
52 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the
53 Business Committee and may include contests for elected boards, committees and commissions
54 positions.

55 102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of
56 discrepancies, complaints and controversy regarding voter eligibility.

57 102.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal
58 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of
59 the Nation.

60 102.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the
61 winner of an elected position, in the case of a tie between two (2) or more candidates.

62 102.3-15. "Nation" means the Oneida Nation.

63 102.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by
64 the Nation for the benefit of transmitting news to members of the Nation, which is designated by
65 the Election Board as a source for election related news.

66 102.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a
67 police officer on any police force.

68 102.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential
69 dwelling or a privately owned business within the boundaries of the Reservation.

70 102.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill
71 Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida
72 Community Health Center, the SEOTS building and all One-Stop locations.

73 102.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18)
74 years of age or older.

75 102.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating
76 machine.

77 102.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred
78 and is not tabulated.

79 102.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.
80

81 **102.4. Election Board**

82 *Section A. Establishment, Composition and Election*

Draft 1 for Emergency OBC Consideration

2023 03 08

83 102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this
84 law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

85 102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be
86 elected to terms of three (3) years, not to exceed two (2) consecutive terms.

87 102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an
88 Election Board member in any pre-election, election day, or post-election activities while he or
89 she is an applicant or candidate in any election or there is otherwise a conflict of interest.

90 102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member
91 who is removed from the Election Board shall be ineligible to serve on the Board for three (3)
92 years from the time he or she is removed from the Election Board.

93 102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the
94 Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed
95 to correspond with the pre-election activities and the needs of the Election Board.

96 102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

97 102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to
98 the Election Board, as recommended by the Election Board, to assist with election day and pre-
99 election activities.

100 102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in
101 the By-laws of the Election Board, to preside over the meetings. This selection shall be carried
102 out at the first meeting of the Election Board following an election. The Chairperson shall then
103 ask the Election Board to select a Vice-Chairperson and Secretary.

104

105 *Section B. Duties of the Election Board*

106 102.4-9. The Election Board shall have the following duties, along with other responsibilities listed
107 throughout this law.

- 108 (a) The Election Board shall be in charge of all registration and election procedures; and
109 (b) Upon completion of an election, the Election Board shall make a final report on the
110 election results as set out in this law.

111

112 *Section C. Specific Duties of Officers and Election Board Members*

113 102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to
114 being present at all Election Board meetings and assisting the handicapped through the voting
115 process, are as set out herein:

116 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing
117 body for applicants found to be ineligible in accordance with 102.5-6 in the event of an
118 appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust
119 Enrollment Department personnel when their election day duties are complete; and shall
120 post and report election results.

121 (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.

122 (c) Secretary: Shall keep a record of the meetings and make them available to the Nation's
123 Secretary, other Election Board members and the public as required in the Open Records
124 and Open Meetings Law.

125 (d) Clerks: Shall implement the requirements of identifying and registering all voters and
126 determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment
127 Department personnel in the registration process, and assist the Chairperson as directed in

Draft 1 for Emergency OBC Consideration

2023 03 08

128 conducting the election. Clerks cannot be currently employed by the Trust Enrollment
129 Department.

130 (e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as
131 determined by this law. Shall assist the Chairperson in conducting the election.

132 (f) Judges: Shall inform and advise the Chairperson of all aspects of the election conducted
133 under this law. In case of disputes among Election Board members, or between members
134 of the Nation and Election Board members, or any controversy regarding voter eligibility,
135 the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall
136 also ensure that all ballots of voters whose eligibility may be in question, remain
137 confidential.

138

139 *Section D. Compensation Rates*

140 102.4-11. Election Board members are to be compensated at an hourly rate when conducting
141 elections as provided for in the Election Board's bylaws as approved by the Business Committee.
142 The Election Board shall have a budget, approved through the Nation's budgeting process.

143 102.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be
144 compensated at their regular rate of pay out of their respective budgets.

145

146 **102.5. Candidate Eligibility**

147 *Section A. Requirements*

148 102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-
149 laws or other documents, all applicants shall meet the minimum requirements set out in this section
150 in order to become a candidate.

151 102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

152 (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.

153 (b) be a qualified voter on the day of the election.

154 (c) provide proof of physical residency as required for the position for which they have
155 been nominated or for which they have applied. Proof of residency may be through one

156 (1) or more of the following:

157 (1) a valid Wisconsin driver's license;

158 (2) a bill or pay check stub showing name and physical address of the candidate
159 from the prior or current month;

160 (3) another form of proof that identifies the candidate and that the candidate has
161 physically resided at the address and identifies that address as the primary
162 residence.

163 102.5-3. No applicant may have a conflict of interest with the position for which they are being
164 considered, provided that any conflict of interest which may be eliminated within thirty (30)
165 calendar days of being elected shall not be considered as a bar to nomination or election.

166 102.5-4. Applications shall be filed by presenting the information to the Nation's Secretary, or
167 designated agent, during normal business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday,
168 within five (5) business days after the caucus. No mailed, internal Nation mail delivery, faxed or
169 other delivery method shall be accepted.

170 102.5-5. The names of the candidates and the positions sought shall be a public record and made
171 available to the public upon the determination of eligibility by the Election Board or the Board's
172 designated agent.

Draft 1 for Emergency OBC Consideration
2023 03 08

173

174 *Section B. Eligibility Review*

175 102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.
176 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall
177 select the hearing body. The hearing shall be held within two (2) business days of receipt of the
178 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision
179 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days
180 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the
181 Judiciary on an accelerated schedule.

182 102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to
183 verify eligibility. Any applicant found to be ineligible for a nominated or an applied for position
184 shall be notified by certified mail return receipt requested. The notice shall provide the following
185 information:

186 (a) Position for which they were considered

187 (b) Qualification of the position and citation of the source. (Copies of source may be
188 attached.)

189 (c) A brief summary explaining why the applicant was found to be ineligible.

190 (d) That the applicant has two (2) business days from notification to make an appeal.
191 Appeals must be filed at the location designated on the notice by hand delivery. The
192 location designated shall be on the Reservation. No mailed, internal Nation mail, faxed or
193 other delivery method will be accepted.

194

195 *Section C. Campaign Financing*

196 102.5-8. Contributions:

197 (a) Solicitation of Contributions by Candidates.

198 (1) Candidates shall only accept contributions from individuals who are members
199 of the Nation or individuals related by blood or marriage to the candidate.
200 Candidates may not accept contributions from any business, whether sole
201 proprietorship, partnership, corporation, or other business entity.

202 (2) Candidates shall not solicit or accept contributions in any office or
203 business/facility of the Nation.

204 (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the
205 Election Board in an amount specified in a resolution adopted by the Business Committee.

206 102.5-9. Campaign Signs and Campaigning:

207 (a) Placement of campaign signs:

208 (1) Campaign signs shall not be posted or erected on any property of the Nation
209 except for private property with the owner/tenant's permission.

210 (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum
211 of seven (7) such signs may be placed on a building or on a lot.

212 (3) No campaign sign shall project beyond the property line into the public right
213 of way.

214 (b) Removal of campaign signs. All campaign signs shall be removed within five (5)
215 business days after an election.

Draft 1 for Emergency OBC Consideration

2023 03 08

216 (c) Employees of the Nation shall not engage in campaigning for offices of the Nation
 217 during work hours. The Nation's employees shall be subject to disciplinary action under
 218 the personnel policies and procedures for political campaigning during work hours.

219 (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign
 220 signs that are not in compliance with this law, in accordance with the Zoning and Shoreland
 221 Protection Law.

222 (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the
 223 Election Board in an amount specified in a resolution adopted by the Business Committee.
 224

225 *Section D. Candidate Withdrawal*

226 102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by
 227 the candidate prior to submission of the ballot for printing to any Election Board member,
 228 excluding alternates.

229 102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the
 230 election by submitting in writing a statement indicating they are withdrawing from the election
 231 prior to the opening of the polls to any Election Board member, excluding alternates. This
 232 statement shall be posted alongside any sample ballot printed prior to the election in the newspaper
 233 or any posting at the polling places.

234 102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the
 235 Election Board members in charge of the polling place, to be removed from the ballot. The written
 236 statement shall be posted next to any posted sample ballot.

237 102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from
 238 which they have withdrawn regardless of the number of votes cast for that candidate. A written
 239 statement shall be considered the only necessary evidence of withdrawal and acceptance of denial
 240 of any position withdrawn from.

241 102.5-14. *Candidate Withdrawal After Winning an Election.*

242 (a) In the event a candidate declines an office after winning an election, the Election Board
 243 shall declare the next highest vote recipient the winner. This procedure shall be repeated
 244 as necessary until a winner is declared.

245 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
 246 Special Election shall be held.
 247

248 **102.6. Selection of Candidates**

249 *Section A. Setting of Caucus*

250 102.6-1. The Election Board shall be responsible for calling a caucus before any election is held.
 251 The caucus for the general election shall be held at least ninety (90) calendar days prior to the
 252 election date. Caucuses for other elections shall be held at least forty-five (45) calendar days prior
 253 to the election date. In a general election year, caucuses shall be combined so that candidates for
 254 the Business Committee and elected boards, committees and commissions are nominated at the
 255 same caucus.

256 102.6-2. The procedures for the caucus shall be as follows:

257 (a) Candidates shall be nominated from the floor.

258 (b) Candidates present at the caucus will accept/decline their nomination at the caucus.
 259 Candidates nominated at the caucus, but not present to accept the nomination, shall be
 260 required to follow the application process.

Draft 1 for Emergency OBC Consideration

2023 03 08

261 (c) Nominations shall consist of the following positions: Chairperson, Vice-Chairperson,
262 Treasurer, Secretary, Council Member and other elected positions as required by by-laws
263 or creating documents of a board, committee, or commission.
264

265 *Section B. Application*

266 102.6-3. Any eligible member of the Nation may apply to be placed on a ballot according to the
267 following procedures:

268 (a) Applicants shall use an official application form as designated by this law which
269 may be obtained in the Office of the Nation's Secretary or from the mailing for that
270 caucus.

271 (b) The application form shall consist of information that satisfies the minimum
272 requirements for eligible candidates. as described in section 102.5-2 of this law.

273 (c) Applications shall be presented to the Nation's Secretary, or designated agent,
274 during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than
275 prior to close of business five (5) business days after the caucus. The location to drop-
276 off applications shall be identified in the mailing identifying the caucus date.

277 (d) The Nation's Secretary shall forward all applications to the Election Board
278 Chairperson the next business day following the close of application submissions.

279 102.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a
280 judicial court or commission, shall not run for more than one (1) elective office or seat per election.
281

282 **102.7. Notice of Polling Places**

283 102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of
284 the polling places and the time the polls will be open. This notice shall also be posted in an easily
285 visible position, close to the entrance of the Nation's businesses/facilities.

286 102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the
287 election, and shall remain posted until the poll closes on the day of the election.

288 102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation
289 members, stating the time and place of the election and a sample of the ballot, no less than ten (10)
290 calendar days prior to the election, through a mass mailing. The Trust Enrollment Department
291 shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior
292 to the requested mailing.

293 102.7-4. Notice of the election shall be placed in the Nation's newspaper.
294

295 **102.8. Registration of Voters**

296 *Section A. Requirements*

297 102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years
298 of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the
299 Oneida Nation Constitution.
300

301 *Section B. Identification of Voters*

302 102.8-2. All voters must present one of the following picture identifications in order to be able to
303 vote:

304 (a) Oneida Nation I.D.

305 (b) Drivers License.

306 (c) Other I.D. with name and photo.

307

308 *Section C. Registration Procedures*

309 102.8-3. Voters shall physically register, on the day of the election, at the polls.

310 102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment
311 with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election
312 Officials during the voting period.

313 102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration
314 Form containing the voter's following information:

315 (a) name and maiden name (if any);

316 (b) current address;

317 (c) date of birth; and

318 (d) enrollment number.

319

320 *Section D. Qualification/Verification of Voter Eligibility*

321 102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote,
322 the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with
323 the Trust Enrollment Department personnel who are registering voters, to decide the voting
324 member's eligibility currently being questioned and shall make such decisions from the facts
325 available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation
326 Constitution, Article III Section 2, to vote in the Nation's elections.

327 102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be
328 placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of
329 the voter shall be written next to a numbered list which corresponds to the numbered and sealed
330 envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box
331 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they
332 desire to challenge the decision made by the Election Officials. The Election Board shall make a
333 final decision, within five (5) business days of receiving the appeal and shall report this decision
334 in the final report sent to the Oneida Business Committee.

335

336 **102.9. Election Process**

337 *Section A. Polling Places and Times*

338 102.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections
339 shall be held in the month of July on a date set by the General Tribal Council. The General Tribal
340 Council shall set the election date at the January annual meeting, or at the first GTC meeting held
341 during a given year. Special Elections shall be set in accordance with 102.12-6.

342 102.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election
343 Board.

344 102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line
345 to vote at 7:00 p.m. shall be allowed to vote.

346 (a) If a ballot counting machine is used, the ballot counting machine shall be prepared
347 prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four
348 (4) members of the Nation verify, through signature on the tape, the ballot box is empty
349 and the ballot counting machine printer tape has a zero (0) total count.

350 102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open,

Draft 1 for Emergency OBC Consideration

2023 03 08

351 and until the counting of ballots is completed, and tentative results posted.

352 102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such
353 that there is an area with at least two sides and a back enclosure.

354 102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of
355 the voting area, excluding private property.

356 102.9-7. No one causing a disturbance shall be allowed in the voting area.

357 102.9-8. Election Board members may restrict the voting area to qualified voters only. This
358 restriction is in the interest of maintaining security of the ballots and voting process.

359

360 *Section B. Ballot Box*

361 102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and
362 shall be locked until counting at the close of polls. Provided that, with electronic ballot counting,
363 the ballots may be placed within the ballot counting machine as they are received.

364

365 *Section C. Spoiled Ballots*

366 102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

367 102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials
368 and placed in an envelope marked as "Spoiled Ballots."

369 102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15)
370 calendar days following finalization of any challenge of the election, at the Records Management
371 Department.

372

373 *Section D. Rejected Ballots*

374 102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

375 (a) Computer rejected ballots shall be reviewed by the Election Officials to verify the
376 authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final
377 computer total, provided that, a new ballot was not received as set out in sections 102.9-10
378 through 102.9-12.

379 (b) Ballots rejected, either during the computer process or during a manual counting, shall
380 be reviewed by the Election Officials to verify that they are authentic. If the Election
381 Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the
382 ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

383

384 **102.10. Tabulating and Securing Ballots**

385 *Section A. Machine Counted Ballots*

386 102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate
387 from the ballot counting machine copies of the election totals from the votes cast.

388 102.10-2. At least three (3) Election Board members shall sign the election totals, which shall
389 include the tape signed by the members of the Nation before the polls were opened per section
390 102.9-3(a).

391

392 *Section B. Manually Counted Ballots*

393 102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the
394 ballot box and remove the ballots.

Draft 1 for Emergency OBC Consideration

2023 03 08

395 102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall
396 be secured in a sealed container for transportation to the ballot counting location. The sealed
397 ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election
398 Officials for counting/tallying of ballots.

399 102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and
400 witnessed/monitored by an Oneida Police Officer.

401 102.10-6. Ballots must be counted by two different Election Officials until two final tallies are
402 equal in back to back counting. Final tallies shall be verified by the Election Judges.

403

404 *Section C. Securing Ballots*

405 102.10-7. The Judges shall place together all ballots counted and secure them together so that they
406 cannot be untied or tampered with without breaking the seal. The secured ballots, and the election
407 totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container
408 in such a manner that the container cannot be opened without breaking the seals or locks, or
409 destroying the container. The Oneida Police Officer shall then deliver, on the day of the election,
410 the sealed container to the Records Management Department for retaining.

411

412 **102.11. Election Outcome and Ties**

413 *Section A. Election Results Announcement*

414 102.11-1. The tentative results of an election shall be announced and posted by the Election Board
415 within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain
416 the following statement:

417 *"The election results posted here are tentative results. Final election results are forwarded*
418 *by the Oneida Election Board to the Oneida Business Committee via a Final Report after*
419 *time has lapsed for recount requests, or challenges or after all recounts or challenges*
420 *have been completed, whichever is longer"*

421 102.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation's
422 newspaper, the tentative results of an election.

423

424 *Section B. Tie*

425 102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to
426 determine the outcome of an election, the Election Board shall conduct an automatic recount of
427 the votes for each candidate receiving the same number of votes. Any recount conducted shall be
428 the only recount allowed for the tied candidates.

429 102.11-4. For Business Committee positions, a run-off election between the candidates with the
430 same number of votes shall be held if there remains a tie after the recount. Said run-off election
431 shall be held within twenty one (21) calendar days after the recount. For all other positions, if
432 there remains a tie after the recount, the Election Board shall decide the winner of the tied positions
433 at least two (2) business days after, but no more than five (5) business days after the recount
434 through a lot drawing, which shall be open to the public.

435 (a) The Election Board shall notify each of the tied candidates and the public of the date,
436 time, and place of the drawing at least one (1) business day before the drawing. Notice to
437 the tied candidates shall be in writing. Notice to the public shall be posted by the Election
438 Board in the prominent locations.

439 (b) On the date and at the time and place the drawing was noticed, the Election Board

Draft 1 for Emergency OBC Consideration

2023 03 08

440 Chairperson shall clearly write the name of each tied candidate on separate pieces of paper
441 in front of any witnesses present. The pieces of paper shall be the same, or approximately
442 the same, color, size, and type. The papers shall be folded in half and placed in a container
443 selected by the Election Board Chairperson.

444 (c) The Election Board Chairperson shall designate an uninterested party to draw a name
445 from the container. The candidate whose name is drawn from the container first shall be
446 declared the winner. An Election Board member other than the Chairperson shall remove
447 the remaining pieces of paper from the container and show them to the witnesses present.
448

449 *Section C. Recount Procedures*

450 102.11-5. A candidate may request the Election Board to complete a recount, provided the margin
451 between the requesting candidate's vote total and vote total for the unofficial winner was within
452 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is
453 greater. A candidate requests a recount by hand delivering a written request to the office of the
454 Nation's Secretary, or noticed designated agent, within five (5) business days after the election.
455 Requests shall be limited to one (1) request per candidate. The Nation's Secretary shall contact
456 the Election Board Chairperson by the next business day after the request for recounts.

457 102.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the
458 request regarding the results of the recount. Provided that, no recount request need be honored
459 where there have been two (2) recounts completed as a result of a request either as a recount of the
460 whole election results, or of that sub-section.

461 102.11-7. All recounts shall be conducted manually with, if possible, the original Election
462 Officials and Oneida Police Officer present, regardless of the original type of counting process.
463 Manual recounts may, at the discretion of the Election Officials, be of the total election results, or
464 of the challenged sub-section of the election results.

465 102.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed
466 container with the ballots from the Records Management Department and transporting it to the
467 ballot recounting location.

468 102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three
469 (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election
470 Board Chairperson and an Oneida Police Officer shall witness the recount.

471 102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be
472 counted until two (2) final tallies are equal in back to back counting and the total count of ballots
473 reconciles with the total count from the ballot counting machine. Sub-sections of candidates may
474 be recounted in lieu of a full recount.

475 (a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be
476 counted twice by different persons and certified by the Judges.

477 (b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior
478 to using an electronic ballot counting device, it shall be certified as correct either by the
479 maker, lessor of the machine, or Election Board.
480

481 *Section D. Challenges and Declaration of Results*

482 102.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a
483 complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall
484 hear and decide a challenge to any election within two (2) business days after the challenge is filed.

Draft 1 for Emergency OBC Consideration

2023 03 08

485 Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after
486 the issuance of the lower body's decision and decided within two (2) business days after the appeal
487 is filed.

488 (a) The person challenging the election results shall prove by clear and convincing
489 evidence that the Election Law was violated or an unfair election was conducted, and that
490 the outcome of the election would have been different but for the violation.

491 (b) If the Judiciary invalidates the election results, a Special Election shall be ordered by
492 the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon
493 as the Election Law allows for a Special Election.

494 102.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Nation's
495 Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges
496 have been completed, whichever is longer. The Final Report shall consist of the following
497 information:

498 (a) Total number of persons voting.

499 (b) Total votes cast for each candidate by subsection of the ballot.

500 (c) List of any ties and final results of those ties, including the method of resolution.

501 (d) List of candidates elected and position elected to.

502 (e) Number of spoiled ballots.

503 (f) Cost of the election, including the compensation paid to each Election Board member.

504 102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of
505 the election and send notices regarding when the swearing in of newly elected officials shall take
506 place within ten (10) business days after receipt of the Final Report.

507 102.11-14. Candidates elected to the Business Committee shall resign from any salaried position
508 effective prior to taking a Business Committee oath of office

509 102.11-15. Except in the event of an emergency, as determined by the Business Committee,
510 newly elected officials shall be sworn into office no later than thirty (30) calendar days after the
511 official results of an election are declared by the Business Committee.

512 (a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall
513 be considered vacant and the Election Board shall declare the next highest vote recipient
514 the winner. This procedure shall be repeated as necessary until a winner is declared.

515 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
516 Special Election shall be held.

517 102.11-16. The Election Board shall send notice to the Records Management Department to
518 destroy the ballots thirty (30) calendar days after the election or after the final declaration of official
519 election results occurs, whichever is longer.

520

521 **102.12. Elections**

522 *Section A. Primary Elections; Business Committee*

523 102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty
524 (60) calendar days prior to the election.

525 102.12-2. There shall be a primary election for Business Committee positions whenever there are
526 three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-
527 large council member positions.

528 (a) The two (2) candidates receiving the highest number of votes cast for each officer
529 position shall be placed on the ballot.

Draft 1 for Emergency OBC Consideration

2023 03 08

530 (b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large
531 council member positions shall be placed on the ballot.

532 (c) Any position where a tie exists to determine the candidates to be placed on the ballot
533 shall include all candidates where the tie exists.

534 102.12-3. The Election Board shall cancel the primary election if the Business Committee
535 positions did not draw the requisite number of candidates for a primary by the application deadline
536 set for the primary.

537 102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a
538 winner in the primary, the Election Board shall declare the next highest primary vote recipient the
539 primary winner. This procedure shall be repeated as necessary until the ballot is full or until there
540 are no available candidates. If the ballot has already been printed, the procedures for notifying the
541 Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to
542 print a notice in the Nation's newspaper if time lines allow.

543

544 *Section B. Special Elections*

545 102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as
546 defined in this law, may be placed on the same ballot as the subject matter of an election.

547 102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business
548 Committee as recommended by the Election Board or as ordered by the Judiciary in connection
549 with an election challenge.

550 102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent
551 locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the
552 Special Election.

553 102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided
554 that no less than twenty-four (24) hours notice of the rescheduled election date is given to the
555 voters, by posting notices in the prominent locations.

556

557 *Section C. Referendums*

558 102.12-9. Registered voters may indicate opinions on any development, law or resolution,
559 proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special
560 referendum election.

561 (a) Referendum elections in which a majority of the qualified voters who cast votes shall
562 be binding on the Business Committee to present the issue for action/decision at General
563 Tribal Council.

564 (b) Referendum requests may appear on the next called for election.

565 (c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the
566 caucus prior to election, regarding issues directly affecting the Nation or general
567 membership.

568

569 *Section D. Initiation of Special Elections*

570 102.12-10. Special Elections may be initiated by a request or directive of the General Tribal
571 Council or the Oneida Business Committee.

572 102.12-11. Special Election may be requested by a member of the Nation to the Business
573 Committee or General Tribal Council.

574 102.12-12. All Special Elections shall follow rules established for all other elections. This includes

575 positions for all Boards, Committees and Commissions.
576

577 **102.13. Oneida Nation Constitution and By-law Amendments**

578 102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida
579 Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition
580 of qualified voters. The requirements for the Oneida Business Committee's initiation of
581 Constitutional amendments are as provided in the Constitution and as further detailed in the
582 supporting standard operating procedures which the Oneida Business Committee shall adopt.
583 Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting
584 a petition to the Office of the Nation's Secretary which includes the full text of the proposed
585 amendments and signatures that are equal in number to at least ten percent (10%) of all members
586 qualified to vote.

587 (a) Qualified voters may request a petition form from the Office of the Nation's Secretary.

588 (b) When a petition form is requested, the Nation's Secretary, or his or her designee, shall
589 direct the Trust Enrollment Department to calculate the number of signatures currently
590 required for a petition submittal, which shall be ten percent (10%) of all members qualified
591 to vote on the date the petition form is requested from the Office of the Nation's Secretary.
592 When the Nation's Secretary receives the calculation from the Trust Enrollment
593 Department, the Nation's Secretary shall provide the requester with the petition form and
594 the number of signatures that are currently required.

595 (c) Such petitions shall be circulated with all supporting materials and submitted a
596 minimum of ninety (90) days prior to the election at which the proposed amendment is to
597 be voted upon. If a petition includes supporting materials in addition to the petition form,
598 each qualified voter signing the petition shall also acknowledge that the supporting
599 materials were available for review at the time he or she signed the petition by initialing
600 where required on the petition form.

601 (d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment
602 Department for verification of signatures and to the Election Board to provide notice that
603 the petition may need to be placed on an upcoming ballot.

604 (e) If the petition is verified by the Trust Enrollment Department to contain signatures from
605 at least ten percent (10%) of all qualified voters, the Election Board shall make an official
606 announcement of the proposed amendments to the Oneida Nation Constitution at least sixty

607 (60) days prior to the election at which the proposed amendments are to be voted on.

608 102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation
609 Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general
610 election. Provided that, the Oneida Business Committee or General Tribal Council may order a
611 special election be held to consider the proposed amendments. In such circumstances, the Election
612 Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the
613 next special election.

614 102.13-3. The Election Board shall publish any proposed amendments by publishing a sample
615 ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust
616 Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty
617 (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently
618 posted in each polling place and at administrative offices of the Nation and shall also be published
619 in official Oneida media outlets, which the Oneida Business Committee shall identify by

Draft 1 for Emergency OBC Consideration

2023 03 08

620 resolution. For the purposes of this section, Oneida administrative offices means the location
621 where the Oneida Business Committee conducts business.

622 102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of
623 the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall
624 ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a
625 true and impartial statement and is written in such a manner that does not create prejudice for or
626 against the proposed amendment.

627 102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed
628 amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that
629 amendment shall become part of the Constitution and By-laws, and shall abrogate or amend
630 existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission
631 of the final election report.

