



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2<sup>nd</sup> Floor Norbert Hill Center  
May 3, 2023  
9:00 a.m.

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

**II. Minutes to be Approved**

1. April 19, 2023 LOC Meeting Minutes (pg. 2)

**III. Current Business**

1. Petition: L. Dallas – Budgets for the Oneida Nation be Brought Before the General Tribal Council (pg. 4)
2. Petition: L. Dallas – Community Improvement Projects (CIP) and Funding (pg. 12)
3. Petition: L. Dallas – Contract of Chief Counsel Jo Anne House (pg. 18)
4. Petition: L. Dallas – Direct a Certified Parliamentarian be Appointed by General Tribal Council Prior to Each General Tribal Council Meeting (pg. 22)
5. Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures from January 1, 2020 – Present (pg. 28)
6. Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures to England for the October 9, 2022, Green Bay Packer Game (pg. 38)
7. Petition: L. Dallas – Donations - Internal and External (pg. 48)
8. Petition: L. Dallas – Repeal GTC Resolution # 01-21-19-A Amending the 120-Day Petition Timeline Adopted by General Tribal Council (pg. 55)
9. Petition: L. Dallas – Repeal the Budget and Finances Law (pg. 60)

**IV. New Submissions**

1. Petition: L. Dallas – Emergency Amendments to the Election Law for 2023 General Election (pg. 74)

**V. Additions**

1. Legislative Operating Committee Fiscal Year 2023 Semi-Annual Report (pg. 76)
2. Legislative Reference Office Fiscal Year 2023 Semi-Annual Report (pg. 79)

**VI. Administrative Updates**

1. Legislative Operating Committee Fiscal Year 2023 Second Quarter Report (pg. 81)

**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 19, 2023  
9:00 a.m.

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

**Excused:** Jennifer Webster

**Others Present:** Clorissa N. Leeman, Grace Elliott, Kathleen Metoxen, Keith Doxtator, Rhiannon Metoxen (Microsoft Teams), Peggy Van Gheem (Microsoft Teams), Michelle Tipple (Microsoft Teams), Matt Denny (Microsoft Teams), Justin Nishimoto (Microsoft Teams), Todd Vanden Heuvel (Microsoft Teams), Kristal Hill (Microsoft Teams), Terri Schlitz (Microsoft Teams), Kaylynn Gresham (Microsoft Teams), Tine Jorgensen (Microsoft Teams), Laura Laitinen-Warren (Microsoft Teams), Rae Skenandore (Microsoft Teams), Reynold Danforth (Microsoft Teams), Mark Powless (Microsoft Teams), Michelle Braaten (Microsoft Teams), Nicholas Anderson (Microsoft Teams), Carrie Lindsey (Microsoft Teams)

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

David P. Jordan called the April 19, 2023, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Marie Cornelius to adopt the agenda with one addition – item V.1 Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business; seconded by Kirby Metoxen. Motion carried unanimously.

**II. Minutes to be Approved**

**1. April 7, 2023 LOC Meeting Minutes**

Motion by Marie Cornelius to approve the April 7, 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 – Disclosure of FY- 2020 Budget**

Motion by Marie Cornelius to accept the statement of effect for the Petition: L. Dallas – Disclosure of FY- 2020 Budget and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.



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

Motion by Marie Cornelius to accept the statement of effect for the Petition: L. Dallas – Disclosure of FY- 2021 Budget and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

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

Motion by Marie Cornelius to accept the statement of effect for the Petition: L. Dallas – Disclosure of FY- 2022 Budget and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

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

Motion by Marie Cornelius to accept the statement of effect for the Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

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

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

**IV. New Submissions**

**V. Additions**

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

Motion by Marie Cornelius to accept the updated 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 Kirby Metoxen. Motion carried unanimously.

**VI. Administrative Items**

**1. Memorandum: Status Update for Outstanding General Tribal Council Petitions**

Motion by Marie Cornelius to accept the memorandum titled, Status Update for Outstanding General Tribal Council Petitions, and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

**VII. Executive Session**

**VIII. Adjourn**

Motion by Daniel Guzman King to adjourn at 9:18 a.m.; seconded by Marie Cornelius. Motion carried unanimously.



Legislative Operating Committee  
May 3, 2023

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

**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 budgets for the Oneida Nation of Wisconsin shall be brought before the General Tribal Council in separate GTC meetings and scheduled as follows for the solely purpose of presenting, reviewing, discussing, and receiving approval/denial/modification by the General Tribal Council PRIOR to ANY changes being implemented:*
  - *Oneida Nation of Wisconsin Organizational Structure*
  - *Business Committee and Other Committees*
  - *Boards and Commissions*
  - *Law Office and All other Areas*
- *Direct that Roberts Rules of Order will be suspended for a minimum of one (1) hour for discussion with five (5) minutes per person for discussion;*
- *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 matter.*

**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.

**4/26/23 OBC:** Motion by Marie Cornelius to accept the petition processing notice and the 2023 petition status report, seconded by David P. Jordan. Motion carried.

**Next Steps:**

- Accept the statement of effect for Petition: L. Dallas – Budgets for the Oneida Nation be Brought Before the General Tribal Council and forward to the Oneida Business Committee.



## Statement of Effect

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

### Summary

This petition requests the General Tribal Council to consider directing that the budgets for the Nation be brought before the General Tribal Council in separate meetings and in the following order for the purpose of presenting, reviewing, discussing, and receiving approval, denial, or modification by the General Tribal Council prior to changes being implemented: (1) entities within the Oneida Nation organizational structure; (2) Oneida Business Committee and other committees; (3) boards and commissions; and (4) Oneida Law Office and all other areas. This petition also requests the General Tribal Council to consider directing that Roberts Rules of Order be suspended for a minimum of one (1) hour for discussion with five (5) minutes per person for discussion.

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

*Date: April 18, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Budgets for the Oneida Nation be Brought Before the General Tribal Council (“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 budgets for the Oneida Nation of Wisconsin shall be brought before the General Tribal Council in separate GTC meetings and scheduled as follows for the solely purpose of presenting, reviewing, discussing and receiving approval/denial/modification(s) by the General Tribal Council PRIOR to ANY changes being implemented:*
  1. *Oneida Nation of Wisconsin Organizational Structure*
  2. *Business Committee and Other Committees*

### 3. Boards and Commissions

#### 4. Law Office and All other Areas

- *Direct that Roberts Rules of Order will be suspended for a minimum of one (1) hour for discussion with five minutes per person for discussion;*
- *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.

#### *Process for the Adoption of the Budget*

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 shall be in accordance with the annual budget. *Id.* The Nation’s annual budget is required to be a balanced budget, which does not propose to spend more funds than are reasonably expected to become available to the Nation during that fiscal year. *Id.*



The Budget and Finances law provides for the process and procedures to be used for the development and adoption of the Nation's budget. [1 O.C. 121.5-4].

The Budget and Finances law requires that the Treasurer develop the necessary guidelines, including specific timelines and deadlines, to be followed by the managers that have budget responsibility in preparing and submitting proposed budgets, and that the Treasurer then submit those guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution. [1 O.C. 121.5-4(a)]. The Treasurer is then required to receive, review, and compile the proposed budgets from all the fund units into the Nation's draft budget, and then present the Nation's draft budget to the Oneida Business Committee for review each year to ensure that it is consistent with the Nation's strategic plan, broad goals, and budget strategy. [1 O.C. 121.5-4(b)].

The Budget and Finances law then requires the Oneida Business Committee to work with the Treasurer, Chief Financial Officer, managers, or other appropriate entity to compile a final draft budget to be presented to the General Tribal Council. [1 O.C. 121.5-4(c)]. The Oneida Business Committee is then required to approve, by resolution, the final draft budget to be presented to the General Tribal Council. Once the Oneida Business Committee has approved the final draft budget, the Treasurer is required to hold, at a minimum, two (2) community informational meetings to present the contents of the final draft budget that will be presented to the General Tribal Council. [1 O.C. 121.5-4(d)]. The Oneida Business Committee is then required to present the budget to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year, with the General Tribal Council responsible for adopting the Nation's budget. [1 O.C. 121.5-4(e)].

The Budget and Finances law provides that in the event that the General Tribal Council does not adopt a budget by September 30th, the Oneida Business Committee may adopt a continuing budget resolution until such time as a budget is adopted. [1 O.C. 121.5-4(e)(1)]. If the General Tribal Council is not able to adopt a budget within three (3) months of the adoption of the continuing budget resolution, then the Oneida Business Committee shall proceed with the adoption of the Nation's budget. *Id.* In the event that the Nation proclaims an emergency, in accordance with the Emergency Management law, that stays in effect for at least one (1) month and prevents the presentation to and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget. [1 O.C. 121.5-4(e)(2)].

The Petition requests the General Tribal Council to consider directing that the budgets for the Nation be brought before the General Tribal Council in separate meetings and in the following order for the purpose of presenting, reviewing, discussing, and receiving approval, denial, or modification by the General Tribal Council prior to changes being implemented: (1) entities within the Oneida Nation organizational structure; (2) Oneida Business Committee and other committees; (3) boards and commissions; and (4) Oneida Law Office and all other areas. Overall, the requests of this Petition would have legislative impacts on the Budget and Finances law.



The Petition's request for budgets of the Nation to be brought before the General Tribal Council for presentation and adoption is already addressed by and complies with the Budget and Finances law, which requires that the budget be presented to the General Tribal Council with a request for adoption by September 30<sup>th</sup> of each year. [1 O.C. 121.5-4(e)]. The Oneida Business Committee is only ever given the authority to adopt the Nation's budget in limited circumstances where the General Tribal Council's ability to adopt the budget itself has been impacted, such as when the General Tribal Council is not able to adopt a budget within three (3) months of the adoption of the continuing budget resolution, or when the Nation proclaims an emergency, in accordance with the Emergency Management law, that stays in effect for at least one (1) month and prevents the presentation to and adoption of the budget by the General Tribal Council. [1 O.C. 121.5-4(e)(1)-(2)].

Additionally, to ensure that the Nation's membership has adequate opportunity to review, discuss, and become educated on the Nation's budget prior to the General Tribal Council meeting where it will be formally considered, the Budget and Finances law requires that once the Oneida Business Committee has approved the final draft budget, the Treasurer holds, at a minimum, two (2) community informational meetings to present the contents of the final draft budget that will be presented to the General Tribal Council. [1 O.C. 121.5-4(d)].

The Petition's request for the budgets of the Nation to be broken up into different categories and then be brought before the General Tribal Council in separate meetings for the purpose of presenting, reviewing, discussing, and receiving approval, denial, or modification(s) by the General Tribal Council would conflict with the Budget and Finances law's directive that one (1) final draft budget on behalf of the Nation as a whole be presented to the General Tribal Council for consideration. The Treasurer is required to compile all proposed budgets from the individuals fund units within the Nation into a draft budget for the Nation, and then work with the Chief Financial Officer, the Oneida Business Committee, managers, and other appropriate entities to finalize the Nation's draft budget. [1 O.C. 121.5-4(b)-(c)]. The Oneida Business Committee is then required to approve the final draft budget for the Nation to be presented to the General Tribal Council, and then present that draft budget to the General Tribal Council for adoption. [1 O.C. 121.5-4(c)-(e)]. Breaking up the budget that is presented to the General Tribal Council into multiple separate budgets that are presented for consideration of adoption in a piecemeal fashion conflicts with budget adoption process found in section 121.5-4 of the Budget and Finances law, as well as the overall sentiment provided in section 121.5-1 of the law that the Nation develop, adopt, and manage one annual budget

### *Suspension of Robert's Rules of Order*

The Petition requests that the General Tribal Council consider directing that Roberts Rules of Order be suspended for a minimum of one (1) hour for discussion with five (5) minutes per person

for discussion. There are no laws of the Nation that address the General Tribal Council using Robert's Rules of Order.

Historically, the General Tribal Council addressed through motions during its meetings limitations on speakers during General Tribal Council meetings. In an effort to standardize some actions of the General Tribal Council consistent with prior actions and understandings, the General Tribal Council adopted resolution GTC-12-02-19-A, *Establishing Rule Regarding Presentations and Speakers*, which set the following procedural rules to be applied when a General Tribal Council meeting is called to order:

- Upon calling the meeting to order, members are limited to three (3) minutes per person. A member must make all comments, ask all questions, and make any requested motions within the three (3) minute time period.
- Upon calling the meeting to order, members are limited to speaking once per topic until all interested parties have had an opportunity to speak and may be recognized one (1) additional time. Topic is defined as the discussion period, main motion, and any amendments.
- Upon calling the meeting to order, presentations are limited to fifteen (15) minutes per presenter.

The General Tribal Council Ten Day Notice Policy provides a clear and concise statement of procedures to be followed by the General Tribal Council and the Oneida Business Committee when conducting General Tribal Council meetings. [1 O.C. 110.1-3]. The General Tribal Council Ten Day Notice Policy provides that any action to overrule previous passed motions or resolutions of the General Tribal Council shall require a two-thirds (2/3) majority vote. [1 O.C. 110.3-1(a)(3)].

Therefore, any action by the General Tribal Council to approve the Petition's request that the three (3) minute time limitation on speakers provided for in resolution GTC-12-02-19-A be changed to five (5) minutes would require a two-thirds (2/3) majority vote by the General Tribal Council.

### **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 – Budgets for the Oneida Nation be Brought Before the General Tribal Council would have the following legislative effects:

1. The Petition's request for budgets of the Nation to be brought before the General Tribal Council for presentation and adoption is already addressed by and complies with the Budget and Finances law, which requires that the budget be presented to the General Tribal Council with a request for adoption by September 30th of each year.
2. The Petition's request that the Nation's budget be broken up into multiple separate budgets based on different categories within the Nation's structure that are then presented to the General Tribal Council for consideration of adoption in a piecemeal fashion at separate meetings conflicts with budget adoption process found in section 121.5-4 of the Budget

and Finances law which requires one (1) final draft budget on behalf of the Nation as a whole to be presented to the General Tribal Council, as well as the overall sentiment provided in section 121.5-1 of the law that the Nation develop, adopt, and manage one annual budget.

3. In regard to the Petition's request that the General Tribal Council consider directing that Roberts Rules of Order be suspended for a minimum of one (1) hour for discussion with five (5) minutes per person for discussion, there are no laws of the Nation that address the General Tribal Council using Robert's Rules of Order. Any action by the General Tribal Council to approve the Petition's request that the three (3) minute time limitation on speakers provided for in resolution GTC-12-02-19-A be changed to five (5) minutes would require a two-thirds (2/3) majority vote by the General Tribal Council in accordance with the General Tribal Council Ten Day Notice Policy.

### **Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Budgets for the Oneida Nation be Brought Before the General Tribal Council.



Legislative Operating Committee  
May 3, 2023

# Petition: L. Dallas - Community Improvement Projects (CIP) and Funding

**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 budgets for the Oneida Nation of Wisconsin shall be brought before the General Tribal Council in separate GTC meetings and scheduled as follows for the solely purpose of presenting, reviewing, discussing, and receiving approval/denial/modification by the General Tribal Council PRIOR to ANY changes being implemented:*
  - *Oneida Nation of Wisconsin Organizational Structure*
  - *Business Committee and Other Committees*
  - *Boards and Commissions*
  - *Law Office and All other Areas*
- *Direct that Roberts Rules of Order will be suspended for a minimum of one (1) hour for discussion with five (5) minutes per person for discussion;*
- *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 matter.*

**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.

**4/19/23 LOC:** Motion by Marie Cornelius to accept the memorandum titled, Status Update for Outstanding General Tribal Council Petitions, and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

**4/26/23 OBC:** Motion by Marie Cornelius to accept the petition processing notice and the 2023 petition status report, seconded by David P. Jordan. Motion carried.

**Next Steps:**

- Accept the statement of effect for Petition: L. Dallas - Community Improvement Projects (CIP) and Funding and forward to the Oneida Business Committee.



## Statement of Effect

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

### Summary

This petition requests the General Tribal Council to consider directing that any and all community improvement projects be clearly and concisely presented independently and separate from the normal budget process for review, discussion, and approval, denial, or modification by the General Tribal Council prior to any funds being released or distributed.

