



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room - 2nd Floor Norbert Hill Center

April 7, 2023

9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. March 15, 2023 LOC Meeting Minutes (pg. 3)

III. Current Business

1. Petition: L. Dallas – Alcohol and Drug Addiction Assistance (pg. 5)
2. Petition: L. Dallas – FY23 Budget (pg. 15)
3. Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day to Day Business (pg. 23)

IV. New Submissions

1. Petition: L. Dallas – Budgets for the Oneida Nation be Brought Before the General Tribal Council (pg. 30)
2. Petition: L. Dallas – Community Improvement Projects (CIP) and Funding (pg. 31)
3. Petition: L. Dallas – Contract of Chief Counsel JoAnne House (pg. 32)
4. Petition: L. Dallas – Direct a Certified Parliamentarian be Appointed by General Tribal Council Prior to Each General Tribal Council Meeting (pg. 33)
5. Petition: L. Dallas – Direct that the Oneida Nation Organizational Structure Return to the Previous State it was Prior to March 2020 (pg. 34)
6. Petition: L. Dallas – Direct Transportation be Made Available by the Oneida Nation to Areas with Large Populations of Oneida Enrolled Members to and from General Tribal Council Meetings (pg. 35)
7. Petition: L. Dallas – Directives for Oneida Nation Chief Counsel Position (pg. 36)
8. Petition: L. Dallas – Disclosure of Funds, Expenditures, and Organizational Changes from March 2020-Present (pg. 37)
9. Petition: L. Dallas – Disclosure of FY- 2020 Budget (pg. 38)
10. Petition: L. Dallas – Disclosure of FY- 2021 Budget (pg. 39)
11. Petition: L. Dallas – Disclosure of FY- 2022 Budget (pg. 40)
12. Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures from January 1, 2020 – Present (pg. 41)
13. Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures to England for the October 9, 2022, Green Bay Packer Game (pg. 42)
14. Petition: L. Dallas – Donations - Internal and External (pg. 43)
15. Petition: L. Dallas – General Tribal Council Directive Regarding Advocacy Training (pg. 44)

16. Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members (pg. 45)
17. Petition: L. Dallas – Oneida Nation Disability Fund (pg. 46)
18. Petition: L. Dallas – Repeal and Replace Current Removal Law (pg. 47)
19. Petition: L. Dallas – Repeal GTC Resolution # 01-21-19-A Amending the 120-Day Petition Timeline Adopted by General Tribal Council (pg. 48)
20. Petition: L. Dallas – Repeal the Budget and Finances Law (pg. 49)
21. Petition: L. Dallas – Review and Discuss General Tribal Council's Delegation of Power and Authority to all Entities (pg. 50)
22. Petition: L. Dallas – Term Limits for 2023 (pg. 51)
23. Petition: L. Dallas – Transitional Housing (pg. 52)
24. Petition: L. Dallas – Void the November 15, 2022, Virtual Semi-Annual General Tribal Council Meeting (pg. 53)

V. Additions

VI. Administrative Updates

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
March 15, 2023
9:00 a.m.

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

Others Present: Clorissa N. Leeman, Grace Elliott, Brooke Doxtator, Keith Doxtator, Tina Jorgenson (Microsoft Teams), Mark Powless (Microsoft Teams), Rhiannon Metoxen (Microsoft Teams), Peggy Van Gheem (Microsoft Teams), Eric Boulanger (Microsoft Teams), Michelle Tipple (Microsoft Teams), Rae Skenandore (Microsoft Teams), Michelle Braaten (Microsoft Teams), Carrie Lindsey (Microsoft Teams), Matt Denny (Microsoft Teams), Reynold Danforth (Microsoft Teams)

I. Call to Order and Approval of the Agenda

David P. Jordan called the March 15, 2023, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda as is; seconded by Marie Cornelius. Motion carried unanimously.

II. Minutes to be Approved

1. March 1, 2023 LOC Meeting Minutes

Motion by Kirby Metoxen to approve the March 1, 2023, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Marie Cornelius. Motion carried unanimously.

III. Current Business

1. Oneida Life Insurance Plan Law

Motion by Marie Cornelius to approve the emergency extension of the Oneida Life Insurance Plan law packet and forward to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to approve the draft of the Oneida Life Insurance Plan law and direct that a legislative analysis be completed; seconded by Marie Cornelius. Motion carried unanimously.



2. Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance

Motion by Jennifer Webster to accept the status update memorandum for the Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

3. Petition: L. Dallas – FY 2023 Budget

Motion by Jennifer Webster to accept the status update memorandum for the Petition: L. Dallas – FY 2023 Budget and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

4. Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business

Motion by Jennifer Webster to accept the status update memorandum for the Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

5. Petition: L. Zeise – Uncap All Employee Wages

Motion by Jennifer Webster to accept the statement of effect for the Petition: L. Zeise – Uncap All Employee Wages and forward to the Oneida Business Committee; seconded by Marie Cornelius. Motion carried unanimously.

IV. New Submissions**1. Finance Committee Bylaws Amendments**

Motion by Jennifer Webster to add the Finance Committee bylaws amendments to the Active Files List with David P. Jordan as the sponsor; seconded by Marie Cornelius. Motion carried unanimously.

V. Additions**VI. Administrative Items****VII. Executive Session****VIII. Adjourn**

Motion by Marie Cornelius to adjourn at 9:26 a.m.; seconded by Daniel Guzman King. Motion carried unanimously.



Legislative Operating Committee
April 7, 2023

Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance

Submission Date: 3/1/23

LOC Sponsor: Daniel Guzman King

Summary: *This petition calls for a special General Tribal Council (GTC) meeting to be called to consider the following:*

- *Review, discuss, and take any action deemed appropriate by the General Tribal Council during the GTC Meeting regarding one or more of the following that are primarily Oneida culturally based, but recognizes, embraces, encompasses, respects, incorporates, and offers services to patients and families of all faiths, beliefs, and religions:*
 - *A medically supervised alcohol and drug detox center; and/or*
 - *Residential Treatment Center; and/or*
 - *Rehabilitation Center; and/or*
 - *Intensive Outpatient Program; and/or*
 - *Alternative Solutions (i.e. partnering, collaborations, inter-tribal business, etc.) with viability, costs, timeframes, etc.*
- *Direct the Oneida Business Committee to present relevant budgetary information regarding the costs associated with the current needs and future needs, facility size recommendation, construction costs, location, licensing, accreditation legal consultation(s), staffing, programming, programming materials, etc.*
- *Discuss matters as an Economic Diversification Opportunity for the Oneida Nation.*
- *GTC reserves the right to review, discuss, and take any other action deemed appropriate by the General Tribal Council during the GTC Meeting regarding the above matters.*

2/22/23 OBC: 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.

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 Tribal Secretary mailbox by Wednesday, March 15, 2023, seconded by Lisa Liggins. Motion carried.

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.

3/1/23 LOC: Motion by Jennifer Webster to add the Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance to the Active Files List with Daniel Guzman King as the sponsor; seconded by Marie Cornelius. Motion carried unanimously.

3/15/23 LOC: Motion by Jennifer Webster to accept the status update memorandum for the Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

3/22/23 OBC: Motion by Lisa Liggins for item X.C.1-3, to accept the statement of effect status update, the legal review status update, and the fiscal impact statement update re: Alcohol and Drug Addiction Treatment Assistance, seconded by Marie Cornelius. Motion carried.