632 102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the
633 amendment receiving the highest affirmation vote prevails.

634
635 *End.*

-
- 636
 - 638 Adopted - June 19, 1993
 - 639 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)
 - 640 Presented for Adoption of 1997 Revisions - GTC-7-6-98-A
 - 641 Amended- October 11, 2008 (General Tribal Council Meeting)
 - 642 Amended-GTC-01-04-10-A
 - 643 Amended – BC-02-25-15-C
 - 644 Amended – GTC-04-23-17-A
 - 645 Emergency Amended – BC-03-17-20-B
 - 646 Emergency Amended – BC-05-13-20-H
 - 647 Emergency Amended – BC-06-24-20-B (Expired at Conclusion of 2020 General Election)
 - 648 Emergency Amended – BC-04-28-21-B (Expired)
 - 649 Emergency Amended – BC-07-13-22-E
 - 650 Emergency Amended – BC-12-28-22-B
 - 651 Emergency Amended – BC- _ - _ - _ - _

Adopt resolution entitled Amendments to the Emergency Management Law

Business Committee Agenda Request

1. Meeting Date Requested: 03/8/23

2. Session:

Open Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Adopt the resolution entitled, Amendments to the Emergency Management Law.

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: Legislative Operating
Committee

5. Additional attendees needed for this request:

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

6. Supporting Documents:

- | | | |
|---|---|---|
| <input type="checkbox"/> Bylaws | <input checked="" type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input checked="" type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input checked="" type="checkbox"/> Other: Legislative Analysis | | |

7. Budget Information:

- | | |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i> | |

8. Submission:

Authorized Sponsor: David P. Jordan, Councilman

Primary Requestor: Clorissa N. Leeman, LRO Senior Staff Attorney



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: March 8, 2023
 RE: Adoption of Amendments to the Emergency Management Law

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

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

Overview

The Oneida Business Committee adopted emergency amendments to the Emergency Management law on September 14, 2022, through the adoption of resolution BC-09-14-22-B. The emergency amendments to the Emergency Management law will expire on March 14, 2023. Amendments to the Emergency Management law is now ready to be considered for permanent adoption.

Amendments to the Emergency Management law are being sought to address the Nation's emergency response. The Emergency Management law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; to provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to establish the use of the National Incident Management System (NIMS); and to designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

The proposed amendments to the Emergency Management law will:

- Eliminate the Oneida Nation Emergency Planning Committee and replace it with an Emergency Management Operations Team. [3 O.C. 302.5-1];
- Provide that members of the Emergency Management Operations Team shall attend meetings, or send a designee in their absence, and comply with any training requirements set forth by the Emergency Management Director. [3 O.C. 302.5-3];
- Require that within forty-eight (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan. [3 O.C. 302.8-4];

- Allow the Oneida Business Committee to direct the Emergency Management Director to provide additional emergency briefings to the Oneida Business Committee. [3 O.C. 302.8-4];
- Require that within thirty (30) days of an emergency subsiding, unless additional time is granted by the Oneida Business Committee, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public. [3 O.C. 302.8-5];
- Extend the amount of time for the Emergency Management Director to prepare and present an after-action report to the Oneida Business Committee, any interested entity, and the public, from sixty (60) days to ninety (90) days. [3 O.C. 302.8-6].

The Legislative Operating Committee developed the proposed amendments to the Emergency Management law through collaboration with representatives from the Emergency Management Department, General Manager, and the Government Administrative Office. The Legislative Operating Committee held seven (7) work meetings on the development of the Emergency Management law.

The development of the amendments to the Emergency Management law complies with all processes and procedures required by the Legislative Procedures Act, 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].

A public meeting on the proposed amendments to the Emergency Management law was held on December 13, 2022. No oral comments were provided during the public meeting. The public comment period was then held open until December 20, 2022. No submissions of written comments were received during the public comment period.

Requested Action

Adopt the Resolution: Amendments to the Emergency Management Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Amendments to the Emergency Management Law

- 1
- 2
- 3
- 4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 5 recognized by the laws of the United States of America; and
- 6
- 7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 8
- 9 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 10 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 11
- 12 **WHEREAS,** the Emergency Management law (“the Law”) was adopted by the Oneida Business
- 13 Committee through resolution BC-07-15-98-A and amended by resolutions BC-12-20-06-
- 14 G, BC-05-13-09-F, and BC-03-10-21-A; and
- 15
- 16 **WHEREAS,** the purpose of the Law is to provide for the development and execution of plans for the
- 17 protection of residents, property, and the environment in an emergency or disaster; provide
- 18 for the direction of emergency management, response, and recovery on the Reservation,
- 19 as well as coordination with other agencies, victims, businesses, and organizations;
- 20 establish the use of the National Incident Management System; and designate authority
- 21 and responsibilities for public health preparedness; and
- 22
- 23 **WHEREAS,** the Oneida Business Committee recently adopted emergency amendments to the Law on
- 24 September 14, 2022, through the adoption of resolution BC-09-14-22-B in accordance with
- 25 the emergency adoption process set forth by the Legislative Procedures Act; and
- 26
- 27 **WHEREAS,** the emergency amendments to the Law are set to expire on March 14, 2023; and
- 28
- 29 **WHEREAS,** the Legislative Operating Committee has developed permanent amendments to the Law
- 30 for consideration by the Oneida Business Committee; and
- 31
- 32 **WHEREAS,** the amendments to the Law eliminate the Oneida Nation Emergency Planning Committee
- 33 and replace it with an Emergency Management Operations Team, clarifying that this Team
- 34 exists not as a board, committee, or commission of the Nation, but instead as a network of
- 35 different employee positions throughout the Nation that all have a responsibility to aid in
- 36 the Nation’s response to emergencies; and
- 37
- 38 **WHEREAS,** the amendments to the Law provide that members of the Emergency Management
- 39 Operations Team shall attend meetings, or send a designee in their absence, and comply
- 40 with any training requirements set forth by the Emergency Management Director; and
- 41
- 42 **WHEREAS,** the amendments to the Law require that within forty-eight (48) hours of an emergency, the
- 43 Emergency Management Director shall prepare, or shall work in conjunction with the
- 44 appropriate entity to prepare, an emergency briefing to be presented to the Oneida
- 45 Business Committee regarding the status of the emergency, actions taken to address the
- 46 emergency, and the activation of the Emergency Response Plan; and
- 47

- 48 **WHEREAS,** the amendments to the Law allow the Oneida Business Committee to direct the Emergency
49 Management Director to provide additional emergency briefings to the Oneida Business
50 Committee; and
51
- 52 **WHEREAS,** the amendments to the Law require that within thirty (30) days of an emergency subsiding,
53 unless additional time is granted by the Oneida Business Committee, the Emergency
54 Management Director shall prepare, or shall work in conjunction with the appropriate entity
55 to prepare, a preliminary emergency assessment report to be presented to the Oneida
56 Business Committee, any interested entity, and the public; and
57
- 58 **WHEREAS,** the amendments to the Law extend the amount of time for the Emergency Management
59 Director to prepare and present an after-action report to the Oneida Business Committee,
60 any interested entity, and the public, from sixty (60) days to ninety (90) days; and
61
- 62 **WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law
63 through collaboration with representatives from the Emergency Management Department,
64 General Manager, and the Government Administrative Office; and
65
- 66 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact
67 statement were completed for the proposed amendments to the Law; and
68
- 69 **WHEREAS,** a public meeting for the proposed amendments to this Law was held on December 13,
70 2022, and the public comment period for the amendments to this Law was held open until
71 December 20, 2022; and
72
- 73 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the amendments
74 to the Emergency Management law which shall become effective on March 14, 2023.



Statement of Effect

Amendments to the Emergency Management Law

Summary

This resolution adopts amendments to the Emergency Management law to improve the Nation's responses to emergencies.

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

Date: January 26, 2023

Analysis by the Legislative Reference Office

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

- Eliminate the Oneida Nation Emergency Planning Committee and replace it with an Emergency Management Operations Team. [3 O.C. 302.5-1];
- Provide that members of the Emergency Management Operations Team shall attend meetings, or send a designee in their absence, and comply with any training requirements set forth by the Emergency Management Director. [3 O.C. 302.5-3];
- Require that within forty-eight (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan. [3 O.C. 302.8-4];
- Allow the Oneida Business Committee to direct the Emergency Management Director to provide additional emergency briefings to the Oneida Business Committee. [3 O.C. 302.8-4];
- Require that within thirty (30) days of an emergency subsiding, unless additional time is granted by the Oneida Business Committee, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public. [3 O.C. 302.8-5];
- Extend the amount of time for the Emergency Management Director to prepare and present an after-action report to the Oneida Business Committee, any interested entity, and the public, from sixty (60) days to ninety (90) days. [3 O.C. 302.8-6].

Adoption of any legislation is required to comply with the Legislative Procedures Act ("the LPA"), which was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the

purpose of providing a standardized process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. The Emergency Management law amendments complied 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].

A public meeting on the proposed amendments to the Emergency Management law was held on December 13, 2022. The public comment period was then held open until December 20, 2022. No public comments were received during the public meeting or public comment period.

The proposed amendments to the Emergency Management law will become effective on March 14, 2023.

Conclusion

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



EMERGENCY MANAGEMENT LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> ▪ Eliminate the Oneida Nation Emergency Planning Committee and replace it with an Emergency Management Operations Team. <i>[3 O.C. 302.5-1]</i>; ▪ Provide that members of the Emergency Management Operations Team shall attend meetings, or send a designee in their absence, and comply with any training requirements set forth by the Emergency Management Director. <i>[3 O.C. 302.5-3]</i>; ▪ Require that within forty-eight (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan. <i>[3 O.C. 302.8-4]</i>; ▪ Allow the Oneida Business Committee to direct the Emergency Management Director to provide additional emergency briefings to the Oneida Business Committee. <i>[3 O.C. 302.8-4]</i>; ▪ Require that within thirty (30) days of an emergency subsiding, unless additional time is granted by the Oneida Business Committee, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public. <i>[3 O.C. 302.8-5]</i>; ▪ Extend the amount of time for the Emergency Management Director to prepare and present an after-action report to the Oneida Business Committee, any interested entity, and the public, from sixty (60) days to ninety (90) days. <i>[3 O.C. 302.8-6]</i>.
Purpose	To provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; to provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to establish the use of the National Incident Management System (NIMS); and to designate authority and responsibilities for public health preparedness. <i>[3 O.C. 302.1-1]</i>
Affected Entities	Emergency Management Operations Team, Emergency Management Director, Oneida Business Committee
Public Meeting	A public meeting was held on December 13, 2022. The public comment period was held open until December 20, 2022.
Fiscal Impact	A fiscal impact statement was provided by the Finance Administration on February 15, 2023.
Expiration of Emergency Legislation	Emergency legislation expires six (6) months after adoption and may be renewed for an additional six (6) month period. The emergency amendments to this law will expire on March 14, 2022.

1 SECTION 2. LEGISLATIVE DEVELOPMENT

2 A. **Background.** The Emergency Management law (“the Law”) was first adopted by the Oneida Business
3 Committee on July 15, 1998,(formally known as the Emergency Management and Homeland Security
4 law) and most recently amended on March 10, 2021. The Law provides for the development and
5 execution of plans for the protection of residents, property, and the environment in an emergency or
6 disaster; to provide for the direction of emergency management, response, and recovery on the
7 Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to
8 establish the use of the National Incident Management System (NIMS); and to designate authority and
9 responsibilities for public health preparedness. [3 O.C. 302.1-1].

10 B. **Adoption of Emergency Amendments.** On June 15, 2022, the Oneida Nation and surrounding areas
11 experienced a severe thunderstorm, high winds and tornados affecting power, damaging homes and
12 businesses, and impacting access through downed trees causing multiple buildings and much of the
13 programs and services of the Nation to be negatively impacted through damage to buildings, lack of
14 power and utilities, and inability of employees to come to work as a result of the same impact on their
15 homes. The Oneida Business Committee declared an emergency resulting from the damages caused by
16 the June 15, 2022, severe weather through the adoption of resolution BC-06-20-22-A, *Declaration of*
17 *Emergency Resulting from the Damages Caused by the June 15, 2022, Severe Weather and Tornado.*
18 On June 24, 2022, the Oneida Business Committee storm held an emergency debrief session with the
19 Emergency Management Director, and in that meeting it was identified that amendments to the
20 Emergency Management law would be needed to address the Oneida Nation Emergency Planning
21 Committee, and the difficulties of composing this Team to meet the needs of the Nation for an
22 emergency response. The Legislative Operating Committee added these amendments to its Active Files
23 List on July 6, 2022, and determined that these amendments should be pursued on an emergency basis.

24 ■ The Oneida Nation Emergency Planning Committee assists the Emergency Management Director
25 in drafting and maintaining the Emergency Response Plan, and at the request of the Emergency
26 Management Director, the Oneida Nation Emergency Planning Committee shall provide assistance
27 to the Emergency Management Director in the implementation of the provisions of this law or any
28 plan issued thereunder. The Oneida Nation Emergency Planning Committee shall consist of
29 representatives from entities and a community representative as identified in the Oneida Nation
30 Emergency Planning Committee bylaws.

31 ■ Some of the positions identified in the Bylaws are direct reports to the Oneida Business Committee
32 or General Manager, or are employees of the Nation’s Internal Audit Department, Finance
33 Administration, Law Office, Business Committee Support Office, or Intergovernmental Affairs and
34 Communications. Currently, section 105.15-3 of the Boards, Committees, and Commissions law
35 provides that direct reports to the Oneida Business Committee or General Manager, or are
36 employees of the Nation’s Internal Audit Department, Finance Administration, Law Office,
37 Business Committee Support Office, or Intergovernmental Affairs and Communications are
38 ineligible to serve on an appointed or elected boards, committee, or commission of the Nation.
39 Amendments to the Law are being sought to address the Oneida Nation Emergency Planning
40 Committee since it is essential that direct reports and employees of those designated areas
41 participate on this committee in order to achieve the best emergency response for the Nation.

42 ■ The emergency adoption of amendments to this Law were necessary for the preservation of the
43 safety and general welfare of the Reservation population in order to ensure that the Nation can

- 44 adequately respond to emergencies that occur by ensuring that there is an Emergency Management
45 Operations Team that can assist the Emergency Management Director in drafting and maintaining
46 the Emergency Response Plan., as well as assist the Emergency Management Director in the
47 implementation of the provisions of this law or any plan issued thereunder.
- 48 ■ Observance of the requirements under the Legislative Procedures Act for adoption of the
49 emergency amendments to this Law were contrary to public interest since the process and
50 requirements of the Legislative Procedures Act cannot be completed in time to ensure that the
51 Emergency Management Operations Team can be established and prepared to aid in the emergency
52 response prior to the next emergency occurring within the Nation.
 - 53 ■ The Oneida Business Committee adopted emergency amendments to the Emergency Management
54 law on September 14, 2022, through the adoption of resolution BC-09-14-22-B. The emergency
55 amendments to the Emergency Management law will expire on March 14, 2023.

56

57 **SECTION 3. CONSULTATION AND OUTREACH**

- 58 A. Representatives from the following departments or entities participated in the development of the
59 emergency amendments to this Law and legislative analysis:
- 60 ■ Emergency Management Department;
 - 61 ■ General Manager; and
 - 62 ■ Government Administrative Office.
- 63 B. The following laws were reviewed in the drafting of this analysis:
- 64 ■ Emergency Management law; and
 - 65 ■ Boards, Committees, and Commissions law.

66

67 **SECTION 4. PROCESS**

- 68 A. The development of the proposed amendments to the Emergency Management law complies with the
69 process set forth in the Legislative Procedures Act (LPA).
- 70 ■ On July 6, 2022, the Legislative Operating Committee added the Law to its Active Files List.
 - 71 ■ On September 7, 2022, the Legislative Operating Committee approved the Emergency
72 Management law emergency amendments adoption packet and forward these materials to the
73 Oneida Business Committee for consideration.
 - 74 ■ On September 14, 2022, the Oneida Business Committee adopted resolution BC-09-14-22-B
75 entitled, *Emergency Amendments to the Emergency Management Law*.
 - 76 ■ On October 5, 2022, the Legislative Operating Committee approved the draft of the proposed
77 amendments to the Emergency Management law and directed that a legislative analysis be
78 completed.
 - 79 ■ On October 19, 2022, the Legislative Operating Committee approved the legislative analysis.
 - 80 ■ On November 2, 2022, the Legislative Operating Committee approved the public meeting packet
81 and forwarded the Emergency Management law amendments to a public meeting to be held on
82 December 13, 2022.
 - 83 ■ On December 13, 2022, the Legislative Operating Committee held a public meeting on the
84 proposed amendments to the Law in the Norbert Hill Center's Executive Conference room as well
85 as on Microsoft Teams. No one provided public comments during the public meeting. The public

- 86 comment period was held open until December 20, 2022. No written submissions of public
87 comments were received during the public comment period.
- 88 ■ On January 4, 2023, the Legislative Operating Committee accepted the public comment review
89 memorandum identifying no public comments were received.
 - 90 ■ On January 18, 2023, the Legislative Operating Committee approved the draft, legislative analysis,
91 and fiscal impact statement review memorandum, and forwarded these materials to the Finance
92 Department directing that a fiscal impact statement be prepared and submitted to the LOC by
93 February 15, 2023.
 - 94 ■ On February 15, 2023, the Finance Administration provided the fiscal impact statement.
- 95 **B.** The Legislative Operating Committee has held the following work meetings specific to the proposed
96 emergency amendments to this Law:
- 97 ■ July 18, 2022: Work Session with Governmental Administrative Office, General Manager, and
98 Emergency Management Department.
 - 99 ■ August 2, 2022: Work Session with Governmental Administrative Office, General Manager, and
100 Emergency Management Department.
 - 101 ■ August 25, 2022: Work Session with Governmental Administrative Office, General Manager, and
102 Emergency Management Department.
 - 103 ■ August 25, 2022: LOC work session.
 - 104 ■ August 30, 2022: LOC work session with the Emergency Management Department.
 - 105 ■ October 4, 2022: Work Session with Gaming General Manager and Staff, General Manager,
106 Finance Administration, and the Emergency Management Director.
 - 107 ■ November 4, 2022: Work session with Finance Administration, Gaming General Manager, Gaming
108 Management, General Manager, Retail General Manager, Emergency Management Director.

110 SECTION 5. CONTENTS OF THE LEGISLATION

- 111 **A. *Emergency Management Operations Team.*** Previously the Law provided that there be an Oneida
112 Nation Emergency Planning Committee which consisted of representatives from entities and a
113 community representative as identified in the Oneida Nation Emergency Planning Committee bylaws
114 as approved by the Oneida Business. The proposed amendments to the Law eliminate the Oneida Nation
115 Emergency Planning Committee and replace it with an Emergency Management Operations Team. [3
116 *O.C. 302.5-1*]. The Emergency Management Operations Team consists of representatives from entities
117 as identified by the Emergency Management Director. *Id.* The purpose of the Emergency Management
118 Operations Team remains the same as the purpose of the Oneida Nation Emergency Planning
119 Committee, which is to assist the Emergency Management Director in drafting and maintaining the
120 Emergency Response Plan, as well as to assist the Emergency Management Director in the
121 implementation of any provision of the Law or any plan issued thereunder. [3 *O.C. 302.5-2*].
122 Additionally, a new provision added to the Law sets expectations for the Emergency Management
123 Operations Team by providing the requirement that members attend meetings, or send a designee in
124 their absence, and comply with any training requirements set forth by the Emergency Management
125 Director. [3 *O.C. 302.5-3*].
- 126 ■ ***Effect.*** The proposed amendments to the Law replace the Oneida Nation Emergency Planning
127 Committee with the Emergency Management Operations Team. This revision demonstrates
128 that the Nation is better suited with the Emergency Management Operations Team which exists
129 not as a board, committee, or commission of the Nation, but instead as a network of different

130 employee positions throughout the Nation that all have a responsibility to aid in the Nation's
131 response to emergencies. This eliminates the previous difficulty in composing this Team to
132 meet the needs of the Nation for an emergency response since a conflict with section 105.15-3
133 of the Boards, Committees, and Commissions law no longer exists, and the direct reports and
134 employees of those designated areas can now participate on this Emergency Management
135 Operations Team to achieve the best emergency response for the Nation.

136 **B. *Emergency Briefings.*** A new provision was added to the Law which requires that within forty-eight
137 (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in
138 conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida
139 Business Committee regarding the status of the emergency, actions taken to address the emergency,
140 and the activation of the Emergency Response Plan. [3 O.C. 302.8-4]. The Oneida Business Committee
141 may then direct the Director to provide additional emergency briefings. *Id.*

142 ▪ ***Effect.*** The new provision ensures that the Emergency Management Director is briefing the
143 Oneida Business Committee on the status of the emergency, actions taken to address the
144 emergency, and the activation of the Emergency Response Plan so that the Oneida Business
145 Committee stays informed on an emergency occurring within the Nation in an effort to make
146 better policy decisions and provide greater communication to the community.

147 **C. *Preliminary Emergency Assessment Report.*** A new provision was added to the Law which requires
148 that after an emergency has subsided, the Director shall prepare, or shall work in conjunction with the
149 appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida
150 Business Committee, any interested entity, and the public. [3 O.C. 302.8-5]. This report is required to
151 be presented to the parties no later than thirty (30) days after the emergency has subsided, unless an
152 extension is granted by the Oneida Business Committee.

153 ▪ ***Effect.*** The new provision to the Law ensures the Emergency Management Director is
154 providing the Oneida Business Committee, any interested entity, and the public with a
155 preliminary report that reviews the Nation's response to an emergency and identifies any areas
156 in which the response could have been improved. Providing this information in a preliminary
157 emergency assessment report allows the Nation to be best prepared in how to improve
158 emergency response, in case an additional emergency occurs before the full analysis of a
159 particular emergency response can be provided in the after-action report.

160 **D. *Extension of the Timeframe for an After-Action Report.*** Previously, the Law provided that after an
161 emergency has subsided, the Emergency Director shall prepare, or shall work in conjunction with the
162 appropriate entity to prepare, an after-action report to be presented to the Oneida Business Committee,
163 any interested entity, and the public no later than sixty (60) days after the emergency has subsided,
164 unless an extension is granted by the Oneida Business Committee. The amendments to the Law extend
165 the timeframe for when an after-action report is required to be presented from sixty (60) days to ninety
166 (90) days. [3 O.C. 302.8-6].

167 ▪ ***Effect.*** The amendments to the Law provide the Emergency Management Director additional
168 time to prepare an after-action report to be presented to the Oneida Business Committee, any
169 interested entity, and the public. The Emergency Management Director informed the
170 Legislative Operating Committee that sixty (60) days is not a sufficient time allowance to
171 complete this report, especially when there are times that information needs to be collected
172 from other agencies to be included in the report.

173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215

SECTION 6. EXISTING LEGISLATION

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

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

- 216 ▪ The Boards, Committees, and Commissions law provides that direct reports to the
217 Oneida Business Committee or General Manager, or are employees of the Nation’s
218 Internal Audit Department, Finance Administration, Law Office, Business Committee
219 Support Office, or Intergovernmental Affairs and Communications are ineligible to
220 serve on an appointed or elected boards, committee, or commission of the Nation. [1
221 O.C. 105.15-3].
222 ▪ The proposed amendments to the Law replace the Oneida Nation Emergency Planning
223 Committee with the Emergency Management Operations Team to eliminate any
224 conflict with section 105.15-3 of the Boards, Committees, and Commissions law.
225

226 SECTION 7. OTHER CONSIDERATIONS

- 227 A. **Deadline for Permanent Adoption of Legislation.** The emergency amendments to the Law will expire
228 on March 14, 2022. The emergency legislation may be renewed for an additional six (6) month period.
229 ▪ *Conclusion:* The Legislative Operating Committee will need to determine if the adoption of these
230 amendments is necessary on a permanent basis, and if so, develop the permanent amendments to
231 this Law within the next six (6) to twelve (12) months.
- 232 B. **Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all
233 legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-
234 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*
235 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
236 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
237 completing the fiscal impact statement.
238 ▪ *Conclusion.* The Legislative Operating Committee received a fiscal impact statement from the
239 Finance Administration on February 15, 2023.

240
241

Title 3. Health and Public Safety – Chapter 302
Yotlihokté Olihwá:ke
Matters that are concerning immediate attention
EMERGENCY MANAGEMENT

- 302.1. Purpose and Policy
- 302.2. Adoption, Amendment, Conflicts
- 302.3. Definitions
- 302.4. Emergency Management Department
- 302.5. ~~Oneida Nation~~ Emergency ~~Planning Committee~~ Management Operations Team
- 302.6. Entity Cooperation
- 302.7. Public Health Emergencies
- 302.8. Proclamation of an Emergency
- 302.9. Emergency Core Decision Making Team
- 302.10. Enforcement and Penalties

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

302.1. Purpose and Policy

302.1-1. *Purpose.* The purpose of this law is to:

- (a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster;
- (b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations;
- (c) establish the use of the National Incident Management System (NIMS); and
- (d) designate authority and responsibilities for public health preparedness.

302.1-2. *Policy.* It is the policy of the Nation to provide:

- (a) a description of the emergency management network of the Nation;
- (b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of the Nation’s emergency response plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and
- (c) for all expenditures made in connection with such emergency management activities to be deemed specifically for the protection and benefit of the inhabitants, property, and environment of the Reservation.

302.2. Adoption, Amendment, Repeal

302.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-15-98-A ~~and~~₂ amended by resolution BC-12-20-06-G, BC-05-13-09-F, ~~and~~ BC-03-10-21-A~~;~~, ~~and~~ BC- ~~-~~
 ~~- - -~~.