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

*Date: April 18, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Community Improvement Projects (CIP) and Funding (“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 any and all Community Improvement Projects (commonly referred to as “CIP Projects”) of any kind shall be clearly and concisely presented independently and separate from the normal budget process for review, discussion and approval/denial/modification by the GTC PRIOR TO any funds being released or distributed; 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 matter.*

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

### *Budget and Finances Law*

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

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

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

This Petition references the term “*community improvement projects (commonly referred to as ‘CIP Projects’)*.” For this statement of effect, it is being interpreted that the reference to “*community improvement*” projects mean capital improvement projects.

The Budget and Finances law addresses capital improvements for the Nation. Capital improvements is defined by the Budget and Finances law as a non-recurring expenditure for physical improvements, including costs for:

- acquisition of existing buildings, land, or interests in land;
- construction of new buildings or other structures, including additions and major alterations;
- acquisition of fixed equipment;
- landscaping;
- physical infrastructure; and
- similar expenditures with a cost of five thousand dollars (\$5,000.00) or more and a useful life of one (1) year or more. [1 O.C. 121.3-1(d)].

The acquisition of existing buildings and land completed by the Oneida Land Commission are not included in the definition for capital improvements. [1 O.C. 121.3-1(d)(1)(A)].



The Budget and Finances law differentiates between capital improvements for government services, which are any area or activity of the Nation that is not expected to create revenue for the Nation and not expected to make a profit at any time, and capital improvements for enterprises, which are any area or activity of the Nation that is engaged in for the business of profit. [1 O.C. 121.3-1(h)&(o)]. In regard to capital improvements for government services, the Oneida Business Committee is delegated the responsibility to develop, and the General Tribal Council the responsibility to approve, a capital improvement plan for government services. [1 O.C. 121.6-9(a)]. The capital improvement plan for government services covers a period of five (5) to ten (10) years and is required to include any risks and liabilities. [1 O.C. 121.6-9(a)(1)]. The capital improvement plan for government services is required to be reassessed once every five (5) years. [1 O.C. 121.6-9(a)(2)]. The Oneida Business Committee is required to provide a status report and recommendation for any improvements that have not been completed or that have been modified at the time of the reassessment. *Id.* In regard to capital improvements for enterprises, capital improvement plans for enterprises may be brought forward as needed, provided that the Oneida Business Committee is delegated the authority to approve all capital improvement plans for enterprises. [1 O.C. 121.6-9(b)]. Capital improvement plans for both government services and enterprises are implemented, contingent on available funding capacity. [1 O.C. 121.6-9(c)]. Unexpended capital improvement funds carry over to the next fiscal year's budget, provided that such funds are required to remain appropriated for the same purpose as originally budgeted until the project is complete. [1 O.C. 121.6-6(a)]. Once a capital improvement project is complete, any remaining unexpended funds shall be returned to the General Fund. *Id.*

The Petition's requests for the General Tribal Council to consider directing that *any and all* community improvement projects be clearly and concisely presented for review, discussion, and approval, denial, or modification by the General Tribal Council prior to any funds being released or distributed would have a legislative impact on the Budget and Finances law. There is no impact in regard to capital improvement plans for *government services*, as the Budget and Finances law already does require that a capital improvement plan for government services be developed by the Oneida Business Committee and approved by the General Tribal Council. [1 O.C. 121.6-9(a)]. Capital improvement plans for *enterprises*, on the other hand, are not required to be presented and approved by the General Tribal Council, and instead are only required by the Budget and Finances law to be approved by the Oneida Business Committee. Therefore, the Petition's directive that *any and all* capital improvement projects be presented and approved by the General Tribal Council conflicts with the Budget and Finances law's delegation of authority to the Oneida Business Committee to approve capital improvement plans for *enterprises*.

In regard to the Petition's request for the General Tribal Council to consider directing that any and all community improvement projects be clearly and concisely presented *independently and separate from the normal budget process* would not have a legislative impact. The Budget and Finances law requires that the budget be presented to the General Tribal Council with a request

for adoption by resolution no later than September 30th of each year. [1 O.C. 121.5-4(e)]. The Budget and Finances law requires that capital improvement plans for government services be developed by the Oneida Business Committee and approved by the General Tribal Council. [1 O.C. 121.6-9(a)]. The Budget and Finances law does not provide any specifications or limitations on whether these items can or cannot be presented on the same agenda.

### **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 – Community Improvement Projects (CIP) and Funding would have the following legislative effects:

1. The Petition’s directive that *any and all* community improvement projects be presented to and approved by the General Tribal Council conflicts with the Budget and Finances law’s delegation of authority to the Oneida Business Committee to approve capital improvement plans for *enterprises*. Capital improvement plans for enterprises are not required to be presented and approved by the General Tribal Council, and instead are only required by the Budget and Finances law to be approved by the Oneida Business Committee. There is no impact in regard to capital improvement plans for *government services*, on the other hand, as the Budget and Finances law already does require that a capital improvement plan for government services be developed by the Oneida Business Committee and approved by the General Tribal Council.
2. The Petition’s request for the General Tribal Council to consider directing that any and all community improvement projects be clearly and concisely presented *independently and separate from the normal budget process* would not have a legislative impact. Although the Budget and Finances law requires that the budget be presented to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year and also requires that capital improvement plans for government services be developed by the Oneida Business Committee and approved by the General Tribal Council, the Budget and Finances law does not provide any specifications or limitations on whether these items can or cannot be presented on the same agenda.

### **Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Community Improvement Projects (CIP) and Funding.



Legislative Operating Committee  
May 3, 2023

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

**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 review, discuss, uphold, modify or terminate the contract of the Oneida Nation of Wisconsin's Tribal Chief Counsel Jo Ann House;*
- *To direct the action decided by the General Tribal Council shall be effective immediately; 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.

**4/19/23 LOC:** Motion by Marie Cornelius to accept the memorandum titled, Status Update for Outstanding General Tribal Council Petitions, and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

**4/26/23 OBC:** Motion by Marie Cornelius to accept the petition processing notice and the 2023 petition status report, seconded by David P. Jordan. Motion carried.

**Next Steps:**

- Accept the statement of effect for Petition: L. Dallas - Contract of Chief Counsel JoAnne House and forward to the Oneida Business Committee.



# HANDOUT

## Statement of Effect

*Petition: L. Dallas – Contract of Chief Counsel Jo Anne House*

### Summary

This petition requests the General Tribal Council to consider reviewing, discussing, upholding, modifying, or terminating the contract of the Oneida Nation Chief Counsel Jo Anne House.

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

*Date: May 2, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Contract of Chief Counsel Jo Anne House (“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 review, discuss, uphold, modify or terminate the contract of the Oneida Nation of Wisconsin's Tribal Chief Counsel Jo Ann House;*
- *To direct the action decided by the General Tribal Council shall be effective immediately;*  
*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.

### *Consideration and Approval of Chief Counsel Employment Contract*

The Attorney Contract Policy regulates the utilization of attorneys within the Oneida Nation organization and attorneys and firms hired on retainer outside the Oneida Nation organization to

maximize the professional services and reduce conflict among professionals. [2 O.C. 216.1-1]. The Attorney Contract Policy provides that all attorney contracts are required to be approved by the Oneida Business Committee, and all attorney contracts shall be signed by the Oneida Business Committee chairperson and one officer of the Oneida Business Committee on behalf of the Oneida Nation. [2 O.C. 216.4-1, 216-4-2].

The Petition's request for the General Tribal Council to review, discuss, uphold, modify, or terminate the contract of Chief Counsel Jo Anne House conflicts with the Attorney Contract Policy's delegation of authority to the Oneida Business Committee to approve attorney contracts on behalf of the Nation.

### *Supervision of Chief Council Position*

Resolution BC-02-08-23-C, *Setting Supervision and Management of Direct Reports to the Oneida Business Committee and Professional Support Staff*, identifies the Chief Counsel position as a direct report to the Oneida Business Committee. The Oneida Business Committee identifies direct reports due to the direct contact and supervision by the Oneida Business Committee the positions require because of the position, the duties, or the services provided by the positions. Resolution BC-02-08-23-C provides that the Oneida Business Committee delegates the authority and responsibility of administrative supervision of direct reports – which includes the Chief Counsel position - to the officers who are identified as the Oneida Business Committee chairperson, vice-chairperson, treasurer, secretary, and Legislative Operating Committee chairperson. Administrative supervision is defined as matters involving the individual personnel requests such as use of personal or vacation time, and performance tracking. Resolution BC-02-08-23-C further provides that the Oneida Business Committee delegates the authority and responsibility of providing direction to direct reports regarding organizational activities to the same officers. Direction regarding organizational activities is defined as providing advice and opinion regarding the policy decisions made by the Oneida Business Committee, and excludes the authority to direct specific action.

The General Tribal Council adopted the Oneida Personnel Policies and Procedures to provide the Nation's employee related policies and procedures including policies regarding recruitment, selection, compensation and benefits, employee relations, safety and health, program and enterprise rules and regulations, and record keeping. The Oneida Personnel Policies and Procedures addresses the roles and responsibilities of the Nation's Human Resources Department, supervisors, employees, Oneida Personnel Commission, and the Oneida Nation Judiciary in regard to the management of employees of the Nation, such as the hiring and selection process, evaluations, and the disciplinary process. In no instance in the Oneida Personnel Policies and Procedures is the General Tribal Council involved in employment matters in any way.

Therefore, the Petition’s request for the General Tribal Council to review, discuss, uphold, modify, or terminate the contract of Chief Counsel Jo Anne House conflicts with the delegation of authority to the Oneida Business Committee to serve as supervisor of the Chief Counsel position as provided for in Resolution BC-02-08-23-C and the Oneida Personnel Policies and Procedures.

### **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 – Contract of Chief Counsel JoAnne House would have the following legislative effects:

1. The Petition’s request for the General Tribal Council to review, discuss, uphold, modify, or terminate the contract of Chief Counsel Jo Anne House conflicts with the Attorney Contract Policy’s delegation of authority to the Oneida Business Committee to approve attorney contracts on behalf of the Nation.
2. The Petition’s request for the General Tribal Council to review, discuss, uphold, modify, or terminate the contract of Chief Counsel Jo Anne House conflicts with the delegation of authority of the Oneida Business Committee to serve as supervisor of the Chief Counsel position as provided for in Resolution BC-02-08-23-C, *Setting Supervision and Management of Direct Reports to the Oneida Business Committee and Professional Support Staff*, and the Oneida Personnel Policies and Procedures.
  - a. Resolution BC-02-08-23-C identifies the Chief Counsel position as a direct report to the Oneida Business Committee, and delegates the authority and responsibility for the administrative supervision of the Chief Counsel position to the officers, who are identified as the Oneida Business Committee chairperson, vice-chairperson, treasurer, secretary, and Legislative Operating Committee chairperson.
  - b. The General Tribal Council adopted the Oneida Personnel Policies and Procedures to provide the Nation’s employee related policies and procedures including policies regarding recruitment, selection, compensation and benefits, employee relations, safety and health, program and enterprise rules and regulations, and record keeping. The Oneida Personnel Policies and Procedures addresses the roles and responsibilities of the Nation’s Human Resources Department, supervisors, employees, Oneida Personnel Commission, and the Oneida Nation Judiciary in regard to the management of employees of the Nation, such as the hiring and selection process, evaluations, and the disciplinary process. In no instance in the Oneida Personnel Policies and Procedures is the General Tribal Council involved in employment matters in any way.

### **Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Contract of Chief Counsel JoAnne House.





Legislative Operating Committee  
May 3, 2023

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

**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 that a Certified Parliamentarian shall be appointed by the General Tribal Council prior to each GTC Meeting by a hand vote and shall be delegated the responsibility to provided honest, fair, factual, and consistent rulings regarding the rules of the meeting (i.e. Robert Rules of Order, etc.) in each of the General Tribal Council Meetings;*
- *To direct that the appointed Certified Parliamentarian shall be an enrolled Oneida Tribal Member and shall act independently of the Oneida Business Committee and shall render parliamentarian advice to the General Tribal Council in accordance with the established rules of the meeting (i.e. Robert Rules of Order, etc.);*
- *To direct that the Parliamentarian ruling will consider legal opinions but not be bound to legal opinions unless specifically directed to do so by the General Tribal Council;*
- *To direct that the Certified Parliamentarian shall be paid \$200.00 per General Tribal Council Meeting for their services;*
- *To direct the Oneida Business Committee to create a process for signing up to be considered for appointment by the GTC at each General Tribal Council meeting; and*
- *GTC reserves the right to review, discuss, and take any other action deemed appropriate by the General Tribal Council during the GTC Meeting.*

**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.

**4/19/23 LOC:** Motion by Marie Cornelius to accept the memorandum titled, Status Update for Outstanding General Tribal Council Petitions, and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

**4/26/23 OBC:** Motion by Marie Cornelius to accept the petition processing notice and the 2023 petition status report, seconded by David P. Jordan. Motion carried.

**Next Steps:**

- Accept the statement of effect for Petition: L. Dallas – Direct a Certified Parliamentarian be Appointed by General Tribal Council Prior to Each General Tribal Council Meeting and forward to the Oneida Business Committee.



## Statement of Effect

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

### Summary

This petition requests the General Tribal Council to consider directing that a certified parliamentarian, that is an enrolled member of the Nation, be appointed by the General Tribal Council prior to each General Tribal Council meeting.

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office*  
*Date: April 26, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Direct a Certified Parliamentarian be Appointed by General Tribal Council Prior to Each General Tribal Council Meeting (“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 that a Certified Parliamentarian shall be appointed by the General Tribal Council prior to each GTC Meeting by a hand vote and shall be delegated the responsibility to provided honest, fair, factual, and consistent rulings regarding the rules of the meeting (i.e. Robert Rules of Order, etc.) in each of the General Tribal Council Meetings;*
- *To direct that the appointed Certified Parliamentarian shall be an enrolled Oneida Tribal Member and shall act independently of the Oneida Business Committee and shall render parliamentarian advice to the General Tribal Council in accordance with the established rules of the meeting (i.e. Robert Rules of Order, etc.);*

- *To direct that the Parliamentarian ruling will consider legal opinions but not be bound to legal opinions unless specifically directed to do so by the General Tribal Council;*
- *To direct that the Certified Parliamentarian shall be paid \$200.00 per General Tribal Council Meeting for their services;*
- *To direct the Oneida Business Committee to create a process for signing up to be considered for appointment by the GTC at each General Tribal Council meeting;*  
*and*
- *GTC reserves the right to review, discuss, and take any other action deemed appropriate by the General Tribal Council during the GTC Meeting.*

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

#### *Use of Parliamentarian During General Tribal Council Meetings*

The Petition requests the General Tribal Council to consider directing that a certified parliamentarian be appointed by the General Tribal Council prior to each General Tribal Council meeting for the purpose of rendering parliamentarian advice to the General Tribal Council in accordance with the established rules of the meeting, while remaining independent from the Oneida Business Committee and from conclusions rendered as a result of legal opinions of the Nation. The Petition then specifies that the certified parliamentarian must be an enrolled member of the Nation and be paid two hundred dollars (\$200) per meeting for parliamentary services.

The Merriam Webster Dictionary defines a parliamentarian as an expert in the rules of usages of a deliberate assembly. There are no laws of the Nation that directly address the use of a parliamentarian during a General Tribal Council meeting. Although there are no laws that directly address the use of a parliamentarian, there are laws that address who is responsible for the interpretation of procedures of the Nation, as well as who is responsible to advise the General Tribal Council during meetings.

The Attorney Contract Policy establishes the Oneida Law Office, which consists of a Chief Counsel, Deputy Chief Counsel, attorneys, and office staff. [2 O.C. 216.7-1]. The Oneida Law Office is designated as the legal office of the Nation, and legal opinions regarding the interpretation of laws, policies, regulations, codes, procedures, and the like promulgated, adopted, approved or otherwise by the Nation are not binding unless approved by the Oneida Law Office. [2 O.C. 216.7-2]. If it is determined that parliamentary rulings during General Tribal Council are binding interpretations of procedures of the Nation, then the request of this Petition may conflict with the authority delegated to the Oneida Law Office by the Attorney Contract Policy.

