



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Microsoft Teams
November 1, 2023
9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. October 18, 2023 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Clean Air Policy Amendments (pg. 4)

IV. New Submissions

1. Oneida Nation Commission on Aging Bylaws Amendments (pg. 20)
2. Southeastern Wisconsin Oneida Tribal Services Advisory Board Bylaws Amendments (pg. 35)
3. Oneida General Welfare Law Amendments (pg. 45)
4. OnAyote?á·ká ni?i Commission Bylaws (pg. 53)

V. Additions

VI. Administrative Updates

1. E-Poll Results: Approval of the LOC and LRO Annual Reports for GTC (pg. 67)
2. Legislative Operating Committee Community Meeting Notice (pg. 75)
3. Legislative Operating Committee Fiscal Year 2023 Fourth Quarter Report (pg. 76)

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Microsoft Teams¹

October 18, 2023

9:00 a.m.

Present: Jameson Wilson, Marlon Skenandore, Jonas Hill. Jennifer Webster, Kirby Metoxen

Others Present: Clorissa N. Leeman, Grace Elliott, Kristal Hill, Fawn Cottrell, Maureen Perkins, Fawn Billie, Janice Decorah, Justin Nishimoto, Rae Skenandore, Carrie Lindsey, Brooke Doxtator, Joy Salzwedel, Katsitsiyo Danforth, Eric Boulanger, Krystal John, Matthew Denny, Michelle Montoya, Michelle Tipple, Mark Powless, Debra Santiago, Keith Doxtator, Michelle Braaten, Michelle Madl, Rhiannon Metoxen, Tina Jorgensen, Todd Vanden Heuvel, Vanessa Miller

I. Call to Order and Approval of the Agenda

Jameson Wilson called the October 18, 2023, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster approve the agenda; seconded by Marlon Skenandore. Motion carried unanimously.

II. Minutes to be Approved

1. October 4, 2023 LOC Meeting Minutes

Motion by Jonas Hill to approve the minutes from the October 4, 2023, LOC meeting and forward to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

IV. New Submissions

V. Additions

VI. Administrative Items

1. Children's Code: One Year Review Memorandum

Motion by Jennifer Webster to approve the Children's Code One Year Review

¹ Due to the Norbert Hill Center's Oneida Business Committee Conference Room being closed due to maintenance issues, this Legislative Operating Committee meeting was held solely on Microsoft Teams.



memorandum and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Jennifer Webster to adjourn at 9:15 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Legislative Operating Committee
November 1, 2023

Clean Air Policy Amendments

Submission Date: 1/18/23	Public Meeting: N/A
LOC Sponsor: Jennifer Webster	Emergency Enacted: N/A

Summary: *This item was carried over from last term. On January 10, 2023, the LOC received a request from Retail to consider amendments to the Clean Air Policy to create an exemption for smoking cigars and tobacco in pipes within a premise designated by retail as a tobacco store, on or in premises controlled by Oneida Retail, that sells tobacco product and in which the smoking of only cigars and tobacco in pipes is permitted.*

1/18/23 LOC: Motion by Jennifer Webster to add the Clean Air Policy amendments to the Active Files List with David P. Jordan as the sponsor; seconded by Marie Cornelius. Motion carried unanimously.

1/26/23: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman King, Clorissa N. Leeman, Carolyn Salutz, Grace Elliott, Kristal Hill. This was a work meeting held on Microsoft Teams. The purpose of this work meeting was to review and discuss the proposed draft of amendments to the Clean Air Policy.

2/1/23 LOC: Motion by Marie Cornelius to approve the draft of the Clean Air policy amendments and direct that a legislative analysis be completed; seconded by Daniel Guzman King Motion carried unanimously.

2/20/23: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Marie Cornelius, Clorissa N. Leeman, Debra Danforth, Michelle Tipple, Victoria Flowers, Brittany Nicholas, Kristal Hill. This was a work meeting held on Microsoft Teams. The purpose of this work meeting was to review and discuss the proposed draft of amendments to the Clean Air Policy all allow the Comprehensive Health Division and the Environmental, Health, Safety, Land, And Agriculture Division the opportunity to provide input on the proposed amendments.

3/20/23: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Marie Cornelius, Clorissa N. Leeman, Debra Danforth, Michelle Tipple, Victoria Flowers, Brittany Nicholas, James Petitjean, James Snitgen, Debra Powless, Timothy Skenandore, Carl Artman, Kristal Hill. This was a work meeting held on Microsoft Teams. The purpose of this work meeting was to review and discuss the proposed draft of amendments to the Clean Air Policy all allow the stakeholders the opportunity to provide input on the proposed amendments before the LOC makes a policy decision as to what direction to go with the amendments.

7/10/23 LOC: Motion by Jennifer Webster to approve the updated draft and legislative analysis of the Clean Air Policy amendments; seconded by Kirby Metoxen. Motion carried unanimously.

10/4/23 LOC: Motion by Jonas Hill to add the Clean Air Policy Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

10/18/23: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jennifer Webster, Jonas Hill, Clorissa Leeman, Grace Elliott, Maureen Perkins, Fawn Cottrell. The purpose of this work meeting was for the new Legislative Operating Committee to review and approve the draft and legislative analysis for the proposed amendments to the Clean Air Policy.

Next Steps:

- Approve the public meeting packet for the Clean Air Policy Amendments, and forward the Clean Air Policy amendments to a public meeting to be held on December 15, 2023.

**Title 4. Environment and Natural Resources – Chapter 411
CLEAN AIR**

411.1. Purpose and Policy
411.2. Adoption, Amendment, Repeal

411.3. Definitions
411.4. Regulation of Smoking

3#

4# **411.1. Purpose and Policy**

5# 411.1-1. *Purpose.* The purpose of this law is to provide a healthy working and learning
6# environment within buildings and vehicles owned and operated by the Nation by prohibiting
7# smoking.

8# 411.1-2. *Policy.* It is the policy of the Nation to commit to promoting health and wellness in all
9# forms. There is long standing evidence that smoking is harmful to oneself, and that second-hand
:# smoke is harmful to others. In addition, the long-term effects of electronic cigarettes on individuals
;# are unclear. In an effort to provide a healthy environment for children, employees, and visitors,
32# smoking shall be prohibited as described within this law.

33#

34# **411.2. Adoption, Amendment, Repeal**

35# 411.2-1. This law was adopted by motion of the Oneida Business Committee on May 25, 1994,
36# and amended by resolutions BC-02-24-10-I, BC-05-28-14-A, and BC-__-__-__-__.#

37# 411.2-2. This law may be amended or repealed by the Oneida Business Committee or General
38# Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

39# 411.2-3. Should a provision of this law or the application thereof to any person or circumstances
3:# be held as invalid, such invalidity shall not affect other provisions of this law which are considered
3;# to have legal force without the invalid portions.

42# 411.2-4. In the event of a conflict between a provision of this law and a provision of another law,
43# the provisions of this law shall control.

44# 411.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

45#

46# **411.3. Definitions**

47# 411.3-1. This section shall govern the definitions of words and phrases used within this law. All
48# words not defined herein shall be used in their ordinary and everyday sense.

49# (a) “Building” means a structure that has a roof and more than two (2) substantial walls.

4:# (b) “Electronic cigarette” means a device that enables a person to ingest nicotine, or other
4;# chemicals or substances, by inhaling a vaporized liquid and shall include the cartridges and
52# other products used to refill the device.

53# (c) “Indoor” means within the exterior walls of any building.

54# (d) “Main entrance” means the front entrance to any building, or any entrance a majority
55# of the employees and public use to access the building.

56# (e) “Nation” means the Oneida Nation.

57# (f) “Smoke” or “Smoking” means the inhalation of:

58# (1) the smoke of burning tobacco encased in cigarettes, pipes and cigars; or

59# (2) a vaporized liquid from an electronic cigarette, whether the liquid contains or
5:# does not contain nicotine.

5;# (g) “Tobacco product” means any form of tobacco prepared in a manner suitable for
62# smoking.

63#

64# **411.4. Regulation of Smoking**

65# 411.4-1. *Prohibition of Smoking.* No person may smoke:

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- 66# (a) in any building owned or operated by the Nation;
67# (b) within thirty (30) feet of any building owned or operated by the Nation. Receptacles
68# for disposing of smoking materials shall be maintained at least thirty (30) feet from the
69# main entrances of the building; or
6 :# (1) *Exception*. A person may smoke within thirty (30) feet of the retail outlets or
6 ;# any gaming establishments. Receptacles for disposing of smoking materials may
72# be maintained within thirty (30) feet of the entrances of these buildings.
73# (c) in any vehicle owned or operated by the Nation.
- 74# 411.4-2. *Exemptions*. The following exemptions shall apply to the prohibition of smoking:
75# (a) *Cultural Usage*. The reasonable burning of tobacco, sage, cedar, and/or sweetgrass
76# shall be exempted for cultural usage. Employees working in the vicinity of this cultural use
77# shall be notified prior to use.
78# (b) *Exempted Locations*. The following locations shall be exempted from the prohibition
79# of smoking:
7 :# (1) all gaming areas in any building of the Nation;
7 ;# (A) Smoking and non-smoking employee break rooms shall be provided in
82# these buildings and shall have separate ventilation.
83# (B) Employees shall not smoke while working in these buildings, other than
84# in the provided break room.
85# (2) residential buildings that are owned by the Nation, including, but not limited
86# to, single-family dwellings, two (2) family dwellings, and multiple-family
87# dwellings; and, unless otherwise prohibited by a lease or rental agreement; and
88# (3) a tobacco store, on or in premises controlled by Oneida Retail, that sells tobacco
89# product, unless prohibited by Oneida Retail or the terms and conditions of the lease.
- 8 :# 411.4-3. *Posting and Notices*. All buildings of the Nation, except for those exempted by section
8 ;# 411.4-2(b) of this Law, shall be posted as “Non-Smoking” on entrances. In addition, the hallways,
92# restroom facilities, and other public areas of these buildings may also be posted as “Non-
93# Smoking.” Signs shall be large enough that they can be viewed and read thirty (30) feet from the
94# building.
- 95# 411.4-4. *Violations*.
96# (a) Any building manager or designated agent of the Nation may file for injunctive relief
97# with the Nation’s Judiciary against any person who repeatedly or willfully violates this
98# law.
99# (b) An employee of the Nation who violates this law during their work hours may be
9 :# subject to the following disciplinary action in accordance with the Nation’s laws and
9 ;# policies governing employment:
: 2# (1) written warning for a first-time violation;
: 3# (2) suspended without pay for a second violation; or
: 4# (3) terminated from employment for any violation thereafter.
: 5#
: 6# *End*.
: 7#
-
- : 8# Adopted – OBC motion on 05-25-94, Grace period for thirty (30) feet until shelters complete, except for at educational
: 9# facilities where minors are present.
: :# Amended – BC-02-24-10-1

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;# Amended – BC-05-28-14-A
;2# Amended – BC__-__-__-__

ONEIDA NATION PUBLIC MEETING NOTICE**TUESDAY, DECEMBER 15, 2023, 12:15 pm**

Norbert Hill Center-Business Committee Conference Room
 N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at
[Oneida-nsn.gov/government/register/public-meetings](https://oneida-nsn.gov/government/register/public-meetings)



Send Public Comments to

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417

CLEAN AIR POLICY AMENDMENTS

The purpose of the Clean Air Policy is to provide a healthy working and learning environment within buildings and vehicles owned and operated by the Nation by prohibiting smoking.