Next Steps:

- Accept the statement of effect for Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance and forward to the Oneida Business Committee.



Statement of Effect

Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance

Summary

This petition requests the General Tribal Council to consider taking the following actions:

- Review, discuss, and take any action deemed appropriate by the General Tribal Council during the GTC Meeting regarding one or more of the following that are primarily Oneida culturally based, but recognizes, embraces, encompasses, respects, incorporates, and offers services to patients and families of all faiths, beliefs, and religions:
 - A medically supervised alcohol and drug detox center; and/or
 - Residential Treatment Center; and/or
 - Rehabilitation Center; and/or
 - Intensive Outpatient Program; and/or
 - Alternative Solutions (i.e. partnering, collaborations, inter-tribal business, etc.) with viability, costs, timeframes, etc.
- Direct the Oneida Business Committee to present relevant budgetary information regarding the costs associated with the current needs and future needs, facility size recommendation, construction costs, location, licensing, accreditation, legal consultation(s), staffing, programming, programming materials, etc.
- Discuss matters as an Economic Diversification Opportunity for the Oneida Nation.
- GTC reserves the right to review, discuss, and take any other action deemed appropriate by the General Tribal Council during the GTC Meeting regarding the above matters.

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

Date: March 28, 2023

Analysis by the Legislative Reference Office

On February 15, 2023, the Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance (“the Petition”) was submitted to the Government Administrative Office by Linda Dallas and verified by the Oneida Trust Enrollment Department on February 16, 2023. On February 22, 2023, the Oneida Business Committee acknowledged receipt of the Petition and directed that the Legislative Reference Office complete a statement of effect for the Petition with status updates to be submitted for the March 22, 2023, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted. The Legislative Reference Office provided a status update to the Oneida Business Committee on March 22, 2023, which identified that the statement of effect for this Petition would be submitted for inclusion on the April 12, 2023, Oneida Business Committee meeting agenda.

The purpose of this Petition is to call a special meeting of the General Tribal Council to consider the following:

- *Review, discuss, and take any action deemed appropriate by the General Tribal Council during the GTC Meeting regarding one or more of the following that are primarily Oneida culturally based, but recognizes, embraces, encompasses, respects, incorporates, and offers services to patients and families of all faiths, beliefs, and religions:*
 - *A medically supervised alcohol (and) drug detox center; and/or*
 - *Residential Treatment Center; and/or*
 - *Rehabilitation Center; and/or*
 - *Intensive Outpatient Program; and/or*
 - *Alternative Solutions (i.e. partnering, collaborations, inter-tribal business, etc.) with viability, costs, timeframes, etc.*
- *Direct the Oneida Business Committee to present relevant budgetary information regarding the costs associated with the current needs and future needs, facility size recommendation, construction costs, location, licensing, accreditation legal consultation(s), staffing, programming, programming materials, etc.*
- *Discuss matters as an Economic Diversification Opportunity for the Oneida Nation.*
- *GTC reserves the right to review, discuss, and take any other action deemed appropriate by the General Tribal Council during the GTC Meeting regarding the above matters.*

All applicable laws and policies of the Nation were reviewed in developing this statement of effect for the Petition.

Reviewing and Discussing Options to Address Alcohol and Drug Addiction Treatment Assistance

The Petition calls for the General Tribal Council to *review and discuss* potential options for treating alcohol and drug addiction, such as a medically supervised alcohol and drug detox center; residential treatment center; rehabilitation center; intensive outpatient program; or other alternative solutions. The Petition also directs that the Oneida Business Committee present relevant budgetary information regarding the costs associated with the development of these alcohol and drug addiction treatment options, as well as directs that the development of alcohol and drug addiction treatment options be viewed through the lens of potential economic diversification opportunity for the Nation.

There are no legislative impacts in regard to the Petition's directive to bring the issue of drug and alcohol addiction treatment assistance options to the General Tribal Council for *review and discussion*. The review and discussion of this issue at a General Tribal Council meeting provides

the membership with greater education on potential options on how to address alcohol and drug addiction within the Nation, as well as greater understanding of the feasibility of the Nation providing various forms of alcohol and drug addiction treatment assistance, and information on how the Nation may be currently addressing this issue.

Funding Alcohol and Drug Addiction Treatment Assistance

The Petition also calls for the General Tribal Council to *take action* in regard to potential options for treating alcohol and drug addiction. The Petition is not clear as to what actions may be taken by the General Tribal Council. Any actions taken by the General Tribal Council that involve any allocation of funding may have a legislative impact.

The Budget and Finances law sets forth the requirements to be followed by the Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and to establish financial policies and procedures for the Nation which:

- institutionalize best practices in financial management to guide decision makers in making informed decisions regarding the provision of services, implementation of business plans for enterprises, investments, and capital assets;
- provide a long term financial prospective and strategic intent, linking budget allocations to organizational goals, as well as providing fiscal controls and accountability for results and outcomes;
- identify and communicate to the membership of the Nation spending decisions for the government function, grant obligations, enterprises, membership mandates, capital expenditures, technology projects, and capital improvement projects;
- establish a framework for effective financial risk management; and
- encourage participation by the Nation's membership. [1 O.C. 121.1-1].

The Nation is required to develop, adopt, and manage an annual budget. [1 O.C. 121.5-1]. All revenues and expenditures of the Nation are required to be made in accordance with the annual budget. *Id.* The Nation's annual budget is required to be a balanced budget, which does not propose to spend more funds than are reasonably expected to become available to the Nation during that fiscal year. *Id.* The Budget and Finances law provides for the process and procedures to be used for the development and adoption of the Nation's budget. [1 O.C. 121.5-4].

On December 28, 2022, the Oneida Business Committee adopted resolution BC-12-28-22-D, *Adoption of Fiscal Year 2023 Budget*, which adopted the Fiscal Year 2023 budget in the amount of five hundred and forty-nine million one hundred and six thousand nine hundred eighty-eight dollars (\$549,106,988) on behalf of the General Tribal Council.¹ The Fiscal Year 2023 budget was

¹ The Budget and Finances law provides that in the event that the General Tribal Council does not adopt a budget by September 30th, the Oneida Business Committee may adopt a continuing budget resolution until such time as a budget

adopted prior to this Petition being submitted or presented to the General Tribal Council for consideration. Therefore, any allocation of funding to support the requests of this Petition has not been included in the Fiscal Year 2023 budget. All expenditures of the Nation are required to be made in accordance with the annual budget. [1 O.C. 121.5-1].

After the budget is adopted, amendments of the budget are not permitted unless it is necessary to avoid a budget deficit. [1 O.C. 121.5-5]. The Treasurer and Chief Financial Officer shall identify when forecasted revenue and forecasted expenses are impacted in a manner which creates a deficit for the current fiscal year, and then the Chief Financial Officer shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential budget amendment. *Id.* The Oneida Business Committee shall be responsible for adopting an amendment to the budget through resolution of the Nation. *Id.* The Oneida Business Committee shall present notification of the budget amendment at the next available General Tribal Council meeting. *Id.* So unless it is necessary to avoid a budget deficit, an amendment to the Fiscal Year 2023 budget to provide any allocation of funding to support the requests of this Petition would not be permissible under the Budget and Finances law.