The Legal Resource Center law provides that it is the duty and responsibility of the Legal Resource Center attorney to advise the General Tribal Council during General Tribal Council meetings. [8 O.C. 811.5-3(m)]. The Legal Resource Center law lacks clarity as to what the delegation of responsibility to Legal Resource Center attorney to advise the General Tribal Council during meetings actually means, and it is unknown if the Legal Resource Center attorney has ever taken action to advise the General Tribal Council during meetings since the adoption of the Legal Resource Center law in 2017. If it is interpreted that the Legal Resource Center attorney has been delegated the responsibility to advise the General Tribal Council on parliamentary procedures, then the request of the Petition may conflict with the authority delegated to the Legal Resource Center attorney by the Legal Resource Center 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 – Direct a Certified Parliamentarian be Appointed by General Tribal Council Prior to Each General Tribal Council Meeting would have the following legislative effect:

1. There are no laws of the Nation that directly address the use of a parliamentarian during a General Tribal Council meeting.
2. Although there are no laws that directly address the use of a parliamentarian by the General Tribal Council, there are laws of the Nation that address who is responsible for the interpretation of procedures of the Nation, as well as who is responsible to advise the General Tribal Council during meetings.
  - a. The Attorney Contract Policy designates the Oneida Law Office as the legal office of the Nation and provides that legal opinions regarding the interpretation of laws, policies, regulations, codes, procedures, and the like promulgated, adopted, approved or otherwise by the Nation are not binding unless approved by the Oneida Law Office. If it is determined that parliamentary rulings during General Tribal Council are binding interpretations of procedures of the Nation, then the request of this Petition may conflict with the authority delegated to the Oneida Law Office by the Attorney Contract Policy.
  - b. The Legal Resource Center law provides that it is the duty and responsibility of the Legal Resource Center attorney to advise the General Tribal Council during General Tribal Council meetings. The Legal Resource Center law lacks clarity as to what the delegation of responsibility to Legal Resource Center attorney to advise the General Tribal Council during meetings actually means, and it is unknown if the Legal Resource Center attorney has ever taken action to advise the General Tribal Council during meetings since the adoption of the Legal Resource Center law in 2017. If it is interpreted that the Legal Resource Center attorney has been delegated the responsibility to advise the General Tribal Council on parliamentary procedures, then the request of the Petition may conflict with the authority delegated to the Legal Resource Center attorney by the Legal Resource Center law.

**Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Direct a Certified Parliamentarian be Appointed by General Tribal Council Prior to Each General Tribal Council Meeting.



Legislative Operating Committee  
May 3, 2023

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

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 a full and detailed itemized report regarding any and all travel and the costs incurred by the Oneida Nation of Wisconsin (to include but not limited to names, titles, purpose for travel, cost for airfare, hotel, vehicles, food, per diem, etc.) associated with and relevant to the travel from January 1, 2020 through the time of this meeting;*
- *To consider action to direct full reimbursement of all costs back to the Oneida Nation of Wisconsin within thirty (30) business days and/or in a way determined by the General Tribal Council and in accordance to previous precedence; 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.

**4/19/23 LOC:** Motion by Marie Cornelius to accept the memorandum titled, Status Update for Outstanding General Tribal Council Petitions, and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

**4/26/23 OBC:** Motion by Marie Cornelius to accept the petition processing notice and the 2023 petition status report, seconded by David P. Jordan. Motion carried.

**Next Steps:**

- Accept the statement of effect for Petition: L. Dallas - Disclosure of Oneida Nation Travel Expenditures from January 1, 2020 – Present and forward to the Oneida Business Committee.





## Statement of Effect

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

### Summary

This petition requests the General Tribal Council to consider directing the development of an itemized report regarding any and all travel costs incurred by the Nation from January 1, 2020, through the time of the General Tribal Council meeting where this petition is considered; and also consider directing full reimbursement of all travel costs back to the Nation within thirty (30) business days and/or in a way determined by the General Tribal Council.

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

*Date: April 24, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures from January 1, 2020 – Present (“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 a full and detailed itemized report regarding any and all travel and the costs incurred by the Oneida Nation of Wisconsin (to include but not limited to names, titles, purpose for travel, cost for airfare, hotel, vehicles, food, per diem, etc.) associated with and relevant to the travel from January 1, 2020 through the time of this meeting;*
- *To consider action to direct full reimbursement of all costs back to the Oneida Nation of Wisconsin within thirty (30) business days and/or in a way determined by the General Tribal Council and in accordance to previous precedence; 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.

### *Travel and Expense Policy*

The Travel and Expense Policy establishes policies governing the reimbursement of travel and expenses incurred during the conduct of company business. [2 O.C. 219.1-1]. It is the policy of the Nation to reimburse employees for ordinary, necessary, and reasonable travel expenses that are directly connected with, or pertaining to, the transaction of company business. *Id.* Employees are expected to exercise prudent business judgement regarding cost effective expenses covered by this law. *Id.*

The Travel and Expense Policy requires that any non-local travel be authorized by the Oneida Business Committee or by the approved sign off authority prior to incurring any travel expense. [2 O.C. 219.4-1]. Non-local travel is any travel that requires an overnight stay. [2 O.C. 219.3-1(a)]. All non-local travel for the General Manager, Gaming General Manager, and Oneida Business Committee is required to be approved by the Oneida Business Committee. *Id.* If immediate travel is needed before approval can be sought, the travel must be put on the next Oneida Business Committee agenda for retroactive approval. *Id.* In either case, if approval is not acquired, all expenses will be the responsibility of the traveler. *Id.* The Travel and Expense Policy then sets for how travel advances for non-local travel may be used. Travel advances may only be obtained for non-local travel and are based upon the rates allowed for federal employees as set out in federal law.<sup>1</sup> [2 O.C. 219.5-1]. All travel advances are required to be submitted via the accounting computer generated and numbered Travel Authorization form, which requires the signature of the Nation's Treasurer, Chief Financial Officer, or by the approved sign-off authority. [2 O.C. 219.5-1(a)]. All requests for travel advances are to be made through the travel coordinator or department designee who will work with the appropriate accounting department staff to finalize all arrangements, which includes airfare, hotel, per diem, taxi, business expense, registration fees, and car rentals. [2 O.C. 219.5-1(c)].

The Travel and Expense Policy then provides various details on how non-local travel is handled by the Nation, such as:

- how many individuals may be approved for non-local travel [2 O.C. 219.4-3, 219.16-1];
- when per diem is allowed for non-local travel, which is only if the travel exceeds twelve (12) hours [2 O.C. 219.5-2];

---

<sup>1</sup> Rates for travel expenses are provided for in 41 C.F.R. Part 301 and as amended from time to time in the Federal Register.

- information regarding airfare, such as how airfare tickets are booked, and who is responsible for various charges [2 O.C. 219.6];
- information regarding lodging, such as at what rate a hotel room must be booked at and when additional approval for a hotel rate is needed, where a hotel can be selected, and what expenses are reimbursed for hotel expenses [2 O.C. 219.7]; and
- information regarding car rentals, such as when a vehicle may be rented, what type of vehicle may be rented, and what charges are the responsibility of the individual [2 O.C. 219.8].

The Travel and Expense Policy then sets forth processes and procedures to be followed to ensure that all travel expenses and reimbursements are properly accounted for. Upon return from travel, all receipts are required to be submitted to the travel coordinator or department designee who then itemizes the actual and necessary expenses incurred on an expense voucher. [2 O.C. 219.9-1]. Reimbursements for both travel advances and business expenses are required to have expense vouchers with receipts attached, which are then required to be submitted to the Accounting Department for reconciliation, within ten (10) days from the date of receipt. [2 O.C. 219.9-5]. The Accounting Department must receive all travel and business expenses within then (10) days from the date the travel has ended. [2 O.C. 219.9-5]. Any past due advances not submitted to the Accounting Department within ten (10) days result in automatic payroll deductions. [2 O.C. 219.9-6]. Additionally, all non-local travel and business expenses must have a written report or an explanation detailing the purpose of the expenses for the purpose of substantiating the benefits accruing to the Nation. [2 O.C. 219.9-7, 219.14-3]. All Oneida Business Committee travel reports are submitted to the Oneida Business Committee for approval at their regularly scheduled weekly meetings. *Id.*

The Travel and Expense Policy also provides guidelines for local mileage use, use of corporate credit cards, expectation for conduct while on travel, and department or special group travel. [2 O.C. 219.10, 219.11, 219.13, 219.14, 219.15, 219.16].

The Petition requests the General Tribal Council to consider directing the development of an itemized report regarding any and all travel its costs incurred by the Nation from January 1, 2020, through the time of the meeting where this Petition is considered; and also consider directing full reimbursement of all travel costs back to the Nation within thirty (30) business days and/or in a way determined by the General Tribal Council.

In regard to the Petition's request for a report to be presented to the General Tribal Council regarding all travel costs incurred by the Nation from January 1, 2020, through present day, the Travel and Expense Policy does address reporting. When an individual returns from travel, they are required to submit a written report to their immediate supervisor. [2 O.C. 219.14-3]. The traveler may also be asked to provide proof of attendance to all meetings or proceedings that the traveler was authorized to attend. [2 O.C. 219.14-2]. All non-local travel expenses and business

expenses are required to have a written report or an explanation detailing the purpose of the expenses for the purpose of substantiating the benefits accruing to the Nation submitted. [2 O.C. 219.9-7]. All Oneida Business Committee travel reports are submitted to the Oneida Business Committee for approval at their regularly scheduled weekly meetings. *Id.* Verbal reports can be given to the Oneida Business Committee at their weekly meetings, but due to the fact that the auditing process requires a written travel report for each trip, a written report must be submitted to the travel coordinator within five (5) days of the oral report. *Id.* There are no circumstances within the Travel and Expense Policy where travel reports are required to be presented to the General Tribal Council.

In regard to the Petition's request that the General Tribal Council consider directing reimbursement back to the Nation of all travel costs incurred from January 1, 2020, through the present, the Travel and Expense Policy does address the reimbursement of travel expenses to the Nation, or situations in which travel expenses are the responsibility of the individual, in limited circumstances. The Travel and Expense Policy provides the following in regard to when the reimbursement of travel expenses is to be made to the Nation, or when travel expenses are the responsibility of the individual:

- If an individual does not acquire approval of their travel, then all expenses are the responsibility of the traveler [2 O.C. 219.4-1];
- Fees charged for missed flights due to late arrival by the traveler may be the responsibility of the traveler, not the Nation [2 O.C. 219.6-4];
- Denial of boarding is the responsibility of the traveler and not the Nation, and any cost incurred is the traveler's responsibility [2 O.C. 219.6-10];
- It is the responsibility of the traveler to cancel hotel reservations while out on travel to reduce the cost of no-shows, and therefore any no-show charges may be the responsibility of the traveler [2 O.C. 219.7-4];
- Any upgrades to a car rental will be the traveler's responsibility and must be reimbursed to the Nation [2 O.C. 219.8-7];
- Fuel charges assessed by the car rental company will be the traveler's responsibility [2 O.C. 219.8-9];
- Insurance coverage or charges beyond one driver for car rentals will be the traveler's responsibility [2 O.C. 219.8-10];
- If an expense voucher is not properly supported with a lodging receipt from the establishment providing the traveler's accommodations which clearly establishes the nightly rate for single occupancy for the room occupied and the numbers of nights the traveler utilized the accommodations, then the expense voucher will be returned to the traveler, and reimbursement will not be allowed [2 O.C. 219.9-2];
- In order for a meal to be considered a business expense the maximum group sizes must number fifteen (15) or less, unless prior approval from the Oneida Business Committee is obtained for groups larger than fifteen (15), and if prior approval is not received, then payment or reimbursement may be denied [2 O.C. 219.9-4(d)];

- If for any reasons the purchase requisition, appropriation request, or business expense reimbursement form is rejected, it is the responsibility of those attending to make payment, and if payment cannot be made, arrangements will be made to withhold the amounts from the paycheck of the traveler [2 O.C. 219.9-4(i)];
- All travel and business expenses must be received in the Accounting Department within ten (10) days from the date the travel has ended, and any past due advances will result in automatic payroll deductions [2 O.C. 219.9-6];
- If for any reason, the travel report is unacceptable, the traveler will be responsible to reimburse the Nation for any cash advance relating to the unacceptable travel report [2 O.C. 219.9-7];
- Any mileage reimbursement request submitted to the Accounting Department after fiscal year end, as established by the Chief Financial Officer, will not be reimbursed [2 O.C. 219.10-1];
- Unapproved charges incurred on a corporate credit card will be reimbursed through payroll deduction through the maximum deduction allowed [2 O.C. 219.11-6(a)(4)];
- For any misuse if a corporate credit card, any expenses incurred in violation of this law are to be reimbursed to the Nation through payroll deduction at the maximum amount allowed [2 O.C. 219.11-6(b)(3)(C)];
- Receipts for use of corporate credit card not turned in with the travel voucher may be the responsibility of the traveler [2 O.C. 219.11-9];
- For any receipts that show up on the corporate credit card bill that are not on the expense voucher, the total charge must be reimbursed to the Nation [2 O.C. 219.11-10]; and
- If meals are charged on the corporate credit card, and the traveler received per diem, the full amount of the charge will be reimbursed by the traveler [2 O.C. 219.11-11].

The Travel and Expense Policy is clear as to what expenses and fees will be covered by the Nation and what is the responsibility of the traveler. Additionally, reimbursement back to the Nation is typically only required by the Travel and Expense Policy when a traveler fails to comply with the process and procedures contained in the Travel and Expense Policy in some manner. The Travel and Expense Policy does not provide for reimbursements to be made back to the Nation for lawful travel that follows the process and procedures contained in the Travel and Expense Policy. The Petition does not allege that any travel between January 1, 2020, and the present was unlawful or in violation of the process and procedures contained in the Travel and Expense Policy.

Therefore, the Petition's request to direct reimbursement back to the Nation of all travel expenses made from January 1, 2020, to the present may conflict with the overall intent and purpose of the Travel and Expense Policy. Through the Travel and Expense Policy the Nation sets forth its policy to reimburse employees for ordinary, necessary, and reasonable travel expenses that are directly connected with, or pertaining to, the transaction of business of the Nation. [2 O.C. 219.1-1]. There is no instance within the Travel and Expense Policy that lawful travel that was made in accordance

with the policies and procedures contained in the Travel and Expense Policy is required to be reimbursed back to the Nation.

### *Oneida Personnel Policies and Procedures*

The General Tribal Council adopted the Oneida Personnel Policies and Procedures to provide the Nation's employee related policies and procedures including recruitment, selection, compensation and benefits, employee relations, safety and health, program and enterprise rules and regulations, and record keeping. Travel is referenced a couple times throughout the Oneida Personnel Policies and Procedures.

Section IV.A.5.p of the Oneida Personnel Policies and Procedures makes reference to travel time compensation, but not does include any information within the law itself, and instead simply provides reference to the *Tribal Wide Travel Time Work Standards and Procedures* standard operating procedure, approved on March 20, 2013, which addresses when employee travel is and is not compensated.

Section IV.D.1.b of the Oneida Personnel Policies and Procedures provides that employees who receive stipends or honoraria in excess of fifty dollars (\$50) for attending meetings outside their employment during working hours will forfeit the amount in excess of fifty dollars (\$50) from their regular paycheck, but that stipends for travel or per diem will not be deducted if accompanied by receipts for such expenses. Again, this provision demonstrates that there is not an expectation that a traveler reimburses the per diem they received for travel as long as the expenses are documented in accordance with the Travel and Expense Policy.

Section VIII.B of the Oneida Personnel Policies and Procedures identifies that the Accounting Department shall retain travel documents, in the form of completed travel authorization forms, for a period of seven (7) years.

Overall, although the Oneida Personnel Policies and Procedures references travel in limited circumstances, it does not directly address the Petition's request for the General Tribal Council to consider directing the development of an itemized report regarding any and all travel costs incurred by the Nation from January 1, 2020, through the time of the General Tribal Council meeting where this petition is considered; and also consider directing full reimbursement of all travel costs back to the Nation within thirty (30) business days and/or in a way determined by the General Tribal Council. Section IV.D.1.b of the Oneida Personnel Policies and Procedures does demonstrate that there is not an expectation that a traveler reimburses the per diem they received for travel as long as the receipts for the expenses are documented, as provided for in accordance with the Travel and Expense Policy.



### *Budget and Finances Law*

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

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

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

Due to the fact that all expenditures of the Nation are required to be made be in accordance with the annual budget, any travel expenses made between January 1, 2020, and the present would have been required to be made in accordance with the Nation’s adopted budget for the fiscal year in which the travel expenses were incurred.