302.2-2. This law may be amended or repealed by the Oneida Business Committee ~~and~~/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

302.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

302.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

302.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

302.3. Definitions

302.3-1. This section shall govern the definitions of words or phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Biological agent” means an infectious disease or toxin that has the ability to adversely affect human health in a variety of ways, from mild allergic reactions to serious medical

Draft 1 for OBC Consideration (Redline to Last Permanent)

2022 03 08

- 39 conditions, and including death.
- 40 (b) “Communicable disease” means any disease transmitted from one person or animal to
- 41 another directly by contact with excreta or other discharges from the body, or indirectly via
- 42 substances or inanimate objects that may cause a public health emergency.
- 43 (c) “Community/Public Health Officer” means an agent of the Comprehensive Health
- 44 Division, or his or her designee(s), who is responsible for taking the appropriate actions in
- 45 order to prevent a public health emergency from occurring on the Reservation.
- 46 (d) “Comprehensive Health Division” means the Oneida Comprehensive Health Division,
- 47 which is authorized to issue compulsory vaccinations, require isolation, and quarantine
- 48 individuals in order to protect the public health.
- 49 (e) “Director” means the Director of the Nation’s Emergency Management Department.
- 50 (f) “Emergency” means a situation that poses an immediate risk to health, life, safety,
- 51 property, or environment which requires urgent intervention to prevent further illness,
- 52 injury, death, or other worsening of the situation.
- 53 (g) “Emergency Management Network” means the entities, volunteers, consultants,
- 54 contractors, outside agencies, and any other resources the Nation may use to facilitate inter-
- 55 agency collaboration, identify and share resources, and better prepare for local incidents
- 56 and large-scale disasters.
- 57 (h) “Emergency Response Plan” means the plan established to coordinate mitigation,
- 58 preparedness, response, and recovery activities for all emergency or disaster situations
- 59 within the Reservation.
- 60 (i) “Entity” means any agency, board, committee, commission, or department of the
- 61 Nation.
- 62 (j) “Fair Market Value” means the everyday cost of a product in an ordinary market,
- 63 absent of a disaster.
- 64 (k) “Isolation” means the separation of persons or animals presumably or actually infected
- 65 with a communicable disease, or that are disease carriers, for the usual period of
- 66 communicability of that disease in such places and under such conditions as will prevent
- 67 the direct or indirect transmission of an infectious agent to susceptible people or to those
- 68 who may spread the agent to others.
- 69 (l) “Nation” means the Oneida Nation.
- 70 (m) “National Incident Management System” or “NIMS” means the system mandated by
- 71 Homeland Security Presidential Directive 5 (HSPD 5) issued on February 28, 2003, that
- 72 provides a consistent nationwide approach for federal, state, local, and tribal governments
- 73 to work effectively and efficiently together to prepare for, prevent, respond to, and recover
- 74 from domestic incidents, regardless of cause, size, or complexity.
- 75 ~~(n) “Oneida Nation Emergency Planning Committee” means the committee that assists the~~
- 76 ~~Director in the implementation of this law.~~
- 77 ~~(n)~~ “Proclaim” means to announce officially and publicly.
- 78 ~~(p)~~ “Public Health Emergency” means the occurrence or imminent threat of an illness
- 79 or health condition which:
- 80 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a
- 81 biological agent; and
- 82 (2) poses a high probability of any of the following:
- 83 (A) a large number of deaths or serious or long-term disability among

Draft 1 for OBC Consideration (Redline to Last Permanent)
2022 03 08

84 humans; or
85 (B) widespread exposure to a biological, chemical, or radiological agent
86 that creates a significant risk of substantial future harm to a large number of
87 people.

88 (ep) “Quarantine” means the limitation of freedom of movement of persons or animals
89 that have been exposed to a communicable disease or chemical, biological, or radiological
90 agent, for a period of time equal to the longest usual incubation period of the disease or
91 until there is no risk of spreading the chemical, biological, or radiological agent. The
92 limitation of movement shall be in such manner as to prevent the spread of a communicable
93 disease or chemical, biological, or radiological agent.

94 (fq) “Reservation” means all land within the exterior boundaries of the Reservation of the
95 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and
96 any lands added thereto pursuant to federal law.

97 (sr) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the
98 judicial system that was established by Oneida General Tribal Council resolution GTC-01-
99 07-13-B, and then later authorized to administer the judicial authorities and responsibilities
100 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

101 (ts) “Vital resources” means food, water, equipment, sand, wood, or other materials
102 obtained for the protection of life, property, and/or the environment during a proclaimed
103 emergency.
104

105 **302.4. Emergency Management Department**

106 302.4-1. The Emergency Management Department shall be responsible for planning and
107 coordinating the response to a disaster or emergency that occurs within the boundaries of the
108 Reservation.

109 302.4-2. *Authority of the Director.* The Director shall be responsible for coordinating and
110 planning the operational response to an emergency and is hereby empowered to:

- 111 (a) organize and coordinate efforts of the emergency management network of the Nation;
- 112 (b) implement the Emergency Response Plan as adopted by the Oneida Business
113 Committee;
- 114 (c) facilitate coordination and cooperation between entities and resolve questions that may
115 arise among them;
- 116 (d) incorporate the HSPD 5 which requires all federal, state, local, and tribal governments
117 to administer the best practices contained in the NIMS;
- 118 (e) coordinate the development and implementation of the NIMS within the Nation;
- 119 (f) ensure that the following occurs:
 - 120 (1) an Emergency Response Plan is developed and maintained, and includes
121 training provisions for applicable personnel;
 - 122 (2) emergency resources, equipment, and communications systems are developed,
123 procured, supplied, inventoried, and accounted for;
- 124 (g) establish the line of authority as recorded in the Emergency Response Plan as adopted
125 by the Oneida Business Committee; and
- 126 (h) enter into mutual aid and service agreements with tribal, local, state, and federal
127 governments, subject to Oneida Business Committee approval.

128 302.4-3. *Action when an Emergency is Proclaimed.* In addition, in the event of a proclamation of
129 an emergency on the Reservation, the Director is hereby empowered:

Draft 1 for OBC Consideration (Redline to Last Permanent)
2022 03 08

- 130 (a) to obtain vital resources and to bind the Nation for the fair market value thereof, upon
131 approval of the Emergency Management purchasing agent, who is identified in the
132 Emergency Response Plan. If a person or business refuses to provide the resource(s)
133 required, the Director may commandeer resources for public use and bind the Nation for
134 the fair market value thereof. In the event the purchasing agent is unavailable, the chain of
135 command, as approved by the Oneida Business Committee, shall be followed.
- 136 (b) to require emergency activities of as many members of the Nation and/or employees
137 as deemed necessary.
- 138 (c) to execute all of the ordinary powers of the Director, all of the special powers conferred
139 by this law or by resolution adopted pursuant thereto, all powers conferred on the Director
140 by any agreement approved by the Oneida Business Committee, and to exercise complete
141 emergency authority over the Reservation.
- 142 (d) to coordinate with tribal, federal, state, and local authorities.

143
144 **302.5. ~~Oneida Nation Emergency Planning Committee~~ Management Operations Team**

145 302.5-1. ~~The Oneida Nation Establishment and Composition. There is hereby established an~~
146 Emergency ~~Planning Committee~~ Management Operations Team which shall consist of
147 representatives from entities ~~and a community representative of the Nation~~ as identified ~~in the~~
148 ~~Oneida Nation Emergency Planning Committee bylaws as approved by the Oneida Business~~
149 ~~Committee.~~ Director.

150 302.5-2. Purpose. The ~~Oneida Nation Emergency Planning Committee~~ Management Operations
151 Team shall meet as necessary ~~to, as determined by the Director, for the following purposes:~~

152 (a) assist the Director in drafting and maintaining the Emergency Response Plan; and

153 (b) assist the Director in ~~302.5-3. At the request of the Director, the Oneida Nation~~
154 ~~Emergency Planning Committee shall provide assistance to the Director in the~~
155 ~~implementation of the provisions of this law or any plan issued thereunder.~~

156 302.5-3. Expectations. Members of the Emergency Management Operations Team shall attend
157 meetings, or send a designee in their absence, and comply with any training requirements set forth
158 by the Director.

159
160 **302.6. Entity Cooperation**

161 302.6-1. All entities shall comply with reasonable requests from the Director relating to
162 emergency planning, emergency operations, and federal mandate compliance.

163 302.6-2. The Nation may implement more strict policies or requirements than those issued by the
164 Community/Public Health Officer.

165
166 **302.7. Public Health Emergencies**

167 302.7-1. In order to prevent a public health emergency, the Director and the Community/Public
168 Health Officer shall take action to limit the spread of any communicable disease, in accordance
169 with this law.

170 302.7-2. *Investigation of Communicable Disease.* If the Community/Public Health Officer
171 suspects or is informed of the existence of any communicable disease, the Community/Public
172 Health Officer shall investigate and make or cause examinations to be made, as are deemed
173 necessary.

174 302.7-3. *Quarantinable Diseases.* The Community/Public Health Officer shall provide a list of
175 quarantinable diseases specified in a resolution to be adopted by the Oneida Business Committee.

Draft 1 for OBC Consideration (Redline to Last Permanent)

2022 03 08

176 302.7-4. *Authority of the Community/Public Health Officer.* The Community/Public Health
177 Officer shall act as necessary to protect the public including, but not limited to, the following
178 actions:

179 (a) Request the Director to take the necessary steps to have a public health emergency
180 proclaimed;

181 (b) Quarantine, isolate, or take other communicable disease control measures upon an
182 individual(s); and

183 (c) Issue any mandate, order, and/or require restrictions which may limit the spread of any
184 communicable disease to any individual, business, or the general population of the
185 Reservation.

186 302.7-5. *Quarantine and Isolation.* The Community/Public Health Officer shall immediately
187 quarantine, isolate, and/or take other communicable disease control measures upon an individual
188 if the Community/Public Health Officer receives a diagnostic report from a physician or a written
189 or verbal notification from an individual or his or her parent or caretaker that gives the
190 Community/Public Health Officer a reasonable belief that the individual has a communicable
191 disease that is likely to cause a public health emergency.

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

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

198 (c) When the Community/Public Health Officer deems it necessary that an individual be
199 quarantined, isolated, or otherwise restricted in a separate place, the Community/Public
200 Health Officer shall have that individual removed to such a designated place, if it can be
201 done without danger to the individual's health.

202 302.7-6. *Action when a Public Health Emergency is Proclaimed.* In addition, when a public health
203 emergency is proclaimed, the Community/Public Health Officer may do all of the following, as
204 necessary:

205 (a) organize the vaccination of individuals;

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

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

209 (B) an individual, for reason of religion or conscience, refuses to obtain the
210 vaccination.

211 (b) isolate or quarantine individuals, including those who are unable or unwilling to receive
212 a vaccination; and

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

215 302.7-7. The Oneida Police Department shall take enforcement action when necessary and work
216 with the Community/Public Health Officer to execute the Community/Public Health Officer's
217 orders and properly guard any place if quarantine, isolation, or other restrictions on communicable
218 disease are violated or intent to violate becomes apparent.

219 302.7-8. Expenses for necessary medical care, food, and other articles needed for an infected
220 individual shall be charged against the individual or whoever is liable for the individual's care and
221 support.

Draft 1 for OBC Consideration (Redline to Last Permanent)

2022 03 08

222

302.8. Proclamation of an Emergency

223 302.8-1. *Proclamation of an Emergency.* The Oneida Business Committee shall be responsible
224 for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or
225 presidential declaration.
226

227 (a) The Director may request that the Oneida Business Committee proclaim the existence
228 of an emergency. The Oneida Business Committee may proclaim the existence of an
229 emergency without a request from the Director, if warranted.

230 (b) In the event the Oneida Business Committee is unable to proclaim or ratify the
231 existence of an emergency, the Director may proclaim an emergency which shall be in
232 effect until such time the Oneida Business Committee can officially ratify this declaration.

233 302.8-2. No proclamation of an emergency by the Oneida Business Committee or the Director
234 may last for longer than sixty (60) days, unless the proclamation of emergency is extended by the
235 Oneida Business Committee.

236 302.8-3. *Management Network.* The emergency management network of the Reservation shall
237 be as specified in the Emergency Response Plan, as adopted by the Oneida Business Committee.

238 302.8-4. Emergency Briefings. Within forty-eight (48) hours of an emergency, the Director shall
239 prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing
240 to be presented to the Oneida Business Committee regarding the status of the emergency, actions
241 taken to address the emergency, and the activation of the Emergency Response Plan. The Oneida
242 Business Committee may direct the Director to provide additional emergency briefings.

243 ~~302.8-5. After Action Preliminary Emergency Assessment Report.~~ After an emergency has
244 subsided, the Director shall prepare, or shall work in conjunction with the appropriate entity to
245 prepare, ~~an after-action~~ a preliminary emergency assessment report to be presented to the Oneida
246 Business Committee, any interested entity, and the public. This report shall be presented to the
247 required parties no later than ~~sixty (60)~~ thirty (30) days after the emergency has subsided, unless an
248 extension is granted by the Oneida Business Committee.

249 302.8-6. After-Action Report. After an emergency has subsided, the Director shall prepare, or
250 shall work in conjunction with the appropriate entity to prepare, an after-action report to be
251 presented to the Oneida Business Committee, any interested entity, and the public. This report
252 shall be presented to the required parties no later than ninety (90) days after the emergency has
253 subsided, unless an extension is granted by the Oneida Business Committee.

254 ~~302.8-7. 302.8-5.~~ During a proclaimed emergency, the Conservation Department shall be
255 responsible for the care, disposal, and sheltering of all abandoned domestic animals and livestock.
256 The Conservation Department may delegate this responsibility to a contracted agency.
257

302.9. Emergency Core Decision Making Team

259 302.9-1. *Emergency Core Decision Making Team.* Upon the proclamation of an emergency under
260 this law, the Oneida Business Committee may establish an Emergency Core Decision Making
261 Team through the adoption of a motion. The motion shall identify the positions of the Nation which
262 shall make up the members of the Emergency Core Decision Making Team based on the type and
263 severity of emergency the Nation is experiencing.

264 302.9-2. *Delegation of Authority.* The Emergency Core Decision Making Team shall have
265 emergency authority to take the following actions:

266 (a) Notwithstanding any requirements of the Legislative Procedures Act, declare
267 exceptions to the Nation's laws during the emergency period which will be of immediate

Draft 1 for OBC Consideration (Redline to Last Permanent)

2022 03 08

268 impact for the purposes of protecting the health, safety, and general welfare of the Nation's
269 community, members, and employees; and

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

275 302.9-3. *Declarations*. All declarations made by the Emergency Core Decision Making Team
276 shall:

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

278 (b) provide the date the declaration was issued;

279 (c) contain a clear statement of the directives;

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

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

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

284 302.9-4. *Duration of Authority for Exceptions Declared by the Emergency Core Decision Making*
285 *Team*. Any declaration made under the authority granted in this section shall be effective upon
286 the date declared by the Emergency Core Decision Making Team and shall be effective for the
287 duration of any proclaimed emergency, or for a shorter time period if identified.

288 302.9-5. *Notification to the Oneida Business Committee*. Within twenty-four (24) hours of a
289 declaration being made, the Emergency Core Decision Making Team shall provide notification of
290 the declaration to the Oneida Business Committee.

291 302.9-6. The Oneida Business Committee may modify, extend, or repeal any declaration or
292 emergency action taken by the Emergency Core Decision Making Team.

293

294 **302.10. Enforcement and Penalties**

295 302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct,
296 hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued
297 thereunder, whether or not an emergency has been proclaimed.

298 302.10-2. *Citations*. An Oneida Police Department officer may issue a citation to any person who
299 violates a provision of this law.

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

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

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

305 302.10-3. *Disciplinary Action*. An employee of the Nation who violates this law during their work
306 hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action
307 in accordance with the Nation's laws and policies governing employment.

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

311

312 *End.*

313

Draft 1 for OBC Consideration (Redline to Last Permanent)

2022 03 08

- 314 Adopted - BC-07-15-98-A
- 315 Amended - BC-12-20-06-G
- 316 Emergency Amended – BC-04-30-09-A (Influenza A (H1N1))
- 317 Amended - BC-05-13-09-F
- 318 Emergency Amended – BC-03-17-20-E (COVID-19)
- 319 Extension of Emergency – BC-08-26-20-A
- 320 Amended – BC-03-10-21-A
- 321 Emergency Amended – BC-09-14-22-B
- 322 Amended – BC- - - -

Title 3. Health and Public Safety – Chapter 302

Yotlihokté Olihwa’ke

Matters that are concerning immediate attention

EMERGENCY MANAGEMENT

302.1. Purpose and Policy

302.2. Adoption, Amendment, Conflicts

302.3. Definitions

302.4. Emergency Management Department

302.5. Emergency Management Operations Team

302.6. Entity Cooperation

302.7. Public Health Emergencies

302.8. Proclamation of an Emergency

302.9. Emergency Core Decision Making Team

302.10. Enforcement and Penalties

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

302.1. Purpose and Policy

302.1-1. *Purpose.* The purpose of this law is to:

- (a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster;
- (b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations;
- (c) establish the use of the National Incident Management System (NIMS); and
- (d) designate authority and responsibilities for public health preparedness.

302.1-2. *Policy.* It is the policy of the Nation to provide:

- (a) a description of the emergency management network of the Nation;
- (b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of the Nation’s emergency response plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and
- (c) for all expenditures made in connection with such emergency management activities to be deemed specifically for the protection and benefit of the inhabitants, property, and environment of the Reservation.

302.2. Adoption, Amendment, Repeal

302.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-15-98-A, amended by resolution BC-12-20-06-G, BC-05-13-09-F, BC-03-10-21-A, and BC-__-__-__-__.

302.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

302.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

302.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

302.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

302.3. Definitions

302.3-1. This section shall govern the definitions of words or phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Biological agent” means an infectious disease or toxin that has the ability to adversely affect human health in a variety of ways, from mild allergic reactions to serious medical conditions, and including death.

Draft 1 for OBC Consideration
2022 03 08

- 39 (b) “Communicable disease” means any disease transmitted from one person or animal to
40 another directly by contact with excreta or other discharges from the body, or indirectly via
41 substances or inanimate objects that may cause a public health emergency.
- 42 (c) “Community/Public Health Officer” means an agent of the Comprehensive Health
43 Division, or his or her designee(s), who is responsible for taking the appropriate actions in
44 order to prevent a public health emergency from occurring on the Reservation.
- 45 (d) “Comprehensive Health Division” means the Oneida Comprehensive Health Division,
46 which is authorized to issue compulsory vaccinations, require isolation, and quarantine
47 individuals in order to protect the public health.
- 48 (e) “Director” means the Director of the Nation’s Emergency Management Department.
- 49 (f) “Emergency” means a situation that poses an immediate risk to health, life, safety,
50 property, or environment which requires urgent intervention to prevent further illness,
51 injury, death, or other worsening of the situation.
- 52 (g) “Emergency Management Network” means the entities, volunteers, consultants,
53 contractors, outside agencies, and any other resources the Nation may use to facilitate inter-
54 agency collaboration, identify and share resources, and better prepare for local incidents
55 and large-scale disasters.
- 56 (h) “Emergency Response Plan” means the plan established to coordinate mitigation,
57 preparedness, response, and recovery activities for all emergency or disaster situations
58 within the Reservation.
- 59 (i) “Entity” means any agency, board, committee, commission, or department of the
60 Nation.
- 61 (j) “Fair Market Value” means the everyday cost of a product in an ordinary market,
62 absent of a disaster.
- 63 (k) “Isolation” means the separation of persons or animals presumably or actually infected
64 with a communicable disease, or that are disease carriers, for the usual period of
65 communicability of that disease in such places and under such conditions as will prevent
66 the direct or indirect transmission of an infectious agent to susceptible people or to those
67 who may spread the agent to others.
- 68 (l) “Nation” means the Oneida Nation.
- 69 (m) “National Incident Management System” or “NIMS” means the system mandated by
70 Homeland Security Presidential Directive 5 (HSPD 5) issued on February 28, 2003, that
71 provides a consistent nationwide approach for federal, state, local, and tribal governments
72 to work effectively and efficiently together to prepare for, prevent, respond to, and recover
73 from domestic incidents, regardless of cause, size, or complexity.
- 74 (n) “Proclaim” means to announce officially and publicly.
- 75 (o) “Public Health Emergency” means the occurrence or imminent threat of an illness or
76 health condition which:
- 77 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a
78 biological agent; and
- 79 (2) poses a high probability of any of the following:
- 80 (A) a large number of deaths or serious or long-term disability among
81 humans; or
- 82 (B) widespread exposure to a biological, chemical, or radiological agent
83 that creates a significant risk of substantial future harm to a large number of

Draft 1 for OBC Consideration
2022 03 08

- 84 people.
- 85 (p) “Quarantine” means the limitation of freedom of movement of persons or animals that
86 have been exposed to a communicable disease or chemical, biological, or radiological
87 agent, for a period of time equal to the longest usual incubation period of the disease or
88 until there is no risk of spreading the chemical, biological, or radiological agent. The
89 limitation of movement shall be in such manner as to prevent the spread of a communicable
90 disease or chemical, biological, or radiological agent.
- 91 (q) “Reservation” means all land within the exterior boundaries of the Reservation of the
92 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and
93 any lands added thereto pursuant to federal law.
- 94 (r) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the
95 judicial system that was established by Oneida General Tribal Council resolution GTC-01-
96 07-13-B, and then later authorized to administer the judicial authorities and responsibilities
97 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.
- 98 (s) “Vital resources” means food, water, equipment, sand, wood, or other materials
99 obtained for the protection of life, property, and/or the environment during a proclaimed
100 emergency.

101

102 **302.4. Emergency Management Department**

103 302.4-1. The Emergency Management Department shall be responsible for planning and
104 coordinating the response to a disaster or emergency that occurs within the boundaries of the
105 Reservation.

106 302.4-2. *Authority of the Director.* The Director shall be responsible for coordinating and
107 planning the operational response to an emergency and is hereby empowered to:

- 108 (a) organize and coordinate efforts of the emergency management network of the Nation;
109 (b) implement the Emergency Response Plan as adopted by the Oneida Business
110 Committee;
111 (c) facilitate coordination and cooperation between entities and resolve questions that may
112 arise among them;
113 (d) incorporate the HSPD 5 which requires all federal, state, local, and tribal governments
114 to administer the best practices contained in the NIMS;
115 (e) coordinate the development and implementation of the NIMS within the Nation;
116 (f) ensure that the following occurs:
117 (1) an Emergency Response Plan is developed and maintained, and includes
118 training provisions for applicable personnel;
119 (2) emergency resources, equipment, and communications systems are developed,
120 procured, supplied, inventoried, and accounted for;
121 (g) establish the line of authority as recorded in the Emergency Response Plan as adopted
122 by the Oneida Business Committee; and
123 (h) enter into mutual aid and service agreements with tribal, local, state, and federal
124 governments, subject to Oneida Business Committee approval.

125 302.4-3. *Action when an Emergency is Proclaimed.* In addition, in the event of a proclamation of
126 an emergency on the Reservation, the Director is hereby empowered:

- 127 (a) to obtain vital resources and to bind the Nation for the fair market value thereof, upon
128 approval of the Emergency Management purchasing agent, who is identified in the
129 Emergency Response Plan. If a person or business refuses to provide the resource(s)

Draft 1 for OBC Consideration
2022 03 08

130 required, the Director may commandeer resources for public use and bind the Nation for
131 the fair market value thereof. In the event the purchasing agent is unavailable, the chain of
132 command, as approved by the Oneida Business Committee, shall be followed.

133 (b) to require emergency activities of as many members of the Nation and/or employees
134 as deemed necessary.

135 (c) to execute all of the ordinary powers of the Director, all of the special powers conferred
136 by this law or by resolution adopted pursuant thereto, all powers conferred on the Director
137 by any agreement approved by the Oneida Business Committee, and to exercise complete
138 emergency authority over the Reservation.

139 (d) to coordinate with tribal, federal, state, and local authorities.

140

141 **302.5. Emergency Management Operations Team**

142 302.5-1. *Establishment and Composition.* There is hereby established an Emergency Management
143 Operations Team which shall consist of representatives from entities of the Nation as identified by
144 the Director.

145 302.5-2. *Purpose.* The Emergency Management Operations Team shall meet as necessary, as
146 determined by the Director, for the following purposes:

147 (a) assist the Director in drafting and maintaining the Emergency Response Plan; and

148 (b) assist the Director in the implementation of the provisions of this law or any plan issued
149 thereunder.

150 302.5-3. *Expectations.* Members of the Emergency Management Operations Team shall attend
151 meetings, or send a designee in their absence, and comply with any training requirements set forth
152 by the Director.

153

154 **302.6. Entity Cooperation**

155 302.6-1. All entities shall comply with reasonable requests from the Director relating to
156 emergency planning, emergency operations, and federal mandate compliance.

157 302.6-2. The Nation may implement more strict policies or requirements than those issued by the
158 Community/Public Health Officer.

159

160 **302.7. Public Health Emergencies**

161 302.7-1. In order to prevent a public health emergency, the Director and the Community/Public
162 Health Officer shall take action to limit the spread of any communicable disease, in accordance
163 with this law.

164 302.7-2. *Investigation of Communicable Disease.* If the Community/Public Health Officer
165 suspects or is informed of the existence of any communicable disease, the Community/Public
166 Health Officer shall investigate and make or cause examinations to be made, as are deemed
167 necessary.

168 302.7-3. *Quarantinable Diseases.* The Community/Public Health Officer shall provide a list of
169 quarantinable diseases specified in a resolution to be adopted by the Oneida Business Committee.

170 302.7-4. *Authority of the Community/Public Health Officer.* The Community/Public Health
171 Officer shall act as necessary to protect the public including, but not limited to, the following
172 actions:

173 (a) Request the Director to take the necessary steps to have a public health emergency
174 proclaimed;

Draft 1 for OBC Consideration
2022 03 08

- 175 (b) Quarantine, isolate, or take other communicable disease control measures upon an
176 individual(s); and
177 (c) Issue any mandate, order, and/or require restrictions which may limit the spread of any
178 communicable disease to any individual, business, or the general population of the
179 Reservation.

180 302.7-5. *Quarantine and Isolation.* The Community/Public Health Officer shall immediately
181 quarantine, isolate, and/or take other communicable disease control measures upon an individual
182 if the Community/Public Health Officer receives a diagnostic report from a physician or a written
183 or verbal notification from an individual or his or her parent or caretaker that gives the
184 Community/Public Health Officer a reasonable belief that the individual has a communicable
185 disease that is likely to cause a public health emergency.

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

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

192 (c) When the Community/Public Health Officer deems it necessary that an individual be
193 quarantined, isolated, or otherwise restricted in a separate place, the Community/Public
194 Health Officer shall have that individual removed to such a designated place, if it can be
195 done without danger to the individual's health.

196 302.7-6. *Action when a Public Health Emergency is Proclaimed.* In addition, when a public health
197 emergency is proclaimed, the Community/Public Health Officer may do all of the following, as
198 necessary:

199 (a) organize the vaccination of individuals;

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

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

203 (B) an individual, for reason of religion or conscience, refuses to obtain the
204 vaccination.

