



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2<sup>nd</sup> Floor Norbert Hill Center  
April 19, 2023  
9:00 a.m.

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

**II. Minutes to be Approved**

1. April 7, 2023 LOC Meeting Minutes (pg. 2)

**III. Current Business**

1. Petition: L. Dallas – Disclosure of FY- 2020 Budget (pg. 6)
2. Petition: L. Dallas – Disclosure of FY- 2021 Budget (pg. 12)
3. Petition: L. Dallas – Disclosure of FY- 2022 Budget (pg. 18)
4. Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members (pg. 24)
5. Petition: L. Dallas – Term Limits for 2023 (pg. 29)

**IV. New Submissions**

**V. Additions**

**VI. Administrative Updates**

1. Memorandum: Status Update for Outstanding General Tribal Council Petitions (pg. 40)

**VII. Executive Session**

**VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
April 7, 2023  
9:00 a.m.

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

**Excused:** Jennifer Webster

**Others Present:** Clorissa N. Leeman, Grace Elliott (Microsoft Teams), Rhiannon Metoxen (Microsoft Teams), Peggy Van Gheem (Microsoft Teams), Michelle Tipple (Microsoft Teams), Matt Denny (Microsoft Teams), Justin Nishimoto (Microsoft Teams), Danielle White (Microsoft Teams), Todd Vanden Heuvel (Microsoft Teams), Monica Doxtator (Microsoft Teams), Kristal Hill (Microsoft Teams), Kristine Hill (Microsoft Teams), Ralinda Ninham-Lamberies (Microsoft Teams), Terri Schlitz (Microsoft Teams), Debra Danforth (Microsoft Teams), Racquel Hill (Microsoft Teams), Brenda Haen (Microsoft Teams)

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

David P. Jordan called the April 7, 2023, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Marie Cornelius to adopt the agenda as is; seconded by Kirby Metoxen. Motion carried unanimously.

**II. Minutes to be Approved**

**1. March 15, 2023 LOC Meeting Minutes**

Motion by Marie Cornelius to approve the March 15, 2023, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

**III. Current Business**

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

Motion by Marie Cornelius to accept the statement of effect for the Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

**2. Petition: L. Dallas – FY 2023 Budget**

Motion by Kirby Metoxen to accept the statement of effect for the Petition: L. Dallas – FY 2023 Budget and forward to the Oneida Business Committee; seconded by Marie Cornelius. Motion carried unanimously.

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



**3. Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business**  
Motion by Kirby Metoxen to accept the statement of effect 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.

#### **IV. New Submissions**

**1. Petition: L. Dallas – Budgets for the Oneida Nation be Brought Before the General Tribal Council**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**2. Petition: L. Dallas – Community Improvement Projects (CIP) and Funding**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**3. Petition: L. Dallas – Contract of Chief Counsel JoAnne House**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**4. Petition: L. Dallas – Direct a Certified Parliamentarian be Appointed by General Tribal Council Prior to Each General Tribal Council Meeting**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**5. Petition: L. Dallas – Direct that the Oneida Nation Organizational Structure Return to the Previous State it was Prior to March 2020**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**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**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**7. Petition: L. Dallas – Directives for Oneida Nation Chief Counsel Position**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**8. Petition: L. Dallas – Disclosure of Funds, Expenditures, and Organizational Changes from March 2020-Present**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**9. Petition: L. Dallas – Disclosure of FY- 2020 Budget**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**10. Petition: L. Dallas – Disclosure of FY- 2021 Budget**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**11. Petition: L. Dallas – Disclosure of FY- 2022 Budget**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**12. Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures from January 1, 2020 – Present**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**13. Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures to England for the October 9, 2022, Green Bay Packer Game**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**14. Petition: L. Dallas – Donations - Internal and External**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**15. Petition: L. Dallas – General Tribal Council Directive Regarding Advocacy Training**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**16. Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**17. Petition: L. Dallas – Oneida Nation Disability Fund**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**18. Petition: L. Dallas – Repeal and Replace Current Removal Law**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**19. Petition: L. Dallas – Repeal GTC Resolution # 01-21-19-A Amending the 120-Day Petition Timeline Adopted by General Tribal Council**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**20. Petition: L. Dallas – Repeal the Budget and Finances Law**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**21. Petition: L. Dallas – Review and Discuss General Tribal Council's Delegation of Power and Authority to all Entities**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**22. Petition: L. Dallas – Term Limits for 2023**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**23. Petition: L. Dallas – Transitional Housing**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**24. Petition: L. Dallas – Void the November 15, 2022, Virtual Semi-Annual General Tribal Council Meeting**

Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**V. Additions**

**VI. Administrative Items**

**VII. Executive Session**

**VIII. Adjourn**

Motion by Kirby Metoxen to adjourn at 9:11 a.m.; seconded by Marie Cornelius. Motion carried unanimously.



Legislative Operating Committee  
April 19, 2023

# Petition: L. Dallas – Disclosure of FY 2020 Budget

**Submission Date: 4/7/23**

**LOC Sponsor: All LOC Members**

**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 2020 (both proposed and actual) along with all of the funding sources and expenditures clearly, concisely, and separately disclosed to the General Tribal Council in its entirety for review, discussion and action by the General Tribal Council;*
- *Direct full disclosure of any funds not utilized and what was done with them; 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.*

**3/22/23 OBC:** Motion by Lisa Liggins for item X.E.-AB., to acknowledge receipt of the petition; to direct the BC Direct Report Offices to complete and submit their administrative impact statements of the petition to the TribalSecretary mailbox by Wednesday, April 12, 2023; and 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 April 26, 2023, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted, seconded by Marie Cornelius. Motion carried.

**4/7/23 LOC:** Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**Next Steps:**

- Accept the statement of effect for Petition: L. Dallas – Disclosure of FY 2020 Budget and forward to the Oneida Business Committee.



## Statement of Effect

*Petition: L. Dallas – Disclosure of FY 2020 Budget*

### Summary

This petition requests the General Tribal Council to consider directing that the budget for Fiscal Year 2020 along with all of the funding sources and expenditures be clearly, concisely, and separately disclosed to the General Tribal Council in its entirety for review, discussion, and action.

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

*Date: April 14, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Disclosure of FY 2020 Budget (“the Petition”) was submitted to the Government Administrative Office by Linda Dallas and then verified by the Oneida Trust Enrollment Department on March 7, 2023. On March 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 April 26, 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 Operating Committee added the Petition to its Active Files List on April 7, 2023, for a statement of effect to be developed by the Legislative Reference Office.

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 2020 (both proposed and actual) along with all of the funding sources and expenditures clearly, concisely, and separately disclosed to the General Tribal Council in its entirety for review, discussion and action by the General Tribal Council;*
- *Direct full disclosure of any funds not utilized and what was done with them; 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.

## *Fiscal Year 2020 Budget*

The Fiscal Year 2020 budget was lawfully adopted in accordance with the Budget Management and Control law<sup>1</sup> by the General Tribal Council through resolution GTC-09-16-19-A, *Adoption of Fiscal Year 2020 Budget*. Resolution GTC-09-16-19-A adopted the Fiscal Year 2020 Budget of four hundred ninety five million nine hundred thousand eight hundred seventy-eight dollars (\$495,900,878), and also reaffirmed Oneida Business Committee resolutions BC-09-27-17-I, *Strategic Workforce Planning – Budget – Implementation for Oneida Nation*, and BC-03-14-18-D, *Amending Resolution BC-09-27-17-I, Strategic Workforce Planning – Budget – Implementation*, for Oneida Nation as a method of understanding and directing employment levels to meet the organizational needs of the Nation to generate revenues and protect the health, safety, and welfare of members of the community, while also confirming that all employment decisions shall be made while avoiding lay-offs as a last resort.