### **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 Oneida Nation Travel Expenditures from January 1, 2020 – Present would have the following legislative effects:

1. The Petition’s request for the General Tribal Council to direct a report to be presented to the General Tribal Council regarding all travel costs incurred by the Nation from January 1, 2020, through present day, may impact the Travel and Expense Policy. Although the Travel and Expenses Policy addresses reporting requirements for travel by requiring a traveler to submit a report to their immediate supervisor, and even requiring travel reports to be made to the Oneida Business Committee in certain circumstances, there are no circumstances within the Travel and Expense Policy where travel reports are required to be presented to the General Tribal Council.



2. The Petition's request that the General Tribal Council consider directing reimbursement back to the Nation of all travel costs incurred from January 1, 2020, through the present, may conflict with the Travel and Expense Policy. The Travel and Expense Policy is clear as to what expenses and fees will be covered by the Nation and what is the responsibility of the traveler. Reimbursement back to the Nation is typically only required by the Travel and Expense Policy when a traveler fails to comply with the process and procedures contained in the Travel and Expense Policy in some manner. The Travel and Expense Policy does not provide for reimbursements to be made back to the Nation for lawful travel that follows the process and procedures contained in the Travel and Expense Policy. The Petition does not allege that any travel between January 1, 2020, and the present was unlawful or in violation of the process and procedures contained in the Travel and Expense Policy. Therefore, the Petition's request to direct reimbursement back to the Nation of all travel expenses made from January 1, 2020, to the present may conflict with the overall intent and purpose of the Travel and Expense Policy. Through the Travel and Expense Policy the Nation sets forth its policy to reimburse employees for ordinary, necessary, and reasonable travel expenses that are directly connected with, or pertaining to, the transaction of business of the Nation. There is no instance within the Travel and Expense Policy that lawful travel that was made in accordance with the policies and procedures contained in the Travel and Expense Policy is required to be reimbursed back to the Nation.
3. Overall, although the Oneida Personnel Policies and Procedures references travel in limited circumstances, it does not directly address the Petition's request for the General Tribal Council to consider directing the development of an itemized report regarding any and all travel costs incurred by the Nation from January 1, 2020, through the time of the General Tribal Council meeting where this petition is considered; and also consider directing full reimbursement of all travel costs back to the Nation within thirty (30) business days and/or in a way determined by the General Tribal Council. Section IV.D.1.b of the Oneida Personnel Policies and Procedures does demonstrate that there is not an expectation that a traveler reimburses the per diem they received for travel as long as the receipts for the expenses are documented, as provided for in accordance with the Travel and Expense Policy.
4. Section 121.5-1 of the Budget and Finances law requires that all expenditures of the Nation be made be in accordance with the annual budget, therefore any travel expenses made between January 1, 2020, and the present would have been required to be made in accordance with the Nation's adopted budget for the fiscal year in which the travel expenses were incurred.

### **Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures from January 1, 2020 – Present.



Legislative Operating Committee  
May 3, 2023

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

**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 a full disclosure and detailed itemized report (to include but not limited to names, titles, purpose for travel, cost for airfare, hotel, vehicles, food, per diem, etc.) regarding any and all travel and the costs incurred by the Oneida Nation of Wisconsin associated with and relevant to the travel to England for the Green Bay Packer Game held on Sunday, October 9, 2022, and any other matters associated with this travel;*
- *To consider action to direct full reimbursement of all costs back to the Oneida Nation of Wisconsin within thirty (30) business days and/or in a way determined by the General Tribal Council and in accordance to previous precedence; 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.

**4/19/23 LOC:** Motion by Marie Cornelius to accept the memorandum titled, Status Update for Outstanding General Tribal Council Petitions, and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

**4/26/23 OBC:** Motion by Marie Cornelius to accept the petition processing notice and the 2023 petition status report, seconded by David P. Jordan. Motion carried.

**Next Steps:**

- Accept the statement of effect for Petition: L. Dallas - Disclosure of Oneida Nation Travel Expenditures to England for the October 9, 2022, Green Bay Packer Game and forward to the Oneida Business Committee.



## Statement of Effect

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

### Summary

This petition requests the General Tribal Council to consider directing the development of an itemized report regarding any and all travel costs incurred by the Nation for the October 9, 2022, Green Bay Packer football game in England; and also consider directing full reimbursement of all travel costs back to the Nation within thirty (30) business days and/or in a way determined by the General Tribal Council.

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

*Date: April 24, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures to England for the October 9, 2022, Green Bay Packer Game (“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 a full disclosure and detailed itemized report (to include but not limited to names, titles, purpose for travel, cost for airfare, hotel, vehicles, food, per diem, etc.) regarding any and all travel and the costs incurred by the Oneida Nation of Wisconsin associated with and relevant to the travel to England for the Green Bay Packer Game held on Sunday, October 9, 2022, and any other matters associated with this travel;*
- *To consider action to direct full reimbursement of all costs back to the Oneida Nation of Wisconsin within thirty (30) business days and/or in a way determined by the General Tribal Council and in accordance to previous precedence; 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.

### *Travel and Expense Policy*

The Travel and Expense Policy establishes policies governing the reimbursement of travel and expenses incurred during the conduct of company business. [2 O.C. 219.1-1]. It is the policy of the Nation to reimburse employees for ordinary, necessary, and reasonable travel expenses that are directly connected with, or pertaining to, the transaction of company business. *Id.* Employees are expected to exercise prudent business judgement regarding cost effective expenses covered by this law. *Id.*

The Travel and Expense Policy requires that any non-local travel be authorized by the Oneida Business Committee or by the approved sign off authority prior to incurring any travel expense. [2 O.C. 219.4-1]. Non-local travel is any travel that requires an overnight stay. [2 O.C. 219.3-1(a)]. All non-local travel for the General Manager, Gaming General Manager, and Oneida Business Committee is required to be approved by the Oneida Business Committee. *Id.* If immediate travel is needed before approval can be sought, the travel must be put on the next Oneida Business Committee agenda for retroactive approval. *Id.* In either case, if approval is not acquired, all expenses will be the responsibility of the traveler. *Id.* The Travel and Expense Policy then sets for how travel advances for non-local travel may be used. Travel advances may only be obtained for non-local travel and are based upon the rates allowed for federal employees as set out in federal law.<sup>1</sup> [2 O.C. 219.5-1]. All travel advances are required to be submitted via the accounting computer generated and numbered Travel Authorization form, which requires the signature of the Nation's Treasurer, Chief Financial Officer, or by the approved sign-off authority. [2 O.C. 219.5-1(a)]. All requests for travel advances are to be made through the travel coordinator or department designee who will work with the appropriate accounting department staff to finalize all arrangements, which includes airfare, hotel, per diem, taxi, business expense, registration fees, and car rentals. [2 O.C. 219.5-1(c)].

The Travel and Expense Policy then provides various details on how non-local travel is handled by the Nation, such as:

- how many individuals may be approved for non-local travel [2 O.C. 219.4-3, 219.16-1];
- when per diem is allowed for non-local travel, which is only if the travel exceeds twelve (12) hours [2 O.C. 219.5-2];

---

<sup>1</sup> Rates for travel expenses are provided for in 41 C.F.R. Part 301 and as amended from time to time in the Federal Register.

- information regarding airfare, such as how airfare tickets are booked, and who is responsible for various charges [2 O.C. 219.6];
- information regarding lodging, such as at what rate a hotel room must be booked at and when additional approval for a hotel rate is needed, where a hotel can be selected, and what expenses are reimbursed for hotel expenses [2 O.C. 219.7]; and
- information regarding car rentals, such as when a vehicle may be rented, what type of vehicle may be rented, and what charges are the responsibility of the individual [2 O.C. 219.8].

The Travel and Expense Policy then sets forth processes and procedures to be followed to ensure that all travel expenses and reimbursements are properly accounted for. Upon return from travel, all receipts are required to be submitted to the travel coordinator or department designee who then itemizes the actual and necessary expenses incurred on an expense voucher. [2 O.C. 219.9-1]. Reimbursements for both travel advances and business expenses are required to have expense vouchers with receipts attached, which are then required to be submitted to the Accounting Department for reconciliation, within ten (10) days from the date of receipt. [2 O.C. 219.9-5]. The Accounting Department must receive all travel and business expenses within then (10) days from the date the travel has ended. [2 O.C. 219.9-5]. Any past due advances not submitted to the Accounting Department within ten (10) days result in automatic payroll deductions. [2 O.C. 219.9-6]. Additionally, all non-local travel and business expenses must have a written report or an explanation detailing the purpose of the expenses for the purpose of substantiating the benefits accruing to the Nation. [2 O.C. 219.9-7, 219.14-3]. All Oneida Business Committee travel reports are submitted to the Oneida Business Committee for approval at their regularly scheduled weekly meetings. *Id.*

The Travel and Expense Policy also provides guidelines for local mileage use, use of corporate credit cards, expectation for conduct while on travel, and department or special group travel. [2 O.C. 219.10, 219.11, 219.13, 219.14, 219.15, 219.16].

The Petition requests the General Tribal Council to consider directing the development of an itemized report regarding any and all travel its costs incurred by the Nation October 9, 2022, Green Bay Packer football game in England; and also consider directing full reimbursement of all travel costs back to the Nation within thirty (30) business days and/or in a way determined by the General Tribal Council.

In regard to the Petition's request for a report to be presented to the General Tribal Council regarding all travel costs incurred by the Nation October 9, 2022, Green Bay Packer football game in England, the Travel and Expense Policy does address reporting. When an individual returns from travel, they are required to submit a written report to their immediate supervisor. [2 O.C. 219.14-3]. The traveler may also be asked to provide proof of attendance to all meetings or proceedings that the traveler was authorized to attend. [2 O.C. 219.14-2]. All non-local travel



expenses and business expenses are required to have a written report or an explanation detailing the purpose of the expenses for the purpose of substantiating the benefits accruing to the Nation submitted. [2 O.C. 219.9-7]. All Oneida Business Committee travel reports are submitted to the Oneida Business Committee for approval at their regularly scheduled weekly meetings. *Id.* Verbal reports can be given to the Oneida Business Committee at their weekly meetings, but due to the fact that the auditing process requires a written travel report for each trip, a written report must be submitted to the travel coordinator within five (5) days of the oral report. *Id.* There are no circumstances within the Travel and Expense Policy where travel reports are required to be presented to the General Tribal Council.

In regard to the Petition's request that the General Tribal Council consider directing reimbursement back to the Nation of all travel costs incurred from the October 9, 2022, Green Bay Packer football game in England, the Travel and Expense Policy does address the reimbursement of travel expenses to the Nation, or situations in which travel expenses are the responsibility of the individual, in limited circumstances. The Travel and Expense Policy provides the following in regard to when the reimbursement of travel expenses is to be made to the Nation, or when travel expenses are the responsibility of the individual:

- If an individual does not acquire approval of their travel, then all expenses are the responsibility of the traveler [2 O.C. 219.4-1];
- Fees charged for missed flights due to late arrival by the traveler may be the responsibility of the traveler, not the Nation [2 O.C. 219.6-4];
- Denial of boarding is the responsibility of the traveler and not the Nation, and any cost incurred is the traveler's responsibility [2 O.C. 219.6-10];
- It is the responsibility of the traveler to cancel hotel reservations while out on travel to reduce the cost of no-shows, and therefore any no-show charges may be the responsibility of the traveler [2 O.C. 219.7-4];
- Any upgrades to a car rental will be the traveler's responsibility and must be reimbursed to the Nation [2 O.C. 219.8-7];
- Fuel charges assessed by the car rental company will be the traveler's responsibility [2 O.C. 219.8-9];
- Insurance coverage or charges beyond one driver for car rentals will be the traveler's responsibility [2 O.C. 219.8-10];
- If an expense voucher is not properly supported with a lodging receipt from the establishment providing the traveler's accommodations which clearly establishes the nightly rate for single occupancy for the room occupied and the numbers of nights the traveler utilized the accommodations, then the expense voucher will be returned to the traveler, and reimbursement will not be allowed [2 O.C. 219.9-2];
- In order for a meal to be considered a business expense the maximum group sizes must number fifteen (15) or less, unless prior approval from the Oneida Business Committee is obtained for groups larger than fifteen (15), and if prior approval is not received, then payment or reimbursement may be denied [2 O.C. 219.9-4(d)];



- If for any reasons the purchase requisition, appropriation request, or business expense reimbursement form is rejected, it is the responsibility of those attending to make payment, and if payment cannot be made, arrangements will be made to withhold the amounts from the paycheck of the traveler [2 O.C. 219.9-4(i)];
- All travel and business expenses must be received in the Accounting Department within ten (10) days from the date the travel has ended, and any past due advances will result in automatic payroll deductions [2 O.C. 219.9-6];
- If for any reason, the travel report is unacceptable, the traveler will be responsible to reimburse the Nation for any cash advance relating to the unacceptable travel report [2 O.C. 219.9-7];
- Any mileage reimbursement request submitted to the Accounting Department after fiscal year end, as established by the Chief Financial Officer, will not be reimbursed [2 O.C. 219.10-1];
- Unapproved charges incurred on a corporate credit card will be reimbursed through payroll deduction through the maximum deduction allowed [2 O.C. 219.11-6(a)(4)];
- For any misuse if a corporate credit card, any expenses incurred in violation of this law are to be reimbursed to the Nation through payroll deduction at the maximum amount allowed [2 O.C. 219.11-6(b)(3)(C)];
- Receipts for use of corporate credit card not turned in with the travel voucher may be the responsibility of the traveler [2 O.C. 219.11-9];
- For any receipts that show up on the corporate credit card bill that are not on the expense voucher, the total charge must be reimbursed to the Nation [2 O.C. 219.11-10]; and
- If meals are charged on the corporate credit card, and the traveler received per diem, the full amount of the charge will be reimbursed by the traveler [2 O.C. 219.11-11].

The Travel and Expense Policy is clear as to what expenses and fees will be covered by the Nation and what is the responsibility of the traveler. Additionally, reimbursement back to the Nation is typically only required by the Travel and Expense Policy when a traveler fails to comply with the process and procedures contained in the Travel and Expense Policy in some manner. The Travel and Expense Policy does not provide for reimbursements to be made back to the Nation for lawful travel that follows the process and procedures contained in the Travel and Expense Policy. The Petition does not allege that the travel for the October 9, 2022, Green Bay Packer football game in England was unlawful or in violation of the process and procedures contained in the Travel and Expense Policy.

Therefore, the Petition's request to direct reimbursement back to the Nation of all travel expenses made from the October 9, 2022, Green Bay Packer football game in England, to the present may conflict with the overall intent and purpose of the Travel and Expense Policy. Through the Travel and Expense Policy the Nation sets forth its policy to reimburse employees for ordinary, necessary, and reasonable travel expenses that are directly connected with, or pertaining to, the transaction of business of the Nation. [2 O.C. 219.1-1]. There is no instance within the Travel and

Expense Policy that lawful travel that was made in accordance with the policies and procedures contained in the Travel and Expense Policy is required to be reimbursed back to the Nation.

### *Oneida Personnel Policies and Procedures*

The General Tribal Council adopted the Oneida Personnel Policies and Procedures to provide the Nation's employee related policies and procedures including recruitment, selection, compensation and benefits, employee relations, safety and health, program and enterprise rules and regulations, and record keeping. Travel is referenced a couple times throughout the Oneida Personnel Policies and Procedures.

Section IV.A.5.p of the Oneida Personnel Policies and Procedures makes reference to travel time compensation, but not does include any information within the law itself, and instead simply provides reference to the *Tribal Wide Travel Time Work Standards and Procedures* standard operating procedure, approved on March 20, 2013, which addresses when employee travel is and is not compensated.

Section IV.D.1.b of the Oneida Personnel Policies and Procedures provides that employees who receive stipends or honoraria in excess of fifty dollars (\$50) for attending meetings outside their employment during working hours will forfeit the amount in excess of fifty dollars (\$50) from their regular paycheck, but that stipends for travel or per diem will not be deducted if accompanied by receipts for such expenses. Again, this provision demonstrates that there is not an expectation that a traveler reimburses the per diem they received for travel as long as the expenses are documented in accordance with the Travel and Expense Policy.

Section VIII.B of the Oneida Personnel Policies and Procedures identifies that the Accounting Department shall retain travel documents, in the form of completed travel authorization forms, for a period of seven (7) years.