205 (b) isolate or quarantine individuals, including those who are unable or unwilling to receive
206 a vaccination; and

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

209 302.7-7. The Oneida Police Department shall take enforcement action when necessary and work
210 with the Community/Public Health Officer to execute the Community/Public Health Officer's
211 orders and properly guard any place if quarantine, isolation, or other restrictions on communicable
212 disease are violated or intent to violate becomes apparent.

213 302.7-8. Expenses for necessary medical care, food, and other articles needed for an infected
214 individual shall be charged against the individual or whoever is liable for the individual's care and
215 support.

216

217 **302.8. Proclamation of an Emergency**

218 302.8-1. *Proclamation of an Emergency.* The Oneida Business Committee shall be responsible
219 for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or
220 presidential declaration.

Draft 1 for OBC Consideration
2022 03 08

221 (a) The Director may request that the Oneida Business Committee proclaim the existence
222 of an emergency. The Oneida Business Committee may proclaim the existence of an
223 emergency without a request from the Director, if warranted.

224 (b) In the event the Oneida Business Committee is unable to proclaim or ratify the
225 existence of an emergency, the Director may proclaim an emergency which shall be in
226 effect until such time the Oneida Business Committee can officially ratify this declaration.

227 302.8-2. No proclamation of an emergency by the Oneida Business Committee or the Director
228 may last for longer than sixty (60) days, unless the proclamation of emergency is extended by the
229 Oneida Business Committee.

230 302.8-3. *Management Network.* The emergency management network of the Reservation shall
231 be as specified in the Emergency Response Plan, as adopted by the Oneida Business Committee.

232 302.8-4. *Emergency Briefings.* Within forty-eight (48) hours of an emergency, the Director shall
233 prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing
234 to be presented to the Oneida Business Committee regarding the status of the emergency, actions
235 taken to address the emergency, and the activation of the Emergency Response Plan. The Oneida
236 Business Committee may direct the Director to provide additional emergency briefings.

237 302.8-5. *Preliminary Emergency Assessment Report.* After an emergency has subsided, the
238 Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a
239 preliminary emergency assessment report to be presented to the Oneida Business Committee, any
240 interested entity, and the public. This report shall be presented to the required parties no later than
241 thirty (30) days after the emergency has subsided, unless an extension is granted by the Oneida
242 Business Committee.

243 302.8-6. *After-Action Report.* After an emergency has subsided, the Director shall prepare, or
244 shall work in conjunction with the appropriate entity to prepare, an after-action report to be
245 presented to the Oneida Business Committee, any interested entity, and the public. This report
246 shall be presented to the required parties no later than ninety (90) days after the emergency has
247 subsided, unless an extension is granted by the Oneida Business Committee.

248 302.8-7. During a proclaimed emergency, the Conservation Department shall be responsible for
249 the care, disposal, and sheltering of all abandoned domestic animals and livestock. The
250 Conservation Department may delegate this responsibility to a contracted agency.

251
252 **302.9. Emergency Core Decision Making Team**

253 302.9-1. *Emergency Core Decision Making Team.* Upon the proclamation of an emergency under
254 this law, the Oneida Business Committee may establish an Emergency Core Decision Making
255 Team through the adoption of a motion. The motion shall identify the positions of the Nation which
256 shall make up the members of the Emergency Core Decision Making Team based on the type and
257 severity of emergency the Nation is experiencing.

258 302.9-2. *Delegation of Authority.* The Emergency Core Decision Making Team shall have
259 emergency authority to take the following actions:

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

264 (b) Notwithstanding any requirements in any policy, procedure, regulation, or standard
265 operating procedures, declare exceptions to any policy, procedure, regulation, or standard
266 operating procedure during the emergency period which will be of immediate impact for

Draft 1 for OBC Consideration
2022 03 08

267 the purposes of protecting the health, safety, and general welfare of the Nation's
268 community, members, and employees.

269 302.9-3. *Declarations*. All declarations made by the Emergency Core Decision Making Team
270 shall:

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

278 302.9-4. *Duration of Authority for Exceptions Declared by the Emergency Core Decision Making*
279 *Team*. Any declaration made under the authority granted in this section shall be effective upon
280 the date declared by the Emergency Core Decision Making Team and shall be effective for the
281 duration of any proclaimed emergency, or for a shorter time period if identified.

282 302.9-5. *Notification to the Oneida Business Committee*. Within twenty-four (24) hours of a
283 declaration being made, the Emergency Core Decision Making Team shall provide notification of
284 the declaration to the Oneida Business Committee.

285 302.9-6. The Oneida Business Committee may modify, extend, or repeal any declaration or
286 emergency action taken by the Emergency Core Decision Making Team.

287

288 **302.10. Enforcement and Penalties**

289 302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct,
290 hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued
291 thereunder, whether or not an emergency has been proclaimed.

292 302.10-2. *Citations*. An Oneida Police Department officer may issue a citation to any person who
293 violates a provision of this law.

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

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

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

299 302.10-3. *Disciplinary Action*. An employee of the Nation who violates this law during their work
300 hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action
301 in accordance with the Nation's laws and policies governing employment.

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

305

306 *End.*

307

308 Adopted - BC-07-15-98-A

309 Amended - BC-12-20-06-G

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

311 Amended - BC-05-13-09-F

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

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

Draft 1 for OBC Consideration
2022 03 08

- 314 Amended – BC-03-10-21-A
- 315 Emergency Amended – BC-09-14-22-B
- 316 Amended – BC-__-__-__-__

FINANCE ADMINISTRATION
Fiscal Impact Statement



MEMORANDUM

To: David Jordan, LOC Chairman
 From: Keith Doxtator, CFO
 Date: February 7th, 2023
 RE: Emergency Management Law Amendments

I. Estimated Fiscal Impact Summary:

Law: Emergency Management		
Implementing Agency	Emergency Management Department	
Estimated Time to Comply	Upon adoption of the law	
Estimated Impact	Current Fiscal Year	Ten Year Estimate
Total Estimated Fiscal Impact		

II. Background:

The amendments to the Emergency Management law eliminates the Emergency Planning Committee and replaces it with an Emergency Management Operations Team. Additionally, these amendments detail Emergency Briefings and After-Action Reports assigning these responsibilities to the Director the of the Emergency Management Department.

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 costs, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

This fiscal impact statement will review only the impact of the amendments, not the law in its entirety.

IV. Financial Impact:

Neither change presented, the Committee to Team, nor the reporting requirements present financial considerations. I have confirmed with the Emergency Management Director that no staff would need to be hired to fill out the Team, and that reporting requirements will fall wither current job duties.

V. Recommendation:

Finance Department can confirm these amendments do not produce a fiscal impact, and accordingly does not make a recommendation to adopt these amendments or not. We hope these disclosure help provide the Oneida Business Committee and General Tribal Council the information needed to render their decision.

Enter the e-poll results into the record regarding the adopted BC resolution 02-23-23-A Oneida Nation...

Business Committee Agenda Request

1. Meeting Date Requested: 03/08/23

2. General Information:

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

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|--|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input checked="" type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

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

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1

From: [Secretary](#)
To: [Secretary](#); [Tehassi Tasi Hill](#); [Brandon L. Yellowbird-Stevens](#); [Lisa A. Liggins](#); [Daniel P. Guzman](#); [David P. Jordan](#); [Kirby W. Metoxen](#); [Ethel M. Cornelius](#); [Jennifer A. Webster](#)
Cc: [Danelle A. Wilson](#); [Rhiannon R. Metoxen](#); [Kristal E. Hill](#); [Mark W. Powless - General Mgr](#); [Donald M. Miller](#); [Lori S. Hill](#); [BC Agenda Requests](#)
Subject: E-POLL RESULTS: Adopt resolution entitled Oneida Nation Food Processing Technical Assistance Project Grant Application
Date: Thursday, February 23, 2023 4:30:40 PM
Attachments: [BCAR Adopt resolution entitled Oneida Nation Food processing Technical Assistance Project Grant Application.pdf](#)

E-POLL RESULTS

The e-poll to adopt resolution entitled Oneida Nation Food Processing Technical Assistance Project Grant Application, **has carried**. Below are the results:

Support: Marie Cornelius, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Jennifer Webster

Aliskwet Ellis
Senior Information Management Specialist
Government Administrative Office

From: Secretary <TribalSecretary@oneidanation.org>
Sent: Wednesday, February 22, 2023 4:15 PM
To: Secretary <TribalSecretary@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>; Brandon L. Yellowbird-Stevens <bstevens@oneidanation.org>; Lisa A. Liggins <lliggins@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Ethel M. Cornelius <ecornel2@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>
Cc: Danelle A. Wilson <dwilson1@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Kristal E. Hill <khill@oneidanation.org>
Subject: E-POLL REQUEST: Adopt resolution entitled Oneida Nation Food Processing Technical Assistance Project Grant Application

E-POLL REQUEST

Summary:

The purpose of this resolution is to support the Nation's plans to establish its food sovereignty. The USDA grant provides up to \$50,000 to Oneida Community Integrated Food Systems to pay for a higher level food handling training and certification for Oneida Tribal food producers and vendors interested in selling their food related products off the reservation. The project will also teach Tribal community members the best way to process and handle fresh meats. The grant requires no match and will not affect Tribal Contribution. The grant requires a Tribal resolution as part of the application.

Justification for E-Poll:

Due to the short notice of this grant application and the deadline to submit grant application being February 28, 2023, which is before the next Business Committee meeting, an e-poll has been requested.

-

Requested Action:

Adopt resolution entitled Oneida Nation Food Processing Technical Assistance Project Grant Application

-

Deadline for response:

Responses are due no later than 4:30 p.m., Thursday, February 23, 2023.

-

Voting:

1. Use the voting button above, if available; OR
2. Reply with "Support" or "Oppose".

Aliskwet Ellis

Senior Information Management Specialist
Government Administrative Office

O: 920.869.4408 • E: cellis1@oneidanation.org

P.O. Box 365 • Oneida, WI • 54155



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

CONFIDENTIALITY NOTICE: This message and any included attachments are intended only for the addressee. This message may contain privileged, confidential, or proprietary information. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy.

Business Committee Agenda Request

1. Meeting Date Requested: 02/22/23

2. Session:

Open Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Enter the requested motion related to this item.

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: Agriculture

5. Additional attendees needed for this request:

Mark W. Powless, General Manager

Vanessa Miller, Agriculture Area Manager

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

6. Supporting Documents:

- Bylaws
- Fiscal Impact Statement
- Presentation
- Contract Document(s)
- Law
- Report
- Correspondence
- Legal Review
- Resolution
- Draft GTC Notice
- Minutes
- Rule (adoption packet)
- Draft GTC Packet
- MOU/MOA
- Statement of Effect
- E-poll results/back-up
- Petition
- Travel Documents
- Other: *Describe*

7. Budget Information:

- Budgeted – Tribal Contribution
- Budgeted – Grant Funded
- Unbudgeted
- Not Applicable
- Other: *Describe*

8. Submission:

Mark W. Powless

Digitally signed by Mark W.
Powless
Date: 2023.02.22 10:34:36 -06'00'

Authorized Sponsor: Mark W. Powless, General Manager

Primary Requestor: Vanessa Miller, Agriculture Area Manager

EPoll Request USDA Grant application

Summary:

The purpose of this resolution is to support the Nation's plans to establish its food sovereignty. The USDA grant will fund a project that will provide a higher level of food handling training that will make it possible for Oneida food producers and vendors to sell their products off the reservation. The project will also teach tribal community members the best way to process and handle fresh meats. The grant provides up to \$50,000. to OCIFS to pay for food handling training and certification for Oneida Tribal members interested in selling their food related products off the reservation. The grant requires no match and will not affect Tribal contribution. The grant requires a Tribal resolution as part of the application.

Justification for E-Poll:

Due to the short notice of this grant application. Deadline to submit grant application is February 28th, 2023.

Requested Action:

We make a proposed motion that the Oneida Business Committee support this program and pass a **motion to support this resolution** (attached) **by E-Poll**.

Deadline for response:

Deadline for Response from Secretary's office is **February 27th**, 2023.

We are unable to wait for the next BC Meeting and are requesting an EPoll. Due to the short notice of this grant application and the submission deadline being February 28th, 2023, we are requesting an E-Poll.

(Questions should be directed to: Don Miller, 920-496-7329, Dmiller1@oneidanation.org)

GRANT PROPOSAL AUTHORIZATION FORM

ONEIDA GRANTS OFFICE

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

Form instructions: Fill in all information requested. To enter data in the grey areas; a drop down called "form field option" 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: OCIFS	Division/Non-Division: Environmental, Health, Safety, Land & Agriculture	
Program: Food Safety	Program Accountant: Cindy Seeley	
Person Responsible for proposal development: William VerVoort		Phone: (920) 869-4595
Person Responsible for grant administration: Vanessa Miller		Phone: (920) 869-1600
Project Title: Oneida Nation Food processing Technical Assistance Project		

GRANT INFORMATION

Name of Funding Source: USDA		Type (pick one): Federal
Title of Grant: Rural Business Development Grant Program		CFDA No: 10.351
Application Deadline: February 28, 2023		Maximum Grant Amount: \$500,000.00
Project Period (dates): 6/1/23 – 5/31/25	Budget Period (dates): 6/1/23 – 5/31/25	Type of Project (pick one): New
Maximum Match Requested (% or \$): N/A		Match Type (pick one): None
Is a Tribal resolution required? If yes, please notify Grants Office immediately. Yes		

Will this grant create a: New position No Committee No Commission No Board No

If Yes to new position has HRD been informed? No

If Yes to any of above, has MIS been informed for computer needs? No

If Yes to any of above, has Facilities Management been informed for space needs? No

Will this grant fund an existing position? No Name of Position(s):

If YES, attach draft job description for all grant funded positions.

PLEASE NOTE: Position/employee will be phased out when grant funding ends.

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: The Purpose of this grant is to provide food handling training to Tribal members and others who might benefit from it as a stepping stone to federal food handling certification. The program will help the development of Tribal food sovereignty and support the economic development and food safety for those who participate. The grant requires no match and will not affect Tribal contribution.

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 X No NA

Reporting: Quarterly Semi-Annually X 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.

Vanessa Miller Digitally signed by Vanessa Miller
Date: 2023.02.16 17:10:14 -06'00'

1. Supervisor Signature **Date**

SIGNATURE VERIFIES & APPROVES ANY MATCH

Nicole Rommel Digitally signed by Nicole Rommel
Date: 2023.02.16 13:37:47 -06'00'

2. Division/Non-Division Director Signature **Date**

SIGNATURE APPROVES GRANT PROJECT & ANY MATCH

Donald M Miller Digitally signed by Donald M Miller
Date: 2023.02.17 09:28:08 -06'00'

3. Grants Office Signature **Date**

FINAL SIGNATURE PRIOR TO OBTAINING OBC SIGNATURES

Revised: 4/22/2021
GO-001

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Leave this line blank
Oneida Nation Food Processing Technical Assistance Project Grant Application

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

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 long supported the concept of Tribal Food Sovereignty and economic development; and

WHEREAS, this project will support the economic development of local food producers including Oneida Tribal members; and

WHEREAS, this project will contribute to Oneida Nation food sovereignty by increasing the amount of locally produced foods that are available for sale; and

WHEREAS, this grant will provide \$50,000 to Oneida Community Integrated Food Systems (OCIFS) to pay for this two (2) year project and requires no match; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Nation Business Committee supports OCIFS grant application and gives its permission for this application to go forward.

BE IT FINALLY RESOLVED, that the Tribal Chairman is empowered by his office to sign any and all documents and agreements associated with this grant application.

PLEASE NOTE:

1. DO NOT include the Certification. The Certification includes the voting record and Secretary signature line and will be added after the adoption of the resolution.
2. If resolution runs to 2 or more pages, make sure to update the header with the TITLE

Accept the January 5, 2023, regular Community Development Planning Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 03/08/23

2. General Information:

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

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

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

5. Submission:

Authorized Sponsor: Brandon Stevens, Vice-Chairman

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1

Community Development Planning Committee



Regular Meeting
9:00 a.m. Thursday, January 5, 2023
Microsoft Teams

Minutes

Regular Meeting

Present: Chair Brandon Stevens, Vice Chair Daniel Guzman King, Members: Tehassi Hill

Excused: Marie Cornelius

Arrived at: Kirby Metoxen arrived at 9:07 a.m.

Others Present: Nancy Barton, Jacque Boyle, Barbara Cornelius, Brooke Doxtator, Kaylynn Gresham, Kristal Hill, Jeffrey House, David P. Jordan, Tina Jorgenson, Rhiannon Metoxen, Sharon Mousseau, Justin Nishimoto, Mark W. Powless, Kevin Rentmeester, Artley Skenandore, Rae Skenandore, Mike Troge, Paul Witek;

I. CALL TO ORDER AND ROLL CALL

Meeting called to order by Chairman Brandon Stevens at 9:00 a.m.

II. ADOPT THE AGENDA

Motion by Tehassi Hill to adopt the agenda, seconded by Daniel Guzman King. Motion carried.

Ayes: Daniel Guzman King, Tehassi Hill

Item VI.A. addressed next

III. MEETING MINUTES

A. Approve the December 8, 2022, regular Community Development Planning Committee meeting minutes

Sponsor: Brandon Stevens

Motion by Tehassi Hill to approve the December 8, 2022, regular Community Development Planning Committee meeting minutes, seconded by Daniel Guzman King. Motion carried.

Ayes: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

IV. UNFINISHED BUSINESS

V. NEW BUSINESS**A. Accept the CDC #13-011 Oneida Nation High School status report**

Sponsor: Mark W. Powless/Paul Witek

Motion by Tehassi Hill to accept the CDC #13-011 Oneida Nation High School status report and add to standing updates monthly, seconded by Kirby Metoxen. Motion carried.

Ayes: Tehassi Hill, Kirby Metoxen
 Abstained: Daniel Guzman King

B. Determine next steps regarding the Health Campus Microgrid Project Overview (presentation will be provided in meeting)

Sponsor: Mark W. Powless/Mike Troge

Motion by Daniel Guzman King to accept the report and add to standing updates quarterly, seconded by Tehassi Hill. Motion carried.

Ayes: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

C. Accept the CDC #16-011 Oneida Recreation Complex status report

Sponsor: Mark W. Powless/Paul Witek

Motion by Kirby Metoxen to accept the CDC #16-011 Oneida Recreation Complex status report and add to standing updates monthly, seconded by Tehassi Hill. Motion carried.

Ayes: Tehassi Hill, Kirby Metoxen
 Abstained: Daniel Guzman King

VI. STANDING UPDATES

Kirby Metoxen arrived at 9:07 a.m.

A. Accept the CIP #21-114 Sacred Burial Grounds Expansion status report

Sponsor: Mark W. Powless/Paul Witek

Motion by Tehassi Hill to accept the CIP #21-114 Sacred Burial Grounds Expansion status report, seconded by Daniel Guzman King. Motion carried.

Ayes: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

Item III.A. addressed next

Kirby Metoxen left at 10:22 a.m.

B. Accept the CIP #21-111 Multi-Family Housing status report

Sponsor: Mark W. Powless/Paul Witek

Motion by Tehassi Hill to accept the CIP #21-111 Multi-Family Housing status report, seconded by Daniel Guzman King. Motion carried.

Ayes: Daniel Guzman King, Tehassi Hill

VII. ADJOURNMENT

Motion by Tehassi Hill to adjourn at 10:25 a.m., seconded by Daniel Guzman King. Motion carried.

Ayes: Daniel Guzman King, Tehassi Hill

Minutes prepared by Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Minutes approved as presented on February 2, 2023.



Brandon Stevens, Chair
Community Development Planning Committee

Accept the February 15, 2023, regular Legislative Operating Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 03/8/23

2. Session:

Open Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Accept the February 15, 2023 Legislative Operating Committee meeting minutes.

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: Legislative Operating
Committee

5. Additional attendees needed for this request:

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

6. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

7. Budget Information:

- | | |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i> | |

8. Submission:

Authorized Sponsor: David P. Jordan, Councilman

Primary Requestor: Clorissa N. Leeman, LRO Senior Staff Attorney



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
 Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
 February 15, 2023
 9:00 a.m.

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

Others Present: Clorissa N. Leeman, Carolyn Salutz, Grace Elliott, Brooke Doxtator, Keith Doxtator, Ray Skenandore, Tina Jorgenson (Microsoft Teams), Todd VandenHeuvel (Microsoft Teams), Justin Nishimoto (Microsoft Teams), Mark Powless (Microsoft Teams), Rhiannon Metoxen (Microsoft Teams), Kristal Hill (Microsoft Teams), Peggy Van Gheem (Microsoft Teams)

I. Call to Order and Approval of the Agenda

David P. Jordan called the February 15, 2023, Legislative Operating Committee meeting to order at 9:00 a.m.

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

II. Minutes to be Approved

1. February 1, 2023 LOC Meeting Minutes

Motion by Jennifer Webster to approve the February 1, 2023, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Marie Cornelius. Kirby Metoxen abstained. Motion carried.

III. Current Business

1. Back Pay Law Amendments

Motion by Jennifer Webster to accept the updated public comment review memorandum; seconded by Marie Cornelius. Motion carried unanimously.

IV. New Submissions

1. Election Law Emergency Amendments

Motion by Jennifer Webster to add the Election law emergency amendments to the Active Files List with Kirby Metoxen as the sponsor; seconded by Marie Cornelius. Motion carried unanimously.

V. Additions



VI. Administrative Items

VII.

VIII. Executive Session

IX. Adjourn

Motion by Marie Cornelius to adjourn at 9:09 a.m.; seconded by Daniel Guzman King.

Motion carried unanimously.

Accept the January 19, 2023, regular Quality of Life Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 03/08/23

2. General Information:

Session: Open Executive – must qualify under §107.4-1.
 Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- Budgeted Budgeted – Grant Funded Unbudgeted
 Not Applicable Other: *Describe*

5. Submission:

Authorized Sponsor: Marie Cornelius, Councilwoman

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1



Quality of Life Committee

Regular Meeting
9:00 a.m. Thursday, January 19, 2023
Microsoft Teams

Minutes

Present: Chair Marie Cornelius, Vice Chair Daniel Guzman King, Members: Brandon Stevens

Arrived at: Tehassi Hill arrived at 10:05 a.m.

Others Present: Eric Boulanger, Debra Danforth, Leslie Doxtator, Brooke Doxtator, Keith Doxtator, Tina Jorgenson, Rhiannon Metoxen, Joanne Ninham, Justin Nishimoto, Mark W. Powless, Paul Witek;

I. CALL TO ORDER AND ROLL CALL

Meeting called to order by Chair Marie Cornelius at 10:00 a.m.

II. APPROVAL OF THE AGENDA

Motion by Daniel Guzman King to approve the agenda, seconded by Brandon Stevens. Motion Carried:

Ayes: Daniel Guzman King, Brandon Stevens

III. APPROVAL OF MEETING MINUTES

A. Approve the December 15, 2022, regular Quality of Life Committee meeting minutes

Sponsor: Brooke Doxtator

Motion by Daniel Guzman King to approve the December 15, 2022, regular Quality of Life Committee meeting minutes, seconded by Brandon Stevens. Motion Carried:

Ayes: Daniel Guzman King, Brandon Stevens

Tehassi Hill arrived at 10:05 a.m.

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

A. Determine next steps regarding a Food and Fuel Program Analysis

Sponsor: Marie Cornelius

Motion by Tehassi Hill to accept the discussion as information, seconded by Daniel Guzman King. Motion Carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

VI. REPORTS**A. Accept the Oneida Tribal Action Plan Report**

Sponsor: Leslie Doxtater

Motion by Daniel Guzman King to accept the Oneida Tribal Action Plan Report, seconded by Tehassi Hill. Motion Carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

B. Accept the Oneida Police Department Report

Sponsor: Eric Boulanger

Motion by Daniel Guzman King to accept the Oneida Police Department Report, seconded by Tehassi Hill. Motion Carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

C. Accept the Behavioral Health Report

Sponsor: Mari Kriescher

Motion by Daniel Guzman King to accept the Behavioral Health Report, seconded by Brandon Stevens. Motion Carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

D. Accept the Zero Suicide Report

Sponsor: Mari Kriescher

Motion by Daniel Guzman King to accept the Zero Suicide Report, seconded by Brandon Stevens. Motion Carried:

Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

VII. ADDITIONS**VIII. ADJOURN**

Motion by Brandon Stevens to adjourn at 11:01 a.m., seconded by Tehassi Hill. Motion Carried:

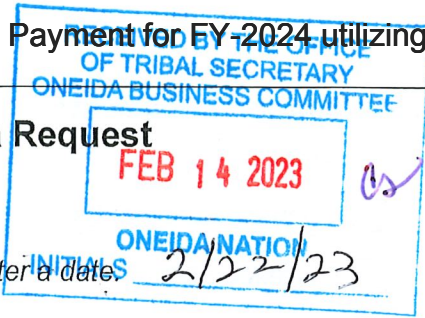
Ayes: Daniel Guzman King, Tehassi Hill, Brandon Stevens

Minutes prepared by Brooke Doxtator, Boards, Committees, and Commissions Supervisor
Minutes approved as presented on February 26, 2023.



Marie Cornelius, Chair
Quality of Life Committee

Review Tribal Member request regarding GWA Food Card Payment for FY-2024 utilizing Tribal...



Business Committee Agenda Request

1. Meeting Date Requested:

Click or tap to enter a date

2. Session:



Open



Executive – must qualify under §107.4-1.

Justification: Choose or type justification.

3. Requested Motion:



Accept as information; OR

Enter the requested motion related to this item.

4. Areas potentially impacted or affected by this request:



Finance



Programs/Services



Law Office



MIS



Gaming/Retail



Boards, Committees, or Commissions



Other: Describe

ARRA TCS

5. Additional attendees needed for this request:

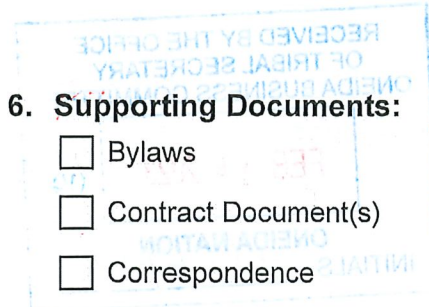
Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Name, Title/Entity OR Choose from List

Requesting B.C to Approve Resolution to
 obligate ~~on~~ available funds for FY 2024
 GWA Food Cards. Total Remaining
 10,588,061.50



6. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input checked="" type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

7. Budget Information:

- | | |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted | <input type="checkbox"/> Not Applicable |
| <input checked="" type="checkbox"/> Other: <i>Describe ARPA</i> | |

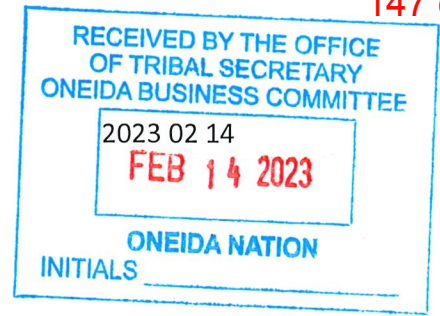
8. Submission:

Authorized Sponsor: Name, Title/Entity OR Choose from List

Primary Requestor: (Name, Title/Entity) *[Handwritten Signature]*

BC Agenda Request

Nancy Barton



Memo/Narrative:

ARPA Funds/Tribal contribution savings/GWA Food Card Payments were valuable, appreciated and beneficial to tribal members.