Additionally, unbudgeted expenditures are permitted under the Budget and Finances law if granted approval by the Oneida Business Committee. [1 O.C. 121.6-4(a)]. The Chief Financial Officer is required to provide the Oneida Business Committee with a written fiscal analysis and any input on any potential unbudgeted expenditure. *Id.* The approval of any unbudgeted expenditure is required to be made by the Oneida Business Committee through the adoption of a resolution prior to the expenditure being made by a fund unit. *Id.* Any unbudgeted expenditure for items and specific projects which were not identified in the approved budget made for over two hundred and fifty thousand dollars (\$250,000) is required to be formally noticed by the Oneida Business Committee to the General Tribal Council at the next available General Tribal Council regular or special meeting. [1 O.C. 121.6-4(b), BC-05-11-22-B, BC-10-08-08-A.].

Any allocation of funding to support the requests of this Petition for future fiscal years would be required to be budgeted for in accordance with the process and procedures contained within the Budget and Finances law.

is adopted. [1 O.C. 121.5-4(e)(1)]. The Oneida Business Committee took action to adopt a continuing budget resolution through the adoption of resolution BC-09-14-22-D, *Continuing to Operate Fiscal Year 2023*, which allowed organizational activities to continue until the final budget was presented for approval. Resolution BC-09-14-22-D provided that the continuing budget resolution would remain in effect from October 1, 2022, until December 31, 2022, or until the budget is adopted whichever is soonest. The Budget and Finances law then provides that if the General Tribal Council is not able to adopt a budget within three (3) months of the adoption of the continuing budget resolution, then the Oneida Business Committee shall proceed with the adoption of the Nation's budget. [1 O.C. 121.5-4(e)(1)]. The Fiscal Year 2023 Budget was not able to be presented to the General Tribal Council for adoption prior to September 30, 2022. The Oneida Business Committee then adopted a continuing resolution BC-09-14-22-D, *Continuing to Operate Fiscal Year 2023*. The Fiscal Year 2023 Budget was not presented to the General Tribal Council for consideration prior to the expiration of resolution BC-09-14-22-D, so the Oneida Business Committee then adopted the Fiscal Year 2023 Budget through resolution BC-12-28-22-D, *Adoption of Fiscal Year 2023 Budget*.

The Budget and Finances law also specifically addresses capital improvements. A capital improvement is a non-recurring expenditure for physical improvements, including costs for: the acquisition of existing buildings, land, or interests in land; construction of new buildings or other structures, including additions and major alterations; acquisition of fixed equipment; landscaping; physical infrastructure; and similar expenditures with a cost of five thousand dollars (\$5,000.00) or more and a useful life of one (1) year or more. [1 O.C. 121.3-1(d)]. The Oneida Business Committee is delegated the responsibility to develop, and the General Tribal Council is delegated the responsibility to approve, a capital improvement plan for government services. [1 O.C. 121.6-9(a)]. The capital improvement plan for government services shall cover a period of five (5) to ten (10) years and shall include any risks and liabilities. [1 O.C. 121.6-9(a)(1)]. The capital improvement plan for government services shall be reassessed once every five (5) years. [1 O.C. 121.6-9(a)(2)]. The Oneida Business Committee shall provide a status report and recommendation for any improvements that have not been completed or that have been modified at the time of the reassessment. *Id.* Capital improvement plans for enterprises may be brought forward as needed, provided that the Oneida Business Committee delegated the responsibility to approve all capital improvement plans for enterprises. [1 O.C. 121.6-9(b)]. Capital improvement plans for government services and enterprises shall be implemented, contingent on available funding capacity. [1 O.C. 121.6-9(c)].

Therefore, any action taken by the General Tribal Council in regard to this Petition that would involve any capital improvements would need to comply with the requirements of the Budget and Finances law regarding capital improvements.

Alternative Solutions to Alcohol and Drug Addiction Treatment Assistance - Healing to Wellness Court Law

In regard to alternative solutions to addressing alcohol and drug addiction treatment assistance for members of the Nation it is important to note that the Oneida Business Committee adopted the Healing to Wellness Court law on July 13, 2022, through the adoption of resolution BC-07-13-22-D. The purpose of the Healing to Wellness Court law is to establish the Nation's Healing to Wellness Court to:

- offer intensive case management, treatment, and court supervision to individuals who committed an offense directly or indirectly related to a substance abuse or addiction issue;
- provide access to holistic, structured, and phased substance abuse treatment and rehabilitation services that incorporate culture, tradition, and Tsi Niyukwaliho t[^] (Our Ways);
- create intragovernmental and intergovernmental collaborative teams to interact with each participant; and
- encourage and support each participant in the goal of their recovery to lead lawful productive lives free of substance abuse and addiction. [8 O.C. 808.1-1].

Through the Healing to Wellness Court law the Nation provides that it is its policy to bring together community-healing resources with the Nation's justice system to work collaboratively with intragovernmental and intergovernmental partnerships to reduce the abuse of alcohol and other drugs and drug-related criminal activity affecting the Nation's community in an effort to promote life-long substance abuse recovery and the reintegration of participants into the Oneida community. [8 O.C. 808.1-2].

The Healing to Wellness Court is a division of the Trial Court of the Oneida Nation Judiciary. [8 O.C. 808.4-1]. The Oneida Nation Judiciary is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, *Adoption of the Judiciary Law*, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A, *Designation of the Oneida Judiciary as the Judiciary Authorized Pursuant to Article V- Judiciary of the Oneida Nation Constitution*. The Healing to Wellness Court has the authority to issue all orders necessary to ensure the safety, well-being, and rehabilitation of individuals who come within or consent to its jurisdiction. [8 O.C. 808.4-1(a)]. The Healing to Wellness Court also has the power to implement all the duties, responsibilities, and remedies set out in this law, including the power to enforce subpoenas and orders of restriction, fines and orders of restitution, contempt, and other powers as appropriate. [8 O.C. 808.4-1(b)].

The Healing to Wellness Court has jurisdiction over matters related to substance abuse and addiction and any matter arising under this law. [8 O.C. 808.4-2]. The Court has the authority to collaborate with courts of competent jurisdiction that exercise concurrent jurisdiction. [8 O.C. 808.4-2(a)]. A court of competent jurisdiction means a federal, state, or tribal court that has jurisdiction and authority to do a certain act or hear a certain dispute. [8 O.C. 808.3-1(b)]. The Healing to Wellness Court is delegated the authority to enter into collaborative inter-jurisdictional agreements with other courts of competent jurisdiction, law enforcement agencies, and other service providers upon approval by the Oneida Business Committee. [8 O.C. 808.4-2(b)]. This allows the Healing to Wellness Court the opportunity to work with other local courts to ensure that members of the Nation who commit crimes that are related to substance abuse and addiction have an opportunity to participate in the Healing to Wellness Court instead of typical justice system processes such as incarceration.

The Healing to Wellness Court operates differently than other divisions of the Judiciary. The Healing to Wellness Court program is administered by a Healing to Wellness Court Team, which is a group of professionals who are primarily responsible for overseeing the day-to-day operations of the Healing to Wellness Court program and administering the treatment and supervisory interventions. [8 O.C. 808.4-3]. The Healing to Wellness Court Team is comprised of the following individuals: Trial Court judge, Healing to Wellness Court coordinator, Oneida Police Department officer, representative of probation, substance abuse treatment provider,

representative of Oneida culture and heritage, and any other member as determined necessary by the Healing to Wellness Court Team. [8 O.C. 808.4-3(a)].