The Clean Air Policy amendments will:

- ◆ Include a new exemption to the prohibition of smoking, which is a tobacco store, on or in premises controlled by Oneida Retail, that sells tobacco product, unless prohibited by Oneida Retail or the terms and conditions of the lease.
- ◆ Clarify the exemption to the prohibition of smoking for residential buildings owned by the Nation only applies if not otherwise prohibited by a lease or rental agreement.
- ◆ Eliminate the requirement that a suspension for a second violation of this law be one (1) week in length, providing the supervisor and HRD greater flexibility in determining a suspension length that best fits the violation.
- ◆ Make other minor drafting changes.

Individuals may attend the public meeting for the proposed Clean Air Policy amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSSES TUESDAY, DECEMBER 26, 2023

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



For more information on the proposed Clean Air Policy amendments please review the public meeting packet at oneida-nsn.gov/government/register/public-meetings.



CLEAN AIR POLICY AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> ▪ Include a new exemption to the prohibition of smoking, which is a tobacco store, on or in premises controlled by Oneida Retail, that sells tobacco product, unless prohibited by Oneida Retail or the terms and conditions of the lease. [4 O.C. 411.4-2(b)(3)]; ▪ Clarify the exemption to the prohibition of smoking for residential buildings owned by the Nation only applies if not otherwise prohibited by a lease or rental agreement. [4 O.C. 411.4-2(b)(2)]; ▪ Eliminate the requirement that a suspension for a second violation of this law be one (1) week in length, providing the supervisor and HRD greater flexibility in determining a suspension length that best fits the violation. [4 O.C. 411.4-4(b)(2)]; and ▪ Make other minor drafting changes.
Purpose	The purpose of this law is to provide a healthy working and learning environment within buildings and vehicles owned and operated by the Nation by prohibiting smoking. [4 O.C. 411.1-1].
Affected Entities	Oneida Nation employees and community members.
Public Meeting	A public meeting is scheduled for December 15, 2023. The public comment period will be held open until December 26, 2023.
Fiscal Impact	A fiscal impact statement has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

A. Background. The Clean Air Policy was originally adopted by the Oneida Business by motion on May 25, 1994, and then amended through resolutions BC-02-24-10-I, and BC-05-28-14-A. The purpose of the Clean Air Policy is to provide a healthy working and learning environment within buildings and vehicles owned and operated by the Nation by prohibiting smoking. [4 O.C. 411.1-1]. It is the policy of the Nation to commit to promoting health and wellness in all forms, by prohibiting smoking. [4 O.C. 411.1-2].

B. Request for Amendments. On January 10, 2023, the LOC received a request from Retail to consider amendments to the Clean Air Policy to create an exemption for the prohibition from smoking in any building of the Nation for smoking cigars and tobacco in pipes within a premise designated by retail as a tobacco store, on or in premises controlled by Oneida Retail, that sells tobacco product and in which the smoking of only cigars and tobacco in pipes is permitted. The Legislative Operating Committee added the Clean Air Policy amendments to its Active Files List on January 18, 2023.

SECTION 3. CONSULTATION AND OUTREACH

A. Representatives from the following departments or entities participated in the development of the amendments to the Clean Air Policy and this legislative analysis:

- Oneida Law Office;

- 19 ▪ Gaming;
- 20 ▪ Retail;
- 21 ▪ Comprehensive Health Division; and
- 22 ▪ Environmental, Health, Safety, Land, and Agriculture Division.

23 **B.** The following laws were reviewed in the drafting of this analysis:

- 24 ▪ Oneida Personnel Policies and Procedures.

25

26 **SECTION 4. PROCESS**

27 **A.** The development of the proposed amendments to the Clean Air Policy complies with the process set
28 forth in the Legislative Procedures Act (LPA).

- 29 ▪ On January 18, 2023, the Legislative Operating Committee added the Clean Air Policy
30 amendments to its Active Files List.
- 31 ▪ On February 1, 2023, the Legislative Operating Committee approved the draft of the proposed
32 amendments to the Clean Air Policy and directed that a legislative analysis be developed.
- 33 ▪ On July 10, 2023, the Legislative Operating Committee approved the updated draft and
34 legislative analysis.
- 35 ▪ On October 4, 2023, the Legislative Operating Committee readded the Clean Air Policy
36 amendments to its Active Files List for the 2023-2026 legislative term.

37 **B.** At the time this legislative analysis was developed the following work meetings had been held
38 regarding the development of the amendments to this Law:

- 39 ▪ January 26, 2023: LOC work session;
- 40 ▪ February 20, 2023: LOC work session with the Comprehensive Health Division and the
41 Environmental, Health, Safety, Land, and Agriculture Division; and
- 42 ▪ March 20, 2023: LOC work session with the Comprehensive Health Division, Retail, Gaming,
43 Oneida Law Office, and the Environmental, Health, Safety, Land, and Agriculture Division.
- 44 ▪ October 18, 2023: LOC work session.

45

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

47 **A. *Exemptions to the Prohibition of Smoking.*** The proposed amendments to the Clean Air Policy include
48 a new exemption to the prohibition of smoking, which is a tobacco store, on or in premises controlled
49 by Oneida Retail, that sells tobacco product, unless prohibited by Oneida Retail or the terms and
50 conditions of the lease. [4 O.C. 411.4-2(b)(3)]. Previously, the Clean Air Policy only included
51 exemptions to the prohibition of smoking for cultural usage, all gaming areas in any building of the
52 Nation, and residential buildings that are owned by the Nation. [4 O.C. 411.4-2(a)-(b)(1)-(2)]. The
53 proposed amendments also provide clarification that the exemption for residential buildings owned by
54 the Nation only applies if not otherwise prohibited by a lease or rental agreement. [4 O.C. 411.4-
55 2(b)(2)].

- 56 ▪ *Effect.* An additional exemption was added to the Clean Air Policy in an effort to provide Retail
57 with an opportunity to pursue the development of a cigar bar in one of the Oneida One Stop retail
58 locations. Clarification was added to the exemption for residential buildings in recognition that a
59 lease or rental agreement may further prohibit smoking within a residential building owned by the
60 Nation.

61 **B. *Violations of the Clean Air Policy.*** The proposed amendments to the Clean Air Policy clarify that any
62 employee of the Nation who violates this law during their work hours may be subject to disciplinary

63 action in accordance with the Nation’s laws and policies governing employment, which is the Oneida
64 Personnel Policies and Procedures. [4 O.C. 411.4-4(b)]. The proposed amendments to the Clean Air
65 Policy then demonstrates that the disciplinary action an employee may be subject to includes a written
66 warning for a first-time violation; a suspension without pay for a second violation; or termination from
67 employment for any violation thereafter. [4 O.C. 411.4-4(b)(1)-(3)]. Previously, the Clean Air
68 Policy provided that a first violation of this law would result in a reprimand, but the Clean Air Policy
69 was not specific as to what that reprimand would consist of. Additionally, the Clean Air Policy
70 previously provided that a second violation of this law would result in a suspension for one (1) week.
71 The proposed amendments to the Clean Air Policy eliminated the one (1) week requirement for
72 suspensions and instead provide the supervisor with discretion to determine the appropriate length of
73 the suspension. The Oneida Personnel Policies and Procedures requires that a supervisor consult with
74 the Executive Director of the Human Resources Department to mutually determine the appropriate
75 length of the suspension, and that any suspension be limited to a maximum of three (3) weeks. [Oneida
76 Personnel Policies and Procedures Section V.D.5.f.1].

- 77 ■ *Effect.* This proposed amendments to the Clean Air Policy provide greater clarification as to how
78 violations of this law are addressed for employees who violate the Clean Air Policy during their
79 work hours.

80

81 **SECTION 6. EXISTING LEGISLATION**

82 **A. Related Legislation.** The following laws of the Nation are related to the Clean Air Policy:

- 83 ■ *Oneida Personnel Policies and Procedures.* The purpose of the Oneida Personnel Policies and
84 Procedures is to provide for the Nation’s employee related policies and procedures including
85 recruitment, selection, compensation and benefits, employee relations, safety and health, program
86 and enterprise rules and regulations, and record keeping.
 - 87 ■ Section V.D of the Oneida Personnel Policies and Procedures specifically addresses
88 complaints, disciplinary actions and grievances. Section V.D.2.b of the Oneida Personnel
89 Policies and Procedures provides that a supervisor is required to initiate disciplinary actions
90 commensurate with the seriousness of the unsatisfactory performance, and a supervisor must
91 consider each disciplinary action in progressive order and justify a deviance from that
92 recommended progression.
 - 93 ■ The proposed amendments to the Clean Air Policy clarify that any employee of the Nation who
94 violates this law during their work hours may be subject to disciplinary action in accordance
95 with the Nation’s laws and policies governing employment, which is the Oneida Personnel
96 Policies and Procedures. [4 O.C. 411.4-4(b)].

97

98 **SECTION 7. OTHER CONSIDERATIONS**

99 **A. Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all
100 legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-
101 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*
102 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
103 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
104 completing the fiscal impact statement.

- 105 ■ *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact

106 statement be completed.
107

Title 4. Environment and Natural Resources – Chapter 411

CLEAN AIR ~~POLICY~~

411.1. Purpose and Policy

~~411.2. Adoption, Amendment, Conflicts~~~~411.2. Adoption, Amendment, Repeal~~

411.3. Definitions

411.4. Regulation of Smoking

3#

411.1. Purpose and Policy

411.1-1. *Purpose.* ~~It is the~~The purpose of this ~~Clean Air Policy~~law is to provide a healthy working and learning environment within buildings and vehicles owned and operated by the ~~Oneida Tribe~~Nation by prohibiting smoking.

411.1-2. *Policy.* ~~The Oneida Tribe~~It is committed~~the policy of the Nation~~to ~~commit to promoting~~ health and wellness in all forms. ~~There is long standing evidence that smoking is harmful to oneself, and that second-hand smoke is harmful to others. In addition, the long-term effects of electronic cigarettes on individuals are unclear. In an effort to provide a healthy environment for children, employees, and visitors, smoking will~~shall be ~~restricted~~prohibited as described within this ~~policy~~law.

34#

411.2. Adoption, Amendment, ~~Conflicts~~Repeal

411.2-1. This ~~Policy~~law was adopted by motion of the Oneida Business Committee on May 25, 1994, and amended by ~~resolution~~resolutions BC-02-24-10-I~~and~~, BC-05-28-14-A~~,~~ and BC- ~~- -~~ .#

411.2-2. This ~~Policy~~law may be amended or repealed by the Oneida Business Committee or ~~General Tribal Council~~ pursuant to the procedures set out in the Legislative Procedures Act.

411.2-3. Should a provision of this ~~Policy~~law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~Policy~~law which are considered to have legal force without the invalid portions.

411.2-4. In the event of a conflict between a provision of this ~~Policy~~law and a provision of another law, ~~ordinance, policy, regulation, rule, resolution, or motion~~, the provisions of this ~~Policy~~law shall control. ~~Provided that, nothing in this Policy is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.~~

411.2-5. This ~~Policy~~law is adopted under authority of the Constitution of the Oneida ~~Tribe of Indians of Wisconsin~~Nation.

4:#

411.3. Definitions

411.3-1. This section shall govern the definitions of words and phrases used within this ~~Policy~~law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) (a) “Building” means a structure that has a roof and more than two (2) substantial walls.