It is imperative that we continue to gather data so in the future the data can be collected to analyze whether the program can continue or not.

Handwritten signature of Nancy Barton in black ink.

FEB 14 2023

ONEIDA NATION
INITIALS

ACCOMPLISHMENTS RELATED TO THE OUTCOME/GOAL:

Communications Towers - Land Commission lease approvals, Memorandum of Understanding (MoU) with Nsight to establish partnership completed, Smart Nations Kickoff.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

NTIA TBCP Round 1 Funding Determination, Wisconsin Public Service Commission Grant Application, Environmental Assessments kick-off, RFP for tower construction and equipment, NTIA TBCP Round 2 Notice of Funding (NOFO) kick-off, Smart City site visit, and Broadband Coordinator job description development.

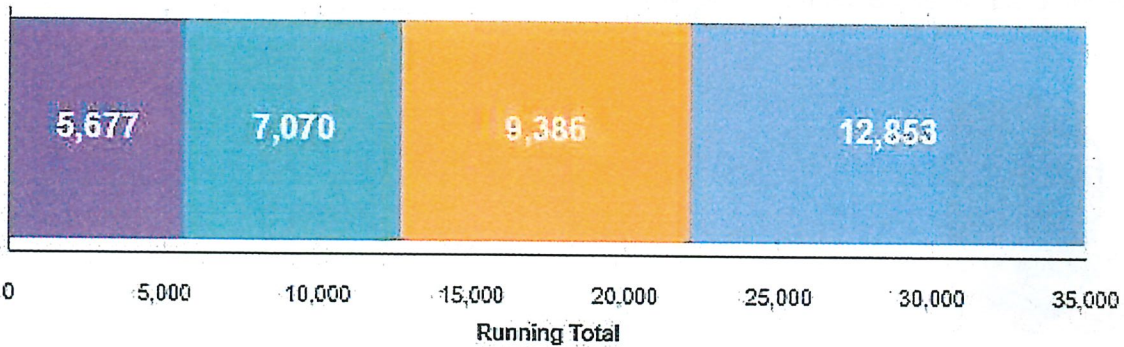
Outcome/Goal #3 Digital Solutions

Optimize Use of Resources

MEASUREMENT: Increase Tribal Member access to Benefits utilizing Covid Relief Funds

Event:

● 2020 1st Distribution ● 2020 2nd Distribution ● 2021 Distribution ● 2022 Distribution



ACCOMPLISHMENTS RELATED TO THE OUTCOME/GOAL:

Through the combined efforts of the Business Committee, General Managers Office and DTS; the Oneida Nation was able to distribute 3,467 (37%) more Holiday benefits than the 2021 Holiday distribution. This increase helped lift the burden of holiday expenses for more Oneida families in 2022.

- 2020 Food Gift Cards
 - \$1.59M
- 2021 Food Gift Cards
 - \$4.69M
- 2022 Food & Gas Distribution Payments
 - \$10.2M

1-25-23

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

The Trust Enrollment Department plans to continue to send out the GWA-OLIPP information via Kalihwisaks, Facebook and Communications department. The goal is to have a form on file for every enrolled member by the 03/31/2023 deadline date.

Outcome/Goal # 2

Savings at the Pump & Food Assistance Payment Distribution *

IS THIS A LONG-TERM OR QUARTERLY GOAL? Quarterly

GOOD GOVERNANCE PRINCIPLE:

Effectiveness and Efficiency - Processes implemented by the Nation producing favorable results which meets the needs of Membership, Employees, Community, while making the best use of resources – human, technological, financial, natural and environmental

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The Trust Enrollment Department utilized the members updated and corrected information from the GWA payment in September with the goal of assisting in an efficient payment distribution.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

There were less issues with the deposit of the payment to members accounts. The Trust Enrollment Department re-offered the members the ability to change their addresses and bank information for a period of time before the payment.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Distributing any future payments to the membership in the most efficient way possible. Encouraging the membership to update and keep their contact information and direct deposit information as current as possible.

Outcome/Goal # 3

Sustain Oneida Project

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Transparency - Open communication about actions taken and decisions made ensuring access to information is clear

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The Trust Enrollment Committee launched this project which has been ongoing for at least

Per § 105.3-1.(q) a "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS: 0

Meetings

1st Monday of the Month.

Emergency Meetings: 1

Contact Info

CONTACT: Jennifer Hill-Kelley
 TITLE: Trust Enrollment Committee, Chair
 PHONE NUMBER: (920) 869-6200 or 1-800-571-9902
 E-MAIL: otc-jhil@oneidanation.org
 MAIN WEBSITE: TrustEnrollments@oneidanation.org

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

Commencement of the transition to the GWA- OLIPP Program

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Effectiveness and Efficiency - Processes implemented by the Nation producing favorable results which meets the needs of Membership, Employees, Community, while making the best use of resources – human, technological, financial, natural and environmental

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The transition of the death benefit distribution from an external to an internal process supports the goal in efficiency with payment for expenses related to the death of a member.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

The GWA-OLIPP program began in the beginning of the fiscal 2023 year. Since October, there have been a total of 56 fifty-six payouts. In November, the Death Benefit Coordinator, traveled to SEOTS as community outreach to provide information about the GWA -OLIPP program. Assistance was given with any questions members may have had. A tribal wide informational letter with the form was mailed out on December 12, 2022. As of January 12, 2023, the Death Benefits specialist has entered 9,457 beneficiary forms. Currently there are 5,095 members who do not have a form on file.



Oneida Food Card Distribution 2020 Process

1. Approval

- A request went through the Cares Portal in 2020 & it was approved by the BC as a Food Security initiative.

2. Food Cards

- Over 13,600 \$125 gift cards were given out to Members in Milwaukee and Oneida.
- Cards were ordered in lots for ease of verification.
- Cards were all shipped to Purchasing for verification and held securely.

3. Communications

- Flyers were developed for both physical mailings and electronic distribution from A-Z communications and on social media.
- Postings and reminders were sent out prior to the event and on the day of the event.

4. Enrollments & MIS

- The initial distribution was recorded by hand because the team was not allowed to access the enrollment data.
- The Treasurer's office worked with Trust (Keith Doxtator) to bring a request to the Trust Enrollments Committee for MIS access to the enrollment data for the second food card distribution.
- MIS communicated to Trust Enrollments that the data being provided would be very secure. The AP being developed was more secure than the GTC meeting check in process.
- All data was shared between MIS and Enrollments and was used to verify enrollment data & ensure a single use of each enrollment number for each location.
- Any questions on the information were directed to MIS for any clarification needed.
- If necessary, for COVID contact tracing purposes, MIS could provide the distributor (volunteer), the date, time and name of the individual(s) picking up the card(s).
- For the Ap, volunteers logged in under their employee user information.
- MIS provided the computer set ups for the second distribution at three locations, the Turtle school, the Radisson, and SEOTS

5. Logistics

- Walk throughs were done at both Oneida locations for distributions. We relied on SEOTS to set up their space.
- The first distribution in Oneida was an outdoor event held in the parking lot of the Turtle School. Traffic was so heavy the first morning of the first distribution that OPD was routing traffic through the field by the school to prevent it backing up onto the HWY 54 roundabout.
- Two distributions were held at a total of 3 locations.
- Oneida held their distributions over two workdays.
- SEOTS held their distribution for a full week with extended hours.
- Volunteers were recruited to staff the distribution.
- Some volunteers brought outdoor heaters to help keep the volunteers warm during the Turtle School outdoor event. Volunteers were also rotated indoors to warm up. Councilman David Jordan provided bottled water for the volunteers.
- The second distribution in Oneida was split between an inside event at the School and the Radisson to disseminate traffic.
- Sharon Mousseau and Custodial were the primary contacts for the Turtle School (TS) location. There is an application to submit to use the space. TS Custodial was very helpful in making sure everything was set up appropriately for the event. The Gym's sidetracks were used because work had recently been done on the floor.
- The Radisson was contracted for the space and Gaming, OPD, and MIS were engaged to prepare the layout and provide security & technical support for the event.
- The Casino provided and maintained a temperature kiosk immediately outside the distribution room.
- Safety plans were developed and submitted to Michelle Meyers (Public Health Officer) for review.
- OPD was engaged to provide escort and security for the distributions. For the first distribution at the turtle school, they also provided traffic control.
- Separate breaking areas were set up at the school and the Radisson for volunteer breaks.

6. Requirements

- The team worked hard to keep it simple, easy, and convenient for the membership to receive the cards.
- The requirements were to present yourself during the distribution times with proof of enrollment and be over 18.
- The SEOTS office worked with enrollments and the membership in Milwaukee to collect membership verification.

Items for the area distributing the cards to consider for a 2022 distribution.

1. If the BC approves a 2022 distribution, the security protocols should be put in place:
 - The cards should be counted upon arrival with a second person verifying.
 - After confirmation all cards are received, the cards need to be secured until distribution.
 - When the cards are handed out in person, controls need to be in place to protect physical cards until all have been distributed.
 - OPD needs to escort transportation of cards between locations (the value will be over \$1 million).
 - A log of card numbers distributed to handlers should be maintained. Any remaining inventory after distribution dates, need to be counted and secured as well.
 - When cards are ordered they should be in lots to make it easier to confirm all cards were received.
2. ARPA funding is available under the categories of direct membership assistance or food and agriculture.
3. The program was so successful, that both second distributions ran out of food cards. If you want to ensure that anyone who presents themselves within the allotted time receives a card, they could do something like a rain check. One possible solution is to have MIS add a feature to the ap that collects their name, address, date and time and those individuals will receive a card in the mail after an additional batch is purchased. That will ensure everyone who presents themselves receives a card and that there are no leftover cards.

General Manager
909 Packerland Dr.
Green Bay, WI 54303
920-496-7000



Memo

To: Oneida Business Committee
From: Mark W. Powless, General Manager
Date: December 8, 2021
Re: November 2021 Food Gift Card Distribution

The purpose of this memorandum is to provide a report of the November 2021 Gift Card Distribution.

Upon approval of the Food Gift Card Distribution, a team was developed to lead the initiative. The team included Tina Jorgenson, Melanie Martin, Rae Skenandore, Eric Bristol, Eric Boulanger, and Katsi Danforth.

Initially, several concerns indicated a food card distribution would not be an ideal process. Efforts were made to transition to a \$500 GWA payment, but ultimately, the payment could not be processed in the desired timeframe by the Accounting Department. A \$500 GWA distribution is recommended for FY23 and FY24.

The team moved forward to develop a plan to distribute 8,000 gift cards. The plan included purchasing and verifying 8,000 gift cards, coordinating a distribution site, coordinating 108 employee volunteers, developing a safety plan, coordinating security, and developing a communication plan.

The distribution took place in Milwaukee (SEOTS) and Green Bay (Johnsonville Tailgate Village) over the course of three days (Wednesday, November 17, 18, and 19) and the results are as follows:

November 2021 Gift Card Distribution	
Totals	
8,000	Gift Cards Ordered
7,992	Distributed Gift Cards Accounted For
1,384	Rain Checks
\$4,499,500	Total Cost
Milwaukee	
1,500	Gift Cards Ordered
1,499	Distributed Gift Cards Accounted For
1	Distributed Gift Card Unaccounted For
423	Rain Checks
Oneida	
6,500	Gift Cards Ordered
6,493	Distributed Gift Cards Accounted For
7	Distributed Gift Cards Unaccounted For
961	Rain Checks
6	Gift Card Complaints Received
4	Gift Cards Provided
1	Gift Card Returned

Summary of the Event:

Overall, the event ran smooth. We were scheduled to start at 11am but planned on starting at 10am in anticipation of people arriving early and forming a line. After starting, people waited a maximum of 30 minutes to pick up their card. Approximately 2,000 gift cards were distributed at the Green Bay location between 10am and 1pm. After 1pm there were minimal to no lines. Gift cards ran out at approximately noon on the second day, Thursday, November 18. Rainchecks were then distributed for the remainder of Tribal membership throughout the stated distribution times. The Power App developed for the process worked smoothly during both the distribution and rain check process. We are scheduled to distribute the remaining 1,384 gift cards, plus 4 additional cards based on the review of complaints, on Thursday, December 16, 11am-5pm in Green Bay (Great Lakes Complex at Radisson Hotel and Conference Center) and Milwaukee (SEOTS).

Challenges:

- Membership started to arrive at 8:30am for the 11am scheduled event. When we started at 10am, there were approximately 200-300 in line. Many of those arriving early were Elders.
- When we originally booked the space, we were told there were no competing events. On November 10 we were informed of the Tran-Siberian Orchestra event taking place that would compete for parking space. This forced some membership to park further away than we would have liked.
- The were membership concerns about the location, however due to unavailability of the school and the request of Gaming to not use the Radisson, there were no other locations on the reservation that could have accommodated a distribution of 2,000 gift cards in 3 hours. The Johnsonville Tailgate Village provided the necessary space, parking, and wi-fi signal.
- We projected a 9% increase in demand beyond what was given out in 2021. The actual increase in demand was 27%. Our goal was to not have any remaining inventory but we did not accurately project the increase in demand.
- Membership picking up for out of state membership wanted Festival Cards for here and Kroger Cards for out of state membership. This request could not be satisfied as it was too difficult to project demand for Kroger cards at the Green Bay distribution.
- Membership were requesting Walmart cards but Walmart would not meet the quantity requested in the timeframe provided.

Volunteers:

We had no problem recruiting volunteers for the events. In the end, we had more volunteers than we needed. The leads, station workers, security, MIS, and Oneida Police Department all performed at the highest levels. A huge yaw^ko is extended to all who assisted.

Summary of Costs*


Gift Cards:	\$4,692,000
Johnsonville Tailgate Village:	\$9,754
Volunteer Hours (\$15/hr avg.):	\$6,308
Total:	\$4,515,562

*Not all costs reflected, such as coordinating meeting costs or Milwaukee costs.

November/December 2021 Gift Card Distribution	
Totals	
8,000	Gift Cards Ordered
7,992	Distributed Gift Cards Accounted For
1,384	Rain Checks
\$4,467,975	Total Cost (Excluding Discounts)
Milwaukee	
1,500	Gift Cards Ordered
1,499	Distributed Gift Cards Accounted For
1	Distributed Gift Card Unaccounted For
423	Rain Checks
Oneida	
6,500	Gift Cards Ordered
6,493	Distributed Gift Cards Accounted For
7	Distributed Gift Cards Unaccounted For
961	Rain Checks
Gift Card Complaints	
6	Gift Card Complaints Received
4	Gift Cards Provided
1	Gift Card Returned
Gift Cards Transferred	
23	Unclaimed Gift Cards
\$11,500	Value of Gift Cards Transferred to Pantry

General Manager
909 Packerland Dr.
Green Bay, WI 54303
920-496-7000



To: Nancy Barton
From: Mark W. Powless, General Manager 
Date: 12/27/2022
Re: Food Card & Demolition Reports

Per your request, I am including several documents:

- Building Demolitions Report – This was originally submitted to the April 27, 2022 OBC Regular Meeting. It includes a very brief description of each house. Further discussion took place at the OBC meeting. Since the report, Comprehensive Housing Division (CHD) has restructured and hired a Residential Sales, Maintenance & Rehab Area Manager. This individual will now oversee new units that the Nation acquires as well as the maintenance and rehab of existing units. Those responsibilities were previously overseen by the Residential Rentals and Outreach Area Manager. With the restructuring of CHD attention will be dedicated to new and existing housing units so that some of the previous problems are not repeated. CHD is also focusing on metrics to reduce the number of vacant units at any one time and regular reporting up the chain of command. By better managing our units, we hope to reduce the number of demolitions. There are however factors that will not completely prevent units that will need to be demolished.
- Oneida Food Card Distribution 2020 Process – I was not the author of the report but it does detail that ‘over 13,600 gift cards were given out’. As a reminder, there were two distributions that membership were eligible for. Membership who picked up at the first distribution were also eligible to pick up at the second distribution.
- November 2021 Food Card Distribution – This memo was provided to the OBC Regular Meeting held on December 8. The total cost on the report is inaccurate because it does not reflect the full amount of discounts received from Festival Foods and Kroger.
- November/December 2021 Gift Card Distribution – This table is more accurate reflecting the discounts as well as the transference of the unclaimed gift cards to the Oneida Emergency Food Pantry.

If you would like further clarification, feel free to call me at 920-496-7414.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

The Trust Enrollment Department plans to continue to send out the GWA-OLIPP information via Kalihwisaks, Facebook and Communications department. The goal is to have a form on file for every enrolled member by the 03/31/2023 deadline date.

Outcome/Goal # 2

Savings at the Pump & Food Assistance Payment Distribution *

IS THIS A LONG-TERM OR QUARTERLY GOAL? Quarterly

GOOD GOVERNANCE PRINCIPLE:

Effectiveness and Efficiency - Processes implemented by the Nation producing favorable results which meets the needs of Membership, Employees, Community, while making the best use of resources – human, technological, financial, natural and environmental

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The Trust Enrollment Department utilized the members updated and corrected information from the GWA payment in September with the goal of assisting in an efficient payment distribution.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

There were less issues with the deposit of the payment to members accounts. The Trust Enrollment Department re-offered the members the ability to change their addresses and bank information for a period of time before the payment.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Distributing any future payments to the membership in the most efficient way possible. Encouraging the membership to update and keep their contact information and direct deposit information as current as possible.

Outcome/Goal # 3

Sustain Oneida Project

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Transparency - Open communication about actions taken and decisions made ensuring access to information is clear

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The Trust Enrollment Committee launched this project which has been ongoing for at least

Per § 105.3-1.(q) a "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

NUMBER OF SUBSTANTIATED COMPLAINTS: 0

Meetings

1st Monday of the Month.

Emergency Meetings: 1

Contact Info

CONTACT: Jennifer Hill-Kelley
TITLE: Trust Enrollment Committee, Chair
PHONE NUMBER: (920) 869-6200 or 1-800-571-9902
E-MAIL: otc-jhil@oneidanation.org
MAIN WEBSITE: TrustEnrollments@oneidanation.org

Status report of Three-Year Outcomes/Goals

Outcome/Goal # 1

Commencement of the transition to the GWA- OLIPP Program

IS THIS A LONG-TERM OR QUARTERLY GOAL? Long-term

GOOD GOVERNANCE PRINCIPLE:

Effectiveness and Efficiency - Processes implemented by the Nation producing favorable results which meets the needs of Membership, Employees, Community, while making the best use of resources – human, technological, financial, natural and environmental

HOW OUTCOME/GOAL SUPPORTS THE GOOD GOVERNANCE PRINCIPLE:

The transition of the death benefit distribution from an external to an internal process supports the goal in efficiency with payment for expenses related to the death of a member.

ACCOMPLISHMENTS REGARDING THE OUTCOME/GOAL:

The GWA-OLIPP program began in the beginning of the fiscal 2023 year. Since October, there have been a total of 56 fifty-six payouts. In November, the Death Benefit Coordinator, traveled to SEOTS as community outreach to provide information about the GWA -OLIPP program. Assistance was given with any questions members may have had. A tribal wide informational letter with the form was mailed out on December 12, 2022. As of January 12, 2023, the Death Benefits specialist has entered 9,457 beneficiary forms. Currently there are 5, 095 members who do not have a form on file.

Review Tribal Member request regarding the project status for the proposed general rental apartments

Business Committee Agenda Request

1. Meeting Date Requested: 03/8/23

2. Session:

Open Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Motion to be determined.

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: *Describe*

5. Additional attendees needed for this request:

Mark W. Powless, General Manager

Lisa Rauschenbach, Comp Housing Director

Paul Witek, Engineering Director

Name, Title/Entity OR Choose from List

6. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input checked="" type="checkbox"/> Other: Attached explanation | | |

7. Budget Information:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i> | |

8. Submission:

Authorized Sponsor: Name, Title/Entity OR Choose from List

Primary Requestor: Mary Graves

I have been asking about the project status for the proposed general rental apartments and have received the plan. I do have questions and have reached out to various individuals but still have questions. To address my issues and any that others may have, I would like to talk about this issue in open session.

First, I have asked about amenities and have been told the units will have cable. While that's great, I'm more interested in storage and garage space. The plans have a one stall garage for both types of units. This does not supply a lot of storage space so how much extra would it be to have a two-stall garage on the 3 bedroom units?

Soundproofing is always an issue in a multi-family unit. Will the construction plans include soundproofing between units?

Second, the goal is to rent out every unit. While there is always a need for additional housing within the reservation borders, how many people on the general rental list at Comprehensive Housing are not eligible for low-income housing? Point being, if there are 50 people on the general rental list and 80% are eligible for low-income housing, that leaves us with potentially 10 clients to rent these units. While there are people that can afford these rents and not on the general rental list, do we know how many of those people are interested in moving to a tribal rental? What is the plan if we have empty units?

Third, I have asked how they will be rented, meaning will Comprehensive Housing offer them to the people already on the general rental list or will this be a different program? While a determination has not yet been made, it is something to think about and advertise in advance so the units can be filled as soon as they are ready.

Lastly, what is the square footage of the units?

I appreciate all the work that has gone into these units and hope for the best outcome possible.

Review Tribal Member request regarding the Student Relief Fund

Business Committee Agenda Request

1. Meeting Date Requested: March 8, 2023

2. Session:

Open Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Request the OBC return the Student Relief Fund for the students who already had paperwork started on or before 9/21/2022 but were denied and were told it was due to the funds being depleted but actually \$58,756 were still available..

4. Areas potentially impacted or affected by this request:

- | | |
|--|---|
| <input type="checkbox"/> Finance | <input type="checkbox"/> Programs/Services |
| <input type="checkbox"/> Law Office | <input type="checkbox"/> MIS |
| <input type="checkbox"/> Gaming/Retail | <input type="checkbox"/> Boards, Committees, or Commissions |
| <input checked="" type="checkbox"/> Other: ARPA Federal Relief Funds (FRF) - Education | |

5. Additional attendees needed for this request:

- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*

6. Supporting Documents:

- Bylaws
- Fiscal Impact Statement
- Presentation
- Contract Document(s)
- Law
- Report
- Correspondence
- Legal Review
- Resolution
- Draft GTC Notice
- Minutes
- Rule (adoption packet)
- Draft GTC Packet
- MOU/MOA
- Statement of Effect
- E-poll results/back-up
- Petition
- Travel Documents

Other: Page 62 of the BC members only packet from the meeting held on February 22, 2023

7. Budget Information:

- Budgeted – Tribal Contribution
- Budgeted – Grant Funded
- Unbudgeted
- Not Applicable

Other: Budgeted for ARPA Feeral Relief Funds (FRF) - Education

8. Submission:

Authorized Sponsor: Name, Title/Entity OR Choose from List

Primary Requestor: Kelli Lake Tribal Member Roll #14792

Cover Letter

February 27, 2023

From: Kelli Lake
Roll # 14792
PO BOX 8490 PMB 353
San, Luis, AZ 85349
(928)955-6549

To: Oneida Business Committee
Meeting scheduled for March 8, 2023
Re: Student Relief fund/ ARPA - Education Funds

Dear Oneida Business Committee:

I am asking the business committee to bring back the Student Relief Fund program for the students who already had paperwork in and were about to be funded from the program but instead received a response that the funds were depleted.

The Student Relief Fund was initially offered with \$4,000,000; due to the program being under-budgeted and funds running out fast, another \$2,000,000 was implemented. The program was to continue until December 31, 2022, or until the funds ran out. Students were told on September 20th or 21st, 2022; the program ended due to depleting funds.

The Business Committee meeting on February 22, 2023, showed on page 62 that the Student Relief funds from the \$2,000,000 only used \$1,941,244, which left \$58,756. This means the funds from the program were NOT depleted, and the students with paperwork already in place as of September 21, 2022, should be awarded.

I am sure I am not the only student who had just submitted the final documents for a completed file and was waiting on the acceptance email with the award letter. Instead, I received an email saying, " we regret to inform you the Student Relief Fund effective immediately is over; due to the funds being depleted. If you have yet to receive an award letter as of the date of this letter, unfortunately, you will not be awarded for the program."

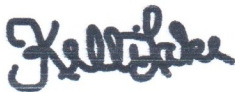
\$58,756 may only fund a few students, still it would grant the few expecting the funding because our files were complete or about to be completed and help more than words could express.

If the \$58,756 is not enough to cover the remaining students, the \$482,545.97 in the Education category should be enough for the remaining students with paperwork in, and completed files or files that were almost complete as of September 21, 2022. Since the funds were not fully depleted like the program offered.

The remaining amount left in the education category for ARPA-Education funds should cover those students who had a complete file by September 21, 2022.

Again, I am asking the Business Committee to return the student relief fund to the students who were fulfilling the final expectations for a completed file to get the funding from the money left in the ARPA (FRF) Student Relief Fund.

Sincerely,



*Kelli Lake
Roll # 14792*

Approve the travel request - Chairman Tehassi Hill - Midwest Alliance of Sovereign Tribes (MAST) Impact

Business Committee Agenda Request

1. Meeting Date Requested: 03/08/23

2. General Information:

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

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|--|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input checked="" type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

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

5. Submission:

Authorized Sponsor: Tehassi Hill, Chairman

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 03 / 08 / 23 e-poll requested

2. General Information:

Event Name: Midwest Alliance of Sovereign Tribes Impact Week 2023

Event Location: Washington, DC Attendee(s): Tehassi Hill

Departure Date: Mar 19, 2023 Attendee(s):

Return Date: Mar 21, 2023 Attendee(s):

3. Budget Information:

Funds available in individual travel budget(s)

Unbudgeted

Grant Funded or Reimbursed

Cost Estimate: \$2,500

4. Justification:

Describe the justification of this Travel Request:

As current Vice President of MAST, I serve as a representative for Oneida nation, meeting on many key issues facing Indian Country. MAST Impact Week will include:

*Presentations on key issues that would name the key players, committees, and recommended strategies to address them. That would provide the content for the forums and round tables and opportunities for the tribes to weigh in. They can support/oppose/revise the proposed positions and develop strategies for who will meet with whom and what the message will be. (draft agenda attached)

*Increase lobbying efforts

Requested action: Approve Chairman Hill and up to (2) two additional Business Committee members, to attend MAST Impact Week, March 19-22, 2023, Washington, DC.