The Healing to Wellness Court administers a Healing to Wellness court program, which is a court-supervised evidence-based treatment program which promotes recovery through a coordinated community-based response for individuals who abuse or are dependent on any controlled substance or alcohol. [8 O.C. 808.3-1(c)]. The Healing to Wellness Court is delegated the authority to establish policies and procedures governing the operation and implementation of the Healing to Wellness Court program. [8 O.C. 808.5-1]. The policies and procedures of the Healing to Wellness Court program shall not affect substantive rights and shall not conflict with existing law or rules enacted or approved by the Oneida Business Committee or Oneida General Tribal Council unless otherwise provided for within the Healing to Wellness Court law. [8 O.C. 808.5-1]. The Oneida Judiciary Rules of Evidence as well as the Oneida Judiciary Rules of Civil Procedure shall not apply in any Court proceedings. [8 O.C. 808.5-6]. Healing to Wellness Court Team meetings and hearings are required to follow the policies and procedures adopted by the Healing to Wellness Court. [8 O.C. 808.5-2].

Overall, the Healing to Wellness Court is strictly a non-adversarial forum. [8 O.C. 808.5-4]. All Healing to Wellness Court Team meetings and hearings are closed to the public except for invited guests as allowed by HIPAA regulations. [8 O.C. 808.5-3]. The Healing to Wellness Court is not a court of record, meaning that any information obtained, used, or disclosed by a member of the Healing to Wellness Court Team, including the participant, while the participant is under the jurisdiction of the Court shall not be used as evidence against the participant in any other proceeding in the Judiciary or any other court in any other jurisdiction. [8 O.C. 808.5-7]. All Court records are privileged and confidential and shall not be disclosed except to the members of the Healing to Wellness Court Team, except when the participant has signed a proper consent form or in certain situations without a participant's consent such as medical emergencies, program evaluations and communications among program staff. [8 O.C. 808.5-7(a)]. All of these efforts which differentiate the Healing to Wellness Court from other divisions of the Judiciary were made to ensure that the Healing to Wellness Court focuses on the healing of the participants, instead of just the violation or crime the participant committed.

Although not directly related to the specific actions requested by the Petition, the Healing to Wellness Court demonstrates efforts already made by the Nation to reduce the abuse of alcohol and other drugs and drug-related criminal activity affecting the Nation's community in an effort to promote life-long substance abuse recovery and the reintegration of participants into the Oneida community.

Conclusion

After a review of all applicable laws and policies of the Nation, it has been determined that the adoption of the Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance would have the following legislative effect:

1. There are no legislative impacts in regard to the Petition’s directive to bring the issue of drug and alcohol addiction treatment assistance options to the General Tribal Council for *review and discussion*.
 - The review and discussion of this issue at a General Tribal Council meeting provides the membership with greater education on potential options on how to address alcohol and drug addiction within the Nation, as well as greater understanding of the feasibility of the Nation providing various forms of alcohol and drug addiction treatment assistance, and information on how the Nation may be currently addressing this issue.
2. The Petition’s directive for the General Tribal Council to *take action* in regard to potential options for treating alcohol and drug addiction that would involve any allocation of funding may have a legislative impact.
 - The Fiscal Year 2023 budget was adopted prior to this Petition being submitted or presented to the General Tribal Council for consideration, so any call of action for an allocation of funding to support the requests of this Petition has not been included in the Fiscal Year 2023 budget. All expenditures of the Nation are required to be made in accordance with the annual budget. Unless it is necessary to avoid a budget deficit, an amendment to the Fiscal Year 2023 budget to provide any allocation of funding to support the requests of this Petition would not be permissible under the Budget and Finances law.
 - Any allocation of funding to support the requests of this Petition for future fiscal years would be required to be budgeted for in accordance with the process and procedures contained within the Budget and Finances law.
 - Any action taken by the General Tribal Council in regard to this Petition that would involve any capital improvements would need to comply with the requirements of the Budget and Finances law regarding capital improvements.
3. Although not directly related to the specific actions requested by the Petition, the adoption of the Healing to Wellness Court law and establishment of the Healing to Wellness Court demonstrates efforts already made by the Nation to reduce the abuse of alcohol and other drugs and drug-related criminal activity affecting the Nation’s community in an effort to promote life-long substance abuse recovery and the reintegration of participants into the Oneida community.

Requested Action

Accept the statement of effect for the Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance.



Legislative Operating Committee
April 7, 2023

Petition: L. Dallas – FY 2023 Budget

Submission Date: 3/1/23

LOC Sponsor: Marie Cornelius

Summary: *This petition calls for a special General Tribal Council (GTC) meeting to be called to consider the following:*

- *Direct that the budget for FY 2023 shall be brought before the General Tribal Council in its entirety for presentation, review, discussion and action by the General Tribal Council PRIOR TO any funds be allocated, released or dispersed;*
- *GTC reserves the right to review, discuss, and take any other action deemed appropriate by the General Tribal Council during the GTC Meeting regarding the above matters.*

2/22/23 OBC: 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.

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.

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.

3/1/23 LOC: Motion by Jennifer Webster to add the Petition: L. Dallas – FY 2023 Budget to the Active Files List with Marie Cornelius as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

3/15/23 LOC: Motion by Jennifer Webster to accept the status update memorandum for the Petition: L. Dallas – FY 2023 Budget and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

3/22/23 OBC: Motion by Lisa Liggins for item X.C.4-6, to accept the statement of effect status update, the legal review status update, and the fiscal impact statement update re: FY-2023 budget, seconded by Marie Cornelius. Motion carried.

Next Steps:

- Accept the statement of effect for Petition: L. Dallas – FY 2023 Budget and forward to the Oneida Business Committee.



Statement of Effect

Petition: L. Dallas – FY 2023 Budget

Summary

This petition requests the General Tribal Council to consider directing that the budget for Fiscal Year 2023 be brought before the General Tribal Council in its entirety for presentation, review, discussion, and action by the General Tribal Council prior to any funds be allocated, released, or dispersed.

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

Date: March 22, 2023

Analysis by the Legislative Reference Office

On February 15, 2023, the Petition: L. Dallas – FY 2023 Budget (“the Petition”) was submitted to the Government Administrative Office by Linda Dallas and verified by the Oneida Trust Enrollment Department on February 16, 2023. On February 22, 2023, the Oneida Business Committee acknowledged receipt of the Petition and directed that the Legislative Reference Office complete a statement of effect for the Petition with status updates to be submitted for the March 22, 2023, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted. The Legislative Reference Office provided a status update to the Oneida Business Committee on March 22, 2023, which identified that the statement of effect for this Petition would be submitted for inclusion on the April 12, 2023, Oneida Business Committee meeting agenda.

The purpose of this Petition is to call a special meeting of the General Tribal Council to consider the following:

- *Direct that the budget for FY 2023 shall be brought before the General Tribal Council in its entirety for presentation, review, discussion and action by the General Tribal Council PRIOR TO any funds be allocated, released or dispersed;*
- *GTC reserves the right to review, discuss, and take any other action deemed appropriate by the General Tribal Council during the GTC Meeting regarding the above matters.*

All applicable laws and policies of the Nation were reviewed in developing this statement of effect for the Petition.

Budget and Finances Law

The Budget and Finances law sets forth the requirements to be followed by the Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and to establish financial policies and procedures for the Nation which:

- institutionalize best practices in financial management to guide decision makers in making informed decisions regarding the provision of services, implementation of business plans for enterprises, investments, and capital assets;
- provide a long term financial prospective and strategic intent, linking budget allocations to organizational goals, as well as providing fiscal controls and accountability for results and outcomes;
- identify and communicate to the membership of the Nation spending decisions for the government function, grant obligations, enterprises, membership mandates, capital expenditures, technology projects, and capital improvement projects;
- establish a framework for effective financial risk management; and
- encourage participation by the Nation's membership. [1 O.C. 121.1-1].