Overall, although the Oneida Personnel Policies and Procedures references travel in limited circumstances, it does not directly address the Petition's request for the General Tribal Council to consider directing the development of an itemized report regarding any and all travel costs incurred by the Nation from the October 9, 2022, Green Bay Packer football game in England; and also consider directing full reimbursement of all travel costs back to the Nation within thirty (30) business days and/or in a way determined by the General Tribal Council. Section IV.D.1.b of the Oneida Personnel Policies and Procedures does demonstrate that there is not an expectation that a traveler reimburses the per diem they received for travel as long as the receipts for the expenses are documented, as provided for in accordance with the Travel and Expense Policy.

### *Budget and Finances Law*

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

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

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

Due to the fact that all expenditures of the Nation are required to be made be in accordance with the annual budget, any travel expenses made for the October 9, 2022, Green Bay Packer football game in England would have been required to be made in accordance with the Nation’s adopted budget for Fiscal Year 2022 or Fiscal Year 2023, depending on when the travel costs were incurred.

### **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 Oneida Nation Travel Expenditures to England for the October 9, 2022, Green Bay Packer Game would have the following legislative effects:

1. The Petition’s request for the General Tribal Council to direct a report to be presented to the General Tribal Council regarding all travel costs incurred by the Nation for the October 9, 2022, Green Bay Packer football game in England, may impact the Travel and Expense Policy. Although the Travel and Expenses Policy addresses reporting requirements for travel by requiring a traveler to submit a report to their immediate supervisor, and even requiring travel reports to be made to the Oneida Business Committee in certain circumstances, there are no circumstances within the Travel and Expense Policy where travel reports are required to be presented to the General Tribal Council.

2. The Petition's request that the General Tribal Council consider directing reimbursement back to the Nation of all travel costs incurred from the October 9, 2022, Green Bay Packer football game in England, may conflict with the Travel and Expense Policy. The Travel and Expense Policy is clear as to what expenses and fees will be covered by the Nation and what is the responsibility of the traveler. Reimbursement back to the Nation is typically only required by the Travel and Expense Policy when a traveler fails to comply with the process and procedures contained in the Travel and Expense Policy in some manner. The Travel and Expense Policy does not provide for reimbursements to be made back to the Nation for lawful travel that follows the process and procedures contained in the Travel and Expense Policy. The Petition does not allege that the travel for the October 9, 2022, Green Bay Packer football game in England was unlawful or in violation of the process and procedures contained in the Travel and Expense Policy. Therefore, the Petition's request to direct reimbursement back to the Nation of all travel expenses made for the October 9, 2022, Green Bay Packer football game in England may conflict with the overall intent and purpose of the Travel and Expense Policy. Through the Travel and Expense Policy the Nation sets forth its policy to reimburse employees for ordinary, necessary, and reasonable travel expenses that are directly connected with, or pertaining to, the transaction of business of the Nation. There is no instance within the Travel and Expense Policy that lawful travel that was made in accordance with the policies and procedures contained in the Travel and Expense Policy is required to be reimbursed back to the Nation.
3. Overall, although the Oneida Personnel Policies and Procedures references travel in limited circumstances, it does not directly address the Petition's request for the General Tribal Council to consider directing the development of an itemized report regarding any and all travel costs incurred by the Nation for the October 9, 2022, Green Bay Packer football game in England; and also consider directing full reimbursement of all travel costs back to the Nation within thirty (30) business days and/or in a way determined by the General Tribal Council. Section IV.D.1.b of the Oneida Personnel Policies and Procedures does demonstrate that there is not an expectation that a traveler reimburses the per diem they received for travel as long as the receipts for the expenses are documented, as provided for in accordance with the Travel and Expense Policy.
4. Section 121.5-1 of the Budget and Finances law requires that all expenditures of the Nation be made be in accordance with the annual budget, therefore any travel expenses made for the October 9, 2022, Green Bay Packer football game in England would have been required to be made in accordance with the Nation's adopted budget for the Fiscal Year 2022 or Fiscal Year 2023, depending on when the travel costs were incurred.

### **Requested Action**

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



Legislative Operating Committee  
May 3, 2023

## Petition: L. Dallas – Donations - Internal and External

**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 any and all donations, both internal and external, of any kind shall be clearly and concisely presented independently and separate from the normal budget process for review, discussion, approval/denial/modification by the GTC PRIOR TO any funds being released or distributed; 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.

**4/19/23 LOC:** Motion by Marie Cornelius to accept the memorandum titled, Status Update for Outstanding General Tribal Council Petitions, and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

**4/26/23 OBC:** Motion by Marie Cornelius to accept the petition processing notice and the 2023 petition status report, seconded by David P. Jordan. Motion carried.

### Next Steps:

- Accept the statement of effect for Petition: L. Dallas – Donations - Internal and External and forward to the Oneida Business Committee.



# HANDOUT

## Statement of Effect

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

### Summary

This petition requests the General Tribal Council to consider directing that all donations to the Nation, both internal and external, of any kind be presented for review, discussion, approval, denial, or modification by the General Tribal Council prior to any funds being released or distributed.

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

*Date: May 1, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Donations - Internal and External (“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 any and all donations, both internal and external, of any kind shall be clearly and concisely presented independently and separate from the normal budget process for review, discussion, approval/denial/modification by the GTC PRIOR TO any funds being released or distributed; 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.



### *Donations Made by the Nation*

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*]. Ultimately, the General Tribal Council is responsible for adopting the Nation’s budget by September 30<sup>th</sup> of each year. [*1 O.C. 121.5-4(e)*].

Once a budget for the Nation is adopted, the Oneida Business Committee has the authority to expend appropriated funds in accordance with the Nation’s adopted budget pursuant to the Procurement Rule Handbook developed by the Purchasing Department. [*1 O.C. 121.6-1*]. The authority to expend funds is then necessarily delegated to other managers, including Executive Managers of the Nation, who manage budgets pursuant to their job descriptions based on the Procurement Rule Handbook. *Id.*



Therefore, in order for the Nation to expend funds for a donation, the funds for the donation would had to have been budgeted for in the Nation's duly adopted budget. Although the General Tribal Council is responsible for adopting the budget as a whole on behalf of the Nation, it is the Oneida Business Committee and other managers who are responsible for actually making expenditures in accordance with the budget and Procurement Rule Handbook. The Petition's request for all donations, both internal and external, to be presented independently from the normal budget process for review, discussion, approval, denial, modification by the General Tribal Council prior to any funds being released or distributed would conflict with the Budget and Finances law's delegation of authority to the Oneida Business Committee and managers of the Nation to expend funds in accordance with the Procurement Rule Handbook.

The Budget and Finances law addresses donations in regard to capital contributions, which are an act of giving money or assets to a company or organization. [1 O.C. 121.3-1(b)]. Any capital contributions made by the Nation are required to be identified in the annual budget. [1 O.C. 121.6-7]. Any reassignment of a loan provided by the Nation into a capital contribution is required to be noticed to the General Tribal Council. [1 O.C. 121.6-7(a)].

In regard to donations made by the Nation in the form of capital contributions, the Petition's request that all donations be presented to the General Tribal Council independently and separate from the normal budget process would conflict with section 121.6-7 of the Budget and Finances law which requires that any capital contributions of the Nation be identified in the annual budget. Additionally, although the Budget and Finances law requires that any reassignment of a loan provided by the Nation into a capital contribution be noticed to the General Tribal Council, the General Tribal Council is not delegated the authority to approve, deny, or modify the transfer of a loan into a capital contribution prior to the distribution of funds being made.

#### *Donations Received by the Nation*

In regard to donations received by the Nation, the Budget and Finances law addresses the receipt of supplemental funding, and provides that in the event that the Nation receives any supplemental or emergency funding of two hundred and fifty thousand dollars (\$250,000) or more, the Oneida Business Committee shall develop and adopt, through resolution, a spending plan to guide expenditures of the supplemental funding in accordance with any provided guidance for the supplemental funding and audit compliance. [1 O.C. 121.6-4(c)].

The Budget and Finances law does not require supplemental funding received by the Nation to be presented to the General Tribal Council for review, discussion, approval, denial, or modification prior to any funds being released or distributed.

### *Donations Made to Endowment Fund Accounts*

Donations may be made to the Nation for the purpose of establishing or supporting an endowment fund account. The Endowments law provides the process for the establishment and maintenance of all endowment fund accounts established by the Nation. [1 O.C. 131.1-1]. It is the policy of the Nation that endowments shall be maintained, protected, and grown in value for the benefit of the Oneida people, both those in the present, and future generations. [1 O.C. 131.1-2]. The Endowments law addresses how contributions, or monetary donations to the Nation for the purpose of contributing to an existing endowment fund account, or for the establishment of an endowment fund account, are handled. [1 O.C. 131.3-1(b)]. In addition to monetary donations, a bequest, donation, or gift may also be accepted as a contribution if it has potential monetary value, which may include, but not be limited to, stocks, bonds, real estate, property, and other assets including, but not limited to, assets which are current, commercial, equitable, earning, tangible, and intangible. *Id.*

The Oneida Trust Enrollment Committee is authorized to accept contributions or other instruments from private donors for the purpose of establishing endowment fund accounts. [1 O.C. 131.6-2]. The Oneida Trust Enrollment Committee is required to notify the Oneida Finance Committee immediately upon receipt of a contribution. *Id.* Pending the establishment of an endowment fund account, the Oneida Trust Enrollment Committee deposits the contribution into an interest-bearing account. [1 O.C. 131.6-2(a)].

The Finance Committee is then charged with establishing all endowment fund accounts, with final approval from the Oneida Business Committee. [1 O.C. 131.5-1]. Typically, the Finance Committee is responsible for holding a public meeting regarding the establishment of an endowment fund account, but the establishment of an endowment fund account from a private owner is exempt from the public meeting requirements. [1 O.C. 131.5-1(a)]. The establishment of an endowment fund account from a private contribution can take no more than one hundred and twenty (120) days from the date the Finance Committee is notified of the donation received for the purpose of establishing the endowment fund account. [1 O.C. 131.5-1(b)].

The Oneida Business Committee is then delegated oversight authority over endowment fund accounts. Oversight authority includes, but is not limited to, the authority to approve or disapprove the establishment of endowment fund accounts as recommended by the Finance Committee; and the authority to cause any or all endowment fund accounts to be audited by an independent auditor. [1 O.C. 131.4-1]. If an audit of an endowment fund account is completed, an executive summary of the audit is required to be included on the agenda of the next regularly scheduled meeting of the General Tribal Council. *Id.*

The Oneida Trust Enrollment Committee is required by the Endowments law to provide written annual financial reports to both the Oneida Business Committee and the General Tribal Council

which includes, but is not limited to, itemized accounting of all monies placed into endowment fund accounts; itemized accounting of all withdrawals to include the date and destination of any withdrawal from all endowment fund accounts; and itemized accounting of all monies spent on consultants. [1 O.C. 131.6-3].

Although annual financial reports and audit reports of endowment fund accounts are provided to the General Tribal Council, it is not required that the General Tribal Council be presented endowment fund accounts for discussion prior to the creation of an endowment fund account, and the General Tribal Council is not delegated the authority to approve or modify an endowment fund account.

Therefore, in regard to donations made to the Nation for endowment fund accounts, the Petition's request that all donations to the Nation of any kind be presented for review, discussion, approval, denial, or modification by the General Tribal Council prior to any funds being released or distributed would conflict with the process and procedures contained in the Endowments 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 – Donations - Internal and External would have the following legislative effect:

1. In regard to donations made by the Nation, the Petition's request for all donations, both internal and external, to be presented independently from the normal budget process for review, discussion, approval, denial, modification by the General Tribal Council prior to any funds being released or distributed would conflict with the Budget and Finances law's delegation of authority to the Oneida Business Committee and managers of the Nation to expend funds. In order for the Nation to expend funds for a donation, the funds for the donation would had to have been budgeted for in the Nation's duly adopted budget. Although the General Tribal Council is responsible for adopting the budget as a whole on behalf of the Nation, it is the Oneida Business Committee and other managers who are responsible for actually making expenditures in accordance with the budget and Procurement Rule Handbook.
2. In regard to donations made by the Nation in the form of capital contributions, the Petition's request that all donations be presented to the General Tribal Council independently and separate from the normal budget process would conflict with section 121.6-7 of the Budget and Finances law which requires that any capital contributions of the Nation be identified in the annual budget. Additionally, although the Budget and Finances law requires that any reassignment of a loan provided by the Nation into a capital contribution be noticed to the General Tribal Council, the General Tribal Council is not delegated the authority to approve, deny, or modify the transfer of a loan into a capital contribution prior to the distribution of funds being made.

3. In regard to donations received by the Nation, the Budget and Finances law addresses the receipt of supplemental funding, and provides that in the event that the Nation receives any supplemental or emergency funding of two hundred and fifty thousand dollars (\$250,000) or more, the Oneida Business Committee shall develop and adopt, through resolution, a spending plan to guide expenditures of the supplemental funding in accordance with any provided guidance for the supplemental funding and audit compliance. The Budget and Finances law does not require supplemental funding received by the Nation to be presented to the General Tribal Council for review, discussion, approval, denial, or modification prior to any funds being released or distributed.
4. In regard to donations made to the Nation for the establishment or support of endowment fund accounts, the Petition's request that all donations to the Nation of any kind be presented for review, discussion, approval, denial, or modification by the General Tribal Council prior to any funds being released or distributed would conflict with the process and procedures contained in the Endowments law.

### **Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Donations - Internal and External.



Legislative Operating Committee  
May 3, 2023

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

**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:*

- *Repeal GTC Resolution #01-21-19-A Amending the 120-day Petition Timeline Adopted by the General Tribal Council;*
- *Direct that the Oneida General Tribal Council action taken on July 17, 2017, which directed that "Petitions shall be presented to the General Tribal Council within on hundred and twenty (120) days of receipt by the Oneida Business Committee Support Office" shall be effective immediately; 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.

**4/19/23 LOC:** Motion by Marie Cornelius to accept the memorandum titled, Status Update for Outstanding General Tribal Council Petitions, and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

**4/26/23 OBC:** Motion by Marie Cornelius to accept the petition processing notice and the 2023 petition status report, seconded by David P. Jordan. Motion carried.

**Next Steps:**

- Accept the statement of effect for Petition: L. Dallas – Repeal GTC Resolution #01-21-19-A Amending the 120-Day Petition Timeline Adopted by General Tribal Council and forward to the Oneida Business Committee.



## Statement of Effect

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

### Summary

This petition requests the General Tribal Council to consider repealing resolution GTC-01-21-19-A, Amending the 120-Day Petition Timeline Adopted by the General Tribal Council, and directing that the July 17, 2017, General Tribal Council motion which directed that petitions be presented to the General Tribal Council withing one hundred and twenty days (120) of submission be reinstated effective immediately.

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office  
Date: April 25, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Repeal GTC Resolution #01-21-19-A Amending the 120-Day Petition Timeline Adopted by General Tribal Council (“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:

- *Repeal GTC Resolution #01-21-19-A Amending the 120-Day Petition Timeline Adopted by the General Tribal Council;*
- *Direct that the Oneida General Tribal Council action taken on July 17, 2017, which directed that "Petitions shall be presented to the General Tribal Council within on hundred and twenty (120) days of receipt by the Oneida Business Committee Support Office" shall be effective immediately; 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.

### *180 Day Timeframe for Petitions*

Article III, Section 6 of the Constitution and Bylaws of the Oneida Nation (“the Constitution”) sets forth the process by which members of the Nation may petition to call a special meeting to bring a subject before the General Tribal Council for consideration. [*Constitution Article III, Section 6*]. The Constitution provides that the chairman or fifty (50) qualified voters may, by written notice, call special meetings of the General Tribal Council. *Id.*

The General Tribal Council enacted the Ten Day Notice Policy on March 4, 1991, for the purpose of providing notice to the General Tribal Council of regular or special business to be conducted or action taken at a General Tribal Council meeting. [*1 O.C. 110.1-1*]. Requiring prior notice of the agenda items and information related to items assisted in creating informed discussion and improved decision-making by the General Tribal Council on matters that affected the Nation which became increasingly more complex and technical.

In an effort to provide consistency in the timeframe for when petitions are presented to the General Tribal Council, on July 17, 2017, the General Tribal Council adopted a motion which required petitions submitted under Article III, Section 6 of the Constitution to be processed and brought to the General Tribal Council within one hundred and twenty (120) days of submission.