5. Submission

Sponsor: Tehassi Hill, Chairman

- 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

MIDWEST ALLIANCE OF SOVEREIGN TRIBES

P.O. Box 265
Gresham, WI 54128-0265
Ph: 715-787-4494



MAST IMPACT WEEK 2023

March 19th-22nd, 2023

HOLIDAY INN CAPITOL

550 C Street, SW Washington, DC 20024

PLEASE CALL 1-877-572-6951 ASK FOR MAST BOOKING CODE M8T

MAST BLOCK RATE \$258.00 Plus Tax

Registration form

Name: _____ Title: _____

Tribe/Organization: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Fee

The cost of the registration will be \$250.00 per person.

Please get your registration in early so we can plan accordingly, thank you.

Method of Payment: () Check enclosed () Cash in Hand

Please make checks payable to: MAST

Return registration form and payment to: MAST - Scott Vele
P.O. Box 265
Gresham, WI 54128

Sponsored by:
MIDWEST ALLIANCE OF SOVEREIGN TRIBES
IMPACT WEEK 2023

Monday-March 20th, 2023 Continued

- 1:00 pm Executive Director Kitcki Carroll USET - Invited
- 1:30 pm
- 2:00 pm
- 2:30 pm
- 3:00 pm
- 3:15 pm Break – Sponsored by **Summit Carbon**
- 3:30 pm
- 4:00 pm Great Lakes Regional Health Board Chair Phyllis Davis
- 4:30 pm
- 5:30 pm
- 5:30/6:30 pm Tribal Leaders Meet & Greet Reception at the 21st Amendment Holiday Inn
Sponsored by:

Microphone and equipment for the day sponsored by
Adjourn meeting till 7:00-8:00 am breakfast Tuesday-meeting starts at 8:00 am 03/21/23

MIDWEST ALLIANCE OF SOVEREIGN TRIBES
IMPACT WEEK 2023

Tuesday-March 21th, 2023

Coffee for the day sponsored by: **Pinnacle Bank Sac Fox Nation of Iowa**
Room for the day sponsored by:
Microphone and equipment for the day sponsored by:

- 7:00 am /8:30 am Breakfast-Sponsored by: **Leech Lake Band of Ojibwe Capitol Ballroom**
- 8:00 am
- 8:30 am Congressman Mike Gallagher 8th District of WI Invited
- 9:00 am U.S. Senator Tina Smith MN - Invited
- 9:30 am U.S. Senator Tammy Baldwin WI - Invited
- 10:00 am
- 10:30 am

- 11:00 am
- 11:30 am Hill Visit Resolutions/Packet preparations/Packet material
- Noon Keynote Address & Luncheon –
Columbia Ballroom
Sponsored by:
- 1:00 pm Designate & confirm assignment(s) and group leaders for Hill visits.
- 1:30 pm - 5:30 pm *Assigned Capitol Hill Group Visits* meet with members of Congress
- 5:30 pm – 7:00pm The MIDWEST ALLIANCE OF SOVEREIGN TRIBES Invites you to join the Midwest Delegation in a reception on Capitol Hill House Oversight and Government Reform Committee 2226 Rayburn House Office Building
Sponsored by: [Cottingham & Butler – jzack@cottinghambutler.com](mailto:jzack@cottinghambutler.com)
jlink@cottinghambutler.com

MIDWEST ALLIANCE OF SOVEREIGN TRIBES
IMPACT WEEK 2023

Wednesday-March 22th 2023

Breakfast & Meeting in: Congressional 1 Ballroom: Holiday Inn Capitol Room for the day sponsored by:
Coffee for the day: [Kevin Frizgibbons LLC](#).

- 7:30 am Breakfast - Sponsored by: [Leech Lake Band of Ojibwe](#)
- 8:30 am Tribal Leaders Round Table and Direction –
Open board appointment(s). Next meeting in Wisconsin in June 2023
- 9:00 am
- 9:30 am
- 10:00 am
- 10:30 am Closing prayer - **(Meeting ends)**

Thank you to all our sponsors! Please support them as they support us!!!!

Telephone Contact - Scott R. Vele Executive Director - 715-853-4001

Approve the travel request - Secretary Lisa Liggins - Emerging Trends in Tribal Enrollment - Albuquerque

Business Committee Agenda Request

1. Meeting Date Requested: 03/08/23

2. General Information:

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

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- Bylaws
- Fiscal Impact Statement
- Presentation
- Contract Document(s)
- Law
- Report
- Correspondence
- Legal Review
- Resolution
- Draft GTC Notice
- Minutes
- Rule (adoption packet)
- Draft GTC Packet
- MOU/MOA
- Statement of Effect
- E-poll results/back-up
- Petition
- Travel Documents
- Other: *Describe*

4. Budget Information:

- Budgeted
- Budgeted – Grant Funded
- Unbudgeted
- Not Applicable
- Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 03 / 08 / 23 e-poll requested

2. General Information:

Event Name: Emerging Trends in Tribal Enrollment

Event Location: Albuquerque, NM Attendee(s): Lisa Liggins

Departure Date: Apr 24, 2023 Attendee(s):

Return Date: Apr 27, 2023 Attendee(s):

3. Budget Information:

Funds available in individual travel budget(s)

Unbudgeted

Grant Funded or Reimbursed

Cost Estimate: \$3281.50

4. Justification:

Describe the justification of this Travel Request:

This travel is requested to support the continued data collection and background work needed to support phase II & III of the On^yote aka ni?i Project Plan. Funds for this training will be utilized from the overall allocated dollars which were approved through BC Resolution # 10-26-22-F, titled "Obligation for On^yote· a · ká ni· i Project Plan Utilizing Tribal Contribution Savings"

5. Submission

Sponsor: Lisa Liggins, Secretary

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

ONEIDA NATION
TRAVEL AUTHORIZATION REQUEST

General Travel Information

Name of Traveler	Lisa Liggins		
<i>Legal name as it appears on Travelers Driver's License or State ID, no nicknames</i>			
Employee Number	3703		
Destination	Albuquerque, NM		
Departure date	04/24/2023	Return date	04/27/2023
Purpose of travel	Emerging Trends in Tribal Enrollment		
Charged GL Account			

GSA (General Services Administration) Rates are linked on SharePoint under Employee Resources

Per Diem rate per day	\$ 69.00		
-----------------------	----------	--	--

Cost Estimate Information

Personal Automobile Mileage Expenses

Total miles		Multiply by the Mileage rate	\$.625	\$ 0.00
Description	Rate	Factor	Days	Total
Per Diem for initial travel date	\$ 69.00	0.75	1	\$ 51.75
Per Diem full day at destination	\$ 69.00	1.00	2	\$ 138.00
Per Diem for return travel date	\$ 69.00	0.75	1	\$ 51.75
Subtract included meals				
Miscellaneous expenses: taxi, parking, fees, etc.				
Subtotal = Advance to Traveler				\$ 241.50
Lodging including room, taxes, fees, and hotel parking				\$ 675.00
Airfare				\$ 1,300.00
Luggage Fees				\$ 80.00
Car Rental				\$ 50.00
Registration				\$ 935.00
Subtotal				\$ 3,040.00
Total Trip Cost Estimate				\$ 3,281.50

I understand this advance will be deducted from my claim for reimbursement of actual travel expenses.
I also understand that if this advance is not cleared within 10 calendar days after my travel return date, the Nation has the authority to withhold any advanced funds from future wages.

Signatures / Approvals

	Signature	Date
Traveler		
Supervisor		

Send all travel related items to: CentralAccounting_Travel@oneidanation.org

TRAVEL AUTHORIZATION REQUEST INSTRUCTIONS

To reduce payment delays, if you are not already on ACH/direct deposit, please fill out the ACH form on the Share Point link and send it back to centralaccounting_vendor@oneidnation.org	
Field	Description
Name of Traveler	Please print your legal name
Employee number	Enter your employee number. If not an employee, please enter your vendor number.
Date of Birth	Enter your date of birth.
Destination	Enter the city and state of your destination. Include the country if outside the USA.
Departure date	Enter your planned day of departure.
Return date	Enter your planned day of return.
Purpose of travel	Enter the SPECIFIC purpose of the travel. Please include enough information so the users of the form will know what the travel is for. Example: Attend Infinium software training at the Sands Hotel in Las Vegas Nevada from xx/xx/09 to xx/xx/09. Attach backup documentation including the agenda and registration information.
Charged GL account	The General Ledger number to be charged for the travel to include both the Fund Unit/PRT and the expense account.
Per diem and Lodging rates per day	GSA rates linked on Share Point
Per diem for departure and return dates	The traveler will receive 75% of a full day per diem for the initial day of travel and the return date of travel, regardless of the departure or arrival time.
Per diem full day at destination	The traveler will receive 100% of a full day per diem for all full days at the destination.
Subtract included meals	Subtract the value of meals included in the cost of the seminar or other function or any meals paid for by a third party.
Private car mileage	Traveler must have their current insurance coverage recorded at the Human Resources Department (HRD) or a mileage advance will not be issued.
Miscellaneous expenses, taxi, parking fees, etc.	If a taxi or shuttle service is going to be utilized, estimate the funds that will be needed. Be sure to obtain receipts to attach to the Expense Voucher.
Sub-total - Advance	The amount entered here is the actual amount of the Advance to the traveler. Do not include any items that are being paid with the virtual card.
Lodging	Lodging including room rate plus taxes, resort fees, and hotel parking charges.
Airfare	Please make sure you list the most current airfare.
Luggage fees	Add luggage fees when applicable
Car rental	Travelers must have up to date insurance coverage recorded at HRD.
Registration	Registration fees will be included on the virtual card.
Sub-total – Virtual Card	The subtotal of lodging, airfare, luggage fees, car rental, and registration expenses will be included on the virtual card. A price adjustment may be authorized for up to \$500 if expenses listed are exceeded.
Traveler signature	The traveler must sign and date the request and have an ACH/Direct Deposit form on file with accounting. No travel advance paper checks will be issued or mailed.
Supervisor	The supervisor must sign and date the request.
Signed forms	A signed travel advance (TA) form and all backup must be submitted in a PDF format.

All travelers MUST complete an expense voucher within 10 calendar days of return and include all receipts from the advance and virtual card expenses as a combined PDF. The expense voucher is available on SharePoint.

The details of the course you chose are displayed below.

To choose another course, click [HERE](#) to return to the main Training Calendar.

Emerging Trends in Tribal Enrollment

This class is perfect for:

- Tribal council members
- Enrollment committees/boards
- Enrollment officers
- Enrollment clerks
- Tribal attorneys

What You'll Learn

- Evaluate your enrollment ordinance
- Various ways of establishing membership criteria
- Enrollment process
- Assure the privacy of enrollment records
- Pros and cons of using emerging technologies for determining enrollment

Description

Enrollment is one of the most important issues that tribes face today, yet it's also one of the most controversial. Plus, new challenges and situations are likely to make enrollment even more complicated. This class covers key enrollment issues, such as blood quantum, per capita payments, biotechnology, the tribal constitution's role and more.

Don't miss this unique opportunity to collaborate with your colleagues and discuss trends and technology. Find out how to avoid enrollment disputes and meet privacy requirements. You'll also learn how to circumvent arbitrary membership decisions, prepare for and conduct an audit of your enrollment records and handle issues such as questionable enrollees.

As an attendee, you'll receive an individual consultation. Bring your enrollment ordinance, supporting documents and questions for discussion and consultation.

Topics Covered

Introduction to Tribal Enrollment

- Why enrollment is important to tribes
- How enrollment needs have changed
- Federal law and enrollment

- Keys to effective enrollment

The Enrollment Ordinance

- Constitutional law and amendments
- Changing membership requirements
- Maintaining the ordinance and roles
- The well-written ordinance as a daily guide
- Evaluating your enrollment ordinance
- Amending the ordinance to meet your needs

Establishing Membership Requirements

- Types of membership criteria:
 - Blood degree
 - Residency
- Types of enrollees:
 - Basic
 - Automatic eligibility
 - Ancestry and blood degree
- Adoption
- Blood quantum debate
- Impact of reducing blood quantum requirements

Impact on Voting

- Election ordinance
- General provisions

Life of an Enrollment Record

- How records are created
- Records management process
- Need for records management
- A record's life cycle
- Storing and protecting records
- Preparing records for filing
- Handling confidential records
- Developing a records retention schedule
- Records disposal

Privacy of Enrollment Records

- What records can be requested under the Freedom of Information Act (FOIA)?
- Making a FOIA request
- The Privacy Act
- Keeping your records confidential

Rolls Used to Distribute Trust Assets

- Why tribal property is held in trust
- Using a membership roll for trust asset payments
- Appeals for enrollment to share in trust assets

Disenrollment

- Disenrollment procedures
- Abandonment



- Relinquishment
- Removal from reservation
- What you'll face after disenrolling a member
- How disenrollment affects the future of enrollment
- Temporary disenrollment
- Appeals process
- P.L. 280 states vs. non P.L. 280 states

Emerging Technologies

- Fertility technologies (e.g., in vitro fertilization)
- Definition of a "biological child"
- State law
- Addressing issues in your enrollment ordinance

DNA Testing

- Overview of DNA testing — what is it and how does it work?
- Cost and determining financial responsibility
- Potential uses (e.g., establishing paternity)
- Working with DNA laboratories — collection and testing
- Developing a process (e.g., sample collection, chain of custody, identification, etc.)
- Issues and challenges
- DNA testing and the enrollment ordinance

Current Case Law

- Banishment
- Pending applications
- Disenrollment
- Impact of Indian Child Welfare Act (ICWA)

Community/Public Relations

- Dealing with bad publicity when your enrollment ordinance is changed
- Benefits that can be offered to those who are disenrolled
- Dealing with per capita payments

*Topics subject to change**


Prerequisites

There are no prerequisites for this course.


Related courses:

- Tribal Constitutions and Bylaws
- Enrollment Records Management
- Conducting Credible Tribal Elections

Location

Select... 

Date

All Time 

Apply Filters

Approve the travel request - Councilwoman Jennifer Webster - Progress Act Negotiated Rulemaking...

Business Committee Agenda Request

1. Meeting Date Requested: 03/08/23

2. General Information:

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

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|--|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input checked="" type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- Budgeted Budgeted – Grant Funded Unbudgeted
- Not Applicable Other: *Describe*

5. Submission:

Authorized Sponsor: Jennifer Webster, Councilwoman

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 3 / 8 / 23 e-poll requested

2. General Information:

Event Name: Progress Act Negotiated Rulemaking Committee

Event Location: Washington DC Attendee(s): Jennifer Webster

Departure Date: March 26, 2023 Attendee(s):

Return Date: March 31, 2023 Attendee(s):

3. Budget Information:

- Funds available in individual travel budget(s)
- Unbudgeted
- Grant Funded or Reimbursed

Cost Estimate: \$1,500.00 (Federal Funded)

4. Justification:

Describe the justification of this Travel Request:

I was appointed to the Progress Act Negotiated Rulemaking Committee in 2022. Melanie Benjamin-Mille Lacs Band of Ojibwe Indians/Minnesota is the Primary, I am the alternate. She is unable to attend the March 26-31 in-person meeting in Washington DC, and asked that I attend to represent the Bemidji Area. DIO funds travel for both primary and alternate to attend.

Function of Cmte: Negotiate and reach consensus on recommendations for a proposed rule that will replace the existing regulations at 25 CFR part 1000. The committee is developing proposed regulations for the Secretary's implementation of the PROGRESS Act's provisions regarding the Department of Interior's Self-Governance Program, with goals to reinforce the effectiveness of Self Governance and Self-Determination for Indians Tribes Act of 2019.

Requesting approval to attend

5. Submission

Sponsor: Jennifer Webster, Councilmember

- 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

Jennifer A. Webster

From: Claire Boyd <Claire.Boyd@millelacsband.com>
Sent: Monday, February 27, 2023 9:40 AM
To: Jennifer A. Webster
Subject: Fw: PROGRESS Act - MARCH Negotiated Rulemaking Committee Meeting - Travel Form

Good morning,

Please see the email below regarding the March Negotiated Rulemaking Committee meetings. Thank you.

Claire Boyd
Scheduler, Office of the Chief Executive
Mille Lacs Band of Ojibwe

From: Claire Boyd
Sent: Monday, February 27, 2023 9:33 AM
To: Whittaker, Tyvin J
Cc: pitt@senseinc.com; Jennifer McLaughlin; Freeman, Sharee; Hanvey, Vickie L; Gilbert, Regina; jwebster1@oneidanation.org
Subject: Re: PROGRESS Act - MARCH Negotiated Rulemaking Committee Meeting - Travel Form

Good morning, Tyvin,

Chief Executive Benjamin's alternate, Jennifer Webster, will attend in her place the Negotiated Rulemaking Committee Meetings March 27 - March 30, 2023. Thank you.

Claire Boyd
Scheduler, Office of the Chief Executive
Mille Lacs Band of Ojibwe
Telephone: (320) 532-7486

From: Whittaker, Tyvin J <tyvin.whittaker@bia.gov>
Sent: Sunday, February 26, 2023 8:11 PM
Cc: pitt@senseinc.com; Jennifer McLaughlin; Freeman, Sharee; Hanvey, Vickie L; Gilbert, Regina
Subject: PROGRESS Act - MARCH Negotiated Rulemaking Committee Meeting - Travel Form

Good invitational evening travelers,
This email concerns the March Negotiated Rulemaking Committee Meetings beginning on March 27 and concluding on March 30, 2023.

The link is below for the travel preference form for you to complete. If you indicated on the previous form that you had a travel arranger, they will also receive this email and link for them to complete and submit this form. Once this form is completed, I will create your travel arrangements and email you your full itinerary, including all required confirmation codes and specific information pertaining to you.

Before March 19, 2023, contact me if you need to make changes or cancel your reservation, and I will adjust accordingly.

If you need to change your flight after March 19, contact Concur and make the changes directly. If this is needed, please contact me first.

If, for whatever reason, you need to cancel your reservation, please contact me, and I will do this on your behalf.

Link for the **TRAVEL FORM** - <https://forms.office.com/g/tYf2c0ysFA>

Thanks,
Tyvin

Tyvin Whittaker
Administrative Specialist
Office of Self Governance
U.S. Department of the Interior
1849 C Street NW, MIB-3624
Washington, D.C. 20240

Fax: (202) 219-4246
Phone: (202)-219-0240



Issued on January 27, 2023.
Christina Underwood,
*Acting Director, Compliance & Airworthiness
Division, Aircraft Certification Service.*
[FR Doc. 2023-02105 Filed 2-2-23; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 1000

[234A2100DD/AACK001030/A0A501010.
999900]

**Self-Governance PROGRESS Act
Negotiated Rulemaking Committee;
Notice of Meeting**

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Self-Governance PROGRESS Act Negotiated Rulemaking Committee (Committee) will hold the sixth and seventh public meetings to negotiate and advise the Secretary of the Interior (Secretary) on a proposed rule to implement the Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019 (PROGRESS Act).

DATES: The meeting are open to the public; and accessible virtually and in-person. Please see **SUPPLEMENTARY INFORMATION** below for details on how to participate. Please see **ADDRESSES** for how to submit comments.

• *Sixth public meeting:* The meeting will be held Thursday, March 2, 2023, from 9 a.m. to 5 p.m. eastern standard time. Interested persons are invited to submit comments on or before April 3, 2023.

• *Seventh public meeting:* The meeting will be held Thursday, March 30, 2023, from 9 a.m. to 5 p.m. eastern standard time. Interested persons are invited to submit comments on or before May 1, 2023.

ADDRESSES: Send your comments to the Designated Federal Officer, Vickie Hanvey, by any of the following methods:

- *Preferred method:* Email to comments@bia.gov with "PROGRESS Act" in subject line.
- Mail, hand-carry or use an overnight courier service to the Designated Federal Officer, Ms. Vickie Hanvey, Office of Self-Governance, Office of the Assistant Secretary—Indian Affairs, 1849 C Street NW, Mail Stop 3624, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Vickie Hanvey, Designated Federal Officer, comments@bia.gov, (918) 931-0745. Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The meetings will be held virtually using the links provided below and in-person at the at the Department of the Interior, 7th floor South Penthouse Room, located between the 7200 and 7300 corridors, 1849 C Street NW, Washington, DC 20240.

These meetings are being held under the authority of the PROGRESS Act (Pub. L. 116-180), the Negotiated Rulemaking Act (5 U.S.C. 561 *et seq.*), and the Federal Advisory Committee Act (5 U.S.C. 10). The Committee is to negotiate and reach consensus on recommendations for a proposed rule that will replace the existing regulations at 25 CFR part 1000. The Committee will be charged with developing proposed regulations for the Secretary's implementation of the PROGRESS Act's provisions regarding the Department of the Interior's (DOI) Self-Governance Program.

The PROGRESS Act amends subchapter I of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 5301 *et seq.*, which addresses Indian Self-Determination, and subchapter IV of the ISDEAA, which addresses DOI's Tribal Self-Governance Program. The PROGRESS Act also authorizes the Secretary to adapt negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes. The **Federal Register** (87 FR 30256) notice published on May 18, 2022, discussed the issues to be negotiated and the members of the Committee.

Meeting Agendas

These meetings are open to the public. Detailed information about the Committee, including meeting agendas can be accessed at <https://www.bia.gov/service/progress-act>. Topics for these meetings will include Committee priority setting, possible subcommittees and assignments, subcommittee reports, negotiated rulemaking process, schedule and agenda setting for future meetings,

Committee caucus, and public comment.

Sixth Public Meeting

The Committee meeting will begin at 9 a.m. Eastern Standard Time on Thursday, March 2, 2023. Members of the public may attend in-person, at the 7th floor South Penthouse room, or virtually at [https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F1%2Fmeetup-join%2F19%253ameeting_YzY1N2Y5NjYtNTVknI00MGU1LTk3ZjEtYTg1NjI1NjYyZWU5%2540thread.v2%2F0%3Fcontext%3D%257B%2522Tid%2522%253A%25220693b5ba-4b18-4d7b-9341-f32f400a5494%2522%252C%2522Oid%2522%253A%252213321130-a12b-4290-8bcf-30387057bd7b%2522%252C%2522IsBroadcastMeeting%2522%253A%2522a%2522%257D%26btype%3Da%26role%3Da&data=05%7C01%7CVickie.Hanvey%40bia.gov%7Cdc922855ffe24cc9335f08daedaf3afa%7C0693b5ba4b184d7b9341f32f400a5494%7C0%7C0%7C638083634101840906%7CUnknown%7CTWfPbGZsb3d8eyJWlJoiMC4wLjAwMDAiLCJQlJoiV2luMzliLCJBTiI6Ik1haWwiLCJXVC16Mn0%3D%7C3000%7C%7C%7C&sdata=](https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F1%2Fmeetup-join%2F19%253ameeting_YmFhYjYgyN2MtZmJlZS00NDAAwLWlZy2EtYz1NDhlZDM2YjA5%2540thread.v2%2F0%3Fcontext%3D%257B%2522Tid%2522%253A%25220693b5ba-4b18-4d7b-9341-f32f400a5494%2522%252C%2522Oid%2522%253A%252213321130-a12b-4290-8bcf-30387057bd7b%2522%252C%2522IsBroadcastMeeting%2522%253A%2522a%2522%257D%26btype%3Da%26role%3Da&data=05%7C01%7CVickie.Hanvey%40bia.gov%7Cdc922855ffe24cc9335f08daedaf3afa%7C0693b5ba4b184d7b9341f32f400a5494%7C0%7C0%7C638083634101840906%7CUnknown%7CTWfPbGZsb3d8eyJWlJoiMC4wLjAwMDAiLCJQlJoiV2luMzliLCJBTiI6Ik1haWwiLCJXVC16Mn0%3D%7C3000%7C%7C%7C&sdata=jcd1NZqTZzun%2FAIjW9Dn11z8c1PD9V7rZks7QG8WbA%3D&reserved=0) for access.

Seventh Public Meeting

The Committee meeting will begin at 9 a.m. Eastern Standard Time on Thursday, March 30, 2023. Members of the public may attend in-person, at the 7th floor South Penthouse room, or virtually at

4tvPDqyxiQromM9k%2B%2Bqlq
AUBTKv6s6OSufsShaSSK0U%3D
&reserved=0 for access.

Meeting Accessibility/Special Accommodations

Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the meeting to give DOI sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Comments

Depending on the number of people who want to comment and the time available, the amount of time for individual oral comments may be limited. Requests to address the Committee during the meeting will be accommodated in the order the requests are received. Individuals who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written comments to the Designated Federal Officer up to 30 days following the meeting. Written comments may be sent to Vickie Hanvey listed in the **ADDRESSES** section above.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment to withhold your personal identifying information from public review, it cannot be guaranteed.

(Authority: 5 U.S.C. 10)

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2023-02205 Filed 2-2-23; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 310

[Docket ID: DoD-2022-OS-0142]

RIN 0790-AL62

Privacy Act of 1974; Implementation

AGENCY: Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency

(OATSD(PCLT)), Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: The OATSD(PCLT) is giving notice of a proposed rulemaking for an existing component-wide system of records pursuant to the Privacy Act of 1974 titled CIG-16, “Inspector General Administrative Investigation Records,” which was modified and reissued on May 31, 2022. In this rulemaking, the Department proposes to amend the existing rule for CIG-16 in order to exempt portions of this system of records from certain provisions of the Privacy Act because of national security and law enforcement requirements; to avoid interference during the conduct of criminal, civil, or administrative actions or investigations; and to protect the identity of confidential sources incident to Federal employment, military service, contract, and security clearance determinations.

DATES: Send comments on or before April 4, 2023.

ADDRESSES: You may submit comments, identified by docket number, Regulation Identifier Number (RIN) and title, by any of the following methods.