The Nation is required to develop, adopt, and manage an annual budget. [1 O.C. 121.5-1]. All revenues and expenditures of the Nation shall be in accordance with the annual budget. *Id.* The Nation's annual budget is required to be a balanced budget, which does not propose to spend more funds than are reasonably expected to become available to the Nation during that fiscal year. *Id.* The Budget and Finances law provides for the process and procedures to be used for the development and adoption of the Nation's budget. [1 O.C. 121.5-4].

The Budget and Finances law requires that the Treasurer develop the necessary guidelines, including specific timelines and deadlines, to be followed by the managers that have budget responsibility in preparing and submitting proposed budgets, and that the Treasurer then submit those guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution. [1 O.C. 121.5-4(a)]. In May of 2022 the Treasurer identified budget development guidelines which were adopted by the Oneida Business Committee through resolution BC-05-25-22-A, *Fiscal Year 2023 Budget Considerations and Calendar*.

The Treasurer is then required to receive, review, and compile the proposed budgets from all the fund units into the Nation's draft budget, and then present the Nation's draft budget to the Oneida Business Committee for review each year to ensure that it is consistent with the Nation's strategic plan, broad goals, and budget strategy. [1 O.C. 121.5-4(b)]. The draft Fiscal Year 2023 budget was presented to the Oneida Business Committee at the August 9, 2022, meeting.

The Budget and Finances law then requires the Oneida Business Committee to work with the Treasurer, CFO, managers, or other appropriate entity to compile a final draft budget to be

presented to the General Tribal Council. [1 O.C. 121.5-4(c)]. The Oneida Business Committee is then required to approve, by resolution, the final draft budget to be presented to the General Tribal Council. When the draft Fiscal Year 2023 budget was presented to the Oneida Business Committee on August 9, 2022, it was determined by the Oneida Business Committee that it was not ready for approval or ready to be sent to the General Tribal Council for approval. The Oneida Business Committee then continued to discuss the budget in various work sessions and in organizational meetings and identified revisions and review that the organization needed to undertake to develop a draft budget that was within the guidelines and considerations presented in the May 25, 2022, resolution among other considerations. Once the Oneida Business Committee has approved the final draft budget, the Treasurer is required to hold, at a minimum, two (2) community informational meetings to present the contents of the final draft budget that will be presented to the General Tribal Council. [1 O.C. 121.5-4(d)]. The Oneida Business Committee is then required to present the budget to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year, with the General Tribal Council responsible for adopting the Nation's budget. [1 O.C. 121.5-4(e)]. The Oneida Business Committee identified that the budget could not be finalized in time to present to the General Tribal Council before September 30, 2022.

The Budget and Finances law provides that in the event that the General Tribal Council does not adopt a budget by September 30th, the Oneida Business Committee may adopt a continuing budget resolution until such time as a budget is adopted. [1 O.C. 121.5-4(e)(1)]. Previously, the Budget and Finances law only allowed a continuing budget resolution to remain in effect for three (3) months, but the Oneida Business Committee took action to adopt emergency amendments to the Budget and Finances law through the adoption of resolution BC-10-26-22-D, *Emergency Amendments to the Budget and Finances law*, which removed the provision which only allowed a continuing budget resolution to remain in effect for a maximum of three (3) months. If the General Tribal Council is not able to adopt a budget within three (3) months of the adoption of the continuing budget resolution, then the Oneida Business Committee shall proceed with the adoption of the Nation's budget. *Id.* The Oneida Business Committee took action to adopt a continuing budget resolution through the adoption of resolution BC-09-14-22-D, *Continuing to Operate Fiscal Year 2023*, which allowed organizational activities to continue until the final budget was presented for approval. Resolution BC-09-14-22-D provided that the continuing budget resolution would remain in effect from October 1, 2022, until December 31, 2022, or until the budget is adopted whichever is soonest. The three (3) month timeframe for a continuing budget was now a requirement of the resolution itself, and not the Budget and Finances law.

The Oneida Business Committee was presented the Fiscal Year 2023 draft budget as revised in the amount of five hundred forty-nine million one hundred and six thousand nine hundred eighty-eight dollars (\$549,106,988) and has determined that the budget is appropriate form to be adopted. The Oneida Business Committee was unable to schedule a General Tribal Council meeting prior to December 31, 2022, when the continuing budget resolution as adopted through resolution BC-09-

14-22-D expired, and therefore proceeded with the adoption of the budget in accordance with section 121.5-4(e)(1) of the Budget and Finances law.

Through the adoption of resolution BC-12-28-22-D, *Adoption of Fiscal Year 2023 Budget*, the Oneida Business Committee approved the final draft Fiscal Year 2023 budget in the amount of five hundred forty-nine million one hundred and six thousand nine hundred eighty-eight dollars (\$549,106,988) to be presented for adoption by the General Tribal Council in accordance with section 121.5-4(c) of the Budget and Finances law. In recognition that the Oneida Business Committee was unable to schedule a General Tribal Council meeting before December 31, 2022, and in accordance with section 121.5-4(e)(1) of the Budget and Finances law, resolution BC-12-28-22-D then adopted the Fiscal Year 2023 budget in the amount of five hundred forty-four million two hundred thirty-seven thousand seven hundred thirty-eight dollars (\$544,237,738) on behalf of the General Tribal Council. Resolution BC-12-28-22-D also contained the following directives

- There shall be an employment cap of two thousand two hundred (2200) FTE's based on the weekly Human Resource Department full-time equivalent count, *Total Number of Employees*.
- All Fiscal Year 2023 budgeted activities should be implemented with the knowledge that the Oneida Nation continues to see and address health and safety issues arising out of the pandemic and economic issues continue to impact revenue resources. Business and program units should always keep in mind the Oneida Business Committee's adopted Broad Goals Statement when continuing, implementing and developing programs and services.

The Fiscal Year 2023 was lawfully adopted in accordance with the Budget and Finances law, prior to this Petition being submitted or presented to the General Tribal Council for consideration.

The Petition calls for the Fiscal Year 2023 budget to be brought before the General Tribal Council in its entirety for presentation, review, discussion, and action by the General Tribal Council prior to any funds be allocated, released, or dispersed. The Petition's directive that the Fiscal Year 2023 budget be brought before the General Tribal Council *prior to* any funds being allocated, released, or dispersed is not possible since the Fiscal Year 2023 budget has already been adopted and implemented since its formal adoption on December 28, 2022, and prior to that utilized through a continuing budget resolution since October 1, 2022, as provided in resolution BC-09-14-22-D. The submission of this Petition was not timely, as the Petition was not submitted until four (4) months after the adoption of the Fiscal Year 2023 Budget – technically six (6) months into the 2023 Fiscal Year – and this Petition is not expected to be presented to the General Tribal Council for consideration until August 2023.

There are no legislative impacts in regard to the Petition's directive that the Fiscal Year 2023 budget be brought before the General Tribal Council for *presentation, review, and discussion* for the purpose of providing the membership with greater education and understanding of the Fiscal Year 2023 budget.