(b) (b) “Electronic cigarette” means a device that enables a person to ingest nicotine, or other chemicals or substances, by inhaling a vaporized liquid and shall include the cartridges and other products used to refill the device. ~~“Electronic cigarette” shall not include any device that is prescribed by a healthcare professional.~~

(c) (c) “Indoor” means within the exterior walls of any building.

(d) (d) “Main entrance” means the front entrance to any building, or any entrance a majority of the employees and public use to access the building.

(e) “Nation” means the Oneida Nation.

(f) (f) “Smoke” or “Smoking” means the inhalation of:

(1) (1) the smoke of burning tobacco encased in cigarettes, pipes and cigars; or

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66# ~~(2)~~ (2) a vaporized liquid from an electronic cigarette, whether the liquid contains
67# or does not contain nicotine.

68# (f) ~~“Tribe”~~(g) “Tobacco product” means ~~the Oneida Tribe~~any form of ~~Indians of~~
69# ~~Wisconsin~~tobacco prepared in a manner suitable for smoking.

6 : #

6 ; # 411.4. Regulation of Smoking

72# 411.4-1. ~~Except as provided in 411.4-1(b)(1) and 411.4-2, no~~Prohibition of Smoking. No person
73# may smoke:

74# (a) in any building owned or operated by the ~~Tribe~~Nation;

75# (b) within thirty (30) feet of any building owned or operated by the ~~Tribe~~Nation.
76# Receptacles for disposing of smoking materials shall be maintained at least thirty (30) feet
77# from the main entrances of the building; ~~or~~

78# (1) Exception. A person may smoke within thirty (30) feet of the ~~Oneida One~~
79# ~~Stop~~retail outlets or any gaming establishments. ~~Receptacles for disposing of~~
7 : # smoking materials may be maintained within thirty (30) feet of the entrances of
7 ; # these buildings.

82# (c) in any vehicle owned or operated by the ~~Tribe~~Nation.

83# 411.4-2. Exemptions. The following exemptions shall apply to the prohibition of smoking:

84# (a) ~~There shall be an exemption for specific cultural uses for the~~Cultural Usage. The
85# reasonable burning of tobacco, sage, cedar, and/or sweetgrass ~~shall be exempted for~~
86# cultural usage. Employees working in the vicinity of this cultural use shall be notified prior
87# to use.

88# (b) Specifically Exempted Locations. The following locations shall be exempted from ~~this~~
89# ~~policy~~are the prohibition of smoking:

8 : # (1) all gaming areas in any ~~Tribal~~building of the Nation;

8 ; # (A) Smoking and non-smoking employee break rooms shall be provided in
92# these buildings and shall have separate ventilation.

93# (B) Employees shall not smoke while working in these buildings, other than
94# in the provided break room.

95# (2) residential buildings that are owned by the ~~Tribe~~Nation, including, but not
96# limited to, single-family dwellings, two-~~(2)~~ family dwellings, and multiple-family
97# dwellings; ~~unless otherwise prohibited by a lease or rental agreement; and~~

98# (3) a tobacco store, on or in premises controlled by Oneida Retail, that sells tobacco
99# product, unless prohibited by Oneida Retail or the terms and conditions of the lease.

9 : # 411.4-3. Posting and Notices. All ~~Tribal~~buildings of the Nation, except for those ~~listed in~~
9 ; # exempted by section 411.4-2(b); of this Law, shall be posted as “Non-Smoking” on entrances. ~~In~~
: 2# addition, the hallways, restroom facilities, and other public areas of these buildings may also be
: 3# posted as “Non-Smoking.” ~~Signs shall be large enough that they can be viewed and read thirty~~
: 4# (30) feet from the building.

: 5# 411.4-4. Violations.

: 6# (a) Any building manager or designated agent of the ~~Oneida Business Committee~~Nation
: 7# may file for injunctive relief with the ~~Tribe’s judicial system~~Nation’s Judiciary against any
: 8# person who repeatedly or willfully violates this ~~policy~~law.

: 9# (b) An employee of the ~~Tribe~~Nation who violates this ~~policy~~law during ~~his or her~~their

|: :# work hours may be subject to the following disciplinary action in accordance with the
 |: ;# Nation’s laws and policies governing employment:
 ;2# (1) ~~reprimanded~~written warning for a first-time violation;
 ;3# (2) suspended without pay ~~for one (1) week~~ for a second violation; or
 ;4# (3) terminated from employment for any violation thereafter.
 ;5#
 ;6# *End.*
 ;7#

 |;8# Adopted ~~5- OBC motion on 05-25-94, motion, grace~~Grace period for thirty (30) feet until shelters complete, except
 ;9# for at educational facilities where minors are present.
 |: ;# Amended – BC-02-24-10-I
 |; ;# Amended – BC-05-28-14-A
 |322# Amended – BC - - -

**Title 4. Environment and Natural Resources – Chapter 411
CLEAN AIR**

411.1. Purpose and Policy
411.2. Adoption, Amendment, Repeal

411.3. Definitions
411.4. Regulation of Smoking

411.1. Purpose and Policy

411.1-1. *Purpose.* The purpose of this law is to provide a healthy working and learning environment within buildings and vehicles owned and operated by the Nation by prohibiting smoking.

411.1-2. *Policy.* It is the policy of the Nation to commit to promoting health and wellness in all forms. There is long standing evidence that smoking is harmful to oneself, and that second-hand smoke is harmful to others. In addition, the long-term effects of electronic cigarettes on individuals are unclear. In an effort to provide a healthy environment for children, employees, and visitors, smoking shall be prohibited as described within this law.

411.2. Adoption, Amendment, Repeal

411.2-1. This law was adopted by motion of the Oneida Business Committee on May 25, 1994, and amended by resolutions BC-02-24-10-I, BC-05-28-14-A, and BC-__-__-__-__.

411.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

411.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

411.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

411.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

411.3. Definitions

411.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Building” means a structure that has a roof and more than two (2) substantial walls.

(b) “Electronic cigarette” means a device that enables a person to ingest nicotine, or other chemicals or substances, by inhaling a vaporized liquid and shall include the cartridges and other products used to refill the device.

(c) “Indoor” means within the exterior walls of any building.

(d) “Main entrance” means the front entrance to any building, or any entrance a majority of the employees and public use to access the building.

(e) “Nation” means the Oneida Nation.

(f) “Smoke” or “Smoking” means the inhalation of:

(1) the smoke of burning tobacco encased in cigarettes, pipes and cigars; or

(2) a vaporized liquid from an electronic cigarette, whether the liquid contains or does not contain nicotine.

(g) “Tobacco product” means any form of tobacco prepared in a manner suitable for smoking.

411.4. Regulation of Smoking

411.4-1. *Prohibition of Smoking.* No person may smoke:

44 (a) in any building owned or operated by the Nation;
 45 (b) within thirty (30) feet of any building owned or operated by the Nation. Receptacles
 46 for disposing of smoking materials shall be maintained at least thirty (30) feet from the
 47 main entrances of the building; or

48 (1) *Exception.* A person may smoke within thirty (30) feet of the retail outlets or
 49 any gaming establishments. Receptacles for disposing of smoking materials may
 50 be maintained within thirty (30) feet of the entrances of these buildings.

51 (c) in any vehicle owned or operated by the Nation.

52 411.4-2. *Exemptions.* The following exemptions shall apply to the prohibition of smoking:

53 (a) *Cultural Usage.* The reasonable burning of tobacco, sage, cedar, and/or sweetgrass
 54 shall be exempted for cultural usage. Employees working in the vicinity of this cultural use
 55 shall be notified prior to use.

56 (b) *Exempted Locations.* The following locations shall be exempted from the prohibition
 57 of smoking:

58 (1) all gaming areas in any building of the Nation;

59 (A) Smoking and non-smoking employee break rooms shall be provided in
 60 these buildings and shall have separate ventilation.

61 (B) Employees shall not smoke while working in these buildings, other than
 62 in the provided break room.

63 (2) residential buildings that are owned by the Nation, including, but not limited
 64 to, single-family dwellings, two (2) family dwellings, and multiple-family
 65 dwellings, unless otherwise prohibited by a lease or rental agreement; and

66 (3) a tobacco store, on or in premises controlled by Oneida Retail, that sells tobacco
 67 product, unless prohibited by Oneida Retail or the terms and conditions of the lease.

68 411.4-3. *Posting and Notices.* All buildings of the Nation, except for those exempted by section
 69 411.4-2(b) of this Law, shall be posted as “Non-Smoking” on entrances. In addition, the hallways,
 70 restroom facilities, and other public areas of these buildings may also be posted as “Non-
 71 Smoking.” Signs shall be large enough that they can be viewed and read thirty (30) feet from the
 72 building.

73 411.4-4. *Violations.*

74 (a) Any building manager or designated agent of the Nation may file for injunctive relief
 75 with the Nation’s Judiciary against any person who repeatedly or willfully violates this
 76 law.

77 (b) An employee of the Nation who violates this law during their work hours may be
 78 subject to the following disciplinary action in accordance with the Nation’s laws and
 79 policies governing employment:

80 (1) written warning for a first-time violation;

81 (2) suspended without pay for a second violation; or

82 (3) terminated from employment for any violation thereafter.

83
 84 *End.*

86 Adopted – OBC motion on 05-25-94, Grace period for thirty (30) feet until shelters complete, except for at educational
 87 facilities where minors are present.

88 Amended – BC-02-24-10-1

Draft 3 – PM Draft
2023 11 01

89 Amended – BC-05-28-14-A
90 Amended – BC__-__-__-__



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



AGENDA REQUEST FORM

- 1) Request Date: October 16, 2023
- 2) Contact Person(s): Winnifred Thomas
 Dept: ONCOA
 Phone Number: 920-869-1150 Email: wtho@oneidanation.org
- 3) Agenda Title: ONCOA Chair
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
Update the Oneida Nation Commission on Aging Bylaws and create an
Elder Law

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

- 1) 2019 10 09 Adopted ONCOA Bylaws
- 2) _____
- 3) _____
- 4) _____
- 5) Please list any laws, policies or resolutions that might be affected:
Chapter 105 BCC Law, BC Resolution 04-13-22-B
- 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:

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

Signature of Requester:

Winnifred L Thomas

Please send this form and all supporting materials to:

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

ONEIDA NATION COMMISSION ON AGING (ONCOA) BYLAWS

Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Nation Commission on Aging and may be referred to as ONCOA.
- 1-2. *Establishment.* ONCOA was first established by the Oneida Business Committee in 1978 pursuant to a duly enacted Charter and Bylaws that were amended on May 27, 1986. The Charter was revoked through resolution BC-2-09-00-A and superseded by the Oneida Nation Commission on Aging Bylaws that were adopted by the Oneida Business Committee on June 10, 1998 and amended on June 25, 2003; December 13, 2011; and July 11, 2012.
- 1-3. *Authority.* Pursuant to Section 46.82(4)(a) of the Wisconsin Statutes, the Oneida Business Committee established ONCOA as the advisory and policy development board for the Nation's Tribal Aging Unit, known as Oneida Elder Services, to be knowledgeable and supportive of all programs and services that can meet the needs of the Nation's Elders and to carry out the powers and duties delegated under Wis. Stat., § 46.82, which include, but are not limited to:
- (a) Representing the views, interests, and concerns of the Elders by identifying and promoting ways to:
 - (1) Assist the Oneida Elder Services Program with planning, development, maintenance and coordination of aging programs, long term care, home and community-based services, with a focus on providing Elders with access to services, benefits, opportunities, and ensuring a coordinated and comprehensive effort.
 - (2) Develop a mutually supportive relationship with the aging programs to include, but not be limited to: Greater Wisconsin Agency on Aging Resource (GWAAR), Wisconsin Tribal Aging Unit Association (WTAUA), and Great Lakes Intertribal Tribal Council (GLITC).
 - (3) Review and make recommendations on matters affecting the Nation's Elders to include development and approval of Wisconsin Three Year Aging Plan.
 - (b) Working with Oneida Elder Services to plan and develop administrative and program policies in accordance with the state law, Oneida Nation, funding agencies, and within the limits established for programs funded by the federal or state government for administration by Tribal Aging Units;
 - (c) Promoting the views, needs, and concerns of the Elders in Tribal, county, state, and federal policies and decisions;
 - (d) Providing information and personal support to individual Elders;
 - (e) Promoting opportunities for Elders to contribute to their own welfare and to the welfare of the community;
 - (f) Assisting Oneida Elder Services in the development and implementation of an annual comprehensive and coordinated Tribal Aging Plan, including, but not limited to, Title III, Title V, Title VI, and Tribal contribution or funds set aside for Elders;
 - (g) Reviewing and making recommendations on actions or proposals relating to matters affecting programs and benefits addressing Elder needs and welfare prior to approval by the Oneida Business Committee;

- (h) Assisting Oneida Elder Services in its efforts to organize, develop, modify, and expand available services and programs for Elders by utilizing all resources;
- (i) Reviewing reports that Oneida Elder Services is required to submit to funding agencies and other reports that ONCOA may deem appropriate;
- (j) Advocating for Elders; and
- (k) Carrying out all other powers and/or duties delegated to ONCOA through the laws, policies, rules and resolutions of the Oneida Nation, as well as state and federal law.