* *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Rahwa Keleta, OSD.DPCLTD@mail.mil; (703) 571-0070.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, the Office of Inspector General (OIG) modified and reissued a system of records titled, “Defense Case Activity Tracking System (D-CATS),” CIG-16, on May 31, 2022 (87 FR 32391). The system of records was retitled, “Inspector General Administrative Investigation Records (IGAIR).” IGAIR is

critical to the DoD OIG’s management and oversight of DoD programs and activities and is used for managing cases, storing information, responding to requests for information, and fulfilling mandatory reporting requirements. This system contains records of DoD OIG mission activities such as: the identification, referral, and investigation of DoD Hotline complaints; administrative investigations of both military and civilian senior officials accused of misconduct; oversight and investigation of whistleblower reprisal cases against Service members, DoD contractor employees, and DoD civilian employees (appropriated and non-appropriated fund); and improper command referrals of Service member mental health evaluations.

The system consists of both electronic and paper records and will be used by the OIG to maintain records about individuals who are subject and/or associated with a matter involved in DoD OIG’s oversight of investigations referenced above.

II. Privacy Act Exemption

The Privacy Act allows Federal agencies to exempt eligible records in a system of records from certain provisions of the Act, including those that provide individuals with a right to request access to and amendment of their own records. If an agency intends to exempt a particular system of records, it must first go through the rulemaking process pursuant to 5 U.S.C. 553(b)(1)–(3), (c), and (e). This proposed rule explains why an exemption is being claimed for this system of records and invites public comment, which DoD will consider before the issuance of a final rule implementing the exemption.

The DoD OIG previously published a final rule exempting CIG-16 from certain provisions of the Privacy Act under 5 U.S.C. 552a(k)(2) and (5) on June 10, 1992 (57 FR 24547). The OATSD(PCLT) now proposes to modify 32 CFR part 310 to update the existing Privacy Act exemption rule for CIG-16 to change the system name and to exempt portions of this system of records from certain provisions of the Privacy Act because information in this system of records may also fall within the scope of the following Privacy Act exemptions: 5 U.S.C. 552a(j)(2) and (k)(1). As referenced in the CIG-16 system of records notice published on May 31, 2022 (87 FR 32391), this rulemaking seeks public comment on (1) the previously claimed exemption under 5 U.S.C. 552a(j)(2) for which a rulemaking was not completed and (2) on the addition of an exemption under

Accept the notice of the Rule of Play: Four Card Poker approved by the Oneida Gaming Commission on...

Business Committee Agenda Request

1. Meeting Date Requested: 03/08/23

2. Session:

Open Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Enter the requested motion related to this item.

4. Areas potentially impacted or affected by this request:

- Finance
- Law Office
- Gaming/Retail
- Other: *Describe*
- Programs/Services
- MIS
- Boards, Committees, or Commissions

5. Additional attendees needed for this request:

- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*

6. Supporting Documents:

- | | | |
|--|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input checked="" type="checkbox"/> ROP: Four Card Poker | | |

7. Budget Information:

- | | |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i> | |

8. Submission:

Authorized Sponsor: Mark Powless, OGC - Chairman

Primary Requestor: Ivory Kelly, OGC-Regulatory Compliance Manager

Oneida Business Committee Agenda Request

Cover Memo:

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

Gaming Management requested revisions to ROP Four Card Poker:

February 24, 2023 the Oneida Gaming Commission accepted the proposed revisions.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

Action Requested: Accept the revisions to ROP: Four Card Poker with no requested revisions.

Please Note (OBC ACTION OPTIONS)

Per the Chief Counsel memo dated February 27, 2018, regarding appropriate OBC action for Rules of Play Revisions, the motion for this request would be as follows:

"Accept the notice of the ROP: Four Card Poker approved by the OGC on February 24 2023, and...

(a) Directs notice to the Gaming Commission there are no requested revisions under Section 501.6-14(d);

(b) Directs notice to the Gaming Commission that the Oneida Business Committee will be recommending : Four Card Poker amendments to the ROP in accordance with sections 510.6-14(d)(3)(C);
or

(c) Directs notice to the Gaming Commission that the Oneida Business Committee repeals the ROP: Four Card Poker in accordance with section 501.6-14(d)(3)(A) and subsections (i).



Request for Rule of Play Revision THREE CARD POKER, FOUR CARD POKER, & MISSISSIPPI STUD

To: Oneida Gaming Commission
Oneida Gaming Commission Compliance

From: Lambert Metoxen, Table Games Director
Fawne Teller, Assistant Gaming Manager - Profits
c/o Oneida Gaming Compliance

Date: September 09, 2022

Background

Three Card and Four Card Poker were created in June of 2011. Since then, there have been two revisions due to the OMGICR/S revision project (removed Min/Max from the Rules of Play) and Table Games Management's decision to update subsections "The Play," of each game to create consistency between the two games. While merging the approved subsections, it was noticed that there were further significant inconsistencies between the two games but did not seem to need immediate attention. It was not planned to be addressed until FY'2023, however, with recent staffing shortages affecting the shipping of gaming equipment, it was thought to best move the date to as soon as possible because the shuffle and dealing devices ordered are not immune to this phenomena happening across the country and we need to be sure we are ready, if shipping delays should impact our business further.

It was noted that in the Three Card Poker game, a count of the stub after every five hands was not required in the "Dealing by Hand" subsection, so long as there were an automatic shuffling device utilized. Automatic Shuffling Devices have an ability to ensure that 52 cards are being shuffled and will signal if there is not. This is the reason for the provisions that state there is no need to count the stub, should there be an automatic shuffling device utilized. Automatic Shuffling Devices are in abundance and are easily maintained in comparison to the Automatic Dealing Shoe. Table Games Management is confident that we will be able to keep these games open, should there be issues with the currently used Automated Dealing Shoes by swapping to an Automated Shuffling Device and dealing by hand.

It is not certain as to how this was overlooked in the other games, Four Card Poker and Mississippi Stud, but it was. While having all three Rules of Play (Three Card Poker, Four Card Poker, & Mississippi Stud) open for improvements, the entire document for each was then corrected to create an easier read for all parties and unprofessional verbiage was removed, such as dealer pronouns (He/She & His/Her).

**Relative Regulations:****Three Card Poker****Current****G.6**

Notwithstanind the provisions of (5) above, the counting of the stub shall not be required to in an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated shuffling device reveals from the table in accordance with applicable minimum interal control procedures for the receipt and removal of cards.

H.4

The dealer shall count the stub in accordance with with the provisions of Subsection (G)(5) and (6).

Revision:

G.7 – Same language as G.6 above; and

H.4 – Same language as H.4 above but”Subsections (G)(6) and (7).”

Four Card Poker**Current****G.6**

The dealer shall be required to count the stub at leaste once every five rounds of play in order to determine that there are still 52 cards present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

- a. *If the count of the stub indicateds that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.*
- b. *If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the are designed for the placement of the dealer’s hand has more or less than the five cards) but 52 cards remain in the deck, all hands shall be void pursuant to Subsection L (irregularities). If the cards have not been misdealt, all hands shall be considered void and the entire ceck of cards shall be removed from the table.*

H.4

The dealer shall count the stub in accordance with the provisions of subsection (G)(6).

Revision**G.6**

The dealer shall determine the number of cards in the stub by counthing the cards face down on the layout.

- a. *If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.*
- b. *If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards are misdealt.*



- i. *If the cards have been misdealt (a player or the dealer has more or less than five cards) but 52 cards remain in the deck, all hands shall be void pursuant to Subsection L (Irregularities).*
- ii. *If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table.*

G.7

Notwithstanding the provisions of (5) above, the counting of the stub shall not be required if an automated card shuffling device is used to count the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If an automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with applicable minimum internal control procedures for the receipt and removal of cards.

H.4

The dealer shall count the stub in accordance with the provisions of Subsections (G)(7).

Mississippi Stud

Current

I.5

The dealer shall be required to count the stub at least once every five round of play in order to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

- a. *If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.*
- b. *If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt.*
 - i. *If the cards have been misdealt (a player or the area designated for the placement of Community Cards has more or less than three cards) but 52 cards remain in the deck, all hands shall be void pursuant to Subsection N. (Irregularities).*
 - ii. *If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table.*

J.5

The dealer shall count the stub in accordance with Subsection (I)(5).

Revision

I.5 – Same as above

I.6 - Addition

Notwithstanding the provisions of (5) above, the counting of the stub shall not be required if an automated card shuffling device is used to count the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If an automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with applicable minimum internal control procedures for the receipt and removal of cards.

J.5

The dealer shall count the stub in accordance with the provisions of Subsection (I)(6).

**Conclusion**

Gaming Management is seeking approval of the above revisions to all three Rules of Play, along with some minor revisions to improve the perspicuousness of the documents and removal of unprofessional pronouns in the previous documents. Please see attached documents.

The forementioned revisions will allow for dealer's to deal by hand with an automated shuffling device, capable of counting the cards in a deck, without counting the stub every five hands. Thus, not disrupting play and allow for a greater number of hands to be dealt while still maintaining the control of the amount of cards in the deck.

Thank you,

Table Games Management
Gaming Compliance Specialist
Gaming Senior Management

CC: Louise Cornelius, GM
Lorna Skenandore, AGM
Chad Fuss, AGM/CFO
Fawne Rasmussen, AGM
Brenda Buckly, AGM
Derrick King, Gaming Compliance Manager

From: [Ashley M. Blaker](#)
To: [Ivory S. Kelly](#)
Cc: [GamingCommission Compliance](#); [Michelle M. Braaten](#); [Tamara J. Vanschyndel](#); [Ashley M. Blaker](#)
Subject: Notification: ROP Four Card Poker
Date: Friday, February 24, 2023 4:23:22 PM
Attachments: [image001.png](#)
[ROP Four Card Poker.msg](#)

DATE: 02/24/23
FROM: Mark A. Powless Sr.
SUBJECT: ROP Four Card Poker

Good Afternoon,

The Gaming Commission has reviewed the following item(s) and is approved. This will be placed on the next Regular OGC Meeting agenda for retro approval.

1. ROP Four Card Poker

If you have any further questions please feel free to contact the OGC Chair Mark Powless Sr. via email mpowles5@oneidanation.org or at 497-5658.

Yaw^ko,
Ashley Blaker

Administrative Assistant
Oneida Gaming Commission
PO Box 79
Oneida WI 54155-0079
Phone: (920) 497-5850
OGC Fax: (920) 496-2009
Backgrounds Fax: (920) 490-8048



A good mind. A good heart. A strong Fire.

This email and any attachments may contain confidential information and is solely for the intended recipient(s). Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

FOUR CARD POKER.**A. Definitions.**

1. "Aces Up Wager" means the initial wager placed prior to any cards being dealt in order to qualify for payouts regardless of the dealer's hand.
2. "Ante Wager" means the initial wager placed prior to any cards being dealt in order to place a Play Wager.
3. "Fold" means the withdrawal of a player from a round of play by discarding ~~his or her~~ hand of cards after all cards have been dealt and prior to placing a Play Wager.
4. "Hand" means the four-card hand formed from the five cards dealt to each player or the ~~four-card-card~~ hand formed from the six cards dealt to the dealer.
5. "Play Wager" means an additional wager made by a player, in an amount one to three times the player's Ante Wager, after all cards for the round of play have been dealt but before the dealer's cards are exposed.
6. "Rank" or "Ranking" means the relative position of a card or group of cards as set forth in Subsection E (Four Card Poker Rankings).
7. "Round of Play" or "Round" means one complete cycle of play during which all wagers have been placed, all players then playing at the table have been dealt a hand cards, and all wagers have been paid off or collected.
8. "Stub" means the remaining portion of the deck after all cards in the round of play have been dealt.
9. "Suit" means one of the four categories of cards: club, diamond, heart or spade, with no suit being higher in rank than another.
10. "Washing" or "Chemmy Shuffle" means mixing cards face down on the table with a circular motion of the hands.

Commented [KNW1]: Request to remove pronouns and replace with "the hand of cards..."

Commented [KNW2]: This was distorted during the conversion. Changed to keep format the same throughout the document.

B. Equipment.

1. Four Card Poker shall be played on a table having up to seven ~~(7)~~ places on ~~one~~ side for the players, and a place for the dealer on the opposite side.
2. The cloth covering the Four Card Poker table (the layout) shall have betting areas for up to seven players. Within each betting area there shall be a place for an Ante Wager, a place for an Aces Up Wager, and a place for the Play

Commented [KNW3]: This was distorted during the conversion. Changed to keep format the same throughout the document

Wager.

3. Each Four Card Poker table shall have a table inventory container on or attached to the table.
4. Except as provided in (5) below, Four Card Poker shall be played with one deck of cards with backs of the same color and design, one additional cutting card and one additional cover card to be used in accordance with the procedures set forth in Subsection ~~D-E~~(Shuffle and Cut of the Cards).
5. If an automated card shuffling device is used, the casino shall be permitted to use a second deck of cards to play the game provided that:
 - a. Each deck of cards complies with (4) above;
 - b. The backs of the cards in the two decks are of different color;
 - c. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
 - d. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
 - e. The cards from only one deck shall be placed in the discard rack at any given time.

C. Four Card Poker Rankings.

1. The rank of the cards used in Four Card Poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three and two. All suits shall be considered equal in rank. All suits shall be considered equal in rank. Notwithstanding the foregoing, an ace may be used to complete a straight flush with a two, three, and four or a straight formed with a two, three, and four
2. The permissible poker hands at the game of Four Card Poker, in order of highest to lowest rank, shall be:
 - a. "Four-of-a-kind" is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;
 - b. "Straight flush" is a hand consisting of four cards of the same suit in consecutive ranking, with ace, king, queen, and jack being the highest-ranking straight flush and ace, two, three, and four being the lowest ranking straight flush;

Commented [ISK4]: Gaming management moved to be in alignment with 3card poker.

Commented [KNW5]: This was distorted during the conversion. Changed to keep format the same throughout the document. Also, suits is misspelled.

Commented [KNW6]:

c. "Three-of-a-kind" is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;

d. "Flush" is a hand consisting of four cards of the same suit;

e. "Straight" is a hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen, and jack being the highest ranking straight and an ace, two, three, and four being the lowest ranking straight; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, two);

f. "Two pairs" is a hand containing two "pairs," with two aces and two kings being the highest ranking two pair and two threes and two twos being the lowest ranking two pair; and

g. "One pair" is a hand containing two cards of the same rank, with two aces being the highest-ranking pair and two twos being the lowest ranking pair; and

h. "High card" is the hand that contains none of the hands authorized in this Subsection but contains the highest-ranking card as provided in (1) above which is not contained in the dealer's hand.

e. 3. When comparing a player's hand to the dealer's hand which are of identical poker hand rank pursuant to the provisions of this Subsection, the hand which contains the highest-ranking card as provided in (1) above which is not contained in the other hand shall be considered the higher-ranking hand. If the hands are of identical rank after the application of this Subsection, the player shall win.

Commented [KNW7]: "and," is incorrectly placed. Requesting to remove and replace as seen on C.2.g.

Commented [KNW8]: Request to remove. Does not seem applicable. These definitions are in order of ranking and not necessarily descriptors of how the ranking wins. This portion of the sentence could create confusion. C.3 better explains ranking and win.

C.D. **Opening the Table for Gaming:**

1. After receiving a deck or decks of cards at the table, the dealer shall sort and inspect the cards, and the floor person assigned to the table shall verify that inspection. Electronic verification may satisfy the floor person verification requirement.
2. Following the inspection of the cards by the dealer and the verification, the cards shall be spread out faceup on the table for visual inspection by the first player to arrive at the table. The cards shall be sorted according to suit and in sequence.

3. After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Subsection ~~D~~ E (Shuffle and Cut of the Cards).

~~3.4. If a casino uses an automated shuffling device to play the game and two decks of cards are received at the table, each deck of cards shall be sorted handled separately eby inspected, verified, spread, inspected, mixed, stacked, and handled shuffled in accordance with the provisions of (1) through (3) above.~~

4.5. All cards opened for use at the Four Card Poker table shall be changed at least once every eight hours. All cards opened for use on a table and dealt by hand shall be changed at least every four hours

D.E. Shuffle and Cut of the Cards:

1. Immediately prior to the commencement of play and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed.

a. If manually shuffled, upon completion the dealer or device shall place the deck of cards in a single stack and then directly into the dealing shoe.

2. After the cards have been shuffled and stacked, the dealer shall:

a. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards ~~s~~ in accordance with the procedures set forth in Subsections (G), (H), or (I); or

b. If the cards were shuffled manually, cut the cards in accordance with the procedures set forth in (3) below.

3. If a cut of the cards is required (when manually shuffled); ~~the dealer shall~~:

- 4. a. Cut the deck, using one hand, by:
 - i. Placing the cover card on the table in front of the deck of cards;
 - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;

Commented [ISK9]: Gaming management added to be in alignment with 3card poker.

Commented [KNW10]: Table Games Management is requesting the language be simplified because all the steps can be interpreted incorrectly. If each deck is treated individually and in accordance with the steps above, this language should be clear enough to not instigate a possible misinterpretation by anyone.

Commented [ISK11R10]: OGC accepts this change.

Commented [ISK12]: Changed verbiage and added language for consistency and clarity

Commented [ISK13]: Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing in this Subsection shall be deemed to prohibit the use of an automated shuffling device which, upon completion of the shuffling of the cards, insert the stack of cards directly into a dealing shoe, or dealer's hand, by first placing the cover card on the bottom of the stack without exposing any cards.

The highlighted language will not be added. #4 was added below to capture use of the cover card when dealing by hand.

Commented [ISK14]: This was deleted in the revised copy, but this will remain.

Commented [KNW15]: This was removed because it is inaccurate. If a manual shuffle is occurring, there is no device that will put a stack into the dealing shoe. Also, if you manually shuffle, you need to complete a Cut of the Cards before placing the stack into the dealing shoe.

Commented [ISK16R15]: The OGC agrees to remove.

Commented [KNW17]: Table Games Management is requesting to remove this because it may be interpreted to require the dealer to cut the cards and not allow the option for customers to cut the cards.

- iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (3)(a)(ii) above;
 - iv. Removing the cover card and placing it in the discard rack; and
- b. Deal the cards in accordance with the procedures set forth in Subsections (G), (H), or (I).

4. ~~If game is dealt by hand the dealer will first place the cover card on the bottom of the stack without exposing any cards.~~

Commented [ISK18]: Control that is already in place in 3card but not 4card. Please review 3 card section E2 for further clarity.

5. Notwithstanding (3) above, after the cards have been cut and before any cards have been dealt, a casino floor supervisor may require the cards to be recut if ~~he or she~~ determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

Commented [KNW19]: Table Games Management is in agreement with the verbiage added, however, the placement is not chronological like the remainder of the Rules of Play. TG Mgt is requesting this to be Subsection E.2.a.i.

Commented [KNW20]: Request this change to be "floor person"

6. Whenever there is no gaming activity at a Four Card Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down.

Commented [KNW21]: Request to remove pronouns. Change to "the floor person"

a. If the cards are spread face down, they shall be turned face up once a player arrives at the table.

b. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined ~~in~~ Subsection ~~(D)~~(3) shall be completed.

6.c. Play will then commence in conformance with the procedures outlined in Subsection ~~(E)~~.

Commented [ISK22]: Paragraph was broken down for improved flow and understanding.

~~E. Four Card Poker Rankings~~

~~1. The rank of the cards used in Four Card Poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three and two. Notwithstanding the foregoing, an ace may be used to complete a straight flush with a two, three, and four or a straight formed with a two, three, and four.~~

~~2. The permissible poker hands at the game of Four Card Poker, in order of highest to lowest rank, shall be:~~

~~a. "Four of a kind" is a hand consisting of four cards of the same rank, with four aces being the highest ranking four of a kind and four twos being the lowest ranking four of a kind;~~

~~b. "Straight flush" is a hand consisting of four cards of the same suit in consecutive ranking, with ace, king, queen, and jack being the highest ranking straight flush and ace, two, three, and four being the~~

lowest ranking straight flush;

c. "Three of a kind" is a hand consisting of three cards of the same rank, with three aces being the highest ranking three of a kind and three twos being the lowest ranking three of a kind;

d. "Flush" is a hand consisting of four cards of the same suit;

e. "Straight" is a hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen, and jack being the highest ranking straight and an ace, two, three, and four being the lowest ranking straight; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, two);

f. "Two pairs" is a hand containing two "pairs," with two aces and two kings being the highest ranking two pair and two threes and two twos being the lowest ranking two pair; and

g. "One pair" is a hand containing two cards of the same rank, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

h. "High card" is the hand that contains none of the hands authorized in this Subsection but contains the highest ranking card as provided in (1) above which is not contained in the dealer's hand.

3. When comparing a player's hand to the dealer's hand which are of identical poker hand rank pursuant to the provisions of this Subsection, the hand which contains the highest ranking card as provided in (1) above which is not contained in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this Subsection, the player shall win.

F. Wagers

1. The following wagers may be placed in the game of Four Card Poker:

a. A player may compete solely against the dealer by placing an Ante Wager in an amount within the posted minimum and maximum wagers and then placing a Play Wager between one and three times the dollar amount of the player's Ante Wager;

b. A player may compete solely against a posted payout ledger by placing an Aces Up Wager, which wager may be in any amount within the posted minimum and maximum wagers; or

c. A player may compete against both the dealer and the posted payout ledger by placing wagers in accordance with the requirements of (1)(a) and (b) above.

2. All wagers at Four Card Poker shall be made by placing gaming chips or tokens and, if applicable, a match play coupon on the appropriate areas of the table layout. A verbal wager accompanied by cash shall not be

Commented [ISK23]: This verbiage has been replaced with the verbiage from 3card poker for consistency. Verbiage was changed as needed as there are differences in play between 3card and 4card.

Commented [ISK24]: Added by gaming management

Commented [ISK25]: Verbiage change from. Previously stated "Pairs Plus Wager"

accepted.

3. All initial wagers shall be placed prior to the dealer indicating "No More Bets" in accordance with the dealing procedures in Subsections (G), (H), or (I).
 - a. ~~a.~~ Except as otherwise provided in these Rules, no wager shall be made, increased, or withdrawn after the dealer has indicated "No More Bets."
 - b. All Play Wagers shall be placed in accordance with Subsection (J) (The Play).
4. A casino may, in its discretion, permit a player to place wagers at two betting positions during a round of play provided that the two betting positions are adjacent to each other.
 - a. In the event that the casino permits a player to place wagers at two betting positions, all procedures outlined in these Rules of Play shall be utilized for a position at which such a wager has been placed in the same manner as if the position were occupied by a player.
5. Notwithstanding (1) above, a casino may offer a version of the game of Four Card Poker requiring:
 - a. As a precondition to the placement of a Aces Up~~P~~ Wager, the placement of an Ante Wager in an amount at least equal to the Aces Up Wager;
 - b. As a precondition to the placement of a Aces Up Wager, the placement of an Ante Wager in an amount at least equal to one-half the Aces Up Wager; or
 - ~~f.~~ c. The compulsory placement of an Ante Wager and a Aces Up Wager, provided that one wager may be placed in an amount up to a maximum of five times the amount of the other wager without regard to which wager is the greater of the two.
- ~~1.~~ All wagers at Four Card Poker shall be made by placing gaming chips or tokens and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.
- ~~2.~~ All initial wagers shall be placed prior to the dealer indicating "No More Bets" in accordance with the dealing procedures in Subsections (G), (H), or (I). Except as otherwise provided in these Rules, no wager shall be made, increased, or withdrawn after the dealer has indicated "No More Bets."

Commented [ISK26]: Paragraph was broken down for further clarity and understanding.

~~3. A Play Wager shall be made in accordance with Subsection J (The Play).~~

G. Procedure for Dealing from a Manual Shoe.

1. If the casino chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the applicable control standards for dealing shoes and shall be located on the table. Once the procedures required by Subsection ~~E~~ (Shuffle and Cut of the Cards) have been completed, the stacked deck(s) of cards shall be placed in the dealing shoe ~~either by the dealer, or by an automatic shuffling device.~~
2. ~~The dealer shall indicate "No More Bets" prior to dealing any cards. Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. Prior to dealing the cards and once all initial wagers have been placed, the dealer shall then indicate "No More Bets."~~
3. ~~The dealer shall, starting with the player farthest to the left and continuing around the table in a clockwise manner, deal one card, face down, at a time in order to each player who has placed an Ante Wager or Aces Up Wager and to the dealer until each player who placed a wager each has five (5) cards. The dealer shall then deal the dealer a sixth (6) card face up on the dealer's hand. Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.~~
4. ~~After five (5) cards have been dealt to each player and six (6) to the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in five (5) below, place the stub in the discard rack without exposing the cards. The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal five cards face down to each player and the dealer, in succession, directly on top of the preceding card dealt facedown. The dealer shall then deal a sixth card to himself face up on his hand.~~
5. ~~Except as provided in (7) below, the dealer shall be required to count the stub at least once every five (5) rounds of play in order to determine the correct number of cards are still present in the deck. After all cards have been dealt to each player and the area designated for the hand of the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (6) below, place the stub in the discard rack without exposing the cards.~~
6. The dealer shall determine the number of cards in the stub by counting the

Commented [KNW27]: Request to remove. This game will never have multiple decks in the shoe.

Commented [ISK28R27]: OGC agrees to remove

Commented [KNW29]: Request to have this remain in the regulation. After further research, the technology exists for an automatic shuffling device to automatically place a deck of cards into a manual shoe.

Commented [ISK30R29]: OGC agrees to keep the language

Commented [ISK31]: Added from 3 card.

Commented [KNW32]: Requesting to insert this language that allows for the count of the stub to NOT take place if an automated shuffling device is utilized when dealing from manual shoe.

Commented [ISK33R32]: Yes, after further clarification the OGC will accept this change.

~~cards face down on the layout. The dealer shall be required to count the stub at least once every five rounds of play in order to determine that there are still 52 cards present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.~~

- a. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
- b. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt.
 - i. If the cards have been misdealt (a player or the ~~dealer has more of less than five cards~~ ~~area designed for the placement of the dealer's hand has more or less than five cards~~) but 52 cards remain in the deck, all hands shall be void pursuant to Subsection L (Irregularities).
 - ii. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table.

Commented [ISK34]: Changed language as requested from Management's original request on 09/09/2022

- b. ~~7. Notwithstanding the provisions of five (5) above, the counting of the stub shall not be required if an automated card shuffling device is used to count the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If an automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with applicable minimum internal control procedures for the receipt and removal of cards.~~

Commented [ISK35]: After completion of review from the OGC this was found to be in I.6. Inserting it here will be duplication. Is there something you feel I.6 is not capturing?