In an effort to balance General Tribal Council’s desire to have timely presentations of petitions with the acknowledgement that one hundred and twenty (120) days does not provide enough time to properly develop the necessary analyses to provide information to the General Tribal Council to make an informed decisions while also recognizing scheduling constraints, on January 21, 2019, the General Tribal Council adopted resolution GTC-01-21-19-A, *Amending the 120-Day Petition Timeline Adopted by the General Tribal Council*. Resolution GTC-01-21-19-A adopted a rule regarding petitions which superseded the July 17, 2017, action setting a one hundred and twenty (120) day timeframe, and instead required that petitions be presented to the General Tribal Council within one hundred and eighty (180) days of receipt by the Oneida Business Committee Support Office<sup>1</sup>, and that no petition can contain more than one subject matter.

### *Repealing Resolution GTC-01-21-19-A*

This petition requests the General Tribal Council to consider repealing resolution GTC-01-21-19-A, *Amending the 120-Day Petition Timeline Adopted by the General Tribal Council*, and directing that the July 17, 2017, General Tribal Council motion which directed petitions be presented to the

---

<sup>1</sup> The Oneida Business Committee Support Office is now known as the Government Administrative Office.

General Tribal Council within one hundred and twenty days (120) of submission be reinstated effective immediately.

The Ten Day Notice Policy requires that any action to overrule a previous passed motions or resolutions of the General Tribal Council shall require a two-thirds (2/3) majority vote. [*1 O.C. 110.3-1(a)(3)*].

Therefore, if the General Tribal Council took action to repeal resolution GTC-01-21-19-A, a two-thirds (2/3) majority vote would be required.

### **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 – Repeal GTC Resolution #01-21-19-A Amending the 120-Day Petition Timeline Adopted by General Tribal Council would have the following legislative effect:

1. The Petition's request for the General Tribal Council to repeal resolution GTC-01-21-19-A, *Amending the 120-Day Petition Timeline Adopted by the General Tribal Council*, and direct that the July 17, 2017, General Tribal Council motion which directed petitions be presented to the General Tribal Council within one hundred and twenty days (120) of submission be reinstated effective immediately would require a two-thirds (2/3) majority vote in accordance with section 110.3-1(a)(3) of the Ten Day Notice Policy.

### **Requested Action**

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



Legislative Operating Committee  
May 3, 2023

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

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:*

- *Repeal the Budget and Finances Law contained thin the Oneida Code of Laws, Title I. GOVERNMENT & FINANCES, adopted by the Oneida Business Committee by way of BC Resolution (BC-10-26-22-D), along with the following:*
  - *Adopted- BC-02-08-17-C*
  - *Emergency Amended - BC-11-24-20-E*
  - *Emergency Amended - BC-05-12-21- C*
  - *Emergency Extension - BC-11-10-21- B*
  - *Amended – BC-05-11-22- B*
  - *Emergency Amended - BC-10-26-22-D*
- *To direct this action to be effective immediately; and*
- *Direct that the Oneida General Tribal Council resume authority and control over the budgets and finances of the Oneida Nation of Wisconsin effective immediately; 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.

**4/19/23 LOC:** Motion by Marie Cornelius to accept the memorandum titled, Status Update for Outstanding General Tribal Council Petitions, and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

**4/26/23 OBC:** Motion by Marie Cornelius to accept the petition processing notice and the 2023 petition status report, seconded by David P. Jordan. Motion carried.

**Next Steps:**

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



## Statement of Effect

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

### Summary

This petition requests the General Tribal Council to consider repealing the Budget and Finances law and directing that the Oneida General Tribal Council resume authority and control over the budgets and finances of the Nation, effective immediately.

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

*Date: April 25, 2023*

### *Analysis by the Legislative Reference Office*

On March 2, 2023, the Petition: L. Dallas – Repeal the Budget and Finance Law (“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:

- *Repeal the Budget and Finances Law contained within the Oneida Code of Laws, Title I. GOVERNMENT & FINANCES, adopted by the Oneida Business Committee by way of BC Resolution (BC-10-26-22-D), along with the following:*
  - *Adopted- BC-02-08-17-C*
  - *Emergency Amended - BC-11-24-20-E*
  - *Emergency Amended - BC-05-12-21- C*
  - *Emergency Extension - BC-11-10-21- B*
  - *Amended – BC-05-11-22- B*
  - *Emergency Amended - BC-10-26-22-D*
- *To direct this action to be effective immediately; and*
- *Direct that the Oneida General Tribal Council resume authority and control over the budgets and finances of the Oneida Nation of Wisconsin effective immediately; 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.

### *The Legislative Process*

The General Tribal Council adopted the Legislative Procedures Act in 2013 to set forth the process for the development and adoption of laws of the Nation by the Oneida Business Committee and General Tribal Council. [1 O.C. 109.1-1]. 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 Legislative Procedures Act 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 Legislative Procedures Act 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 process begins when any person who is interested in pursuing the development of or amendment to a law of the Nation submits a written request for legislation to the Legislative Reference Office, who then is responsible for placing the request for legislation on the agenda of the next duly called Legislative Operating Committee meeting. [1 O.C. 109.5-1, 109.5-2]. General Tribal Council delegated the Legislative Operating Committee the responsibility for the development of legislation of the Nation. [1 O.C. 109.4-2]. The Legislative Operating Committee is comprised of the five (5) Oneida Business Committee members who do not hold officer positions. [1 O.C. 110.4-1(b)]. Once the Legislative Operating Committee receives a request for legislation, the Legislative Operating Committee then either accepts or denies the request, except that the Legislative Operating Committee is not allowed to deny a request for legislation directed by a General Tribal Council law, resolution, or motion. [1 O.C. 109.5-2(a)-(b)].

Once the Legislative Operating Committee accepts a request for legislation and directs that legislation be developed in accordance with the Legislative Procedures Act, a draft of the legislation is created through research, review of other similar laws, collaboration with affected entities, and community engagement efforts. The Legislative Procedures Act provides guidance on how a law should be organized, such as different sections that need to be included in a law and what information needs to be addressed in each section, to ensure there is a consistent format amongst all laws of the Nation. [1 O.C. 109.11]. Once a draft of the proposed legislation is approved by the Legislative Operating Committee, a legislative analysis of the draft legislation is completed. [1 O.C. 109.7-1]. The purpose of the legislative analysis is to describe the important features of the legislation being considered and factual information to enable the Legislative

Operating Committee to make informed decisions regarding legislation. [1 O.C. 109.3-1(g)]. A legislative analysis includes a statement of the legislation's terms and substance; intent of the legislation; a description of the subject(s) involved, including any conflicts with Oneida or other law, key issues, potential impacts of the legislation and policy considerations. *Id.*

Once a draft and legislative analysis are completed for proposed legislation, the Legislative Operating Committee moves forward with obtaining public review of the proposed legislation. The Legislative Operating Committee determines a public meeting date and then a public meeting notice is created that contains the date, time and place of the public meeting, the time period for the public comment period, and the name, address, phone number, and other appropriate information on where to submit comments on the proposed legislation. [1 O.C. 109.8-2]. At least ten (10) business days before the public meeting is held, the public meeting notice is published in the Kalihwisaks, while the public meeting notice, proposed draft of the legislation, legislative analysis, and fiscal impact statement if available, are published on the Oneida Register on the Nation's webpage found at the following location: <https://oneida-nsn.gov/government/register/>, and electronically noticed to all managers and directors. [1 O.C. 109.8-2]. The managers and directors who receive the public meeting materials are then required by the Legislative Procedures Act to direct employees of the Nation who have special knowledge or expertise on the proposed legislation to provide public comments. [1 O.C. 109.8-4(a)].

The public meeting on the proposed legislation is required to be presided over by at least one (1) member of the Legislative Operating Committee. [1 O.C. 109.8-3(a)]. The purpose of the public meeting is to solicit oral comments from members of the community on the proposed legislation. [1 O.C. 109.8-3]. After the public meeting concludes, the Legislative Operating Committee holds open a public comment period for at least five (5) business days. [1 O.C. 109.8-1(a)]. During the public comment period individuals may submit written comments including data, views, arguments, or concerns to the Oneida Business Committee Secretary or the Legislative Reference Office in person or through United States mail, interoffice mail, e-mail, or fax. [1 O.C. 109.8-1(c), 109.4-4(b)].

Once the public comment period has concluded, the Legislative Operating Committee is required by the Legislative Procedures Act to fully consider all written comments and oral testimony received during the public comment period and any public meeting on the proposed legislation. [1 O.C. 109.8-4]. The Legislative Operating Committee accomplishes this responsibility through the development of a public comment review memorandum that provides the Legislative Operating Committee's consideration of every comment received, and demonstrates any changes made to the proposed legislation based on the public comments.

A fiscal impact statement is also required for all proposed legislation. [1 O.C. 109.6-1]. A fiscal impact statement provides an estimate of the total fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate



of the amount of time necessary for an individual or agency to comply with the law after implementation. [1 O.C. 109.3-1(c)]. The Legislative Operating Committee may direct that a fiscal impact statement be submitted by any agency who may receive funding if the legislation is enacted, may administer a program if the legislation is enacted, may have financial information concerning the subject matter of the legislation, or the Finance Department. [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A, *Further Interpretation of 'Fiscal Impact Statement' in the Legislative Procedures Act*, provides further clarification on the process for directing a fiscal impact statement be completed. This resolution provides that upon final approval of draft legislation by the Legislative Operating Committee, the Legislative Operating Committee may direct the Finance Department or any agency who may receive funding if the legislation is enacted, may administer a program if the legislation is enacted, may have financial information concerning the subject matter of the legislation to provide a neutral and unbiased fiscal impact statement to the LOC within ten (10) business days for inclusion in adoption materials.

After all the requirements of the Legislative Procedures Act are met and the Legislative Operating Committee is satisfied with proposed legislation, the Legislative Operating Committee then forwards an adoption packet comprised of the proposed legislation, legislative analysis, fiscal impact statement, resolution, statement of effect, and an adoption memorandum to the Oneida Business Committee for consideration. [1 O.C. 109.9-1]. The Oneida Business Committee then either considers whether to approve or deny the adoption of the legislation or forwards the legislation to the General Tribal Council for consideration of adoption. [1 O.C. 109.9-1(a)-(b)]. A law is adopted, amended, or repealed upon the adoption of a resolution. [1 O.C. 109.9-2]. For those laws considered by the Oneida Business Committee a majority vote is required for the adoption of the law, while amendments and repeals of a law are handled in accordance with the laws governing Oneida Business Committee action. [1 O.C. 109.9-2(a)]. The Oneida Business Committee utilizes Robert's Rules of Order, current edition, for the procedural rules of its meetings except as specifically modified by the Constitution and Bylaws of the Oneida Nation. [1 O.C. 117.4-1]. For those laws considered by the General Tribal Council, adoption, amendment, and repeal of laws are done in accordance with the laws governing General Tribal Council action. [1 O.C. 109.9-2(b)]. Any action by the General Tribal Council to overrule previous passed motions or resolution requires a two-thirds (2/3) vote. [1 O.C. 113.3-1(a)(3)].

Once legislation is adopted through resolution by either the Oneida Business Committee or the General Tribal Council the law shall become effective ten (10) business days after the date of adoption unless a different effective date is specified. [1 O.C. 109.9-3]. The Legislative Operating Committee is then responsible for publishing the law in the Oneida Code of laws by the effective date. [1 O.C. 109.9-4]. The Oneida Code of Laws can be found on the Oneida Register on the Nation's website at the following location: <https://oneida-nsn.gov/government/register/laws/>. Any law adopted in substantial compliance with the Legislative Procedures Act is considered valid. [1 O.C. 109.10-1]. No law can be contested based on non-compliance with the procedural

requirements of the Legislative Procedures Act after one (1) year from the effective date of the law. [1 O.C. 109.10-2].

### *Legislative History of the Budget and Finances Law*

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

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

The Budget and Finances law, formally known as the Budget Management and Control law, was lawfully developed and adopted in accordance with the Legislative Procedures Act.

The Budget Management and Control law was originally adopted by the Oneida Business Committee in February 2017 through resolution BC-02-08-17-C, *Adoption of the Budget Management and Control Law*. Resolution BC-02-08-17-C identified that the Nation did not have a formal set process for putting the Nation’s annual budget together in order to present for the General Tribal Council’s consideration. The Oneida Business Committee, based on a recommendation from the Treasurer and the Finance Committee, directed that a budget management law be developed that sets a standardized process for putting the annual proposed budget together. The Budget Management and Control law set forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation’s budget. [BC-02-08-17-C – 1 O.C. 121.1-1]. The Budget Management and Control law identified that it was the policy of the Nation to rely on value-based budgeting strategies, identifying proper authorities and ensuring compliance and enforcement. [BC-02-08-17-C – 1 O.C. 121.1-2]. Adoption of the Budget Management and Control law met all requirements of the Legislative Procedures Act: a legislative analysis and a fiscal impact statement were completed, and a public meeting was held on the proposed law was held on December 15, 2016.

On November 24, 2020, the Budget Management and Control law was amended on an emergency basis through resolution BC-11-24-20-E, *Emergency Amendments to the Budget Management and Control Law*. The Oneida Business Committee is delegated the authority to temporarily enact emergency legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the adoption of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)]. The emergency amendments to the Law adopted through BC-11-24-20-E added a new provision to address adoption of the Nation's budget during the COVID-19 Public Health State of Emergency that provided that in the event that the Nation proclaims an emergency, in accordance with the Emergency Management and Homeland Security law, which prevents presentation and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget. [BC-11-24-20-E - 1 O.C. 121.5-9(a)]. The adoption of emergency amendments to this Law were necessary for the preservation of the public health, safety, and general welfare of the Reservation population, since due to the COVID-19 pandemic, 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, which would unduly jeopardize the health and safety of elders, children and adults.

Then on a May 12, 2021, the Oneida Business Committee adopted additional emergency amendments to the Budget Management and Control law through resolution BC-05-12-21-C, *Emergency Amendments to the Budget Management and Control Law*. The emergency amendments as adopted through BC-05-12-21-C sought to address the Nation's non-compliance with the budget development process and deadlines contained in the Law by removing much of the details of the budget process, requirements, and deadlines from the Law, and instead providing that the Treasurer is responsible for developing the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process, to be reviewed and approved by the Oneida Business Committee. [BC-05-12-21-C - 1 O.C. 121.5-3(a)]. These emergency amendments were necessary for the preservation of the general welfare of the Reservation population, since the COVID-19 pandemic interrupted many processes and procedures of the Nation, including the development of the Nation's Fiscal Year 2021 and Fiscal Year 2022 budgets. These emergency amendments to the Budget Management and Control law aimed to provide a transparent process and requirements for the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval. Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of these amendments was contrary to public interest since the Fiscal Year 2022 Budget was required to be adopted by September 30, 2021, and the process and requirements of the Legislative Procedures Act could not be completed in time to ensure that a transparent budget

process was made available to members of the Nation prior to the adoption of the Fiscal Year 2022 Budget.

The emergency amendments to the Budget Management and Control law were then extended for an additional six (6) month period through the adoption of resolution BC-11-10-21-B, *Extension of the Emergency Amendments to the Budget Management and Control Law*.

Amendments to the Budget Management and Control law were adopted by the Oneida Business Committee on a permanent basis through resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*. The proposed amendments to the law:

- Revised the name of this law from Budget Management and Control Law to Budget and Finances Law;
- Expanded the purpose and policy of this Law to address other financial policies and procedures for the Nation beyond just the budget process [1 O.C. 121.1-1, 121.1-2];
- Eliminated the strategic planning provisions from this Law, instead providing simply that the Oneida Business Committee should develop and adopt a strategic plan, broad goals, or priorities for the Nation that the budget shall reflect [1 O.C. 121.4-1(c), 121.5-1(b)];
- Clarified the authority and responsibilities of those individuals who play a part in the Nation's budget process [1 O.C. 121.4];
- Simplified the budget process and procedure contained in the Law to improve the Nation's compliance with the Law and provide more flexibility to adjust the budget development and adoption procedure to meet the Nation's current circumstances [1 O.C. 121.5]; and
- Included new provisions which address:
  - unbudgeted expenditures [1 O.C. 121.6-4];
  - obligated future expenditures [1 O.C. 121.6-5];
  - capital contributions [1 O.C. 121.6-7];
  - grants [1 O.C. 121.7];
  - debt [1 O.C. 121.8];
  - employment and labor allocations [1 O.C. 121.9]; and
  - unbudgeted positions [1 O.C. 121.6-4].