1-4. *Office.* The official mailing address of ONCOA shall be:
 Oneida Nation Commission on Aging (ONCOA)
 P.O. Box 365
 Oneida, WI 54155

The physical address of ONCOA shall be:
 ONCOA
 c/o Elder Services Building
 2907 Overland Drive
 Oneida, WI 54155

1-5. *Membership.*

- (a) *Number of Members.* ONCOA shall be comprised of nine (9) voting Commissioners.
- (b) *Elected.* Commissioners of ONCOA shall be elected in accordance with the Oneida Election law and in coordination with Section 46.82(4) of the Wisconsin Statutes for a term of three (3) years.
 - (1) The terms of three (3) Commissioners shall expire each year.
 - (2) No Commissioner may serve more than two (2) consecutive three (3) year terms.
 - (A) A Commissioner who has completed two (2) consecutive terms must wait a period of not less than one (1) year before he or she is eligible to run for another term.
 - (3) Commissioners shall hold office until their term expires, they resign, or they are removed/terminated from office.
 - (A) Although a member's term has expired, he or she shall remain in office and serve until a successor has been sworn in by the Oneida Business Committee.
 - (B) A Commissioner may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the ONCOA Chairperson or Chairperson's designee.
 - (i) The resignation is effective upon acceptance by ONCOA motion of a Commissioner's verbal resignation or upon delivery of the written notices.
- (c) *Vacancies.* Vacancies on ONCOA shall be filled as follows:
 - (1) *Expired Terms.* Vacancies caused by the expiration of a Commissioner's term shall be filled by election in with accordance with section 1-5(b) of these bylaws.

(2) *Unexpired Terms.* Any vacancy in an unexpired term shall be filled by appointment by the Oneida Business Committee, in accordance with the Boards, Committees and Commissions law, for the balance of the unexpired term.

(A) The ONCOA Chairperson shall provide the Oneida Business Committee recommendations on all applications for appointment to fill a vacancy by the executive session in which the appointment is intended to be made.

(d) *Qualifications for Commissioners.* Commissioners shall meet the following qualifications:

- (1) Be enrolled members of the Oneida Nation;
- (2) Reside in Brown or Outagamie County;
- (3) Be fifty-five (55) years of age or older; and
- (4) Must have submitted to the Wisconsin Caregiver's Background Check and been deemed eligible to work with Elders.

1-6. *Termination and Removal.* Commissioners found to be in violation of these bylaws may be subject to the following:

- (a) If the Commissioner was elected, ONCOA's filing of a petition for his or her removal pursuant to the Removal law and/or any other law of the Nation governing the removal of elected officials.
- (b) If the Commissioner was appointed, ONCOA's recommendation to the Oneida Business Committee for termination of his or her appointment in accordance with the Boards, Committees and Commissions law and/or any other law of the Nation governing termination of appointed officials.
- (c) Petitions for removal and/or recommendations for termination shall be decided in accordance with the process set forth in Article IV of these bylaws.

1-7. *Trainings and Conferences.* For ONCOA to perform its duties, certain trainings and/or conferences are mandatory for Commissioners and will be assigned to them. The list of trainings/conferences included in this section of the bylaws ensures that all ONCOA Commissioners are equally knowledgeable of their duties and responsibilities. The following is a list of trainings and conferences that ONCOA believes are critical for Commissioners to attend to be able to perform their duties and responsibilities. A Commissioner shall be required to attend up to five (5) full days of trainings/conferences each year or as limited by ONCOA's approved budget. Exceptions for not attending an assigned training or conference may be made for good cause and must be submitted to the ONCOA Chairperson. Regardless of the number of trainings/conferences that he or she is required to attend, no Commissioner shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

- (a) Up to nine (9) Commissioners shall attend the Annual Federal Title VI Native American Training and Technical Assistance for four (4) full days;
- (b) Up to nine (9) Commissioners shall attend the Biennial National Indian Council on Aging (NICOA) held every other year for four (4) full days;
- (c) Three (3) Commissioners shall attend the Annual Wisconsin Alzheimer's Conference for two (2) full days;

- (d) Three (3) or four (4) Commissioners shall attend the Wisconsin Tribal Unit Association six (6) times per year for one (1) full day;
- (e) Up to nine (9) Commissioners shall attend the Quarterly Great Lakes Native American Elders Association (GLNAEA) four (4) times per year for two (2) full days;
- (f) Three (3) Commissioners shall attend the National Conference on Native Alzheimer's/Dementia for three (3) full days;
- (g) Three (3) Commissioners shall attend the U.W. Madison Alzheimer's Research Center Training four (4) times per year for one (1) full day;
- (h) Three (3) Commissioners shall attend the National Council on Aging Conference for three (3) full days;
- (i) Up to nine (9) Commissioners shall attend the Biennial Title III – Wisconsin Aging Network Conference for three (3) full days;
- (j) Two (2) Commissioners shall attend the State Aging Advisory Council six (6) times per year for one (1) full day;
- (k) One (1) Commissioner shall attend the Greater Wisconsin Agency on Aging Resource Board of Directors six (6) times per year for one (1) full day;
- (l) One (1) Commissioner shall attend the Brown County Aging and Disability Resource Center six (6) times per year for one (1) full day;
- (m) One (1) Commissioner shall attend the Outagamie County Aging and Disability Resource Center six (6) times per year for one (1) full day;
- (n) Three (3) Commissioners shall attend training and/or conferences on aging each year, not listed above, for one (1) full day;
- (o) Nine (9) Commissioners shall attend between one (1) to four (4) full day Oneida Human Resources Department training sessions each year to save on travel;
- (p) Each year, up to nine (9) Commissioners shall attend one (1) full day of training on the topic of personal/professional growth that is aligned with the Nation's core values of The Good Mind as expressed by Onayote'a'ka;
- (q) Each year, up to nine (9) Commissioners shall attend one (1) full day of training on nutrition;
- (r) Each year, up to nine (9) Commissioners shall attend one (1) full day of training on elderly health concerns; and
- (s) Each year, up to nine (9) Commissioners shall attend one (1) full day of training on cultural awareness to build stronger communities.

Article II. Officers

- 2-1. *Officers.* ONCOA shall have three (3) Officers: Chairperson, Vice-Chairperson and Secretary.
- 2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of the Chairperson shall be as follows:
- (a) The Chairperson shall preside at all meetings of ONCOA, facilitate the meetings in accordance with the agenda, and maintain orderly discussions at the meetings.
 - (b) The Chairperson shall be responsible for calling and developing an agenda in conjunction with the ONCOA Secretary and, if applicable, ONCOA Staff.
 - (c) The Chairperson shall receive, review, and monitor all correspondence of ONCOA and submit a quarterly ONCOA report to the Oneida Business

Committee in accordance with the Boards, Committees and Commissions law.

- (d) The Chairperson shall be responsible for submitting an approved semi-annual and annual ONCOA report to the Oneida General Tribal Council in accordance with the Boards, Committees and Commissions law for inclusion in reports to the Nation's membership.
- (e) The Chairperson shall oversee that the appropriate and/or required reports are submitted to agencies and other funding resources in a timely manner.
- (f) The Chairperson shall provide monthly ONCOA budget updates at regular meetings of ONCOA.
- (g) The Chairperson shall have sign-off authority as set forth in section 2-8 of these bylaws and shall sign all correspondence of ONCOA, including reports, meeting materials and other documents.
- (h) The Chairperson shall meet with the Oneida Business Committee liaison and Elder Services Director, as needed.
- (i) The Chairperson or Chairperson's designee shall attend all annual, semi-annual, and budget meetings to support Elders and ONCOA.
- (j) The Chairperson or Commissioner designated by the Chairperson shall attend the Oneida Business Committee meeting where ONCOA's quarterly report appears on the agenda.
- (k) The Chairperson shall supervise and evaluate ONCOA Staff, hired prior to the adoption of these bylaws, in accordance with the Nation's Personnel Policies and Procedures.
- (l) The Chairperson shall appoint Commissioners to subcommittees created by majority vote of the Commissioners in attendance at an ONCOA meeting of an established quorum.
- (m) The Chairperson shall perform other duties as assigned by ONCOA or the Oneida Business Committee.

2-3. *Responsibilities of the Vice-Chairperson.* The responsibilities, duties and limitations of the Vice-Chairperson shall be as follows:

- (a) The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson.
 - (1) In case of a resignation or death of the Chairperson, the Vice-Chairperson shall become the Chairperson for the remainder of the term or until an election of Officers occurs.
- (b) The Vice-Chairperson shall have sign-off authority as set forth in section 2-8 of these bylaws.
- (c) The Vice-Chairperson shall have the authority to call to order and preside at ONCOA meetings in the absence of the Chairperson.
- (d) The Vice-Chairperson shall perform other duties assigned by the ONCOA Chairperson.

2-4. *Responsibilities of the Secretary.* The responsibilities, duties and limitations of the Secretary shall be as follows:

- (a) The Secretary shall be responsible to ensure the correspondence and minutes of ONCOA are maintained, recorded and filed in accordance with these bylaws, the Boards, Committees and Commissions law, and the Open Records and Open Meetings law.

- (b) The Secretary shall ensure that notices of ONCOA meetings, location, agendas and minutes are provided, recorded and maintained in accordance with the Boards, Committees and Commissions law, the Open Records and Open Meetings law, and these bylaws.
- (c) The Secretary shall have sign-off authority as set forth in section 2-8 of these bylaws.
- (d) In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, the Secretary shall have the authority to call ONCOA meetings to fill the vacancies and to preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.
- (e) The Secretary shall perform other duties as assigned by ONCOA.