In early 2020, the world began experiencing the effects of the COVID-19 pandemic. As a result of the COVID-19 pandemic, in accordance with the authority granted to the Oneida Business Committee through the Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed a *Declaration of Public Health State of Emergency*. [3 O.C. 302.8-1]. The Oneida Business Committee then took action to adopt resolution BC-03-17-20-A, *Adoption of Tier IV Budget Contingency Plan for the Remainder of Fiscal Year 2020 As A Result of Potential COVID-19 Pandemic Financial Impacts*, which adopted the Tier IV budget reductions from the Budget Contingency Plan as adopted through resolution BC-09-13-17-A, *Adoption of Budget Contingency Plan in Conformance with the Budget Control and Management and Control Law*, delayed certain budget actions, and provided that employees shall be compensated in the event of closures.<sup>2</sup> Then less than a month later, the Oneida Business Committee adopted resolution BC-04-08-20-C, *Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020*, which adopted Tier V budget reductions from the Budget Contingency Plan as adopted through resolution BC-09-13-17-A, reduced all funding to essential services, reduced employee levels to essential employees only, prohibited travel, set aside on hold all capital expenditures, capital improvement projects and technology set asides, and restricted building maintenance and repair expenses.

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<sup>1</sup> The Fiscal Year 2020 Budget was developed and adopted in accordance with the Budget Management and Control law as adopted through resolution BC-02-08-17-C, *Adoption of the Budget Management and Control Law*. The Budget Management and Control law was amended in May of 2022 through the adoption of resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*, and retitled the Budget and Finances Law.

<sup>2</sup> Section 121.4-3 of the Budget Management and Control law, BC-02-08-17-A, required the Oneida Business Committee to work with the Chief Financial Officer, executive managers, and managers to create a budget contingency plan which provides a strategy for the Nation to respond to extreme financial distress that could negatively impact the Nation. The Oneida Business Committee adopted the Nation's Budget Contingency Plan through resolution BC-09-13-17-A. The Oneida Business Committee was delegated responsibility for the implementation of the budget contingency plan, provided that the Oneida Business Committee first makes a determination that the Nation is under extreme financial distress. The declaration of a Public Health Emergency by the Nation and the potential financial impacts of the COVID-19 pandemic meet the Budget Management and Control law's requirement that the Nation be under extreme financial distress for the budget contingency plan to be implemented.



### *Budget and Finances Law*

Today, 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 Petition calls for the Fiscal Year 2020 budget to be brought before the General Tribal Council in its entirety for review, discussion, and action by the General Tribal Council. Specifically, the Petition requests that information on the Fiscal Year 2020 budget's funding sources, expenditures, and unexpended funds be clearly, concisely, and separately disclosed to the General Tribal Council.

There are no legislative impacts in regard to the Petition's directive that the Fiscal Year 2020 budget be brought before the General Tribal Council for *review and discussion* for the purpose of providing the membership with greater understanding of the Fiscal Year 2020 budget.

The Petition's directive that the Fiscal Year 2020 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 2020 budget. The submission of this Petition was not timely for the consideration of action by the General Tribal Council, as the Petition was not submitted until nearly three (3) years and six (6) months after the adoption of the Fiscal Year 2020 budget by the General Tribal Council, and this Petition is not

expected to be presented to the General Tribal Council for consideration until August 2023, which is nearly four (4) years after the adoption of the Fiscal Year 2020 budget by the General Tribal Council.

In regard to action that can be taken to address a budget after adoption, the Budget and Finances law only allows the amendment of a budget in certain circumstances. After a budget is adopted, amendments of the budget are not permitted unless it is necessary to avoid a budget deficit. [*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.* In this situation, an amendment of the Fiscal Year 2020 budget would not be allowed by the Budget and Finances law since the Fiscal Year 2020 has concluded and the Fiscal Year 2020 budget has been expended, and therefore, any action to amend the budget is not necessary to avoid a budget deficit since we are well beyond the Fiscal Year 2020.

### *Ten Day Notice Policy*

Since the Fiscal Year 2020 budget was adopted by the General Tribal Council through resolution GTC-09-16-19-A, it is important to note that any action to overrule previous passed motions or resolutions require a two-thirds (2/3) majority vote in accordance with the Ten Day Notice Policy. [*O.C. 110.3-41(a)(3)*].

### **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 – Disclosure of FY 2020 Budget would have the following legislative effects:

1. There are no legislative impacts in regard to the Petition’s directive that the Fiscal Year 2020 budget be brought before the General Tribal Council for *review and discussion* for the purpose of providing the membership with greater understanding of the Fiscal Year 2020 budget.
2. The Petition’s directive that the Fiscal Year 2020 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 2020 budget. The submission of this Petition was not timely for the consideration of action by the General Tribal Council, as the Petition was not submitted until nearly three (3) years and six (6) months after the adoption of the Fiscal Year 2020 budget by the General Tribal Council, and this Petition is not expected to be presented to the General

Tribal Council for consideration until August 2023, which is nearly four (4) years after the adoption of the Fiscal Year 2020 budget by the General Tribal Council. An amendment of the Fiscal Year 2020 budget would not be allowed by the Budget and Finances law since the Fiscal Year 2020 has concluded and the Fiscal Year 2020 budget has been expended, and therefore, action to amend the budget is not necessary to avoid a budget deficit since we are well beyond the Fiscal Year 2020.

3. Since the Fiscal Year 2020 budget was adopted by the General Tribal Council through resolution GTC-09-16-19-A, it is important to note that any action to overrule previous passed motions or resolutions require a two-thirds (2/3) majority vote in accordance with the Ten Day Notice Policy.

### **Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Disclosure of FY 2020 Budget.



Legislative Operating Committee  
April 19, 2023

# Petition: L. Dallas – Disclosure of FY 2021 Budget

**Submission Date: 4/7/23**

**LOC Sponsor: All LOC Members**

**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 2021 (both proposed and actual) along with all of the funding sources and expenditures clearly, concisely, and separately disclosed to the General Tribal Council in its entirety for review, discussion and action by the General Tribal Council;*
- *Direct full disclosure of any funds not utilized and what was done with them; 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.*

**3/22/23 OBC:** Motion by Lisa Liggins for item X.E.-AB., to acknowledge receipt of the petition; to direct the BC Direct Report Offices to complete and submit their administrative impact statements of the petition to the TribalSecretary mailbox by Wednesday, April 12, 2023; and 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 April 26, 2023, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted, seconded by Marie Cornelius. Motion carried.

**4/7/23 LOC:** Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**Next Steps:**

- Accept the statement of effect for Petition: L. Dallas – Disclosure of FY 2021 Budget and forward to the Oneida Business Committee.



## Statement of Effect

*Petition: L. Dallas – Disclosure of FY 2021 Budget*

### Summary

This petition requests the General Tribal Council to consider directing that the budget for Fiscal Year 2021 along with all of the funding sources and expenditures be clearly, concisely, and separately disclosed to the General Tribal Council in its entirety for review, discussion, and action.

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

*Date: April 14, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Disclosure of FY 2021 Budget (“the Petition”) was submitted to the Government Administrative Office by Linda Dallas and then verified by the Oneida Trust Enrollment Department on March 7, 2023. On March 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 April 26, 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 Operating Committee added the Petition to its Active Files List on April 7, 2023, for a statement of effect to be developed by the Legislative Reference Office.

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 2021 (both proposed and actual) along with all of the funding sources and expenditures clearly, concisely, and separately be disclosed to the General Tribal Council in its entirety for review, discussion and action by the General Tribal Council;*
- *Direct full disclosure of any funds not utilized and what was done with them; 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.