Resolution BC-05-11-22-B provided that a legislative analysis as well as a fiscal impact statement for the proposed amendments to the law were completed in accordance with the Legislative Procedures Act. [1 O.C. 109.6, 109.7]. The Legislative Procedures Act also requires that there be an opportunity for public review during a public meeting and public comment period. [1 O.C. 109.8]. A public meeting for the proposed amendments to the Law was not held due to the COVID-19 pandemic. In accordance with the Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed a *Declaration of Public Health State of Emergency* regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020. [3 O.C. 302.8-1]. 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.

On December 8, 2021, the Oneida Business Committee adopted resolution BC-12-08-21-B, *Updating Public Gathering Guidelines During Public Health State of Emergency - COVID-19*, which superseded Oneida Business Committee resolution BC-08-13-21-A, *Setting Public Gathering Guidelines During Public Health State of Emergency - COVID-19*, and provided updated guidelines on holding meetings both indoors and outdoors. Resolution B12-08-21-B provided that when the following levels are met, indoor meetings of the Nation are feasible, provided that all organizers and participants should consider additional health safety measures when attending such as wearing a face mask, washing hands frequently, and social distancing:

- When COVID-19 Case Activity rates are at or below low in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.
- When COVID-19 Percent Positive rates are at or below low in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.
- When COVID-19 Community Transmission Rates by ZIP Code Tabulation Area are at or below low in designated ZIP Codes or the ZIP Code in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

During the time of the development of the amendments to this Budget Management and Control law the requirements for holding an indoor public meeting provided for in resolution BC-12-08-21-B were not met. The Nation's COVID-19 Core Decision Making Team addressed the issue of not being able to safely hold public meetings through its March 27, 2020, declaration, *Suspension of Public Meetings under the Legislative Procedures Act*. This declaration suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but still allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

Although an in-person public meeting for the proposed amendments to the Law was not held, the public comment period was still held open until February 2, 2022, to allow for the written submission of comments or questions. The Legislative Operating Committee reviewed and considered all public comments received on February 16, 2022.

Adoption of the amendments to the Budget Management and Control law through resolution BC-05-11-22-B complied with the process and procedures of the Legislative Procedures Act as it has



been modified by the COVID-19 Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration.

Emergency amendments were then made to the Budget and Finances law through the adoption of resolution BC-10-26-22-D, *Emergency Amendments to the Budget and Finances Law*, to address the adoption of the Nation’s Fiscal Year 2023 budget. These emergency amendments clarified that the Oneida Business Committee may work with any other appropriate entity in addition to the Treasurer, Chief Financial Officer, and managers to compile a final draft budget to be presented to the General Tribal Council, and removed the provision which only allowed a continuing budget resolution to remain in effect for a maximum of three (3) months. [1 O.C. 121.7-4(e), 121.5-4(e)(1)]. The emergency adoption of amendments to the Budget and Finances law were necessary for the preservation of the general welfare of the Reservation population in order to ensure that the Oneida Business Committee had an opportunity to approve the final draft budget, and the budget to subsequently be adopted, prior to the expiration of the continuing budget resolution as adopted through BC-09-14-22-D, *Continuing to Operate Fiscal Year 2023*. The emergency amendments as adopted through BC-10-26-22-D expired on April 26, 2023.

#### *Repeal of the Budget and Finances Law*

The Petition’s request for the General Tribal Council to consider repealing the Budget and Finances law, effective immediately, would violate the process and procedures contained within the Legislative Procedures Act. Through the adoption of the Legislative Procedures Act the General Tribal Council delegated the Legislative Operating Committee the responsibility for the development of legislation of the Nation. [1 O.C. 109.4-2]. The Legislative Procedures Act then provides the Legislative Operating Committee with a process to follow when developing legislation to be considered for adoption, amendment, or repeal that ensures the public has an opportunity to be involved in the legislative process and provide input, as well as ensures that proper analysis is completed of the proposed legislation so the impact of the legislation is fully understood when it is considered by either the Oneida Business Committee or the General Tribal Council. The Legislative Procedures Act is also very clear that a law is adopted, amended, or repealed upon the adoption of a resolution. [1 O.C. 109.9-2]. The Petition’s request to repeal the Budget and Finances law did not comply with the process and procedures contained in the Legislative Procedures Act. The proposal for the repeal of the Budget and Finances law was not presented to the Legislative Operating Committee for consideration; it did not have a legislative analysis or a fiscal impact statement completed to analysis the impacts of repealing this law; a public meeting and comment period was not held to allow the community the opportunity to provide input on the repeal of the Budget and Finances law; and the potential repeal of the Budget and Finances law was not presented to the Oneida Business Committee or the General Tribal Council via resolution for consideration.

### *General Tribal Council Authority and Control over Budget and Finances of the Nation*

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. [*1 O.C. 121.1-1*]. The Nation is required to develop, adopt, and manage an annual budget. [*1 O.C. 121.5-1*]. All revenues and expenditures of the Nation shall be in accordance with the annual budget. *Id.* The Nation’s annual budget is required to be a balanced budget, which does not propose to spend more funds than are reasonably expected to become available to the Nation during that fiscal year. *Id.* The Budget and Finances law provides for the process and procedures to be used for the development and adoption of the Nation’s budget. [*1 O.C. 121.5-4*].

The Budget and Finances law requires that the Treasurer develop the necessary guidelines, including specific timelines and deadlines, to be followed by the managers that have budget responsibility in preparing and submitting proposed budgets, and that the Treasurer then submit those guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution. [*1 O.C. 121.5-4(a)*]. The Treasurer is then required to receive, review, and compile the proposed budgets from all the fund units into the Nation’s draft budget, and then present the Nation’s draft budget to the Oneida Business Committee for review each year to ensure that it is consistent with the Nation’s strategic plan, broad goals, and budget strategy. [*1 O.C. 121.5-4(b)*].

The Budget and Finances law then requires the Oneida Business Committee to work with the Treasurer, Chief Financial Officer, managers, or other appropriate entity to compile a final draft budget to be presented to the General Tribal Council. [*1 O.C. 121.5-4(c)*]. The Oneida Business Committee is then required to approve, by resolution, the final draft budget to be presented to the General Tribal Council. Once the Oneida Business Committee has approved the final draft budget, the Treasurer is required to hold, at a minimum, two (2) community informational meetings to present the contents of the final draft budget that will be presented to the General Tribal Council. [*1 O.C. 121.5-4(d)*]. The Oneida Business Committee is then required to present the budget to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year, with the General Tribal Council responsible for adopting the Nation’s budget. [*1 O.C. 121.5-4(e)*].



The Budget and Finances law provides that in the event that the General Tribal Council does not adopt a budget by September 30th, the Oneida Business Committee may adopt a continuing budget resolution until such time as a budget is adopted. [1 O.C. 121.5-4(e)(1)]. If the General Tribal Council is not able to adopt a budget within three (3) months of the adoption of the continuing budget resolution, then the Oneida Business Committee shall proceed with the adoption of the Nation's budget. *Id.* In the event that the Nation proclaims an emergency, in accordance with the Emergency Management law, that stays in effect for at least one (1) month and prevents the presentation to and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget. [1 O.C. 121.5-4(e)(2)].

The Petition's request for the Oneida General Tribal Council to *resume authority and control* over the budgets and finances of the Nation effective immediately is already addressed by and complies with the Budget and Finances law, which requires that the budget be presented to the General Tribal Council with a request for adoption by September 30<sup>th</sup> of each year. [1 O.C. 121.5-4(e)]. The Oneida Business Committee is only ever given the authority to adopt the Nation's budget in limited circumstances where the General Tribal Council's ability to adopt the budget itself has been impacted, such as when the General Tribal Council is not able to adopt a budget within three (3) months of the adoption of the continuing budget resolution, or when the Nation proclaims an emergency, in accordance with the Emergency Management law, that stays in effect for at least one (1) month and prevents the presentation to and adoption of the budget by the General Tribal Council. [1 O.C. 121.5-4(e)(1)-(2)].

### **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 – Repeal the Budget and Finances Law would have the following legislative effect:

1. The Petition's request for the General Tribal Council to consider repealing the Budget and Finances law, effective immediately, would violate the Legislative Procedures Act. Through the adoption of the Legislative Procedures Act the General Tribal Council delegated the Legislative Operating Committee the responsibility for the development of legislation of the Nation. The Legislative Procedures Act then provides the Legislative Operating Committee with a process to follow when developing legislation to be considered for adoption, amendment, or repeal that ensures the public has an opportunity to be involved in the legislative process and provide input, as well as ensures that proper analysis is completed of the proposed legislation so the impact of the legislation is fully understood when it is considered by either the Oneida Business Committee or the General Tribal Council. The Legislative Procedures Act is also very clear that a law is adopted, amended, or repealed upon the adoption of a resolution. The Petition's request to repeal the Budget and Finances law did not comply with the process and procedures contained in the Legislative Procedures Act. The proposal for the repeal of the Budget and Finances law was not presented to the Legislative Operating Committee for consideration; it did not have

a legislative analysis or a fiscal impact statement completed to analysis the impacts of repealing this law; a public meeting and comment period was not held to allow the community the opportunity to provide input on the repeal of the Budget and Finances law; and the potential repeal of the Budget and Finances law was not presented to the Oneida Business Committee or the General Tribal Council via resolution for consideration.

2. The Petition's request for the Oneida General Tribal Council to resume authority and control over the budgets and finances of the Nation effective immediately is already addressed by and complies with the Budget and Finances law, which requires that the budget be presented to the General Tribal Council with a request for adoption by September 30th of each year. The Budget and Finances law provides that it is the General Tribal Council that has the responsibility and authority to adopt the Nation's budget. The Oneida Business Committee is only ever given the authority to adopt the Nation's budget in limited circumstances where the General Tribal Council's ability to adopt the budget itself has been impacted, such as when the General Tribal Council is not able to adopt a budget within three (3) months of the adoption of the continuing budget resolution, or when the Nation proclaims an emergency, in accordance with the Emergency Management law, that stays in effect for at least one (1) month and prevents the presentation to and adoption of the budget by the General Tribal Council.

### **Requested Action**

Accept the statement of effect for the Petition: L. Dallas – Repeal the Budget and Finances Law.



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



### AGENDA REQUEST FORM

- 1) Request Date: April 26, 2023
- 2) Contact Person(s): Clorissa N. Leeman  
Dept: Legislative Reference Office  
Phone Number: (920) 869-4417 Email: cleeman@oneidation.org
- 3) Agenda Title: Petition: L. Dallas - Emergency Amendments to the Election Law for 2023 General Election
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
On 4/26/23 the OBC adopted a motion to acknowledge receipt of this  
Petition and direct that a statement of effect with status updates be  
submitted by 5/24/23. Back up documentation regarding this Petition can  
be found on the Member's Only portion of the Nation's Website.

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

- 1) Excerpt of Draft 4/26/23 OBC Minutes
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) Please list any laws, policies or resolutions that might be affected:  
Election Law, Legislative Procedures Act
- 6) Please list all other departments or person(s) you have brought your concern to:  
\_\_\_\_\_
- 7) Do you consider this request urgent?     Yes     No  
If yes, please indicate why:  
Statement of effect is due on May 24, 2023

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

Signature of Requester:  
Clorissa N. Leeman

Digitally signed by Clorissa N. Leeman  
Date: 2023.04.28 14:06:37 -05'00'

*Please send this form and all supporting materials to:*

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

**DRAFT****XI. GENERAL TRIBAL COUNCIL****A. Accept the petition processing notice and the 2023 petition status report (00:14:50)**

Sponsor: Lisa Liggins, Secretary

Motion by Marie Cornelius to accept the petition processing notice and the 2023 petition status report, seconded by David P. Jordan. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Lisa Liggins

**B. PETITIONER LINDA DALLAS - Accept the statements of effect - petition # 2023-13, 2023-14, 2023-15, 2023-20, 2023-26****1. Accept the statements of effect - petition # 2023-13, 2023-14, 2023-15, 2023-20, 2023-26 (00:15:21)**

Sponsor: David P. Jordan, Councilman

Motion by Marie Cornelius to accept the statements of effect - petition # 2023-13, 2023-14, 2023-15, 2023-20, 2023-26, seconded by Brandon Stevens. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Lisa Liggins

**C. PETITIONER LINDA DALLAS - Emergency Amendments to the Election Law for the 2023 General Election # 2023-29****1. Approve three (3) requested actions regarding petition # 2023-29 (00:15:52)**

Sponsor: Lisa Liggins, Secretary

Motion by Marie Cornelius to acknowledge receipt of the petition from Linda Dallas regarding Emergency Amendments to the Election Law for the 2023 General Election; to direct the BC Direct Report Offices to complete and submit their administrative impact statements of the petition to the TribalSecretary mailbox by Wednesday, May 17, 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 May 24, 2023, regular Business Committee meeting agenda and the first BC meeting of the month thereafter or until the final documents are submitted, seconded by Brandon Stevens. Motion carried:

Ayes: Marie Cornelius, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Lisa Liggins

## FY-2023 Semi-Annual Report

### Legislative Operating Committee

**Purpose:** The Legislative Operating Committee’s mission is to enhance the capability of the Oneida Nation to fulfill its sovereign authority to review and enact its laws in a planned and orderly manner. The Legislative Operating Committee is supported by the Legislative Reference Office.

#### BCC Members

David P. Jordan, Chairman – [djordan@oneidanation.org](mailto:djordan@oneidanation.org)

Kirby Metoxen, Vice-Chairman – [kmetox@oneidanation.org](mailto:kmetox@oneidanation.org)

Jennifer Webster, Member – [jwebste1@oneidanation.org](mailto:jwebste1@oneidanation.org)

Marie Cornelius, Member – [ecornel2@oneidanation.org](mailto:ecornel2@oneidanation.org)

Daniel Guzman King, Member – [dguzman@oneidanation.org](mailto:dguzman@oneidanation.org)

#### Budget

##### Funding Sources for FY-2023

TRIBAL CONTRIBUTION: 0%

GRANTS: 0%

OTHER SOURCES:

N/A

##### Status as of 3/31/23

Total Budget: \$0 The Legislative Operating Committee does not have a budget.

Budget as of 3/31/23: \$0

Expenditures as of 3/31/23: \$0

Variance Explanation: N/A

#### Employees, if any

NUMBER OF EMPLOYEES TOTAL:

THE LEGISLATIVE REFERENCE OFFICE IS THE SUPPORT STAFF OF THE LEGISLATIVE OPERATING COMMITTEE AND HAS 3 EMPLOYEES.

NUMBER OF EMPLOYEES WHO ARE ENROLLED ONEIDA:

THE LEGISLATIVE REFERENCE OFFICE HAS 1 ENROLLED AND 1 DESCENDENT EMPLOYEE.

**Stipends**

Regular Stipend Amount: \$0 per meeting. The Legislative Operating Committee members do not receive a stipend.

	TOTAL DOLLAR Amount Paid	NUMBER of Meetings		
		Regular	Special/Emergency	Hearings/Other
<i>October 2022</i>	\$0	2	0	0
<i>November 2022</i>	\$0	1	0	0
<i>December 2022</i>	\$0	2	0	0
<i>January 2023</i>	\$0	2	0	0
<i>February 2023</i>	\$0	2	0	0
<i>March 2023</i>	\$0	2	0	0

**Update on Strategic Goals for FY-2023****GOAL 1**

Efficiently and effectively hold Legislative Operating Committee meetings.

Advancing On^yote?a.ka Principles

Update on Goal: During the first six (6) months of FY23 the LOC held eleven (11) LOC meetings. In addition to attending the LOC meetings in person, the LOC allows employees and community members the opportunity to participate in LOC meetings through Microsoft Teams. Recordings of the meetings are made available on the Nation's website after the meeting concludes.

**GOAL 2**

Research, analyze, and draft proposed laws and amendments to existing laws.

Exercising Sovereignty

Update on Goal: During the first six (6) months of FY23 the LOC successfully completed legislative actions on nine (9) items. The legislative actions included the adoption of new laws, amendment of current laws, emergency amendments to laws, bylaws amendments, and completion of statements of effect for General Tribal Council petitions. The LOC currently has seventy-seven (77) items on its Active Files List.

**GOAL 3**

Increase participation in the legislative process by the community as well as departments and areas within the Nation.