2-5. *Responsibilities of the Commissioners.* In addition to any other duties assigned the Commissioners in these bylaws, the responsibilities, duties and limitations of the Commissioners shall be as follows:

- (a) The Commissioners shall attend regularly scheduled ONCOA meetings, provide direction or input, and participate in discussions.
- (b) The Commissioners shall attend meetings, trainings/conferences, and workshops approved by the majority vote of ONCOA Commissioners making up at least a quorum, unless excused.
- (c) The Commissioners shall participate in advocacy efforts.
- (d) The Commissioners shall take time to review all ONCOA reports and minutes.
- (e) The Commissioners are mandated reporters and should report Elder abuse to the Elder Services Director.
- (f) The Commissioners shall perform other duties as assigned by the ONCOA Chairperson or by a majority vote of the Commissioners making up at least a quorum.

2-6. *Subcommittees.* Subcommittees shall be created when necessary in accordance with the Boards, Committees and Commissions law and filled by current ONCOA Commissioners.

- (a) To create a subcommittee, ONCOA must approve the subcommittee and its purpose by a majority vote of Commissioners in attendance at an ONCOA meeting of an established quorum.
- (b) Subcommittees are voluntary and appointed by the Chairperson.
- (c) A Commissioner's appointment to a subcommittee shall be terminated upon completion of the term which will result in a written report to ONCOA.
- (d) If the subcommittee is no longer meeting a valid need or goal of ONCOA, that subcommittee shall be ended at any time by a majority vote of the ONCOA Commissioners at the meeting of an established quorum.
- (e) Commissioners of subcommittees shall not be eligible for stipends unless a specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

2-7. *Selection of Officers.*

- (a) The tenure of Officers shall be for one (1) year terms by election of a majority vote of the ONCOA Commissioners in attendance at a meeting of

an established quorum that takes place within thirty (30) days after the newly elected Commissioners have been sworn in by the Oneida Business Committee.

- (b) In case of a resignation or vacancy of an ONCOA Officer position, ONCOA will hold an election within thirty (30) days to fill that vacancy by majority vote of the Commissioners in attendance at an ONCOA meeting of an established quorum for the remainder of that term of the resigning or vacating Officer.
- (c) A Commissioner may be dismissed from his or her Officer position by a majority vote of the Commissioners in attendance at an ONCOA meeting of an established quorum.
- (d) ONCOA Officers may only hold one (1) Officer position per Officer term.

2-8. *Budgetary Sign-Off Authority and Travel.* ONCOA shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

- (a) Levels of budgetary sign-off authority are as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.
 - (1) All ONCOA Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:
 - (A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
 - (b) Travel shall be approved through a motion by a majority vote of the ONCOA Commissioners in attendance at a regular or emergency ONCOA meeting of an established quorum.

2-9. *Personnel (Staff).* Commencing on the date these bylaws are adopted by the Oneida Business Committee and from that point forward, ONCOA shall not have authority to hire personnel for the benefit of ONCOA.

Article III. Meetings

3-1. *Regular Meetings.* Regular meetings of ONCOA shall be held on the second (2nd) and fourth (4th) Tuesday of each month, commencing at 1:00 p.m., in the Elder Services Conference Room of the Elder Services building located in Oneida, Wisconsin.

- (a) The regular meeting date, time and/or location may change from time-to-time as determined by majority vote of the Commissioners in attendance at an ONCOA meeting of an established quorum so long as notice is provided to all Commissioners in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law prior to the implementation of a new date, time and/or location.
- (b) The ONCOA Secretary shall ensure notice of the meeting agenda, location, documents and minutes are provided, as well as made available, to all Commissioners in writing and, along with the Oneida Business Committee liaison and public, further made available in accordance with the Nation's Open Records and Open Meetings law.
- (c) ONCOA meetings shall be run in accordance with Robert's Rules of Order.

- 3-2. *Emergency Meetings.* An emergency meeting may convene outside of regular meetings to address an urgent matter. The urgent matter shall be identified in the notice for the emergency meeting.
- (a) An emergency may be called by the Chairperson, Vice-Chairperson in the absence of the Chairperson, or by a majority vote at an established quorum of ONCOA Commissioners.
 - (b) The Secretary shall ensure that at least twenty-four (24) hours advance notice of the emergency meeting is provided to all Commissioners via telephone call, as well as in writing, and, along with the public, further provided in accordance with the Open Records and Open Meetings law.
 - (1) Written notice provided via email must be sent to the official Oneida Nation email address that was provided to each Commissioner to conduct business electronically on behalf of ONCOA.
 - (c) Within seventy-two (72) hours after the emergency meeting, the ONCOA Secretary or, if applicable, ONCOA Staff shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait until the next regular meeting.
- 3-3. *Joint Meetings.* Joint Meetings with the Oneida Business Committee will be held in the Oneida Business Committee Conference Room of the Norbert Hill Center, on an as needed basis per the approval of the Oneida Business Committee.
- (a) Notice of the joint meeting agenda, documents and minutes shall be provided, and the joint meeting conducted, in accordance with resolution BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.
- 3-4. *Closed and/or Confidential Sessions.*
- (a) Meetings of ONCOA shall be open to the general public.
 - (b) For the purpose of confidentiality, pursuant to the Nation's Open Records and Open Meetings law, portions of any regular or emergency meeting may be closed to address individual issues, personnel issues, sensitive client issues, or community sensitive issues and shall be addressed under the Executive Session portion of the agenda.
- 3-5. *Quorum.* A quorum of ONCOA Commissioners shall be required for ONCOA action and shall consist of five (5) Commissioners one (1) of which shall be either the Chairperson, Vice-Chairperson, or Secretary; provided, the Secretary is presiding over the meeting in accordance with section 2-4(d) of these bylaws.
- (a) If a quorum is not present within fifteen (15) minutes of the announced meeting time, the meeting will be declared dismissed.
- 3-6. *Order of Business.* As far as applicable, the agenda shall be set up as follows:
- (a) Call to Order
 - (b) Welcome and Prayer
 - (c) Roll Call
 - (d) Adopt and Approve the Current Agenda
 - (e) Approval of Previous Minutes on Second Meeting of the Month

- (f) Old Business
- (g) New Business
- (h) Tabled Business
- (i) Reports and Announcements
- (j) Other Business
- (k) Executive Session
- (l) Adjournment

- 3-7. *Voting.* Decisions of ONCOA shall be based on a majority vote of Commissioners present at a regular or emergency meeting of an established quorum.
- (a) The ONCOA Chairperson or Officer presiding over the meeting in lieu of the Chairperson shall vote only in the case of a tie.
 - (b) E-polls are permissible and shall be conducted in accordance with the Boards, Committees and Commissions law.
 - (1) The Vice-Chairperson shall serve as the Chairperson's designee for the responsibility of conducting an e-poll in the absence or at the discretion of the Chairperson.
 - (A) In the absence of the Vice-Chairperson, the Secretary shall be responsible for conducting e-polls.

Article IV. Expectations

4-1. *Behavior of Commissioners.*

- (a) While attending ONCOA meetings, the Commissioners must adhere to the following Ground Rules:
 - (1) Start on time.
 - (2) Speak in positive terms.
 - (3) Show respect for each other and their ideas.
 - (4) Listen.
 - (5) Turn off cell phones during meetings.
 - (6) Facilitator will acknowledge the right to speak.
 - (7) One person speaks at a time.
 - (8) Avoid side conversations.
 - (9) Stay focused.
- (b) Commissioners must attend and participate in duly called ONCOA meetings. This is critical for the operation of ONCOA and the safety of Elders.
- (c) No Commissioner shall act independently of ONCOA, on behalf of ONCOA, or express and represent views of ONCOA without specific approval from ONCOA.
- (d) Commissioners must adhere to the Oneida Nation's Code of Ethics law.
- (e) Commissioners must honorably protect and uphold the purpose of ONCOA with compassion, caring, honesty, honor, and thoroughness while protecting the privacy and maintaining the safety of Elders.
- (f) While performing official duties of ONCOA, Commissioners will refrain from using profanity.
- (g) *Enforcement:* Violation of this or any section of these bylaws shall be enforced as follows:
 - (1) A Commissioner who fails to adhere to the Ground Rules may be forced to leave a meeting, forfeiting his or her stipend if eligible to receive a stipend for being in attendance; or, if that Commissioner

- continues to fail to adhere to the Ground Rules or the infraction at issue is egregious, he or she shall be added to the agenda for discussion and action under subsections (4) and (5) of this section.
- (2) A Commissioner who fails to be courteous, civil, polite and respectful to all will give cause for the Chairperson to request a break, talk to the Commissioner in private and, based on that discussion and/or the number of infractions, the Commissioner may be forced by the Chairperson to leave the meeting, forfeiting his or her stipend if eligible to receive a stipend for being in attendance, or the Commissioner may be added to the agenda for discussion and action under subsections (4) and (5) of this section.
- (3) A Commissioner who fails to attend meetings on a regular basis or misses four (4) consecutive meetings, without an excused absence, will prompt the ONCOA Chairperson to add the attendance issue to the agenda for discussion and action under subsections (4) and (5) of this section.
- (A) A Commissioner who fails to notify an ONCOA Officer, in writing, of his or her pending absence at least thirty (30) minutes before the missed meeting shall be deemed unexcused.
- (4) A Commissioner who violates any other section of these bylaws or who has been added to the agenda in accordance with subsection (g) of this section shall be subject to the following:
- (A) If the Commissioner was elected, ONCOA may file a petition for his or her removal pursuant to the Removal law and/or any other law of the Nation governing the removal of elected officials.
- (B) If the Commissioner was appointed, ONCOA may make a recommendation to the Oneida Business Committee for termination of his or her appointment in accordance with the Boards, Committees and Commissions law and/or any other law of the Nation governing termination of appointed officials.
- (C) ONCOA may take action to discipline any Commissioner in accordance with any law of the Nation governing sanctions and penalties for elected and/or appointed officials.
- (D) A two-thirds (2/3) majority vote of the ONCOA membership is required before ONCOA may take any of the actions set forth under this subsection (4) of section 4-1.
- (5) Prior to taking any action under subsection (4) of this section, the ONCOA Chairperson or Officer designated by the Chairperson will send a certified letter to that Commissioner asking what his or her intent is serving on ONCOA.
- (A) If the Commissioner fails to respond to ONCOA within seven (7) business days of receiving the letter, that Commissioner will be placed on the agenda for discussion and action under subsection (4) of this section.
- (B) If the Commissioner provides a timely response to ONCOA, that Commissioner will be placed on the agenda to decide by majority vote of Commissioners in attendance at a meeting

of an established quorum whether, based on the response, he or she shall be offered the opportunity to take part in peacemaking in lieu of action under subsection (4) of this section.

- (i) If the Commissioner agrees to peacemaking, the ONCOA Chairperson shall select the peacemaker.

4-2. *Prohibition of Violence.* It is the policy of the Nation to provide a safe and secure environment when conducting business that is free of violence or the threat of violence.

- (a) ONCOA Commissioners are prohibited from committing any violent intentional act that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property.

- (1) Commissioners are encouraged to report threats of or observed violence to the ONCOA Chairperson or Oneida Police Department.

4-3. *Drug and Alcohol Use.* While acting in their official capacity, Commissioners shall not use or be under the influence of alcohol, intoxicants, illegal drugs or barbiturates.

4-4. *Social Media.* ONCOA Commissioners shall comply with the Oneida Nation's Social Media Policy to include, but not be limited to, setting up an ONCOA Social Media account with the Nation's Secretary's Office.

- (a) If creating a social media account, ONCOA must appoint an Administrator for the social media account and this appointment must be approved at an ONCOA meeting of an established quorum by a majority vote of the Commissioners in attendance.