## *Fiscal Year 2021 Budget*

In early 2020, the world began experiencing the effects of the COVID-19 pandemic. As a result of the COVID-19 pandemic, in accordance with the authority granted to the Oneida Business Committee through the Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed a *Declaration of Public Health State of Emergency*. [3 O.C. 302.8-1].<sup>1</sup> During this time the Nation took action that protected the health and welfare of the Oneida Nation community and employees which included health related restrictions such as closing programs, schools, offices and businesses; significantly reducing and restricting expenditures to protect the Nation's ability to provide needed health and safety services to members and the community during the pandemic; and, adopting actions which prohibited or limited public interactions, gatherings, and activities.

At the end of Fiscal Year 2020 the Treasurer and a Finance Team identified it was impossible to identify revenues at any level of accuracy during Public Health State of Emergency as the economy is impacted, and beyond as the economy recovers, which impacts the ability to generate a budget for the Fiscal Year 2021; therefore, the Treasurer recommended that the Oneida Business Committee adopt a continuing budget resolution for Fiscal Year 2021. Section 121.5-1 of the Budget Management and Control law permitted the Oneida Business Committee to alter the deadlines for the various budget processes and procedures set forth in the law only upon a showing of good cause, provided that, the Oneida Business Committee approve any such alterations by resolution.<sup>2</sup>

The Oneida Business Committee then adopted resolution BC-08-12-20-J, *Continuing Resolution for Fiscal Year 2021*, which directed that the Fiscal Year 2021 expenditures derive from each fund unit's approved Budget Contingency Plan, as impacted by resolution BC-04-08-20-C, *Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020*, and that all expenditures shall be restricted to the greatest extent possible to allow the Nation to provide critical-essential services. In addition, resolution BC-08-12-20-J also directed that the planned fifty cent (\$0.50) wage increase for Fiscal Year 2021 not be implemented, and provided further directives relating to expenditures of operations, as well as fiscal reporting and allocations for critical-essential services.

The Treasurer, in consultation with the Chief Financial Officer, Finance Department, and Gaming General Manager identified that sufficient information was available to begin and finalize the Oneida Nation's budget for Fiscal Year 2021, with significant budget restrictions. The Oneida

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<sup>1</sup> The Public Health State of Emergency was continuously extended until May 11, 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, BC-01-11-23-B, BC-03-08-23-A.

<sup>2</sup> The Budget Management and Control law as adopted through resolution BC-02-08-17-C, *Adoption of the Budget Management and Control Law*, was in effect during the end of Fiscal Year 2020 and the beginning of Fiscal Year 2021. The Budget Management and Control law was amended in May of 2022 through the adoption of resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*, and retitled the Budget and Finances Law.

Business Committee then adopted the Fiscal Year 2021 budget through the adoption of resolution BC-11-24-20-F, *Approval of Final Draft Fiscal Year 2021 Budget and Budget Directives*, which approved the final draft budget in the amount of four hundred twenty-six million four hundred twenty-seven thousand eight hundred twenty-two dollars (\$426,427,822), and adopted the budget for implementation. Typically, the Oneida Business Committee is required to present the budget to the General Tribal Council with a request for adoption. [1 O.C. 121.5-4(e) - BC-02-08-17-C 1 O.C. 121.5-8]. Due to the COVID-19, holding a General Tribal Council meeting to adopt the budget would place members in significant jeopardy of contact with the virus and cause the virus to spread throughout the community. On November 24, 2020, the Oneida Business Committee adopted emergency amendments to the Budget Management and Control law through the adoption of resolution BC-11-24-20-E, *Emergency Amendments to the Budget Management and Control Law*, which provided that in the event that the Nation proclaims an emergency, in accordance with the Emergency Management law, which prevents presentation and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget. [1 O.C. 121.5-9(a)].

### *Budget and Finances Law*

Today, 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 Petition calls for the Fiscal Year 2021 budget to be brought before the General Tribal Council in its entirety for review, discussion, and action by the General Tribal Council. Specifically, the Petition requests that information on the Fiscal Year 2021 budget's funding sources, expenditures, and unexpended funds be clearly, concisely, and separately disclosed to the General Tribal Council.

There are no legislative impacts in regard to the Petition's directive that the Fiscal Year 2021 budget be brought before the General Tribal Council for *review and discussion* for the purpose of providing the membership with greater understanding of the Fiscal Year 2021 budget.

The Petition's directive that the Fiscal Year 2021 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 2021 budget. The submission of this Petition was not timely for the consideration of action by the General Tribal Council, as the Petition was not submitted until nearly two (2) years and four (4) months after the adoption of the Fiscal Year 2021 budget by the Oneida Business Committee, and this Petition is not expected to be presented to the General Tribal Council for consideration until August 2023, which is nearly three (3) years after the adoption of the Fiscal Year 2021 budget by the Oneida Business Committee.

In regard to action that can be taken to address a budget after adoption, the Budget and Finances law only allows the amendment of a budget in certain circumstances. After a 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.* In this situation, an amendment of the Fiscal Year 2021 budget would not be allowed by the Budget and Finances law since the Fiscal Year 2021 has concluded and the Fiscal Year 2021 budget has been expended, and therefore, any action to amend the budget is not necessary to avoid a budget deficit since we are well beyond the Fiscal Year 2021.

### **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 – Disclosure of FY 2021 Budget would have the following legislative effects:

1. There are no legislative impacts in regard to the Petition's directive that the Fiscal Year 2021 budget be brought before the General Tribal Council for *review and discussion* for



the purpose of providing the membership with greater understanding of the Fiscal Year 2021 budget.

2. The Petition's directive that the Fiscal Year 2021 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 2021 budget. The submission of this Petition was not timely for the consideration of action by the General Tribal Council, as the Petition was not submitted until nearly two (2) years and four (4) months after the adoption of the Fiscal Year 2021 budget by the Oneida Business Committee, and this Petition is not expected to be presented to the General Tribal Council for consideration until August 2023, which is nearly three (3) years after the adoption of the Fiscal Year 2021 budget by the Oneida Business Committee. An amendment of the Fiscal Year 2021 budget would not be allowed by the Budget and Finances law since the Fiscal Year 2021 has concluded and the Fiscal Year 2021 budget has been expended, and therefore, action to amend the budget is not necessary to avoid a budget deficit since we are well beyond the Fiscal Year 2021.

### **Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Disclosure of FY 2021 Budget.



Legislative Operating Committee  
April 19, 2023

# Petition: L. Dallas – Disclosure of FY 2022 Budget

**Submission Date: 4/7/23**

**LOC Sponsor: All LOC Members**

**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 2022 (both proposed and actual) along with all of the funding sources and expenditures clearly, concisely, and separately disclosed to the General Tribal Council in its entirety for review, discussion and action by the General Tribal Council;*
- *Direct full disclosure of any funds not utilized and what was done with them; 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.*

**3/22/23 OBC:** Motion by Lisa Liggins for item X.E.-AB., to acknowledge receipt of the petition; to direct the BC Direct Report Offices to complete and submit their administrative impact statements of the petition to the TribalSecretary mailbox by Wednesday, April 12, 2023; and 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 April 26, 2023, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted, seconded by Marie Cornelius. Motion carried.

**4/7/23 LOC:** Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**Next Steps:**

- Accept the statement of effect for Petition: L. Dallas – Disclosure of FY 2022 Budget and forward to the Oneida Business Committee.



# HANDOUT

## Statement of Effect

*Petition: L. Dallas – Disclosure of FY 2022 Budget*

### Summary

This petition requests the General Tribal Council to consider directing that the budget for Fiscal Year 2022 along with all of the funding sources and expenditures be clearly, concisely, and separately disclosed to the General Tribal Council in its entirety for review, discussion, and action.