H. Procedures for Dealing from the Hand-

1. ~~A casino may, in its discretion, permit a dealer to deal the cards used to play Four Card Poker from his or her hand.~~
- 2.1. If a casino chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed:
 - a. The casino dealer shall use an automated shuffling device to shuffle the cards.
 - b. Once the procedures required by Subsection ~~D-E~~ (Shuffle and Cut of the Cards) have been completed, the dealer shall place the stacked

Commented [KNW36R35]: Yes. It is inherent in the technology that an automated dealing shoe is connected with an automatic shuffling device. In the revision approved on 8/10/22, this was excluded from subsection (I) because it is not a possibility to ever need to count the stub because an automatic shuffling device is connected to the automated dealing shoe and cannot function without the automatic shuffling option.

G.7 should remain and I.6 should be removed. Also, this draft still refers to G.6 in dealing by hand and the purpose of this request was to remove the need to count the stub when dealing by hand because an automatic shuffling device is required to deal by hand. This keeps the cards out of the dealers hand and decreases risk as a result.

Commented [ISK37R35]: After further clarification the OGC will accept this change.

deck of ~~cards(s)~~ in either hand.

i. ~~When Onee the dealer has chosen the hand in which the cards will be held, the dealer shall use that same hand whenever holding the cards during that round of play. he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.~~

ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.

~~c.~~ The dealer shall then indicate "No More Bets" prior to dealing any cards.

~~e.d.~~ The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

~~3.2.~~ ~~The dealer shall, starting with the player farthest to the left and continuing around the table in a clockwise manner, deal one card, face down, at a time in order to each player who has placed a wager each has five (5) cards. The dealer shall then deal the dealer a sixth (6) card face up on the dealer's hand.~~ The dealer shall, starting with the player farthest to ~~the his or her~~ left and continuing around the table in a clockwise manner, deal ~~one card at a time, in order, five cards face down~~ to each player ~~who has placed an Ante Wager or Aces Up Wager and to~~ the dealer ~~until each have five cards. All cards shall be dealt face down, in succession, directly on top of the preceding card dealt face down.~~ The dealer shall then deal a sixth card to himself face up on his hand.

~~4.3.~~ After all cards have been dealt to each player and the area designated for the placement of the dealer's hand, the dealer shall, except as provided in ~~(4)~~ below, place the stub in the discard rack without exposing the cards.

~~5.4.~~ The dealer shall count the stub in accordance with the provisions of Subsection (G)(6).

I. Procedures for Dealing from an Automated Shoe.

1. ~~A casino may, in its discretion, choose to have the cards used to play Four Card Poker dealt from an automated dealing shoe which dispenses cards in stacks of five cards.~~

2. If a casino chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed:

Commented [KNW38]: Request this to be changed to "cards" because the dealer is required to have the entire deck of cards in hand. There will never an option for one card as implied by the parentheses.

Commented [ISK39R38]: OGC accepts change

Commented [KNW40]: Request to remove pronouns and replace the sentence to be clearer.

Commented [KNW41]: Table Games Management is requesting to use the language as above in Subsection G.3. It is worded better than all other variations.

Commented [ISK42R41]: The OGC accepts this change

Commented [ISK43]: This was deleted from the request. Is this really not a part of the procedure anymore?

Commented [KNW44]: Replace with G.7 because an automatic shuffling device is required to deal by hand.

Commented [ISK45]: Gaming management requested to remove this but after review the OGC has decided to keep this language. When 3card poker comes up for review or updates similar verbiage will be added. This ensures a clear flow and understanding of the regulations that follow.

Commented [KNW46R45]: Table Games Management is in agreement with this change as it establishes the stack of 5 card to each player and dealer.

a. Once the procedures required by Subsection ~~D-E~~ (Shuffle and Cut of the Cards) have been completed, the cards shall be placed in the automated dealing shoe.

b. The dealer shall then indicate "No More Bets" prior to the dealer dealing shoe dispensing any stacks of cards.

3. The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe facedown to the player farthest to the to his or her left who has placed a wager in accordance with Subsection F (Wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with Subsection F (Wagers).

a. The dealer shall then deliver a stack of five cards face down to the area designated for the dealer's hand.

b. The automated dealing shoe shall dispense one more stack, of which the dealer shall place the top card face up on his hand.

3. c. The dealer will place all cards remaining in that stack in the discard rack.

4. After each stack of five (5) cards has been dispensed and delivered in accordance with (3) above, the dealer shall remove the stub from the automated dealing shoe and place the cards in the discard rack without exposing the cards.

5.2. The dealer shall count the stub in accordance with the provisions of Subsection (G)(67).

6. The counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

J. The Play-

1. Prior to the procedures required by Subsection (G), (H), or (I), each player shall make one or both of the following wagers:

a. Ante Wager means player elects to play against the dealer.

Commented [KNW47]: Requesting this to be changed from "shoe dispensing," to "dealer dealing..." because the control remains with the dealer.

Commented [ISK48R47]: OGC accepts this change

Commented [KNW49]: Request to remove pronouns. Replace with "the"

Commented [KNW50]: Requesting to change to "the dealer's hand."

Commented [ISK51]: In G7 you stated that this is essentially what you wanted to change? Is there something that this regulation is not capturing?

Commented [KNW52]: As stated in Subsection G, request this verbiage to remain there and removed from here because there is no possibility of ever needing to count the stub in this Subsection because the game cannot be dealt in accordance with this subsection without the use of an automated shuffling device being used.

Commented [ISK53R52]: After further clarification the OGC accepts this change

- b. Aces Up means the player elects to play the hand value against the pay table.
- 2. After the dealing procedures required by Subsections (G), (H), or (I) have been completed, each player shall determine the best ~~F~~four ~~C~~card ~~P~~oker hand out of their five cards.
- 3. ~~3.~~ Each player shall be responsible for their ~~own~~ ~~own~~ hand. No other person other than the dealer may touch the cards of said player. Each player shall be required to keep the five cards in full view of the dealer at all times. After examination:
 - a. If the player has placed an Ante Wager, the player may elect to either make a Play Wager in the amount between one and three times the player’s Ante Wager, or fold.
 - b. If the player only has placed an Aces Up Wager, the player will place the hand face down on the appropriate area on the layout, or fold.
- 4.3. The player will place the five cards face down on the appropriate area of the layout. The player shall not touch the cards again. If a player is unsure of the hand once placed on the layout, the dealer may check the player’s cards ~~upon request from the player~~.
- 5.4. If a player folds, the wager(s) shall be collected by the dealer and placed in the table inventory container. A folded hand shall then be collected by the dealer and placed in the discard rack.
- 6.5. If no players have placed a Play Wager, the dealer will not turn over the cards to show the dealer’s hand.
 - a. The dealer will turn over the player’s hand with an Aces Up Wager, arrange the hand from the highest card value to the lowest card value, and determine if the wager is won.
 - b. ~~Winning Aces Up Wager will be reconciled in accordance with Subsection K~~ ~~Aces Up Wager will be placed in the table inventory container~~ and cards shall be placed in the discard rack ~~upon payment~~.
 - c. Losing Aces Up Wagers will be placed in the table inventory container and cards shall be placed in the discard rack.
- 7.6. If at least one player has placed a Play Wager, the dealer shall turn over the dealer’s cards and arrange the dealer hand from the highest card value to the lowest card value. The dealer shall then indicate the best four card hand. The two cards the dealer does not use should be positioned to the

Commented [K54]: Formatting was off because of conversion

Commented [KNW55]: Formatting was off from conversion.

Commented [K56]: Table Games Management is requesting to insert this language.

Commented [ISK57R56]: OGC accepts this change

Commented [KNW58]: Request to change to this verbiage. Current language implies a loss when a loss is discussed directly below in Subsection J.6.c. *“Losing Aces Up Wagers will be placed in the table inventory container and cards shall be placed in the discard rack.”*

Commented [ISK59R58]: OGC agrees with this change

right of the hand.

~~8.7.~~ After the dealer has announced the dealer’s best hand, the dealer shall, starting with the player farthest to the right, reveal the player’s cards. The dealer will reconcile each hand individually working counterclockwise in accordance with Subsection K (Payout Odds) for the following wagers:

- a. Play Wager;
- b. Ante Wager;
- c. Bonus Wager, if the player has an Ante and Play Wager; and
- d. Aces Up Wager.

~~9.8.~~ After each wager is settled, the dealer will collect the cards of each player and place them in the discard rack in accordance with J. 11 below.

~~10.9.~~ If the hand of the player ties with that of the dealer’s hand, the Ante and Play Wagers of the player shall win.

~~11.10.~~ All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

Commented [KNW60]: Number 10 is distorted from conversion.

K. Payout Odds:

- ~~1.~~ There are three payout types as follows:
 - a. A player, in competition against the dealer, shall be paid 1 to 1 on both the Ante Wager and the Play Wager if the player's hand is ranked higher than or equal to the dealer's hand.
 - b. A player placing an Aces Up Wager shall be paid in accordance with the following payout table:

<u>Hand</u>		<u>Odds</u>
<u>Four-of-a-Kind</u>	pays	<u>50 to 1</u>
<u>Straight Flush</u>	pays	<u>30 to 1</u>
<u>Three-of-a-Kind</u>	pays	<u>7 to 1</u>
<u>Flush</u>	pays	<u>6 to 1</u>
<u>Straight</u>	pays	<u>5 to 1</u>
<u>Two Pair</u>	pays	<u>2 to 1</u>
<u>Pair of Aces</u>	pays	<u>1 to 1</u>

~~b.~~

- ~~4 of a Kind 50 to 1~~
- ~~Straight Flush 30 to 1~~
- ~~3 of a Kind 7 to 1~~
- ~~Flush 6 to 1~~
- ~~Straight 5 to 1~~
- ~~Two Pair 2 to 1~~
- ~~Pair of aces 1 to 1~~

C. A player placing an Ante Wager and a Play Wager shall be paid an automatic bonus if the player's hand consists of the following:

Hand		Odds
<u>Four-of-a-Kind</u>	pays	<u>25 to 1</u>
<u>Straight Flush</u>	pays	<u>20 to 1</u>
<u>Three-of-a-Kind</u>	pays	<u>2 to 1</u>

Commented [KNW61]: This was an error.

- ~~4 of a Kind 25 to 1~~
- ~~Straight Flus 20 to 1~~
- ~~3 of a Kind 2 to 1~~

L. Irregularities.

1. A card that is found face up in the shoe of the deck while the cards are being dealt shall cause a misdeal and all hands shall be void and the cards shall be reshuffled.
2. If manually dealt, a card dealt in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.
3. If any player or the dealer is dealt an incorrect number of cards, all hands shall be void and the cards shall be reshuffled.
4. If one or more of the dealer's cards ~~is~~ inadvertently exposed prior to the dealer revealing ~~the dealer's his or her~~ cards ~~as prescribed in Subsection (J)(4)~~, all hands shall be voided and the cards shall be reshuffled.
5. If an automated card shuffling device is being used and device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled ~~in accordance with Subsection E (Shuffle and Cut of the Cards)~~.
6. If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void. ~~The cards shall then be reshuffled in accordance with Subsection E (Shuffle and Cut of the Cards).~~

Commented [K62]: Should be "is," not "in."

Commented [KNW63]: Request to remove pronouns. Insert "the dealer's"

Commented [KNW64]: Requesting to change the language to "in accordance with Subsection (J)(7),..." The reason is because the dealer does not always reveal their hand.

Commented [ISK65R64]: OGC agrees with this change.

FOUR CARD POKER.**A. Definitions**

1. "Aces Up Wager" means the initial wager placed prior to any cards being dealt in order to qualify for payouts regardless of the dealer's hand.
2. "Ante Wager" means the initial wager placed prior to any cards being dealt in order to place a Play Wager.
3. "Fold" means the withdrawal of a player from a round of play by discarding hand of cards after all cards have been dealt and prior to placing a Play Wager.
4. "Hand" means the four-card hand formed from the five cards dealt to each player or the four-card hand formed from the six cards dealt to the dealer.
5. "Play Wager" means an additional wager made by a player, in an amount one to three times the player's Ante Wager, after all cards for the round of play have been dealt but before the dealer's cards are exposed.
6. "Rank" or "Ranking" means the relative position of a card or group of cards as set forth in Subsection E (Four Card Poker Rankings).
7. "Round of Play" or "Round" means one complete cycle of play during which all wagers have been placed, all players then playing at the table have been dealt a hand cards, and all wagers have been paid off or collected.
8. "Stub" means the remaining portion of the deck after all cards in the round of play have been dealt.
9. "Suit" means one of the four categories of cards: club, diamond, heart or spade, with no suit being higher in rank than another.
10. "Washing" or "Chemmy Shuffle" means mixing cards face down on the table with a circular motion of the hands.

B. Equipment

1. Four Card Poker shall be played on a table having up to seven (7) places on one side for the players, and a place for the dealer on the opposite side.
2. The cloth covering the Four Card Poker table (the layout) shall have betting areas for up to seven players. Within each betting area there shall be a place for an Ante Wager, a place for an Aces Up Wager, and a place for the Play Wager.

3. Each Four Card Poker table shall have a table inventory container on or attached to the table.
4. Except as provided in (5) below, Four Card Poker shall be played with one deck of cards with backs of the same color and design, one additional cutting card and one additional cover card to be used in accordance with the procedures set forth in Subsection E(Shuffle and Cut of the Cards).
5. If an automated card shuffling device is used, the casino shall be permitted to use a second deck of cards to play the game provided that:
 - a. Each deck of cards complies with (4) above;
 - b. The backs of the cards in the two decks are of different color;
 - c. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
 - d. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
 - e. The cards from only one deck shall be placed in the discard rack at any given time.

C. Four Card Poker Rankings

1. The rank of the cards used in Four Card Poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three and two. All suits shall be considered equal in rank. Notwithstanding the foregoing, an ace may be used to complete a straight flush with a two, three, and four or a straight formed with a two, three, and four
2. The permissible poker hands at the game of Four Card Poker, in order of highest to lowest rank, shall be:
 - a. "Four-of-a-kind "is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;
 - b. "Straight flush" is a hand consisting of four cards of the same suit in consecutive ranking, with ace, king, queen, and jack being the highest-ranking straight flush and ace, two, three, and four being the lowest ranking straight flush;
 - c. "Three-of-a-kind" is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and

three twos being the lowest ranking three-of-a-kind;

- d. "Flush" is a hand consisting of four cards of the same suit;
 - e. "Straight" is a hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen, and jack being the highest ranking straight and an ace, two, three, and four being the lowest ranking straight; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, two);
 - f. "Two pairs" is a hand containing two "pairs," with two aces and two kings being the highest ranking two pair and two threes and two twos being the lowest ranking two pair;
 - g. "One pair" is a hand containing two cards of the same rank, with two aces being the highest-ranking pair and two twos being the lowest ranking pair; and
 - h. "High card" is the hand that contains none of the hands authorized in this Subsection but contains the highest-ranking card as provided in (1) above.
3. When comparing a player's hand to the dealer's hand which are of identical poker hand rank pursuant to the provisions of this Subsection, the hand which contains the highest-ranking card as provided in (1) above which is not contained in the other hand shall be considered the higher-ranking hand. If the hands are of identical rank after the application of this Subsection, the player shall win.

D. Opening the Table for Gaming

- 1. After receiving a deck or decks of cards at the table, the dealer shall sort and inspect the cards, and the floor person assigned to the table shall verify that inspection. Electronic verification may satisfy the floor person verification requirement.
- 2. Following the inspection of the cards by the dealer and the verification, the cards shall be spread out faceup on the table for visual inspection by the first player to arrive at the table. The cards shall be sorted according to suit and in sequence.
- 3. After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Subsection E (Shuffle and Cut of the Cards).

4. If a casino uses an automated shuffling device to play the game and two decks of cards are received at the table, each deck of cards shall be handled separately and in accordance with the provisions of (1) through (3) above.
5. All cards opened for use at the Four Card Poker table shall be changed at least once every eighthours. All cards opened for use on a table and dealt by hand shall be changed at least every four hours.

E. Shuffle and Cut of the Cards

1. Immediately prior to the commencement of play and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed.
2. After the cards have been shuffled and stacked, the dealer shall:
 - a. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in Subsections (G), (H), or (I); or
 - i. If game is dealt by hand the dealer will first place the cover card on the bottom of the stack without exposing any cards.
 - b. If the cards were shuffled manually, cut the cards in accordance with the procedures set forth in (3) below.
3. If a cut of the cards is required (when manually shuffled):
 - a. Cut the deck, using one hand, by:
 - i. Placing the cover card on the table in front of the deck of cards;
 - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;
 - iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (3)(a)(ii) above;
 - iv. Removing the cover card and placing it in the discard rack; and
 - b. Deal the cards in accordance with the procedures set forth in Subsections (G), (H), or (I).
4. Notwithstanding (3) above, after the cards have been cut and before any

cards have been dealt, a casino floor may require the cards to be recut if determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

5. Whenever there is no gaming activity at a Four Card Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down.
 - a. If the cards are spread face down, they shall be turned face up once a player arrives at the table.
 - b. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Subsection (D)(3) shall be completed.
 - c. Play will then commence in conformance with the procedures outlined in Subsection (E).

F. Wagers

1. The following wagers may be placed in the game of Four Card Poker:
 - a. A player may compete solely against the dealer by placing an Ante Wager in an amount within the posted minimum and maximum wagers and then placing a Play Wager between one and three times the dollar amount of the player's Ante Wager;
 - b. A player may compete solely against a posted payout ledger by placing an Aces Up Wager, which wager may be in any amount within the posted minimum and maximum wagers; or
 - c. A player may compete against both the dealer and the posted payout ledger by placing wagers in accordance with the requirements of (l)(a) and (b) above.
2. All wagers at Four Card Poker shall be made by placing gaming chips or tokens and, if applicable, a match play coupon on the appropriate areas of the table layout. A verbal wager accompanied by cash shall not be accepted.
3. All initial wagers shall be placed prior to the dealer indicating "No More Bets" in accordance with the dealing procedures in Subsections (G), (H), or (I).
 - a. Except as otherwise provided in these Rules, no wager shall be made, increased, or withdrawn after the dealer has indicated "No More Bets."

- b. All Play Wagers shall be placed in accordance with Subsection (J) (The Play).
4. A casino may, in its discretion, permit a player to place wagers at two betting positions during a round of play provided that the two betting positions are adjacent to each other.
 - a. In the event that the casino permits a player to place wagers at two betting positions, all procedures outlined in these Rules of Play shall be utilized for a position at which such a wager has been placed in the same manner as if the position were occupied by a player.
5. Notwithstanding (1) above, a casino may offer a version of the game of Four Card Poker requiring:
 - a. As a precondition to the placement of an Aces Up Wager, the placement of an Ante Wager in an amount at least equal to the Aces Up Wager;
 - b. As a precondition to the placement of an Aces Up Wager, the placement of an Ante Wager in an amount at least equal to one-half the Aces Up Wager; or
 - c. The compulsory placement of an Ante Wager and Aces Up Wager, provided that one wager may be placed in an amount up to a maximum of five times the amount of the other wager without regard to which wager is the greater of the two.

G. Procedure for Dealing from a Manual Shoe.

1. If the casino chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the applicable control standards for dealing shoes and shall be located on the table. Once the procedures required by Subsection E (Shuffle and Cut of the Cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer.
2. The dealer shall indicate “No More Bets” prior to dealing any cards. Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.
3. The dealer shall, starting with the player farthest to the left and continuing around the table in a clockwise manner, deal one card, face down, at a time in order to each player who has placed an Ante Wager or Aces Up Wager and to the dealer until each player who placed a wager each has five (5) cards. The dealer shall then deal the dealer a sixth (6) card face up on the dealer’s hand.

4. After five (5) cards have been dealt to each player and six (6) to the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in five (5) below; place the stub in the discard rack without exposing the cards.
5. Except as provided in (7) below, the dealer shall be required to count the stub at least once every five (5) rounds of play in order to determine the correct number of cards are still present in the deck.
6. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.
 - a. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
 - b. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt.
 - i. If the cards have been misdealt (a player or the dealer has more or less than five cards) but 52 cards remain in the deck, all hands shall be void pursuant to Subsection L (Irregularities).
 - ii. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed
7. Notwithstanding the provisions of five (5) above, the counting of the stub shall not be required if an automated card shuffling device is used to count the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If an automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with applicable minimum internal control procedures for the receipt and removal of cards.

H. Procedures for Dealing from the Hand

1. If a casino chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed:
 - a. The casino dealer shall use an automated shuffling device to shuffle the cards.
 - b. Once the procedures required by Subsection E (Shuffle and Cut of the Cards) have been completed, the dealer shall place the stacked deck of cards in either hand.

- i. When the dealer has chosen the hand in which the cards will be held, the dealer shall use that same hand whenever holding the cards during that round of play.
 - ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
 - c. The dealer shall then indicate "No More Bets" prior to dealing any cards.
 - d. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.
2. The dealer shall, starting with the player farthest to the left and continuing around the table in a clockwise manner, deal one card, face down, at a time in order to each player who has placed an Ante Wager or Aces Up Wager and to the dealer until each player who placed a wager each has five (5) cards. The dealer shall then deal the dealer a sixth (6) card face up on the dealer's hand.
3. After all cards have been dealt to each player and the area designated for the placement of the dealer's hand, the dealer shall, except as provided in (4) below, place the stub in the discard rack without exposing the cards.
4. The dealer shall count the stub in accordance with the provisions of Subsection (G)(7).

I. Procedures for Dealing from an Automated Shoe.

1. A casino may, in its discretion, choose to have the cards used to play Four Card Poker dealt from an automated dealing shoe which dispenses cards in stacks of five cards.
2. If a casino chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed:
 - a. Once the procedures required by Subsection E (Shuffle and Cut of the Cards) have been completed, the cards shall be placed in the automated dealing shoe.
 - b. The dealer shall then indicate "No More Bets" prior to the dealer dealing.
3. The dealer shall deliver the first stack of cards dispensed by the automated

dealing shoe facedown to the player farthest to the left who has placed a wager in accordance with Subsection F (Wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with Subsection F (Wagers).

- a. The dealer shall then deliver a stack of five cards face down to the area designated for the dealer's hand.
 - b. The automated dealing shoe shall dispense one more stack, of which the dealer shall place the top card face up on hand.
 - c. The dealer will place all cards remaining in that stack in the discard rack.
4. After each stack of five (5) cards has been dispensed and delivered in accordance with (3) above, the dealer shall remove the stub from the automated dealing shoe and place the cards in the discard rack without exposing the cards.
 5. The dealer shall count the stub in accordance with the provisions of Subsection (G)(7).

J. The Play

1. Prior to the procedures required by Subsection (G), (H), or (I), each player shall make one or both of the following wagers:
 - a. Ante Wager means player elects to play against the dealer.
 - b. Aces Up means the player elects to play the hand value against the pay table.
2. After the dealing procedures required by Subsections (G), (H), or (I) have been completed, each player shall determine the best Four Card Poker hand out of their five cards.
3. Each player shall be responsible for their own hand. No other person other than the dealer may touch the cards of said player. Each player shall be required to keep the five cards in full view of the dealer at all times. After examination:
 - a. If the player has placed an Ante Wager, the player may elect to either make a Play Wager in the amount between one and three times the player's Ante Wager, or fold.

- b. If the player only has placed an Aces Up Wager, the player will place the hand face down on the appropriate area on the layout, or fold.
4. The player will place the five cards face down on the appropriate area of the layout. The player shall not touch the cards again. If a player is unsure of the hand once placed on the layout, the dealer may check the player's cards, upon request from the player.
5. If a player folds, the wager(s) shall be collected by the dealer and placed in the table inventory container. A folded hand shall then be collected by the dealer and placed in the discard rack.
6. If no players have placed a Play Wager, the dealer will not turn over the cards to show the dealer's hand.
 - a. The dealer will turn over the player's hand with an Aces Up Wager, arrange the hand from the highest card value to the lowest card value, and determine if the wager is won.
 - b. Winning Aces Up Wager will be reconciled in accordance with Subsection K and cards shall be placed in the discard rack upon payment.
 - c. Losing Aces Up Wagers will be placed in the table inventory container and cards shall be placed in the discard rack.
7. If at least one player has placed a Play Wager, the dealer shall turn over the dealer's cards and arrange the dealer hand from the highest card value to the lowest card value. The dealer shall then indicate the best four card hand. The two cards the dealer does not use should be positioned to the right of the hand.
8. After the dealer has announced the dealer's best hand, the dealer shall, starting with the player farthest to the right, reveal the player's cards. The dealer will reconcile each hand individually working counterclockwise in accordance with Subsection K (Payout Odds) for the following wagers:
 - a. Play Wager;
 - b. Ante Wager;
 - c. Automatic Bonus, if the player has an Ante and Play Wager; and
 - d. Aces Up Wager.
9. After each wager is settled, the dealer will collect the cards of each player and

place them in the discard rack in accordance with J. 11 below.

10. If the hand of the player ties with that of the dealer's hand, the Ante and Play Wagers of the player shall win.
11. All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

K. Payout Odds

1. There are three payout types as follows:
 - a. A player, in competition against the dealer, shall be paid 1 to 1 on both the Ante Wager and the Play Wager if the player's hand is ranked higher than or equal to the dealer's hand.
 - b. A player placing an Aces Up Wager shall be paid in accordance with the following payout table:

Hand		Odds
Four-of-a-Kind	pays	50 to 1
Straight Flush	pays	30 to 1
Three-of-a-Kind	pays	7 to 1
Flush	pays	6 to 1
Straight	pays	5 to 1
Two Pair	pays	2 to 1
Pair of Aces	pays	1 to 1

- c. A player placing an Ante Wager and a Play Wager shall be paid an automatic bonus if the player's hand consists of the following:

Hand		Odds
Four-of-a-Kind	pays	25 to 1
Straight Flush	pays	20 to 1
Three-of-a-Kind	pays	2 to 1

L. Irregularities

1. A card that is found face up in the shoe of the deck while the cards are being dealt shall cause a misdeal and all hands shall be void and the cards shall be reshuffled.

2. If manually dealt, a card dealt in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.
3. If any player or the dealer is dealt an incorrect number of cards, all hands shall be void and the cards shall be reshuffled.
4. If one or more of the dealer's cards is inadvertently exposed prior to the dealer revealing the dealer's cards all hands shall be voided and the cards shall be reshuffled.
5. If an automated card shuffling device is being used and device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with Subsection E (Shuffle and Cut of the Cards)
6. If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void. The cards shall then be reshuffled in accordance with Subsection E (Shuffle and Cut of the Cards).