- (b) Commissioners shall adhere to their oath of office when using social media while acting on behalf of or as a representative of ONCOA, and shall further refrain from posting, attaching or writing anything relating to ONCOA business or activities on any social media outlet unless authorized by these bylaws or by a majority vote of the Commissioners in attendance at an ONCOA meeting of an established quorum.

4-5. *Conflict of Interest.* All Commissioners shall comply with all applicable laws of the Oneida Nation governing conflicts of interest.

- (a) All Commissioners shall sign the Oneida Nation's Conflict of Interest Disclosure Form prior to being sworn in on ONCOA.

- (b) Commissioners shall disclose any potential conflict to the ONCOA Chairperson and the Oneida Nation Secretary.

- (c) Commissioners shall recuse themselves from any decision where a potential conflict exists.

- (d) In addition to any action that a Commissioner may be required to take under any other law of the Nation governing conflicts, when a familial relationship exists between a Commissioner and another party whom ONCOA is or will be formally interacting with, that Commissioner, or other Commissioner with knowledge of the relationship, shall disclose the existence of the relationship to ONCOA.

- (1) Upon disclosure, ONCOA shall allow the Commissioner with the familial relationship an opportunity to address ONCOA and answer any question ONCOA may have in follow up.

- (2) ONCOA shall then decide by a majority vote of Commissioners in attendance at a meeting of an established quorum whether a potential conflict exists.

Article V. Stipends and Compensation

5-1. *Stipends.* ONCOA Commissioners shall be eligible for the following stipends as set forth in and subject to these bylaws; the Boards, Committees and Commissions law; and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:

- (a) Two (2) meeting stipends per month, provided that:
 - (1) A quorum was established;
 - (2) The meeting of the established quorum lasted for at least one (1) hour; and
 - (3) The Commissioner collecting the stipend was physically present for the entire meeting.
- (b) For attending a conference or training, a stipend for each day of attendance, provided that:
 - (1) The Commissioner attended a full day of training or was present at the conference for a full day;
 - (2) The Commissioner's attendance at the conference or training was required by law, bylaws or resolution; and
 - (3) The budget for the training/conference and stipend was provided for and approved in the budgets for stipends.
 - (A) No stipend payments shall be made for those days spent traveling to and from the conference or training.
- (c) Stipends for Judiciary hearings:
 - (1) An ONCOA Commissioner may receive a stipend for attending an Oneida Judiciary hearing if that Commissioner's attendance was required by official subpoena.
- (d) A stipend for attending a duly called joint meeting between ONCOA and the Oneida Business Committee, provided that:
 - (1) A quorum was established by ONCOA;
 - (2) The joint meeting lasted for at least one (1) hour; and
 - (3) The Commissioner collecting the stipend was physically present for the entire joint meeting.
- (e) All stipend requests shall be accompanied by the meeting sign-in sheet or conference/training materials which identifies the start and end time of the meeting, conference or training.

5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, Commissioners shall not be eligible for any other type of compensation for duties/activities they perform on behalf of ONCOA.

Article VI. Records and Reporting

6-1. *Agenda Items.* Agenda items shall be maintained in a consistent format provided by the Oneida Business Committee Support Office, as approved by ONCOA, and submitted to the ONCOA Chairperson or, as applicable, ONCOA Staff according to ONCOA's established process.

- (a) For items to be placed on the agenda, items must be submitted to the Chairperson or, as applicable, ONCOA Staff at least one (1) week prior to the ONCOA meeting.
 - (1) Items submitted late, will be placed on the next ONCOA meeting agenda.
- (b) Packets of the proposed agenda and backup documentation shall be made available to all ONCOA Commissioners in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law.
- (c) Executive session items shall be stamped confidential and returned to the ONCOA Secretary or, if applicable, ONCOA Staff after the meeting for filing and disposal in accordance with the Nation's Open Records and Open Meetings law.

6-2. *Minutes.* Minutes for each meeting shall be typed and in a consistent format designed by the Oneida Business Committee Support Office, and approved by ONCOA, to generate the most informative record of the ONCOA meetings.

- (a) Minutes must provide a summary of the action taken by ONCOA in that meeting.
- (b) After ONCOA receives and approves the meeting minutes, the ONCOA Secretary or, if applicable, ONCOA Staff shall submit copies of the approved minutes to the Oneida Business Committee Support Office by the end of the fourth (4th) week of the month in which the meeting was held.
 - (1) Minutes will be received at the first (1st) meeting of the month and approved at the second (2nd) meeting of the month.
 - (2) Minutes will be made available one (1) week prior to the second (2nd) meeting upon request to the ONCOA Secretary or, if applicable, ONCOA Staff.
 - (3) The Secretary shall sign, date, and ensure approved minutes are submitted to the Oneida Business Committee Support Office by the end of the fourth (4th) week of each month.

6-3. *Attachments.* Handouts, attachments, reports, memoranda and the like shall be attached to and maintained with the meeting minutes and agenda in accordance with the Open Records and Open Meetings law.

- (a) All materials must be identified to the meeting in which they were presented.

6-4. *Oneida Business Committee Liaison.* ONCOA shall regularly communicate with the Oneida Business Committee member who is its designated liaison.

- (a) The frequency and method of communication shall be as agreed upon by ONCOA and the liaison, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.

6-5. *Audio Recordings.* All ONCOA meetings shall be audio recorded by the Oneida Business Committee Support Office using its own recording device.

- (a) Audio recordings of ONCOA meetings shall be maintained by the Oneida Business Committee Support Office.

- (b) *Exception:* Audio recordings of an Executive Session portion of a meeting shall not be recorded.

Article VII. Amendments

7-1. *Amendments.* ONCOA shall adopt, amend, or repeal any provisions of these bylaws at a meeting of an established quorum by a majority vote of the Commissioners in attendance; provided, the proposed amendments had been submitted in writing at a regular meeting of ONCOA.

- (1) Any amendments to these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other policy of the Nation.
 - (a) ONCOA shall conduct a review of these bylaws to ensure they remain current at the beginning of each fiscal year.
 - (b) Amendments shall be approved by ONCOA and the Oneida Business Committee before implementation.

These By-laws, as amended and revised, are hereby approved by the Oneida Business Committee at a duly called meeting held on October 9, 2019, by the Secretary of the Oneida Business Committee's signature.



Lisa Summers, Secretary
Oneida Business Committee



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



AGENDA REQUEST FORM

- 1) Request Date: October 16, 2023
- 2) Contact Person(s): Diane S Hill
Dept: SEOTS
Phone Number: 414-517-8097 Email: dhil@oneidation.org
- 3) Agenda Title: SEOTS Chair
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
Update the Southeastern Wisconsin Oneida Tribal Services Advisory Board Bylaws

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

- 1) 2020 02 12 Adopted SEOTS Bylaws
- 2) _____
- 3) _____
- 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
Chapter 105 BCC Law, BC Resolution 04-13-22-B
- 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:

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

Signature of Requester:

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

SOUTHEASTERN WISCONSIN ONEIDA TRIBAL SERVICES (SEOTS) ADVISORY BOARD BYLAWS

Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Southeastern Wisconsin Oneida Tribal Services (SEOTS) Advisory Board and may be referred to interchangeably as SEOTS or the Board.
- 1-2. *Establishment.* The Board was established through resolution BC-4-4-94-A, which was adopted by the Oneida Business Committee on April 4, 1994 pursuant to the authority delegated it under Article IV, Section 1 of the Oneida Nation Constitution.
- 1-3. *Authority.* The Board was established for purposes of providing advice and constructive input to the Southeastern Wisconsin Oneida Tribal Services (SEOTS) Director working in partnership to formulate social services programs for the Oneida people residing in Southeastern Wisconsin by, including, but not limited to:
- (a) Acting as an ambassador for the SEOTS program by promoting its mission whenever possible;
 - (b) Reviewing the SEOTS program's budget;
 - (c) Guiding and advising the SEOTS administration;
 - (d) Adhering to the appropriate chain of command in any and all relative communications with the Oneida Business Committee; and
 - (e) Carrying out all other powers and/or duties delegated to SEOTS by the laws and/or policies of the Nation.
- 1-4. *Office.* The official mailing address of the Board shall be:
Southeastern Wisconsin Oneida Tribal Services Advisory Board
c/o Southeastern Wisconsin Oneida Tribal Services
5233 W. Morgan Avenue
Milwaukee, WI 53220
- 1-5. *Membership.*
- (a) *Number of Members.* The Board shall consist of seven (7) members who shall serve three (3) year terms.
 - (b) *Appointment.* Board members shall be appointed in accordance with the Boards, Committees and Commissions law.
 - (1) Each member shall hold office until his/her terms expires, he/she resigns, or his/her appointment is terminated in accordance with the Boards, Committees and Commissions law.
 - (A) *Term Expiration.* Although a member's term has expired, he or she shall remain in office until a successor has been sworn in by the Oneida Business Committee.
 - (B) *Resignation.* A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida

Business Committee Support Office and the Board Chairperson or Chairperson's designee. The resignation is deemed effective upon acceptance by motion of a Board member's verbal resignation or upon delivery of the written notices.

- (c) *Vacancies.* Vacancies on the Board shall be filled in accordance with the Boards, Committees and Commissions law.
 - (1) The Board Chairperson shall provide the Oneida Business Committee recommendations on all applications for appointment by the executive session in which the appointment is intended to be made.
- (d) *Qualifications of Members.* Board members shall meet the following qualifications:
 - (1) Be an enrolled member of the Nation;
 - (2) Be at least eighteen (18) years of age or over; and
 - (3) Reside within one (1) of the following six (6) Southeastern Wisconsin Counties: Milwaukee, Racine, Kenosha, Waukesha, Ozaukee and Washington.

1-6. *Termination.* A Board member may have his or her appointment terminated in accordance with the Boards, Committees and Commissions law.

- (a) Upon majority vote of the members in attendance at a Board meeting of an established quorum, the Board may, by formal motion and action, request that the Oneida Business Committee terminate a member's appointment for one (1) or more of the following reasons:
 - (1) Accumulating four (4) unexcused absences from regularly scheduled meetings within a twelve (12) month period.
 - (A) An absence shall be deemed unexcused if a member fails to provide written notice of his or her pending absence to a Board Officer at least thirty (30) minutes before the missed meeting.
 - (2) Failing to attend at least fifty percent (50%) of the regularly scheduled meetings within a twelve (12) month period for any reason.
 - (3) Using alcohol while performing official responsibilities of the Board or using illegal drugs at any time.
 - (4) Violating these bylaws and/or any other laws of the Nation.
 - (5) Receiving a felony conviction while serving on the Board.