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

*Date: April 17, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Disclosure of FY 2022 Budget (“the Petition”) was submitted to the Government Administrative Office by Linda Dallas and then verified by the Oneida Trust Enrollment Department on March 7, 2023. On March 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 April 26, 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 Operating Committee added the Petition to its Active Files List on April 7, 2023, for a statement of effect to be developed by the Legislative Reference Office.

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 2022 (both proposed and actual) along with all of the funding sources and expenditures clearly, concisely, and separately be disclosed to the General Tribal Council in its entirety for review, discussion and action by the General Tribal Council;*
- *Direct full disclosure of any funds not utilized and what was done with them; 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.

## *Fiscal Year 2022 Budget*

In early 2020, the world began experiencing the effects of the COVID-19 pandemic. As a result of the COVID-19 pandemic, in accordance with the authority granted to the Oneida Business Committee through the Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed a *Declaration of Public Health State of Emergency*, which was continuously extended until May 11, 2023. [3 O.C. 302.8-1].<sup>1</sup>

The Oneida Business Committee adopted resolution BC-08-03-21-A, *Setting Public Gathering Guidelines During Public Health State of Emergency - COVID-19*, which directed that indoor and outdoor events be canceled when the infection rates within Brown or Outagamie Counties exceed “low” as identified by the Wisconsin Department of Health Services.

On September 22, 2021, the Oneida Business Committee adopted resolution BC-09-22-21-E, *Continue to Operate Fiscal Year 2022*, which authorized the continuation of the operations and the expenditure of funds. Section 121.5-3(b) of the Budget Management and Control law required the Oneida Business Committee to present the budget to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year, but in the event that the General Tribal Council does not adopt a budget by September 30th, the Oneida Business Committee is permitted to adopt a continuing budget resolution until such time as a budget is adopted.<sup>2</sup> Resolution BC-09-22-21-E provided that the conditions it set forth would remain in effect until the General Tribal Council approves the Fiscal Year 2022 budget, provided that, the Oneida Business Committee, at a regular meeting in March 2022, shall review the ability to safely hold a General Tribal Council meeting to adopt the budget if the budget has not already been adopted by the General Tribal Council, and determine whether the Oneida Business Committee should formally adopt the Fiscal Year 2022 budget on behalf of the General Tribal Council if a meeting cannot be safely held.

Then on October 27, 2021, the Oneida Business Committee adopted resolution BC-10-27-21-C, *Amending Fiscal Year 2022 budget approval timelines provided in BC resolution #09-22-21-E Continue to Operate Fiscal Year 2022*, which amended the Fiscal Year 2022 budget approval timelines provided in resolution BC-09-22-21-E to provide that the Oneida Business Committee, at a regular meeting in December 2021, shall review the ability to safely hold a General Tribal

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<sup>1</sup> The Public Health State of Emergency was continuously extended until May 11, 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, BC-01-11-23-B, BC-03-08-23-A.

<sup>2</sup> The Budget Management and Control law as emergency amended through resolution BC-05-12-21-C, *Emergency Amendments to the Budget Management and Control Law*, was in effect during this time. The Budget Management and Control law was amended in May of 2022 through the adoption of resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*, and retitled the Budget and Finances Law.

Council meeting to adopt the budget if the budget has not already been adopted by the General Tribal Council and determine whether the Oneida Business Committee should formally adopt the Fiscal Year 2022 budget on behalf of the General Tribal Council if a meeting cannot be safely held.

The Oneida Business Committee adopted resolution BC-12-08-21-B, *Updating Public Gathering Guidelines During Public Health State of Emergency – COVID-19*, which prohibits indoor public meetings due to the Nation’s Public Health State of Emergency when COVID-19 case activity rates and percent positive rates within Brown or Outagamie Counties exceeds “low” as identified by the Wisconsin Department of Health Services, and the transmission rates by ZIP Code Tabulation Area are at or below low in ZIP Codes 54115, 54130, 54155, 54162, 54165, 54303, 54304, and 54313 exceeds “low” as identified by the Wisconsin Department of Health Services.

The Oneida Business Committee determined that the Fiscal Year 2022 will be near the end of its first quarter without having a budget formally adopted and unlikely to have either an in-person or virtual meeting called before the second quarter or half of the fiscal year has passed.

The Oneida Business Committee then adopted resolution BC-12-22-21-B, *Adoption of Fiscal Year 2022 Budget*, in which the Oneida Business Committee, on behalf of the General Tribal Council, adopted the Fiscal Year 2022 budget and authorized the Fiscal Year 2022 budget to be fully implemented superseding resolution BC-09-22-21-E and resolution BC-10-27-21-C. Resolution BC-12-22-21-B also provided that the approved Fiscal Year 2022 budget be subject to amendment upon completion of the Human Resources Department’s Market Wage Analysis. The Oneida Business Committee adopted the Fiscal Year 2022 budget on behalf of the General Tribal Council in accordance with the emergency budget adoption provision found in section 121.5-3(b)(1) of the Budget Management and Control law, which provided that in the event that the Nation proclaims an emergency, in accordance with the Emergency Management law, which prevents presentation and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation’s budget.<sup>3</sup> The Fiscal Year 2022 budget was lawfully adopted in accordance with the Budget Management and Control law.

### *Budget and Finances Law*

Today, 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:

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<sup>3</sup> The Budget Management and Control law as adopted through the extension of the emergency through resolution BC-11-10-21-B, *Extension of the Emergency Amendments to the Budget Management and Control Law*, was in effect during this time.

- 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 Petition calls for the Fiscal Year 2022 budget to be brought before the General Tribal Council in its entirety for review, discussion, and action by the General Tribal Council. Specifically, the Petition requests that information on the Fiscal Year 2022 budget’s funding sources, expenditures, and unexpended funds be clearly, concisely, and separately disclosed to the General Tribal Council.

There are no legislative impacts in regard to the Petition’s directive that the Fiscal Year 2022 budget be brought before the General Tribal Council for *review and discussion* for the purpose of providing the membership with greater understanding of the Fiscal Year 2022 budget.

The Petition’s directive that the Fiscal Year 2022 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 2022 budget. The submission of this Petition was not timely for the consideration of action by the General Tribal Council, as the Petition was not submitted until nearly one (1) year and three (3) months after the adoption of the Fiscal Year 2022 budget by the Oneida Business Committee, and this Petition is not expected to be presented to the General Tribal Council for consideration until August 2023, which is nearly one (1) year and eight (3) months after the adoption of the Fiscal Year 2022 budget by the Oneida Business Committee.

In regard to action that can be taken to address a budget after adoption, the Budget and Finances law only allows the amendment of a budget in certain circumstances. After a 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 is then responsible for adopting an amendment to the budget through resolution of the Nation. *Id.* The Oneida Business Committee is required to present notification of the budget amendment at the next available General Tribal Council meeting. *Id.* In this situation, an amendment of the Fiscal Year 2022 budget would not be allowed by the Budget and Finances law since the Fiscal Year 2022 has concluded and the Fiscal Year 2022 budget has been expended, and therefore, any action to amend the budget is not necessary to avoid a budget deficit since we are well beyond the Fiscal Year 2022.

### **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 – Disclosure of FY 2022 Budget would have the following legislative effects:

1. There are no legislative impacts in regard to the Petition’s directive that the Fiscal Year 2022 budget be brought before the General Tribal Council for *review and discussion* for the purpose of providing the membership with greater understanding of the Fiscal Year 2022 budget.
2. The Petition’s directive that the Fiscal Year 2022 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 2022 budget. The submission of this Petition was not timely for the consideration of action by the General Tribal Council, as the Petition was not submitted until nearly one (1) year and three (3) months after the adoption of the Fiscal Year 2022 budget by the Oneida Business Committee, and this Petition is not expected to be presented to the General Tribal Council for consideration until August 2023, which is nearly one (1) year and eight (8) months after the adoption of the Fiscal Year 2022 budget by the Oneida Business Committee. An amendment of the Fiscal Year 2022 budget would not be allowed by the Budget and Finances law since the Fiscal Year 2022 has concluded and the Fiscal Year 2022 budget has been expended, and therefore, action to amend the budget is not necessary to avoid a budget deficit since we are well beyond the Fiscal Year 2022.