The Petition’s directive that the Fiscal Year 2023 budget be brought before the General Tribal Council for *action* by the General Tribal Council may have legislative impacts. It is unclear what action the General Tribal Council may want to take in regard to the Fiscal Year 2023 budget. If the General Tribal Council would take action to amend and revise the Fiscal Year 2023 budget, then that action is only permitted by the Budget and Finances law in certain circumstances. After the budget is adopted, amendments of the budget are not permitted unless it is necessary to avoid a budget deficit. [1 O.C. 121.5-5]. The Treasurer and Chief Financial Officer are required to identify when forecasted revenue and forecasted expenses are impacted in a manner which creates a deficit for the current fiscal year, and then the Chief Financial Officer is required to provide the Oneida Business Committee a written fiscal analysis and any input on the potential budget amendment. *Id.* The Oneida Business Committee shall be responsible for adopting an amendment to the budget through resolution of the Nation. *Id.* The Oneida Business Committee shall present notification of the budget amendment at the next available General Tribal Council meeting. *Id.* So unless it is necessary to avoid a budget deficit, an amendment to the Fiscal Year 2023 budget would not be permissible under the Budget and Finances law.

Conclusion

After a review of all applicable laws and policies of the Nation, it has been determined that the adoption of the Petition: L. Dallas – FY 2023 Budget would have the following legislative effect:

1. The Petition’s directive that the Fiscal Year 2023 budget to be brought before the General Tribal Council *prior to* any funds being allocated, released, or dispersed is improper due to the fact that it is not possible since the Fiscal Year 2023 budget has already been lawfully adopted in accordance with the Budget and Finances law since its formal adoption on December 28, 2022, and prior to that utilized through a continuing budget resolution since October 1, 2022, as provided in resolution BC-09-14-22-D. The submission of this Petition was not timely, as the Petition was not submitted until four (4) months after the adoption of the Fiscal Year 2023 Budget – technically six (6) months into the 2023 Fiscal Year – and this Petition is not expected to be presented to the General Tribal Council for consideration until August 2023.
2. There are no legislative impacts in regard to the Petition’s directive that the Fiscal Year 2023 budget be brought before the General Tribal Council for *presentation, review, and discussion* for the purpose of providing the membership with greater education and understanding of the Fiscal Year 2023 budget.
3. The Petition’s directive that the Fiscal Year 2023 budget be brought before the General Tribal Council for *action* by the General Tribal Council may have legislative impacts. It is unclear what action the General Tribal Council may want to take in regard to the Fiscal Year 2023 budget. If the General Tribal Council would take action to amend and revise the Fiscal Year 2023 budget, then that action is only permitted by the Budget and Finances law in certain circumstances. Section 121.5-5 of the Budget and Finances law provides that

after the budget is adopted, amendments of the budget are not permitted unless it is necessary to avoid a budget deficit.

Requested Action

Accept the statement of effect for the Petition: L. Dallas – FY 2023 Budget.



Legislative Operating Committee
April 7, 2023

Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business

Submission Date: 3/1/23

LOC Sponsor: Jennifer Webster

Summary: *This petition calls for a special General Tribal Council (GTC) meeting to be called to consider the following:*

- *Enforcement of the Oneida General Tribal Council directive that the Oneida Business Committee SHALL NOT be involved in the day-to-day business of the Oneida Nation of Wisconsin; and*
- *Direct immediate compliance; and*
- *GTC reserves the right to review, discuss, and take any other action deemed appropriate by the General Tribal Council during the GTC Meeting regarding the above matters.*

2/22/23 OBC: 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.

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.

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.

3/1/23 LOC: Motion by Jennifer Webster to add the Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business to the Active Files List with Jennifer Webster as the sponsor; seconded by Marie Cornelius. Motion carried unanimously.

3/15/23 LOC: Motion by Jennifer Webster to accept the status update memorandum for the Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

3/22/23 OBC: Motion by Lisa Liggins for item X.C.7-9, to accept the statement of effect status update, the legal review status update, and the fiscal impact statement update re: General Tribal Council directive for the Oneida Business Committee to stay out of day-to-day business, seconded by Marie Cornelius. Motion carried.

Next Steps:

- Accept the statement of effect for Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business and forward to the Oneida Business Committee.



HANDOUT

Statement of Effect

Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business

Summary

This petition requests the General Tribal Council to consider the compliance and enforcement of the Oneida General Tribal Council directive that the Oneida Business Committee not be involved in the day-to-day business of the Oneida Nation.

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

Date: April 6, 2023

Analysis by the Legislative Reference Office

On February 15, 2023, the Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business (“the Petition”) was submitted to the Government Administrative Office by Linda Dallas and verified by the Oneida Trust Enrollment Department on February 16, 2023. On February 22, 2023, the Oneida Business Committee acknowledged receipt of the Petition and directed that the Legislative Reference Office complete a statement of effect for the Petition with status updates to be submitted for the March 22, 2023, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted. The Legislative Reference Office provided a status update to the Oneida Business Committee on March 22, 2023, which identified that the statement of effect for this Petition would be submitted for inclusion on the April 12, 2023, Oneida Business Committee meeting agenda.

The purpose of this Petition is to call a special meeting of the General Tribal Council to consider the following:

- *Enforcement of the Oneida General Tribal Council directive that the Oneida Business Committee SHALL NOT be involved in the day-to-day business of the Oneida Nation of Wisconsin; and*
- *Direct immediate compliance; and*
- *GTC reserves the right to review, discuss, and take any other action deemed appropriate by the General Tribal Council during the GTC Meeting regarding the above matters.*

All applicable laws and policies of the Nation were reviewed in developing this statement of effect for the Petition.

Directive for the Oneida Business Committee to Stay Out of Day-to-Day Business

This Petition calls for the General Tribal Council to consider the enforcement of the General Tribal Council directive that the Oneida Business Committee not be involved in the day-to-day business of the Nation. There are no laws of the Nation that directly address or codify the separation between the Oneida Business Committee and the day-to-day business of the Nation.

Article III Section 1 of the Constitution and Bylaws of the Oneida Nation provides that the governing body of the Oneida Nation shall be the General Tribal Council composed of all the qualified voters of the Oneida Nation. Article IV Section 1 of the Constitution then enumerates certain powers of the General Tribal Council. Subsection 1(g) of Article IV empowers the General Tribal Council to delegate certain powers to officials of the Nation.

In 1949, the General Tribal Council adopted resolution BC-02-20-1949, *Granting Transacting Tribal Business to the Executive Committee due to Difficulty of Assembling a GTC Quorum*, which recognized the difficulty of assembling a quorum of the General Tribal Council when immediate action is needed in order to properly transact important business of the Nation and thereby provided that such powers as enumerated in Article IV of the Constitution of the Oneida Nation be delegated to the Executive Committee. Through this resolution the General Tribal Council reserved the right to review any action taken by the Executive Committee by virtue of such delegated powers. Then in 1982, the General Tribal Council adopted resolution GTC-02-25-82 which identified that elected officials need to maintain a separation of legislative and administrative duties of the Nation, and therefore, it directed that the Business Committee hire a General Manager to be directly responsible for the programs and enterprises of the Nation. This resolution directed that the Oneida Business Committee be actively involved in legislative areas such as the development of land acquisition plans, development of a court system, revision of the Constitution and Bylaws of the Nation, development of educational priorities, development of fiscal plans, work on land claims, and the development and amendment of laws of the Nation.