1-7. *Trainings and Conferences.* Board members shall be required to attend mandatory trainings and/or conferences in the following areas:

- (a) Robert's Rules of Order;
- (b) Oneida Language Classes; and/or
- (c) New Board Member Orientation by the SEOTS Director.
- (d) Regardless of the number of trainings/conferences that he or she is required to attend, no member shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

Article II. Officers

- 2-1. *Officers.* The Board shall consist of the following Officers: Chairperson, Vice-Chairperson and Secretary.
- 2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of the Chairperson shall be as follows:
- (a) Call and preside over all meetings of the Board.
 - (b) Vote only in case of a tie.
 - (c) Sign all correspondence of the Board.
 - (d) Submit quarterly reports to the Oneida Business Committee, as well as annual and semi-annual reports to the Oneida General Tribal Council, in accordance with the Boards, Committees and Commissions law; and attend or designate a Board member to attend the Oneida Business Committee meeting where SEOTS' quarterly report appears on the agenda.
 - (e) Assign sub-committees as necessary and maintain Board functions and responsibilities.
 - (f) Prepare and follow scheduled order of business.
 - (g) Perform such other duties and functions from time-to-time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Nation; as required by the Constitution of the Oneida Nation; per the direction of the Oneida General Tribal Council; or as provided for by the laws of the Nation.
- 2-3. *Responsibilities of the Vice-Chairperson.* The responsibilities, duties and limitations of the Vice-Chairperson shall be as follows:
- (a) Perform the Chairperson's duties under section 2-2 of these bylaws, in the absence or incapacity of the Chairperson.
 - (1) In the case of termination of appointment, resignation or death of the Chairperson, the Vice-Chairperson shall become the Chairperson for the remainder of the Chairperson's term.
 - (b) Notify the Oneida Business Committee Support Office of any Board vacancies or planned vacancies in accordance with the Boards, Committees and Commissions law.
 - (c) Perform such other duties and functions from time-to-time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Nation; as required by the Constitution of the Oneida Nation; per the direction of the Oneida General Tribal Council; or as provided for by the laws of the Nation.
- 2-4. *Responsibilities of the Secretary.* The responsibilities, duties and limitations of the Secretary shall be as follows:
- (a) Provide notice of meeting agendas, documents, and minutes to all Board members, as well as the public, in accordance with these bylaws and the Nation's Open Records and Open Meetings law.

- (b) Record and review the minutes of the Board's meetings and submit recorded minutes to the Oneida Business Committee Support Office in accordance with these bylaws.
- (c) Maintain files for all minutes, reports and correspondence to and from the Board in accordance with the Open Records and Open Meetings law.
- (d) Submit signed and completed A/P Check Request Forms, Minutes Approved Signature Sheets, and Meeting Attendance Sheets to the appropriate recipient.
- (e) In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, call Board meetings to fill the vacancies and preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.
- (f) Perform such other duties and functions from time-to-time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Nation; as required by the Constitution of the Oneida Nation; per the direction of the Oneida General Tribal Council; or as provided for by the laws of the Nation.

2-5. *Selection of Officers.* Officers of the Board shall serve one (1) year terms.

- (a) Any member of the Board may self-nominate or be nominated for the offices of Chairperson, Vice-Chairperson or Secretary.
- (b) Elections of Officers shall take place at the first regular Board meeting of an established quorum in March of each year by majority vote of the members in attendance.
- (c) Board members may be dismissed from their Officer positions by majority vote of the members in attendance at a Board meeting of an established quorum.
- (d) Board members may hold only one (1) Officer position per Officer term.

2-6. *Budgetary Sign-Off Authority and Travel.* The Board shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

- (a) Levels of budgetary sign-off authority for the Board shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.
- (b) All Board Officers have sign-off authority and (2) Officers shall be required to sign-off on all budgetary requests, except as follows:
 - (1) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
- (c) Travel shall be approved by majority vote of the members in attendance at a regular or emergency Board meeting of an established quorum.

2-7. *Personnel.* The Board shall not have authority to hire personnel for the benefit of the Board.

Article III. Meetings

- 3-1. *Regular Meetings.* The Board's regular meetings shall be held on the 2nd Monday of each month, beginning at 6:00 p.m., in the SEOTS building located in Milwaukee, Wisconsin.
- (a) The meeting date, time and location may change from time-to-time as determined by a majority vote of the members consisting of no less than a Board quorum so long as notice is provided to all members in writing and, along with the public, in accordance with the Open Records and Open Meetings law, prior to implementation of the new date, time and/or location.
 - (b) The annual meeting schedule shall be posted in the SEOTS office, on the Nation's website and in the Kalihwisaks.
 - (c) The Secretary shall provide notice of meeting agendas, documents and minutes to all Board members in writing and, along with the public, in accordance with the Open Records and Open Meetings law.
- 3-2. *Emergency Meetings.* Emergency meetings may convene as needed outside of regular meeting times when time sensitive issues require immediate action.
- (a) Board Officers may call emergency meetings so long as they provide notice to the entire Board via telephone call and in writing a minimum of twenty-four (24) hours prior to the beginning of the meeting.
 - (1) Notice provided to members via email must be sent to the official Oneida Nation email address that was provided to each member to conduct business electronically on behalf of the Board.
 - (2) Notice of emergency meetings shall further be provided to all members, as well as the public, in accordance with the Open Records and Open Meetings law.
 - (b) Within seventy-two (72) hours after an emergency meeting, the Board shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular meeting.
- 3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held on an as needed basis per the approval of the Oneida Business Committee.
- (a) Notice of the joint meeting agenda, documents and minutes shall be provided, and the joint meeting conducted, in accordance with resolution BC-03-27-19-D titled, Oneida Business Committee Joint Meetings with Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.
- 3-4. *Quorum.* A quorum shall consist of at least four (4) Board members, one of which shall be the Chairperson or the Vice-Chairperson.
- (a) The Board shall not conduct any official action without the presence of a quorum.

- (b) In lieu of the Chairperson and Vice-Chairperson, the Secretary may complete the quorum for meetings that are called pursuant to section 2-4(e) of these bylaws.

3-5. *Order of Business.* The order of business, as far as applicable, shall be as follows:

- (a) Call to Order
- (b) Adopt the Agenda
- (c) Approval of Minutes
- (d) Old Business
- (e) New Business
- (f) SEOTS Director's Report (once a month)
- (g) Other Business
- (h) Executive Session
- (i) Adjournment

3-6. *Voting.* Decisions of the Board shall be based upon a majority vote of members in attendance at a regular or emergency Board meeting of an established quorum.

- (a) The Chairperson, or Board Officer presiding in lieu of the Chairperson, shall not be allowed to vote unless a tie needs to be broken.
- (b) E-polls are allowed so long as conducted in accordance with the Boards, Committees and Commissions law.
 - (1) The Vice-Chairperson shall serve as the Chairperson's designee for the responsibility of conducting e-polls in the Chairperson's absence or discretion.

Article IV. Expectations

4-1. *Behavior of Members.* While acting on behalf of the Board, members are prohibited from:

- (a) Bullying;
- (b) Name calling;
- (c) Using excessive profanity; and/or
- (d) Engaging in other disrespectful behavior deemed inappropriate by the Board.
- (e) *Enforcement.* A member who violates this or any other section of these bylaws and/or any governing law of the Nation, may be subject to one or more of the following:
 - (1) If deemed violent or threatening during a Board meeting, dismissal from the meeting by the Chairperson or Vice-Chairperson.
 - (A) If the unwanted behavior escalates after dismissal, the proper authorities will be called.
 - (2) By majority vote of the members present at a Board meeting of an established quorum, the Board's recommendation to the Oneida Business Committee for the termination of his or her appointment.
 - (3) Disciplinary action in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

- 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a Board member that inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on another person, or damage to property are strictly prohibited.
- 4-3. *Drug and Alcohol Use.* Alcohol use while performing official responsibilities of the Board or use of illegal drugs at any time by a Board member is prohibited.
- (a) Any member discovered to be under the influence of alcohol or an illegal drug while attending a Board meeting or event will, along with any other possible action under section 4-1, be dismissed by the Chairperson or Vice-Chairperson from that meeting/event.
- 4-4. *Social Media.* Members shall comply with the Nation's Social Media Policy, their oath of office and the following when using social media on behalf or as a representative of the Board.
- (a) Use of the SEOTS Advisory Board Facebook Page.
- (1) If a post by a Board member on any social media platform is made and it is perceived in a negative or inappropriate way, that Board member shall be counseled in the following meeting.
- (2) If a post is made by a community member and is perceived in a negative or inappropriate way, one (1) of the three (3) administrators will delete the comment or post. That community member will be contacted by an administrator. If the conflict cannot be resolved, the Board will decide how to proceed at the following Board meeting.
- 4-5. *Conflict of Interest.* Board members shall comply with all laws and policies of the Nation governing conflicts of interest.

Article V. Stipends and Compensation

- 5-1. *Stipends.* Board members are eligible for the following stipends as set forth in and subject to these bylaws; the Boards, Committees and Commissions law; and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:
- (a) One (1) meeting stipend per month, provided that:
- (1) A quorum was established;
- (2) The meeting of the established quorum lasted for a minimum of one (1) hour; and
- (3) The member collecting the stipend was physically present for the entire meeting of the established quorum.
- (b) A stipend for attending a Judiciary hearing if the member's attendance was required by official subpoena.
- (c) A stipend for attending a duly called joint meeting between the Board and the Oneida Business Committee, provided that:
- (1) A quorum was established by the Board;

- (2) The joint meeting of the established quorum lasted for at least one (1) hour; and
- (3) The member collecting the stipend was physically present for the entire joint meeting.
- (d) A stipend for each day of attendance at a conference or training, provided that:
 - (1) The member attended a full day of training or was present at the conference for a full day; and
 - (2) The member's attendance at the conference or training was mandated by law, bylaws or resolution.

5-2. *Compensation.* Besides reimbursement for travel, per diem and business expenses authorized by the Boards, Committees and Commissions law, members shall not be entitled to any other form of compensation for duties/activities performed on behalf of the Board.

Article VI. Records and Reporting

6-1. *Agenda Items.* Agendas shall be maintained in a consistent format furnished by the Oneida Business Committee Support Office.

6-2. *Minutes.* Minutes shall be typed and in a consistent format designed by the Oneida Business Committee Support Office to generate the most informative record of the Board's meetings.

- (a) Within thirty (30) days of Board approval, the Secretary shall submit the minutes to the Oneida Business Committee Support Office for filing.

6-3. *Attachments.* Handouts, reports, memoranda and the like shall be attached to the minutes and agenda of the meeting in which they were presented to be maintained in accordance with the Open Records and Open Meetings law.

6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the Oneida Business Committee member who is its designated liaison.

- (a) The frequency and method of communication shall be as agreed upon by the Board and liaison, but no less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.
- (b) The purpose of the liaison relationship is to uphold the ability of the liaison to act as support to the Board.

6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using a device approved and/or furnished by the Oneida Business Committee Support Office.

- (a) Audio recordings shall be maintained on the network in accordance with the Open Records and Open Meetings law.

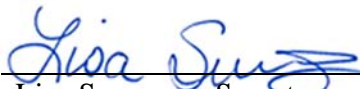
- (1) *Exception.* Audio recordings of executive session portions of a meeting shall not be required.

Article VII. Amendments

7-1. *Amendments.* These bylaws may be amended by majority vote of the members in attendance at a Board meeting of an established quorum.

- (a) Proposed amendments to these bylaws must be presented at one Board meeting and cannot be approved until a subsequent Board meeting.
 - (1) A majority vote of the members in attendance at a Board meeting of an established quorum is required before bylaws amendments will be forwarded to the Oneida Business Committee for approval.
- (b) Amendments shall be approved by the Oneida Business Committee and/or the General Tribal Council, before implementation.
- (c) Amendments to these bylaws must conform to the requirements of the Boards, Committees and Commissions law, as well as any other policy of the Nation.
- (d) The Board shall conduct a review of its bylaws no less than on an annual basis.

These By-laws, as amended and revised, are hereby approved by the Oneida Business Committee at a duly called meeting held on February 12, 2020, by the Secretary of the Oneida Business Committee's signature.



Lisa Summers, Secretary
Oneida Business Committee

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: October 18, 2023
- 2) Contact Person(s): Lawrence Barton Dept: Oneida Business Committee
 Phone Number: 920-869-4394 Email: lbarton2@oneidanation.org
- 3) Agenda Title: GWA Law Amendment
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
To start amendments in preparation of U.S. Treasury Guidance Memorandum to Tribal Nations expected
in the next three months.