### **Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Disclosure of FY 2022 Budget.



Legislative Operating Committee  
April 19, 2023

# Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members

**Submission Date: 4/7/23**

**LOC Sponsor: All LOC Members**

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

- *To direct the Oneida Business Committee to implement direct payments and/or reimbursement payments of Medicare Plan B Premium Payments for all Oneida Enrolled Tribal Members eligible for Medicare Part B (i.e. elders, disabled, etc.), to be effective January 1st of Fiscal Year 2024 and every year thereafter;*
- *To direct the Oneida Business Committee to develop a process that includes, but is not limited to: screening and ensuring all other available sources of payment are first applied for by the eligible Oneida Enrolled Tribal Members eligible for Medicare Part B Premium Payments AND assists the eligible the eligible Oneida Enrolled Tribal Members to apply for other funding sources when they are available, and will be effective January 1st of Fiscal Year 2024 and every year thereafter;*
- *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.*

**3/22/23 OBC:** Motion by Lisa Liggins for item X.E.-AB., to acknowledge receipt of the petition; to direct the BC Direct Report Offices to complete and submit their administrative impact statements of the petition to the TribalSecretary mailbox by Wednesday, April 12, 2023; and 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 April 26, 2023, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted, seconded by Marie Cornelius. Motion carried.

**4/7/23 LOC:** Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.



**Next Steps:**

- Accept the statement of effect for Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members and forward to the Oneida Business Committee.



### Statement of Effect

*Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members*

### Summary

This petition requests the General Tribal Council to consider directing the Oneida Business Committee to implement direct payments or reimbursement payments of Medicare Plan B premium payments for all members of the Nation eligible for Medicare Part B, as well as develop a process to screen and ensure other available sources of payment are sought by members of the Nation, and then assist members of the Nation with applying for those resources.

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

*Date: April 12, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members (“the Petition”) was submitted to the Government Administrative Office by Linda Dallas and then verified by the Oneida Trust Enrollment Department on March 7, 2023. On March 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 April 26, 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 Operating Committee added the Petition to its Active Files List on April 7, 2023, for a statement of effect to be developed by the Legislative Reference Office.

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

- *To direct the Oneida Business Committee to implement direct payments and/or reimbursement payments of Medicare Plan B Premium Payments for all Oneida Enrolled Tribal Members eligible for Medicare Part B (i.e. elders, disabled, etc.), to be effective January 1st of Fiscal Year 2024 and every year thereafter;*
- *To direct the Oneida Business Committee to develop a process that includes, but is not limited to: screening and ensuring all other available sources of payment are first applied for by the eligible Oneida Enrolled Tribal Members eligible for Medicare Part B Premium Payments AND assists the eligible Oneida Enrolled Tribal Members to apply for other funding sources when they are available, and will be effective January 1st of Fiscal Year 2024 and every year thereafter;*

- *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 Implementation of Medicare Part B Premium Payments*

The Petition calls for the General Tribal Council to direct the Oneida Business Committee to implement direct payments or reimbursement payments of Medicare Plan B premium payments for all members of the Nation eligible for Medicare Part B, as well as develop a process to screen and ensure other available sources of payment are sought by members of the Nation, and then assist members of the Nation with applying for those resources. The Petition calls that these actions be effect January 1<sup>st</sup> of Fiscal Year 2024, and every year thereafter.

There are no laws of the Nation that directly address the implementation of any program to make direct payments or reimbursement payments of Medicare Plan B premium payments or provide assistance to members of the Nation in finding other funding resources.

#### *Funding the Implementation of Medicare Part B Premium Payments*

The Petition calls for the direct payment of reimbursement of payments of Medicare Plan B premium payments for all eligible members of the Nation to begin January 1<sup>st</sup> of Fiscal Year 2024. The Nation will need to budget for any allocation of funding for the payment of Medicare Plan B premium payments.

Article IV, Section 1 of the Constitution and Bylaws of the Oneida Nation grants the General Tribal Council the power to “manage all economic affairs and enterprises of the Oneida Nation” and to “promulgate and enforce ordinances . . . providing for the . . . appropriation of available tribal funds for public purposes. . . .” [*Oneida Nation Constitution Article IV Section 1(e) and (f)*]. Subject to its review, the General Tribal Council has delegated the authority set forth in Article IV of the Constitution to the Oneida Business Committee.

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].

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.

### **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 – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members would have the following legislative effect:

1. 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.

### **Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members.



Legislative Operating Committee  
April 19, 2023

# Petition: L. Dallas – Term Limits for 2023

**Submission Date: 4/7/23**

**LOC Sponsor: All LOC Members**

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

- *Direct that a person may only hold an elected and/or appointed position for the Oneida Nation of Wisconsin for a maximum of two consecutive terms (for example: if the term for a position is 3 years, a person can only hold that position for a total of 6 consecutive years) per board, committee and/or commission of the Oneida Nation of Wisconsin; and*
- *Direct that a person is required to take a three (3) year break before they can run for the same position; and*
- *Direct that these GTC directives will be effective for the 2023 Oneida Tri-Annual General Election; 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.*

**3/22/23 OBC:** Motion by Lisa Liggins for item X.E.-AB., to acknowledge receipt of the petition; to direct the BC Direct Report Offices to complete and submit their administrative impact statements of the petition to the Tribal Secretary mailbox by Wednesday, April 12, 2023; and 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 April 26, 2023, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted, seconded by Marie Cornelius. Motion carried.

**4/7/23 LOC:** Motion by Marie Cornelius to add items IV.1 through IV.24 to the Active Files List with all LOC members as the sponsor; seconded Kirby Metoxen. Motion carried unanimously.

**Next Steps:**

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



## Statement of Effect

*Petition: L. Dallas – Term Limits for 2023*

### Summary

This petition requests the General Tribal Council to consider implementing the use of term limits for all elected and appointed positions within the Nation, by directing that a person only be allowed to hold an elected or appointed position for a maximum of two (2) consecutive terms, while also requiring that a person take a three (3) year break before they are allowed to run again for the same position. This petition also requests that these directives be effective for the 2023 General Election.

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

*Date: April 12, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Term Limits for 2023 (“the Petition”) was submitted to the Government Administrative Office by Linda Dallas and then verified by the Oneida Trust Enrollment Department on March 7, 2023. On March 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 April 26, 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 Operating Committee added the Petition to its Active Files List on April 7, 2023, for a statement of effect to be developed by the Legislative Reference Office.

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

- *Direct that a person may only hold an elected and/or appointed position for the Oneida Nation of Wisconsin for a maximum of two consecutive terms (for example: if the term for a position is 3 years, a person can only hold that position for a total of 6 consecutive years) per board, committee and/or commission of the Oneida Nation of Wisconsin; and*
- *Direct that a person is required to take a three (3) year break before they can run for the same position; and*
- *Direct that these GTC directives will be effective for the 2023 Oneida Tri-Annual General Election; 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.

### *Clarification of Directives of Petition*

The Petition calls for the General Tribal Council to implement the use of term limits for all elected and appointed positions within the Nation, by directing that a person only be allowed to hold an elected or appointed position for a maximum of two (2) consecutive terms, per board, committee, or commission of the Nation, while also requiring that a person take a three (3) year break before they are allowed to run again for the same position.