Legislation Regarding Behavioral Expectations of Oneida Business Committee Members

Although there are no laws of the Nation that directly provide for the separation between the Oneida Business Committee and the day-to-day business of the Nation, there are laws that address various expectations of Oneida Business Committee members.

The Code of Ethics codifies some of the behavioral expectations for Oneida Business Committee members. The Code of Ethics law provides that it is the policy of the Nation to promote the highest ethical conduct in all of its elected officials. [1 O.C. 103.1-1]. All government officials are subject to the Code of Ethics. [1 O.C. 103.3-1]. Government officials includes all persons who are elected or appointed to serve on the Oneida Business Committee and any board, committee, or commission created by the Oneida Business Committee or Oneida General Tribal Council. [1 O.C. 103.2(a)].

Ethical conduct encompasses action as well as inaction. [1 O.C. 103.3-2]. Government officials are required to demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities in order to inspire public confidence and trust in the governmental officials of the Nation. *Id.* Government officials are expected to create and maintain an independent and honorable political system, and observe high standards of conduct toward achieving this goal, including, but not limited to encouraging separation between departments or entities of tribal government, and avoiding any contact or duty that violates such a separation, as well as avoiding participation in action or decision making, except where participation is in accordance with the traditions of the Nation, that would present an appearance of conflict of interest or an actual conflict of interest. [1 O.C. 103.3-3(a)]. Government officials are expected to respect and comply with the laws, customs, and traditions of the Nation, and should at all times act in a manner that promotes public confidence in the honesty and impartiality of the Nation's government officials. [1 O.C. 103.3-3(b)-(c)(1)]. A government official may be subject to either removal, if elected, or termination, if appointed, for a violation of the Code of Ethics. [1 O.C. 103.6-1(a)].

The Petition fails to provide information which alleges exactly how the Oneida Business Committee may have violated the General Tribal Council directive to stay out of day-to-day business. It is not possible to fully evaluate and analyze the legislative impact of the Petition without all relevant information to determine what, if any, laws of the Nation were impacted or violated.

Enforcement

When it comes to enforcement against a member of the Oneida Business Committee, the options are limited to the removal of the Oneida Business Committee member.

Article III Section 3 of the Constitution and Bylaws of the Oneida Nation provides that the General Tribal Council may at its discretion remove any official on the Oneida Business Committee by a two-thirds (2/3) majority vote at any regular or special meeting of the General Tribal Council, pursuant to a duly adopted ordinance. The Constitution requires that any such ordinance provide the specific causes for removal and ensures that the rights of the accused are protected, including that an individual receives in writing a statement of the charges against them and assurance on sufficient notice thereof where they be afforded every opportunity to speak in their own defense.

The Removal law was originally adopted by the General Tribal Council to govern the removal of persons elected to serve on boards, committees, and commissions of the Nation in accordance with the Constitution. [1 O.C. 104.1-1]. The Removal law provides that an elected official may be removed from office for any of the following reasons:

- failure to attend four (4) regularly scheduled meetings without a written explanation;

- failure to attend fifty percent (50%) of an entity’s regular scheduled meetings within a twelve (12) month period for any reason provided that this subsection shall not apply to the Oneida Business Committee;
- intentional misuse of Tribal funds;
- alcohol use while performing official responsibilities or use of illegal drugs at any time;
- if he or she no longer meets the qualifications for office;
- violating a Tribal law which specifies removal as a penalty; or
- felony conviction while in office. [1 O.C. 104.4-1(a)-(g)].

The Removal law then provides the process for seeking the removal of an elected official. The Removal law provides that any eligible voter of the Nation may file a petition with the Tribal Secretary seeking the removal of an elected official so long as the petition contains the requisite number of eligible voter signatures. [1 O.C. 104.5-1]. A petition is required to be signed by fifty (50) or more eligible voters or a number equal to at least thirty (30) percent of the vote cast in the previous general election, whichever is greater. *Id.* The Tribal Secretary must then serve the elected official with a certified copy of the petition and forward another to the Judiciary so that it can schedule a preliminary review to determine whether the allegations set forth in the petition would constitute sufficient grounds for removal. [1 O.C. 104.5-6 & 104.6-1]. If the Judiciary determines that sufficient grounds would exist, it is next required to conduct a hearing under Section 104.7 of the Removal law to determine whether each allegation contained in the petition can be proven by clear and convincing evidence. [1 O.C. 104.6-2 & 104.7-3]. If it finds clear and convincing evidence, the Judiciary must then put its findings in written form and forward them to the Tribal Chair. [1 O.C. 104.7-3]. Upon receipt, the Tribal Chair is required to call a special General Tribal Council meeting to consider the Judiciary’s findings. An elected official may only be removed from office upon a two-thirds (2/3) majority vote in the affirmative. [1 O.C. 104.8-3].

If an elected official meets the criteria for removal from office as provided in the Removal law, then the process and procedures of the Removal law are required to be followed in order to properly removal an elected official from their elected position within the Nation.

Conclusion

After a review of all applicable laws and policies of the Nation, it has been determined that the adoption of the Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business would have the following legislative effect

1. There are no laws of the Nation that directly address or codify the separation between the Oneida Business Committee and the day-to-day business of the Nation.
2. There are laws of the Nation, such as the Code of Ethics, that address behavioral expectations of the Oneida Business Committee, but this Petition fails to provide information which alleges exactly how the Oneida Business Committee may have violated the General Tribal Council directive to stay out of day-to-day business. It is not possible to

fully evaluate and analyze the legislative impact of the Petition without all relevant information to determine what, if any, laws of the Nation were impacted or violated.

3. In regard to enforcement of an elected official, the option provided for in the Constitution and Bylaws of the Nation and the Removal law is the removal of an elected official. If it would be determined that a member of the Oneida Business Committee violated a law of the Nation which specifies removal as a penalty, then the process and procedures of the Removal law are required to be followed in order to properly removal an elected official from their elected position within the Nation.

Requested Action

Accept the statement of effect for the Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business.



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



AGENDA REQUEST FORM

- 1) Request Date: 03/22/2023
- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
Dept: Legislative Reference Office (LRO)
Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Budgets for the Oneida Nation be Brought Before the General Tribal Council
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 3/22/23 the OBC adopted a motion to acknowledge receipt of the
petition and direct the LRO to complete a statement of effect with status
updates to be submitted for the 4/26/23 regular OBC meeting agenda
and the first OBC meeting of the month until the final documents are
submitted

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

- 1) Supporting Materials found on Members Only Portion of website.
- 2) _____
- 3) _____
- 4) _____

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

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

- 7) Do you consider this request urgent? Yes No
If yes, please indicate why:
SOE or status update due on 4/26/23.

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

Signature of Requester:
Clorissa N. Leeman

Digitally signed by Clorissa N. Leeman
Date: 2023.03.31 14:01:20 -05'00'

Please send this form and all supporting materials to:

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



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



AGENDA REQUEST FORM

- 1) Request Date: 03/22/2023
- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
Dept: Legislative Reference Office (LRO)
Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Community Improvement Projects (CIP) and Funding
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 3/22/23 the OBC adopted a motion to acknowledge receipt of the
petition and direct the LRO to complete a statement of effect with status
updates to be submitted for the 4/26/23 regular OBC meeting agenda
and the first OBC meeting of the month until the final documents are
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- 2) _____
- 3) _____
- 4) _____

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

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

- 7) Do you consider this request urgent? Yes No
If yes, please indicate why:
SOE or status update due on 4/26/23.