Promoting Positive Community Relations

Update on Goal: During the first six (6) months of FY23 the LOC held sixty-one (61) work meetings, many of which were held in collaboration with various areas within the Nation's organization that have an interest or are affected by legislation. The LOC also held four (4) public meetings and public comment periods to provide members of the community the opportunity to provide input on proposed legislation.

***Meetings***

Held every 1st and 3rd Wednesday of the month.

Meeting Location: Norbert Hill Center, N7210 Seminary Road, Oneida, WI – Business Committee Conference Room & Microsoft Teams

Meeting Time: 9:00 a.m.

***Contact***

MAIN CONTACT: David P. Jordan

MAIN CONTACT TITLE: Legislative Operating Committee Chairman

MAIN PHONE: (920) 869-4483

MAIN EMAIL: [LOC@oneidanation.org](mailto:LOC@oneidanation.org)

MAIN WEBSITE: [www.oneida-nsn.gov/LOC](http://www.oneida-nsn.gov/LOC) and [www.oneida-nsn.gov/Register](http://www.oneida-nsn.gov/Register)

***Pictures*****Legislative Operating Committee**

*From Left to Right:*

Kirby Metoxen, Jennifer Webster,  
David Jordan, Daniel Guzman King,  
Marie Summers



## FY-2023 Semi-Annual Report

### Legislative Operating Committee Legislative Reference Office

#### *Purpose:*

Provide support for the Legislative Operating Committee in developing clear and consistent legislation that reflects Onáyoṭeʔa:ka values, builds upon the Nation's strong foundation, and reaffirms our inherent sovereignty.

#### *Budget*

##### Funding Sources for FY-2023

TRIBAL CONTRIBUTION:	100%
GRANTS:	0%
OTHER SOURCES:	
N/A	

##### Status as of 3/31/23

Total Budget:	\$757,325
Budget as of 3/31/23:	\$378,653
Expenditures as of 3/31/23:	\$241,696

Variance Explanation: Positive variance of \$136,957 due to savings in wages, travel, supplies, and licensing fees that are paid in the second half of the fiscal year.

#### *Employees*

NUMBER OF EMPLOYEES TOTAL:	3
NUMBER OF EMPLOYEES WHO ARE ENROLLED ONEIDA:	1 ENROLLED – 1 DESCENDENT

#### *Who we serve*

The Legislative Reference Office serves and supports the Legislative Operating Committee, who then serve any area within the Nation's organization and the Oneida community at-large.

**Contact**

MAIN CONTACT: Clorissa N. Leeman

MAIN CONTACT TITLE: Legislative Reference Office Senior Staff Attorney

MAIN PHONE: (920) 869-4417

MAIN EMAIL: [cleeman@oneidanation.org](mailto:cleeman@oneidanation.org) or [LOC@oneidanation.org](mailto:LOC@oneidanation.org)

MAIN WEBSITE: [www.oneida-nsn.gov/LOC](http://www.oneida-nsn.gov/LOC) and [www.oneida-nsn.gov/Register](http://www.oneida-nsn.gov/Register)



## HANDOUT

### Legislative Operating Committee FY2023 Second Quarter Report

#### Legislative Operating Committee Action on Legislative Requests

During the FY23 Second Quarter the Legislative Operating Committee added nine (9) legislative items to its Active Files List. No requests were denied during the FY23 Second Quarter.

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

On January 4, 2023, the Legislative Operating Committee added the Elder Protection law to its Active Files List.

Then on January 18, 2023, the Legislative Operating Committee added the Clean Air Policy amendments to its Active Files List.

On February 1, 2023, the Legislative Operating Committee added the Oneida Election Board bylaws amendments to the Active Files List.

On February 15, 2023, the Legislative Operating Committee added the Election law emergency amendments to the Active Files List.

On March 1, 2023, the Legislative Operating Committee added the following items to the Active Files List:

- Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance;
- Petition: L. Dallas – FY 2023 Budget;
- Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business; and
- Petition: L. Zeise – Uncap All Employee Wages.

On March 15, 2023, the Legislative Operating Committee added the Finance Committee bylaws amendments to the Active Files List.

#### FY23 Second Quarter Legislative Accomplishments

The Legislative Operating Committee brought forward the following legislation for adoption or amendment during the FY23 Second Quarter:

#### **Emergency Amendments to the Election Law**

The Oneida Business Committee adopted the emergency amendments to the Election law on March 8, 2023, through the adoption of resolution BC-03-08-23-B. The Election law governs the procedures for the conduct of orderly elections of the Nation, including pre-election activities such

as caucuses and nominations. [1 O.C. 102.1-1]. The emergency amendments to the Election law reduced the number of Election Board members required to sign the election totals from six (6) to three (3). [1 O.C. 102.10-2].

The emergency amendments to the Election law will expire on September 8, 2023. The Legislative Procedures Act provides the possibility to extend the emergency amendments for an additional six (6) months. [1 O.C. 109.9-5(b)].

### **Amendments to the Emergency Management Law**

The Oneida Business Committee adopted the amendments to the Emergency Management law on March 8, 2023, through the adoption of resolution BC-03-08-23-C. The Emergency Management law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; to provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to establish the use of the National Incident Management System (NIMS); and to designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

The amendments to the Emergency Management law:

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

### **Extension of the Emergency Adoption of the Oneida Life Insurance Plan Law**

The Oneida Life Insurance Plan law was adopted by the Oneida Business Committee on an emergency basis on September 28, 2022, through the adoption of resolution BC-09-28-22-C. This Law establishes the Oneida Life Insurance Plan as an approved program of the Nation to provide a death benefit through the Oneida Life Insurance Plan for all eligible enrolled Oneida Nation members, pursuant to the Oneida General Welfare law. [10 O.C. 1004.1-1]. The Oneida Life Insurance Plan law:

- Establishes the Oneida Life Insurance Plan as an approved program of the Nation in accordance with the Oneida General Welfare law. [10 O.C. 1004.4-1];
- Provides how this program qualifies for general welfare exclusion. [10 O.C. 1004.4-2];
- Provides that all members of the Nation shall qualify for benefits from the Oneida Life Insurance Plan to be used for funeral expenses first, with any residual benefits distributed to a designated beneficiary. [10 O.C. 1004.5-1];
- Requires that a member of the Nation complete the Oneida Trust Enrollment Committee approved beneficiary designation form and submit it to the Oneida Trust Enrollment Committee, either online or in person at the Oneida Trust Enrollment Office, prior to their death in order to secure benefits from the Oneida Life Insurance Plan for their beneficiary. [10 O.C. 1004.5-2];
- Provides that funeral expenses shall be paid directly to the funeral home upon submission of a valid invoice, up to the limit of the Oneida Life Insurance Plan benefits, even if a designated beneficiary has not been designated – but the Oneida Life Insurance Plan residual benefits shall not be paid or claimed if the decedent did not designate a living beneficiary though the beneficiary designation form. [10 O.C. 1004.5-2(b), 1004.5-2(e)];
- Allows for a one hundred eighty (180) day grace period after the effective date of this law, where section 1004.5-2 shall not be enforced to permit members of the Nation to complete and submit the required beneficiary forms. [10 O.C. 1004.5-2(c)];
- Requires that the Oneida Trust Enrollment Department be notified within one (1) year of the member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits to the beneficiary. [10 O.C. 1004.5-3];
- Provides that the Trust Enrollment Department is the department that has the responsibilities to oversee and administer the Oneida Life Insurance Plan. [10 O.C. 1004.5-4];
- Provides rules related to the determination of death and status. [10 O.C. 1004.6-1];
- Prohibits a designated beneficiary who criminally and intentionally causes the death of the decedent from being entitled to any benefits passing under this law. [10 O.C. 1004.6-2];
- Provides how the Oneida Life Insurance Plan benefits shall be distributed. [10 O.C. 1004.6-3];
- Provide that the Oneida Life Insurance Plan shall be contingent on funding through the Nation’s annual budget. [10 O.C. 1004.7-1].

The emergency adoption of this Law was set to expire on March 28, 2023. The Oneida Business Committee then took action to extend the emergency adoption of the Oneida Life Insurance Plan

law for an additional six (6) month period on March 28, 2023, through the adoption of resolution BC-03-22-23-C. The emergency adoption of the Oneida Life Insurance Plan law will now expire on September 28, 2023.

## **FY23 Second Quarter Administrative Accomplishments**

The Legislative Operating Committee brought forward the following statement of effect during the FY23 Second Quarter:

### **Petition: L. Zeise – Uncap Employee Wages**

On February 15, 2023, the Petition: L. Zeise – Uncap All Employee Wages (“the Petition”) was submitted to the Business Committee Support Office by Lloyd Zeise and has since been verified by the Oneida Trust Enrollment Department. On February 22, 2023, the Oneida Business Committee acknowledged receipt of the Petition and directed that the Legislative Reference Office complete a statement of effect for the Petition with status updates to be submitted for the March 22, 2023, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted. On March 1, 2023, the Legislative Operating Committee added the Petition to its Active Files List for a statement of effect to be completed by the Legislative Reference Office. The Oneida Business Committee accepted the statement of effect for this Petition on March 22, 2023.

## **FY23 Second Quarter Legislative Highlights**

The Legislative Operating Committee would like to highlight its work on the following legislative items during the FY23 Second Quarter:

### **Back Pay Law Amendments**

The Legislative Operating Committee held two (2) work meeting during the FY23 Second Quarter on the proposed Back Pay law amendments. On February 1, 2023, the Legislative Operating Committee accepted the public comments and the public comment review memorandum and deferred these items to a work meeting for further consideration. The Legislative Operating Committee reviewed and considered the public comments during a work meeting on February 1, 2023. On February 15, 2023 the Legislative Operating Committee accepted the updated public comment review memorandum.

### **Clean Air Policy Amendments**

The Legislative Operating Committee held three (3) work meeting during the FY23 Second Quarter on the proposed Clean Air Policy amendments. On February 1, 2023, the Legislative Operating Committee approved the draft of the Clean Air policy amendments and directed that a legislative analysis be completed.

**Drug and Alcohol Free Workplace Law Amendments**

The Legislative Operating Committee held two (2) work meetings during the FY23 Second Quarter on the proposed Drug and Alcohol Free Workplace law amendments. On January 4, 2023, the Legislative Operating Committee approved the public meeting packet for the proposed amendments to the Drug and Alcohol Free Workplace law and scheduled a public meeting to be held on February 15, 2022. This public meeting was held in person in the Norbert Hill Center's Business Committee Conference Room as well as on Microsoft Teams. Six (6) individuals provided oral comments during this public meeting. The public comment period was then held open until February 22, 2023. Four (4) individuals provided written comments during the public comment period.

**Emergency Gift Card Law**

The Legislative Operating Committee held two (2) work meetings during the FY23 Second Quarter on the proposed Emergency Gift Card law.

**Higher Education Scholarship Law**

The Legislative Operating Committee held five (5) work meetings during the FY23 Second Quarter on the proposed Higher Education Scholarship law.

**Investigative Leave Policy Amendments**

The Legislative Operating Committee held seven (7) work meetings during the FY23 Second Quarter on the proposed Investigative Leave Policy amendments.

**Oneida Language Code**

The Legislative Operating Committee held two (2) work meeting during the FY23 Second Quarter on the proposed Oneida Language Code.

**Oneida Life Insurance Plan Law**

The Legislative Operating Committee held two (2) work meeting during the FY23 Second Quarter on the Oneida Life Insurance Plan Law.

**Oneida Personnel Commission Bylaws Amendments**

The Legislative Operating Committee held one (1) work meeting during the FY23 Second Quarter on the Oneida Personnel Commission bylaws amendments.

**Oneida Personnel Policies and Procedures Amendments**

The Legislative Operating Committee held five (5) work meetings during the FY23 Second Quarter on the proposed amendments to the Oneida Personnel Policies and Procedures. On January 12, 2023, the Legislative Operating Committee held a public meeting on the proposed amendments to the Oneida Personnel Policies and Procedures. The public meeting for the proposed amendments to the Oneida Personnel Policies and Procedures was held in person in the Norbert Hill Center and on Microsoft Teams. Seven (7) individuals provided public comment during the public meeting.



The public comment period was then held open until January 19, 2023. Fourteen (14) submissions of written comments were received during the public comment period. On March 1, 2023, the Legislative Operating Committee accepted the public comments and the public comment review memorandum and defer to a work meeting for further consideration. The Legislative Operating Committee reviewed and considered the public comments received during work meetings held on March 1, March 9, March 15, March 23, and March 30.

### **Probate Law**

The Legislative Operating Committee held one (1) work meeting during the FY23 Second Quarter on the proposed Probate law.

### **Workplace Violence Law Amendments**

The Legislative Operating Committee held two (2) work meeting during the FY23 Second Quarter on the proposed amendments to the Workplace Violence law.

Overall, the Legislative Operating Committee held over thirty-six (36) work meetings during the FY23 Second Quarter.

## **FY23 Second Quarter Legislative Operating Committee Meetings**

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

The Legislative Operating Committee held the following meetings during the FY23 Second Quarter:

- January 4, 2023 – Regular meeting;
- January 18, 2023 – Regular meeting;
- February 1 2, 2023 – Regular meeting;
- February 15, 2023 – Regular meeting;
- March 1, 2023 – Regular meeting; and
- March 15, 2023 – Regular meeting.

In addition to attending the Legislative Operating Committee meetings in person, employees of the Nation are provided the opportunity to attend the Legislative Operating Committee meeting through Microsoft Teams. Additionally, any non-employee who would like to access the Legislative Operating Committee meeting through Microsoft Teams can provide their name, phone number or e-mail address to [LOC@oneidanation.org](mailto:LOC@oneidanation.org) by the close of business the day before a meeting of the Legislative Operating Committee to receive the link to the Microsoft Teams meeting. For those who may be unable to attend the Legislative Operating Committee meeting either in person or on Microsoft Teams, an audio recording of the Legislative Operating Committee meeting is made available on the Nation's website after the meeting concludes.

## Goals for FY23 Third Quarter

During the FY23 Third Quarter the Legislative Operating Committee will focus its legislative efforts on the following matters:

1. Development of statements of effect for the twenty-four (24) General Tribal Council petitions received and assigned to the Legislative Reference Office.
2. Adoption of the amendments to the Back Pay law.
3. Adoption of the amendments to the Drug and Alcohol Free Workplace Law.

## Legislative Reference Office

The Legislative Reference Office's mission is to provide support for the Legislative Operating Committee in developing clear and consistent legislation that reflects the Nation's values, builds upon the Nation's strong foundation, and reaffirms our inherent sovereignty. During the FY23 Second Quarter the Legislative Reference Office was staffed by the following individuals:

- Clorissa N. Leeman, Senior Legislative Staff Attorney.
  - Contact: [cleeman@oneidanation.org](mailto:cleeman@oneidanation.org) or (920) 869-4417
- Carolyn Salutz, Legislative Staff Attorney.
  - Contact: [csalutz@oneidanation.org](mailto:csalutz@oneidanation.org) or (920) 869-4422
- Grace Elliott, Legislative Staff Attorney.
  - Contact: [gelliott@oneidanation.org](mailto:gelliott@oneidanation.org) or (920) 869-4320

## Legislative Operating Committee Contact Information

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

- David P. Jordan, LOC Chairman  
[djordan1@oneidanation.org](mailto:djordan1@oneidanation.org)  
(920) 869-4483
- Kirby Metoxen, LOC Vice-Chairman  
[kmetox@oneidanation.org](mailto:kmetox@oneidanation.org)  
(920) 869-4441
- Jennifer Webster, LOC Member  
[jwebstel@oneidanation.org](mailto:jwebstel@oneidanation.org)  
(920) 869-4457
- Daniel Guzman King, LOC Member  
[dguzman@oneidanation.org](mailto:dguzman@oneidanation.org)  
(920) 869-4366
- Marie Cornelius, LOC Member  
[ecornel2@oneidanation.org](mailto:ecornel2@oneidanation.org)  
(920) 869-4475



# May 2023

May 2023

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

June 2023

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

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
May 1	2	3 8:30am LOC Prep (Microsoft Teams Meeting; BC_Conf_Room) - 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting;	4	5
8	9	10	11	12
15	16	17 8:30am LOC Prep (Microsoft Teams Meeting; BC_Conf_Room) - 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting;	18	19
22	23	24	25	26
29	30 9:00am Back Pay Law Amendments (Microsoft Teams Meeting) - Clorissa N. Leeman	31	Jun 1	2