Overall, the directives of this Petition need clarification as they appear nearly contradictory. On one hand, the Petition calls for the directive that a person only be allowed to hold an elected or appointed position for a maximum of two (2) *consecutive* terms. The term *consecutive* is typically defined as “*following continuously*,” so using the word in its normal and everyday sense would imply that a person may hold two (2) terms one right after the other. But the Petition then goes on to direct that a person be required to take a three (3) year break before they are allowed to run again for the same position, which implies that a person not be allowed to hold consecutive terms if in the same position on a board, committee, or commission.

For the majority of elected and appointed positions within the Nation, the specific position within an elected or appointed body is not specified at the time the person is a candidate or applicant for election or appointment. The Oneida Business Committee is the only board, committee, or commission of the Nation to provide elected positions in which individuals run for specific positions on the body. For the Oneida Business Committee, a candidate must designate whether they are running for the chairperson, vice-chairperson, secretary, treasurer, or one of the five (5) general member positions. [*Constitution and Bylaws of the Oneida Nation Article III, Section 3 and 5*]. Although not a board, committee, or commission, during elections for the Judiciary, candidates for the office of judge are required to identify the specific judicial office for which they are a candidate: Trial Court Judge, Trial Court Chief Judge, Appellate Court Judge or Appellate Court Chief Judge. [*8 O.C. 801.11-4(a)*]. For all other boards, committees, and commissions of the Nation, a person is generally elected to a position on the board, committee, or commission and then officers are selected by the fellow members in accordance with the bylaws of the board, committee, or commission. The Petition is not clear as to the intent of these directives and the application to all boards, committees, and commissions of the Nation which do not specify a position within the elected or appointed body during the election or appointment process.

It is also not clear if it is the intent of this Petition to apply term limits to only boards, committees, and commissions of the Nation, and not to all elected and appointment positions within the Nation. There are elected and appointment positions such as the judges in the Oneida Nation Judiciary and

the attorney and advocates in the Legal Resource Center that are elected or appointed, but the body they are elected or appointed to is not a board, committee, or commission.

These details would need to be clarified if, and when, the General Tribal Council takes action to consider this Petition.

### *Implementation of Term Limits for the Oneida Business Committee*

Looking first at the implementation of term limits for the Oneida Business Committee, there is currently no legislation of the Nation that addresses term limits of those individuals elected to the Oneida Business Committee. The Constitution and Bylaws of the Oneida Nation (“the Constitution”) provides many details on the various requirements for the Oneida Business Committee such as:

- Who may run for office with the Oneida Business Committee.
  - A person must be age twenty-one (21) or over and physically reside in either Brown or Outagamie Counties.
- How many members may sit on the Oneida Business Committee.
  - The Oneida Business Committee shall be comprised of nine (9) members.
- What officer positions must be held on the Oneida Business Committee.
  - It is necessary to have a chairperson, a vice chairperson, a treasurer, and a secretary.
- What constitutes a quorum.
  - A quorum is a majority of the body including the chairperson or vice chairperson.
- How regular meetings will be established.
  - Regular meetings are established by resolution of the Oneida Business Committee.
- Notice requirements for special meetings.
  - It is required that there be at least three (3) day advance notice by the chairperson to all members or upon written request of a majority of the Oneida Business Committee stating the time, place, and purpose of the special meeting.
- How vacancies are filled.
  - General Tribal Council may at any regular special meeting fill any vacancies that occur on the Oneida Business Committee for an unexpired term.
- How Oneida Business Committee members are removed.
  - Removal is at the discretion of the General Tribal Council 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, which is the Nation’s Removal law.
- How often Oneida Business Committee members are elected.
  - Elections occur every three years in the month of July.

*[Constitution and Bylaws of the Oneida Nation Article III, Section 3 and 5].*

Although the Constitution provides many details regarding the election to and composition of the Oneida Business Committee, term limits for those individuals elected to serve a position on the



Oneida Business Committee were not included. The Constitution simply requires that in order to be eligible for election to the Oneida Business Committee a person be an enrolled member of the Nation, age twenty-one (21) and over, who physically reside in either Brown or Outagamie Counties of Wisconsin.

If it is determined that imposing term limits for members of the Oneida Business Committee is an additional requirement for eligibility for election to the Oneida Business Committee, then amendments to the Constitution may be needed. Article VI of the Constitution, as well as the Election law, address the process for amending the Constitution. Constitutional amendments may be proposed by either the Oneida Business Committee or by a petition of members eligible to vote. [1 O.C. 102.13-1, *Constitution and Bylaws of the Oneida Nation Article VI Section 1 and 2*]. If the General Tribal Council approves a proposal for a constitutional amendment, then the proposed amendment shall be placed upon the ballot of the next General election or special election called for the purpose to consider the amendment. [1 O.C. 102.13-2, *Constitution and Bylaws of the Oneida Nation Article VI Section 1 and 2*]. If the proposed constitutional amendment is approved by sixty-five percent (65%) of the members eligible to vote who presented themselves at the polls and voted on the question, then the proposed amendment shall become part of the Constitution. [1 O.C. 102.13-5, *Constitution and Bylaws of the Oneida Nation Article VI Section 3*].

Any amendments to the Constitution based on this Petition would need to comply with the process and requirements of the Constitution and the Election law.

#### *Implementation of Term Limits for Boards, Committees, and Commissions of the Nation*

Boards, committees, and commissions of the Nation are governed by the Boards, Committees, and Commissions law. The Boards, Committees, and Commissions law governs the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. [1 O.C. 105.1-1]. The Boards, Committees, and Commissions law applies to all boards, committees, and commissions of the Nation created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee or elected by the Nation's membership. [1 O.C. 105.3-1(i)]. This law also applies to task force or ad hoc entities, which are defined as group of persons gathered to pursue a single goal, the accomplishment of which means the disbanding of the group. [1 O.C. 105.3-1(s)]. The goals of a task force or ad hoc entity are generally accomplished in a short time period, i.e. less than one year, but the goal itself may be long-term. *Id.* The Oneida Business Committee and corporations of the Nation are not subject to the provisions of the Boards, Committees, and Commissions law. [1 O.C. 105.1-1(a)-(b)].

The Boards, Committees, and Commissions law does not directly provide for term limits for those individuals elected or appointed to serve on a board, committee, or commission of the Nation. The

Boards, Committees, and Commissions law does however require that every board, committee, or commission of the Nation have bylaws that conform to the requirements of the law. [1 O.C. 105.10-1]. Task forces and ad hoc entities are exempted from the requirement to have bylaws, but must have, at minimum, mission, or goal statements for completion of the task. [1 O.C. 105.10-1(c)]. All bylaws are required to include information on the membership of the board, committee, or commission, such as the number of members on an entity, if members are appointed or elected, and qualifications for membership. [1 O.C. 105.10-3(a)(5)]. It is within this section of the bylaws that a board, committee, or commission of the Nation can include information on term limits, and whether serving a certain number of consecutive terms on a board, committee, or commission then bars qualification for membership.

There are various bylaws for boards, committees, and commissions of the Nation that address term limits of its elected or appointed members. The bylaws of the Oneida Nation Commission on Aging contain a provision that limits a commissioner to serving two (2) consecutive terms in accordance with Wisconsin Statute 46.82(4). [ONCOA Bylaws section 1-5(b)(2)]. The Oneida Nation Commission on Aging's bylaws do allow a commissioner who has completed two (2) consecutive terms to be eligible to serve another term as long as a period of not less than one (1) year has lapsed since the commissioner's previous terms. [ONCOA Bylaws section 1-5(b)(2)(A)]. The bylaws of the Oneida Nation Arts Board contain a provision that provides that members of the board shall serve no more than (3) consecutive three (3) year terms. [ONAB Bylaws section 1-5(b)(1)]. The bylaws of the Oneida Pow Wow Committee directly prohibit the use of term limits, and provides that committee members shall not be limited in the number of terms that can be served consecutively or otherwise. [OPWC Bylaws section 1-5(b)(1)]. The directives of this Petition would conflict with the provisions found in the bylaws for the Oneida Nation Commission on Aging, Oneida Nation Arts Board, and the Oneida Pow Wow Committee.