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

Signature of Requester:
Clorissa N. Leeman

Digitally signed by Clorissa N. Leeman
Date: 2023.03.31 14:01:20 -05'00'

Please send this form and all supporting materials to:

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



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



AGENDA REQUEST FORM

- 1) Request Date: 03/22/2023
- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
Dept: Legislative Reference Office (LRO)
Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Contract of Chief Counsel JoAnne House
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 3/22/23 the OBC adopted a motion to acknowledge receipt of the
petition and direct the LRO to complete a statement of effect with status
updates to be submitted for the 4/26/23 regular OBC meeting agenda
and the first OBC meeting of the month until the final documents are
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List any supporting materials included and submitted with the Agenda Request Form

- 1) Supporting Materials found on Members Only Portion of website.
- 2) _____
- 3) _____
- 4) _____

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

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

- 7) Do you consider this request urgent? Yes No
If yes, please indicate why:
SOE or status update due on 4/26/23.

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

Signature of Requester:
Clorissa N. Leeman

Digitally signed by Clorissa N. Leeman
Date: 2023.03.31 14:01:20 -05'00'

Please send this form and all supporting materials to:

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



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



AGENDA REQUEST FORM

- 1) Request Date: 03/22/2023
- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
Dept: Legislative Reference Office (LRO)
Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Direct a Certified Parliamentarian be Appointed by General Tribal Council Prior to Each General Tribal Council Meeting
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 3/22/23 the OBC adopted a motion to acknowledge receipt of the petition and direct the LRO to complete a statement of effect with status updates to be submitted for the 4/26/23 regular OBC meeting agenda and the first OBC meeting of the month until the final documents are submitted

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- 1) Supporting Materials found on Members Only Portion of website.
- 2) _____
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- 4) _____

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

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

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SOE or status update due on 4/26/23.

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Signature of Requester:
Clorissa N. Leeman

Digitally signed by Clorissa N. Leeman
Date: 2023.03.31 14:01:20 -05'00'

Please send this form and all supporting materials to:

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



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



AGENDA REQUEST FORM

- 1) Request Date: 03/22/2023
- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
Dept: Legislative Reference Office (LRO)
Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Petition: L. Dallas – Direct that the Oneida Nation Organizational Structure Return to the Previous State it was Prior to March 2020
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 3/22/23 the OBC adopted a motion to acknowledge receipt of the petition and direct the LRO to complete a statement of effect with status updates to be submitted for the 4/26/23 regular OBC meeting agenda and the first OBC meeting of the month until the final documents are submitted

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- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
 Dept: Legislative Reference Office (LRO)
 Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Direct Transportation be Made Available by the Oneida Nation to Areas with Large Populations of Oneida Enrolled Members to and from GTC Meetings
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 3/22/23 the OBC adopted a motion to acknowledge receipt of the
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- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
Dept: Legislative Reference Office (LRO)
Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Directives for Oneida Nation Chief Counsel Position
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
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- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
Dept: Legislative Reference Office (LRO)
Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Disclosure of Funds, Expenditures, and Organizational Changes from March 2020-Present
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
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Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Petition: L. Dallas – Disclosure of FY- 2020 Budget
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
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 Dept: Legislative Reference Office (LRO)
 Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures from January 1, 2020 – Present
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
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- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
 Dept: Legislative Reference Office (LRO)
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures to England for the October 9, 2022, Green Bay Packer Game
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
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 Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Donations - Internal and External
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
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- 3) Agenda Title: Petition: L. Dallas – General Tribal Council Directive Regarding Advocacy Training
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 Dept: Legislative Reference Office (LRO)
 Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
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 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Petition: L. Dallas – Oneida Nation Disability Fund
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
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 Dept: Legislative Reference Office (LRO)
 Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Repeal and Replace Current Removal Law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
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 Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Repeal GTC Resolution # 01-21-19-A Amending the 120-Day Petition Timeline Adopted by General Tribal Council
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List any supporting materials included and submitted with the Agenda Request Form

- 1) Supporting Materials found on Members Only Portion of website.
- 2) _____
- 3) _____
- 4) _____
- 5) Please list any laws, policies or resolutions that might be affected:

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

- 7) Do you consider this request urgent? Yes No
 If yes, please indicate why:
SOE or status update due on 4/26/23.

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

Signature of Requester:
Clorissa N. Leeman

Digitally signed by Clorissa N. Leeman
 Date: 2023.03.31 14:01:20 -05'00'

Please send this form and all supporting materials to:

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



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



AGENDA REQUEST FORM

- 1) Request Date: 03/22/2023
- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
 Dept: Legislative Reference Office (LRO)
 Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Review and Discuss General Tribal Council's Delegation of Power and Authority to all Entities
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 3/22/23 the OBC adopted a motion to acknowledge receipt of the
petition and direct the LRO to complete a statement of effect with status
updates to be submitted for the 4/26/23 regular OBC meeting agenda
and the first OBC meeting of the month until the final documents are
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AGENDA REQUEST FORM

- 1) Request Date: 03/22/2023
- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
 Dept: Legislative Reference Office (LRO)
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Petition: L. Dallas – Term Limits for 2023
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 3/22/23 the OBC adopted a motion to acknowledge receipt of the
petition and direct the LRO to complete a statement of effect with status
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AGENDA REQUEST FORM

- 1) Request Date: 03/22/2023
- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
Dept: Legislative Reference Office (LRO)
Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Petition: L. Dallas – Transitional Housing
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 3/22/23 the OBC adopted a motion to acknowledge receipt of the
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AGENDA REQUEST FORM

- 1) Request Date: 03/22/2023
- 2) Contact Person(s): Clorissa N. Leeman, LRO Senior Staff Attorney
Dept: Legislative Reference Office (LRO)
Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas – Void the November 15, 2022, Virtual Semi-Annual General Tribal Council Meeting
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 3/22/23 the OBC adopted a motion to acknowledge receipt of the
petition and direct the LRO to complete a statement of effect with status
updates to be submitted for the 4/26/23 regular OBC meeting agenda
and the first OBC meeting of the month until the final documents are
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April 2023

April 2023							May 2023						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Apr 3	4	5	6	7 <div style="border: 1px solid black; padding: 2px;">8:30am LOC Prep (Microsoft Teams Meeting; BC_Conf_Room) - Clorissa N. Leeman</div> <div style="border: 1px solid black; padding: 2px;">9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting; BC_Conf_Room) - LOC</div>
10	11 <div style="border: 1px solid black; padding: 2px;">9:30am Investigative Leave Policy (Microsoft Teams Meeting) - Grace L. Elliott</div>	12	13 <div style="border: 1px solid black; padding: 2px;">1:30pm LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Leeman</div>	14
17	18	19 <div style="border: 1px solid black; padding: 2px;">8:30am LOC Prep (Microsoft Teams Meeting; BC_Conf_Room) - Clorissa N. Santiago</div> <div style="border: 1px solid black; padding: 2px;">9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting; BC_Conf_Room) - LOC</div>	20	21 <div style="border: 1px solid black; padding: 2px;">1:30pm Oneida Language Code Work Meeting (Microsoft Teams Meeting) - Clorissa N. Leeman</div>
24	25	26	27 <div style="border: 1px solid black; padding: 2px;">9:30am LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Leeman</div> <div style="border: 1px solid black; padding: 2px;">1:00pm Back Pay Law Amendments (Microsoft Teams Meeting) - Clorissa N. Leeman</div>	28