Additionally, there are other laws of the Nation which do directly address the issue of term limits for elected or appointed positions within the Nation. The Election law provides that an Election Board member is elected to a term of three (3) years, not to exceed two (2) consecutive terms. [1 O.C. 102.4-2]. The Oneida Nation Law Enforcement Ordinance provides that those individuals appointed by the Oneida Business Committee to serve on the Oneida Police Commission are not allowed to serve more than three (3) consecutive terms. [3 O.C. 301.6-2]. The Petition's request to limit an individual to serving two (2) consecutive terms for an elected or appointed position of the Nation would directly conflict with the Oneida Nation Law Enforcement Ordinance's provision on term limits.

Any changes to the Oneida Nation Law Enforcement Ordinance to address a potential conflict due to the imposition of term limits would need to occur in accordance with the Legislative Procedures Act. The process for the adoption or amendment of laws of the Nation was set forth by the General Tribal Council through the Legislative Procedures Act. The Legislative Procedures Act intends to ensure that there is a standard process for developing legislation for the Nation. [1 O.C. 109.1-2].

Although the LPA is not construed to impede the constitutional right of a member of the Nation under Article III, Section 4 of the Oneida Nation Constitution and Bylaws to petition for a special meeting of the General Tribal Council, the lawmaking requirements provided by the LPA do apply to all legislation considered by the Oneida Business Committee or the General Tribal Council. [1 O.C. 109.1-3, 109.1-1]. The Legislative Procedures Act provides the detailed processes and procedures for adopting or amending, 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].

### *Implementation of Term Limits for Corporate Entities of the Nation*

There is currently no legislation of the Nation that address corporate entities of the Nation, or more specifically, term limits for those individuals serving an elected or appointed position on a corporate entity of the Nation.

### *Implementation of Term Limits for Judges*

Although the application of the Petition's directives to elected and appointed judicial positions is unclear, in regard to the implementation of term limits for the Oneida Nation Judiciary, there is currently no legislation of the Nation that addresses term limits for judges. The Judiciary law provides for the administration of law, justice, judicial procedures, and practices by the Nation by exercising its inherent sovereign power to make, execute, apply, and enforce its own law, and to apply its own customs and traditions in matters affecting the Oneida people. [8 O.C. 8010.1-1]. The Judiciary law provides the various qualifications for judges, and requires that in order to be eligible to either stand for election or be eligible for appointment to a judge position an individual must meet the following qualifications:

- be an enrolled member of the Nation that is at least thirty (30) years of age on the date of the election or appointment;
- agree to attend mandatory training, upon election or appointment, as required by the Judiciary training requirements;
- not been convicted of, or entered a plea of guilty or nolo contendere to any offense involving fraud or misrepresentation or any felony, unless: a pardon has been granted in accordance with the Tribe's pardon law at least ten (10) years before the election is held or the appointment is made; or the conviction has been removed from his or her record by executive pardon or state court order at least ten (10) years before the election is held or the appointment is made; and
- not be mentally disabled or mentally unstable. [8 O.C. 801.11-1(a)].

The Judiciary law then provides additional educational and professional qualifications for both Chief Judge and non-Chief Judges. The Judiciary law requires that candidates for election or appointment to serve as a Chief Judge shall hold at least one (1) of the following from an accredited

institution: a master's degree; a juris doctor degree; or a bachelor's degree with three (3) years of experience as a Judge. [8 O.C. 801.11-1(b)]. While candidates s for election or appointment to serve as a non-Chief Judge shall hold at least one (1) of the following from an accredited institution: a master's degree; a juris doctor degree; or a bachelor's degree in a specified field of study. [8 O.C. 801.11-1(c)].

The Judiciary law also includes provisions regarding the election of judges. The Judiciary law provides that the Judiciary shall consist of nine (9) Judges who shall be elected to terms of six (6) years. [8 O.C. 801.11-4(a)]. Candidates for the office of Judge shall identify the specific judicial office for which they are a candidate: Trial Court Judge, Trial Court Chief Judge, Appellate Court Judge or Appellate Court Chief Judge. *Id.*

Although the Judiciary law provides many details regarding the election to, composition, and qualifications of the judges in the Judiciary, term limits for those individuals elected or appointed to serve a position on the Judiciary were not included in the Judiciary law.

If it is determined that imposing term limits for the elected and appointed positions within the Judiciary is an additional requirement for eligibility for election or appointment to the Judiciary, then amendments to the Judiciary law may be needed. Any changes to the Judiciary law to address the imposition of term limits as a qualification for election or appointment to a position within the Judiciary would need to occur in accordance with the Legislative Procedures Act.

#### *Implementation of Term Limits for the Legal Resource Center*

Although the application of the Petition's directives to elected and appointed positions within the Legal Resource Center is unclear, in regard to the implementation of term limits for the Legal Resource Center, there is currently no legislation of the Nation that addresses term limits for Legal Resource Center attorney or advocates. The Legal Resource Center law establishes a Legal Resource Center to provide legal advice and representation to both members of the Nation and employees in cases before the Judiciary, and to represent the Oneida General Tribal Council at General Tribal Council meetings. [8 O.C. 811.1-1]. The Legal Resource Center law provides the various qualifications for the elected attorney and advocates in the Legal Resource Center. A candidate for the Legal Resource Center attorney must meet the following qualifications:

- is an enrolled member of the Nation at least twenty-one (21) years of age on the date of the election;
- has a juris doctor (J.D.) degree from an accredited law school;
- has at least two (2) years of previous experience practicing law and/or equivalent combination of education and experience;
- be licensed to practice law in the State of Wisconsin and in good standing; and
- be admitted to practice before the Judiciary.

[8 O.C. 811.5-1].

A candidate for the Legal Resource Center attorney must meet the following qualifications:

- is an enrolled member of the Nation at least twenty-one (21) years of age on the date of the election;
- has a specified degree from an accredited institution;
- have at least two (2) years of experience in litigation, negotiation, or advocacy and/or equivalent combination of education and experience; and
- be admitted to practice before the Judiciary  
*[8 O.C. 811.6-1].*

Both the Legal Resource Center attorney and advocates are elected by the Nation's membership to a term of four (4) years. *[8 O.C. 811.5-2, 811.6-2].*

Although the Legal Resource Center law provides details regarding the election to, composition, and qualifications of the Legal Resource Center attorney and advocates, there is no limitation on the number of terms an individual may serve in the Legal Resource Center designated in the Legal Resource Center law.

If it is determined that imposing term limits for the elected and appointed positions within the Legal Resource Center law is an additional requirement for eligibility for election or appointment for the Legal Resource Center attorney and advocates, then amendments to the Legal Resource Center law may be needed. Any changes to the Legal Resource Center law to address the imposition of term limits as a qualification for election or appointment to a position within the Legal Resource Center would need to occur in accordance with the Legislative Procedures Act.

#### *Term Limits for the 2023 General Election*

The Petition calls for its directives regarding term limits to be effective for the July 2023 General Election. The caucus for the 2023 General Election is scheduled for April 15, 2023, and the applications and petitions where the applicant was not nominated during caucus are due to be submitted to the Nation's Secretary on April 21, 2023. The Election Board is then responsible for reviewing the qualifications of applicants to verify eligibility. *[1 O.C. 102.5-7].* The 2023 General Election is scheduled for July 15, 2023. The tentative results of an election shall be announced and posted by the Election Board within twenty-four (24) hours after the closing of the polls. *[1 O.C. 102.11-1].* The Election Board is required to forward a Final Report to the Nation's Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer, and potentially up to fifteen (15) business days. *[1 O.C. 102.11-12].* The Business Committee then declares the official results of the election within ten (10) business days after receipt of the Final Report. *[1 O.C. 102.11-13].* Newly elected officials shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Business Committee. *[1 O.C. 102.11-15].*

This Petition is not expected to be presented to the General Tribal Council for consideration until at least August 2023. The 2023 General Election will be completed prior to the consideration of this Petition by the General Tribal Council. Therefore, the imposition of term limits cannot be implemented for the 2023 General Election, and the number of consecutive terms an individual may have served in an elected or appointed position cannot be used to disqualify the individual from being eligible to hold an elected position.

It is likely that newly elected officials may be sworn in prior to the presentation of this petition to the General Tribal Council for consideration. Once an individual has been elected or appointed to a position and has taken the official oath of office, an individual appointed to a position within the Nation can only be removed from their position by termination by the Oneida Business Committee in accordance with the process and procedures contained within the Boards, Committees, and Commissions law; and an individual elected to a position within the Nation can only be removed from their position in accordance with the process and procedures contained within the Removal law. [1 O.C. 105.9-1, 105.7-4; 1 O.C. 104].

### **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 – Term Limits for 2023 would have the following legislative effects:

1. The Petition needs further clarification as to the intent of its directives. It is not clear whether it is intended that the directives of this Petition apply to all boards, committees, and commissions of the Nation which do not specify a position within the elected or appointed body during the election or appointment process; or apply to other elected or appointed positions of that Nation that are not on a board, committee, or commission.
2. If it is determined that imposing term limits for members of the Oneida Business Committee is an additional requirement for eligibility for election to the Oneida Business Committee, then amendments to the Constitution may be needed to include this eligibility requirement. Any amendments to the Constitution would be required to comply with the processes and procedures contained within the Constitution and Election law.
3. The Petition's request to direct the limitation of an individual to serving two (2) consecutive terms for an elected or appointed position of the Nation would directly conflict with the Oneida Nation Law Enforcement Ordinance's provision on term limits. Any changes to the Oneida Nation Law Enforcement Ordinance to address a potential conflict due to the imposition of term limits would need to occur in accordance with the process and procedures contained within the Legislative Procedures Act.
4. Although the application of the Petition's directives to elected and appointed judicial positions is unclear, in regard to the implementation of term limits for the Oneida Nation Judiciary, there is currently no legislation of the Nation that addresses term limits for judges. If it is determined that imposing term limits for the elected and appointed positions

within the Judiciary is an additional requirement for eligibility for election or appointment to the Judiciary, then amendments to the Judiciary law may be needed. Any changes to the Judiciary law to address the imposition of term limits as a qualification for election or appointment to a position within the Judiciary would need to occur in accordance with the Legislative Procedures Act.

5. Although the application of the Petition’s directives to elected and appointed positions within the Legal Resource Center is unclear, in regard to the implementation of term limits for the Legal Resource Center attorney and advocates, there is currently no legislation of the Nation that addresses term limits. If it is determined that imposing term limits for the elected and appointed positions within the Legal Resource Center is an additional requirement for eligibility for election or appointment to the Legal Resource Center, then amendments to the Legal Resource Center law may be needed. Any changes to the Legal Resource Center law to address the imposition of term limits as a qualification for election or appointment to a position within the Legal Resource Center would need to occur in accordance with the Legislative Procedures Act.
6. This Petition is not expected to be presented to the General Tribal Council for consideration until at least August 2023. The 2023 General Election will be completed prior to the consideration of this Petition by the General Tribal Council. Therefore, the imposition of term limits cannot be implemented for the 2023 General Election, and the number of consecutive terms an individual may have served in an elected or appointed position cannot be used to disqualify the individual from being eligible to hold an elected position. Once an individual has been elected or appointed to a position and has taken the official oath of office, an individual appointed to a position within the Nation can only be removed from their position by termination by the Oneida Business Committee in accordance with the process and procedures contained within the Boards, Committees, and Commissions law; and an individual elected to a position within the Nation can only be removed from their position in accordance with the process and procedures contained within the Removal law.

### **Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Term Limits for 2023.

TO: Oneida Business Committee  
 FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney  
 DATE: April 26, 2023  
 RE: Status Updates for Outstanding General Tribal Council Petitions



On March 2, 2023, the following petitions were submitted to the Government Administrative Office by Linda Dallas:

- Petition: L. Dallas – Budgets for the Oneida Nation be Brought Before the General Tribal Council
- Petition: L. Dallas – Community Improvement Projects (CIP) and Funding
- Petition: L. Dallas – Contract of Chief Counsel JoAnne House
- Petition: L. Dallas – Direct a Certified Parliamentarian be Appointed by General Tribal Council Prior to Each General Tribal Council Meeting
- Petition: L. Dallas – Direct that the Oneida Nation Organizational Structure Return to the Previous State it was Prior to March 2020
- 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
- Petition: L. Dallas – Directives for Oneida Nation Chief Counsel Position
- Petition: L. Dallas – Disclosure of Funds, Expenditures, and Organizational Changes from March 2020-Present
- Petition: L. Dallas – Disclosure of FY- 2020 Budget
- Petition: L. Dallas – Disclosure of FY- 2021 Budget
- Petition: L. Dallas – Disclosure of FY- 2022 Budget
- Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures from January 1, 2020 – Present
- Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures to England for the October 9, 2022, Green Bay Packer Game
- Petition: L. Dallas – Donations - Internal and External
- Petition: L. Dallas – General Tribal Council Directive Regarding Advocacy Training
- Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members
- Petition: L. Dallas – Oneida Nation Disability Fund
- Petition: L. Dallas – Repeal and Replace Current Removal Law
- Petition: L. Dallas – Repeal GTC Resolution # 01-21-19-A Amending the 120-Day Petition Timeline Adopted by General Tribal Council
- Petition: L. Dallas – Repeal the Budget and Finances Law
- Petition: L. Dallas – Review and Discuss General Tribal Council's Delegation of Power and Authority to all Entities
- Petition: L. Dallas – Term Limits for 2023
- Petition: L. Dallas – Transitional Housing
- Petition: L. Dallas – Void the November 15, 2022, Virtual Semi-Annual General Tribal Council Meeting



On March 7, 2023, the twenty-four (24) above-mentioned petitions were verified by the Oneida Trust Enrollment Department. The Oneida Business Committee then acknowledged receipt of the petitions on March 22, 2023, and directed that the Legislative Reference Office complete a statement of effect for the Petition with status updates to be submitted for the April 26, 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 Operating Committee added the twenty-four (24) petitions to its Active Files List on April 7, 2023, for a statement of effect to be developed by the Legislative Reference Office.

The Legislative Reference Office submitted statements of effect for the following petitions to the April 26, 2023, Oneida Business Committee meeting agenda:

- Petition: L. Dallas – Disclosure of FY- 2020 Budget
- Petition: L. Dallas – Disclosure of FY- 2021 Budget
- Petition: L. Dallas – Disclosure of FY- 2022 Budget
- Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members
- Petition: L. Dallas – Term Limits for 2023

For the remaining nineteen (19) petitions, the Legislative Reference Office currently developing the statements of effect. It is the intention of the Legislative Reference Office that the statements of effect for these petitions will be submitted for inclusion on upcoming Oneida Business Committee meeting agendas in May 2023.

### **Requested Action**

Accept the memorandum: Status Updates for Outstanding General Tribal Council Petitions.

# April 2023

April 2023							May 2023						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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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	12	13	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
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 <div style="border: 1px solid black; padding: 2px;">9:30am Investigative Leave Policy (Microsoft Teams Meeting) - Grace L. Elliott</div>