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

- 1) See attached memorandum
- 2) _____
- 3) _____
- 4) _____

- 5) Please List any laws, ordinances or resolution that might be affected:
GWA Law attached
- 6) Please List all other departments or person(s) you have brought your concern to:
LOC members
- 7) Do you consider this request urgent? Yes No
 If yes, please indicate why: Year End Tax Reporting is approaching

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

Signature of Requester: 


Please send this form and all supporting materials to:

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



Memorandum

To: LOC

From: Larry Barton, Treasurer 

Date: October 18, 2023

Re: General Welfare Exclusion Amendments

Legal Research is required to amend the General Welfare Exclusion Law. Areas to be clarified with a forthcoming Guidance Letter from US Treasury includes the following areas of applicability & specificity:

- Cultural & religious practices.
- Educational Assistance.
- Minors Trust Accounts.
- Elder & Disabled Assistance.
- “Other” Qualifying Assistance such as General Tribal Council Meeting & Committee/Board/Commission Stipends.

I was present recently at the Fall Native American Finance Offices Fall Conference where Tribes are developing and have implemented Policy (Law) construct to utilize existing Federal Tax applicability to benefit Enrolled Members financially while exerting Sovereignty. Several panelists at the NAFOA Conference in which I attended are members of the US Treasury Tribal Taxation Advisory Committee (TTAC). I respectfully request General Welfare Exclusion Amendments be added to the Legislative Operating Committee Active Files.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 12-08-21-A Adoption of the Oneida General Welfare Law

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the purpose of the Oneida General Welfare law ("the Law") is to govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion; and
- WHEREAS,** in August 2020, the Law was first adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D to provide a mechanism to address the economic needs of members of the Nation during the COVID-19 pandemic by providing a framework and guidelines for the Nation to establish and operate approved programs which provide assistance to eligible members to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment; and
- WHEREAS,** in February 2021, emergency amendments to the Law were then adopted by the Oneida Business Committee through resolution BC-02-10-21-B for the purpose of addressing how an approved program would be adopted by the Oneida Business Committee in an effort to allow for more flexibility and efficiency in addressing the needs of the Nation; and
- WHEREAS,** on July 28, 2021, the Oneida Business Committee extended the emergency amendments to this Law for an additional six (6) month period through the adoption of resolution BC-07-28-21-M; and
- WHEREAS,** the Law is now ready for permanent adoption by the Oneida Business Committee; and
- WHEREAS,** the Law provides a framework for the Nation to develop approved programs to provide assistance to members on a non-taxable basis in an effort to promote the general welfare while ensuring compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35, and that all assistance provided under this Law:
- is available to any recipients who satisfy the program policies, subject to budgetary restraints;
 - is made under an approved program that does not discriminate in favor of members of the Nation's governing body;
 - is not provided as compensation for goods and/or services; and

BC Resolution # 12-08-21-A
Adoption of the Oneida General Welfare Law
Page 2 of 2

- is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee; and

WHEREAS, in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were developed for this Law; and

WHEREAS, a public meeting on this proposed Law was not held in accordance with the Legislative Procedures Act due to the COVID-19 pandemic; and

WHEREAS, 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, which was then subsequently extended through January 23, 2022, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-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, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A and BC-11-24-21-F; and

WHEREAS, Oneida Business Committee resolution BC-08-03-21-A, *Setting Public Gathering Guidelines during Public Health State of Emergency—COVID-19*, prohibits indoor and outdoor public gatherings when the COVID-19 infection rates within Brown or Outagamie Counties exceed "Low" as identified by the Wisconsin Department of Health Services; and


WHEREAS, on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period for the duration of the Public Health State of Emergency, but 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; and

WHEREAS, although a public meeting was not held for this proposed Law, the public comment period for this Law was held open until October 13, 2021, and no individuals submitted written comments during the public comment period; and

NOW THEREFORE BE IT RESOLVED, that the Oneida General Welfare law is hereby adopted and shall become effective on December 22, 2021.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members were present at a meeting duly called, noticed and held on the 8th day of December, 2021; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



 Lisa Liggins, Secretary
 Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."

Title 10. General Welfare Exclusion - Chapter 1001
ONEIDA GENERAL WELFARE

1001.1. Purpose and Policy
1001.2. Adoption, Amendment, Repeal
1001.3. Definitions
1001.4. General Welfare Assistance
1001.5. Approved Program Guidelines

1001.6. Non-Recourse Designation
1001.7. Governing Law; Sovereignty
1001.8. Federal Trust Obligations

1001.1. Purpose and Policy

1001.1-1. *Purpose.* The purpose of this law is to govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion.

(a) The federal government through the Tribal General Welfare Exclusion Act of 2014, codified at 26 U.S.C §139E and the Internal Revenue Service, through its traditional application of the general welfare doctrine and subsequent guidance, has recognized the sovereign right of Indian tribal governments to provide financial assistance to its members under certain circumstances on a non-taxable basis.

1001.1-2. *Policy.* It is the policy of the Nation to provide assistance to members through approved programs that promote the general welfare of the Nation. This law provides a framework for approved programs to follow to ensure compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35. Further, it is the intent of the Oneida Business Committee that all assistance provided under this law:

- (a) is available to any recipients who satisfy the program policies, subject to budgetary restraints;
- (b) is made under an approved program that does not discriminate in favor of members of the Nation’s governing body;
- (c) is not provided as compensation for goods or services; and
- (d) is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee.

1001.2. Adoption, Amendment, Repeal

1001.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__-__.

1001.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1001.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

1001.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

1001.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

1001.3. Definitions

1001.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Approved program" means any program(s) to provide general welfare assistance that is intended to qualify as non-taxable as a General Welfare Exclusion, administered under specific guidelines, and is adopted by the Oneida Business Committee through resolution

- 42 or law of the Nation.
- 43 (b) "Assistance" means benefits or payments under an approved program, which are paid
44 to or on behalf of a recipient pursuant to this law. Assistance provided under an approved
45 program shall not be considered income of the recipient.
- 46 (c) "Lavish" or "Extravagant" shall have the meaning determined by the Oneida Business
47 Committee in its discretion and based on the circumstances, taking into account needs
48 unique to the Nation as well as the social purpose being served by the particular assistance
49 at hand, except as otherwise may be required for compliance with final guidance issued
50 under 26 U.S.C. §139E following consultation between the Nation and the federal
51 government.
- 52 (d) "Limited term" means a defined start and end date, or utilizes third-party funding and
53 is not intended to be permanent.
- 54 (e) "Member" means an individual who is an enrolled member of the Nation.
- 55 (f) "Nation" means the Oneida Nation.
- 56 (g) "Recipient" means any member entitled to receive assistance in accordance with
57 approved program requirements.

58

59 **1001.4. General Welfare Assistance**

60 1001.4-1. *General.* The Nation may provide general welfare assistance to eligible members on a
61 non-taxable basis pursuant to the principles of General Welfare Exclusion. The federal government
62 recognizes that benefits to recipients under an approved program for the promotion of the general
63 welfare of the Nation is excludable from the gross income of those recipients. General Welfare
64 Exclusion provides that any assistance shall be treated as non-taxable under federal law so long as
65 it:

- 66 (a) satisfies the requirements for exclusion under 26 U.S.C. §139E;
67 (b) is provided under a Safe Harbor Program listed and detailed in I.R.S. Rev. Proc. 2014-
68 35 or subsequent Internal Revenue Service procedures or regulations; or
69 (c) meets the criteria of the General Test under the I.R.S. General Criteria of General
70 Welfare exclusion listed in I.R.S. Rev. Proc. 2014-35, section 5.02(1).

71 1001.4-2. *General Test.* The General Test provides criteria used to determine if any assistance
72 provided through an approved program to a recipient shall be treated as a General Welfare
73 Exclusion. The criteria of the General Test include the following:

- 74 (a) The assistance is paid on behalf of the Nation;
75 (b) The assistance was provided pursuant to an approved program;
76 (c) The assistance does not discriminate in favor of members of the governing body of the
77 Nation;
78 (d) The assistance is available to any member who meets the guidelines of the approved
79 program;
80 (e) The assistance is provided for the promotion of general welfare;
81 (f) The assistance is not lavish or extravagant;
82 (g) The assistance is not compensation for services; and
83 (h) The assistance is not a per capita payment.

84 1001.4-3. *Approved Programs.* Any assistance provided by the Nation under the General Welfare
85 Exclusion shall occur through an approved program and qualify as non-taxable under the principles
86 of the General Welfare Exclusion to the fullest extent permitted at law.

- 87 (a) An approved program shall be established and operated to promote the general welfare

88 of the Nation, including programs designed to enhance the promotion of health, education,
89 self-sufficiency, self-determination, and the maintenance of culture and tradition,
90 entrepreneurship, and employment.

91 (b) Each approved program shall be limited to purposes consistent with treatment under
92 the General Welfare Exclusion as to purpose, eligibility, and funding.

93 (d) An approved program shall meet all criteria of the General Test.

94 (d) Assistance provided through an approved program is not subject to information
95 reporting by the Nation to the Internal Revenue Service.

96 1001.4-4. *Ratification of Prior Acts.* This law shall not be construed as creating new general
97 welfare assistance rights which are an inherent right of Nation. Rather, this law is intended to
98 codify existing procedures used by the Nation to administer its general welfare assistance.
99 Assistance provided prior to the enactment of this law is hereby ratified and confirmed as general
100 welfare assistance provided pursuant to the exercise by the Nation of its inherent tribal sovereignty.
101

101

102 **1001.5. Approved Program Guidelines**

103 1001.5-1. *Creation of an Approved Program.* An approved program shall be adopted by the
104 Oneida Business Committee through a resolution or law of the Nation. Approved programs
105 adopted by the Oneida Business Committee are considered in force and effect and in accordance
106 with this law

107 (a) *Law.* An approved program shall be adopted by the Oneida Business Committee
108 through a law if the approved program will function on a permanent basis.

109 (1) Adoption of an approved program by the Oneida Business Committee through
110 a law of the Nation shall comply with the process and procedures of the Legislative
111 Procedures Act.

112 (b) *Resolution.* An approved program shall be adopted by the Oneida Business Committee
113 through a resolution if the approved program will function for a limited term.

114 (1) An approved program to be considered for adoption through resolution by the
115 Oneida Business Committee shall be accompanied by a statement of effect and
116 submitted in accordance with the Oneida Business Committee's submission
117 procedure and deadlines.

118 (c) *Contents of Proposed Approved Programs.* The law or resolution establishing an
119 approved program shall contain the following information:

120 (1) Name of the approved program;

121 (2) Purpose of the approved program;

122 (3) Eligibility rules and limitations for approved program;

123 (4) Funding source for approved program;

124 (5) How the approved program qualifies for General Welfare Exclusion; and

125 (6) Start and end date of approved program, if applicable.

126 1001.5-2. *Eligibility.* Assistance provided by an approved program shall be limited to members
127 of the Nation. Each approved program shall set forth any specific eligibility rules and limitations
128 applied to that program.

129 1001.5-3. *Funding of Approved Programs.* Assistance authorized by this law shall be limited to
130 funds appropriated, at the discretion of the Oneida Business Committee and no matter the source
131 of the funds. All amounts budgeted by the Nation for assistance shall remain general assets of the
132 Nation until payments are disbursed. The Oneida Business Committee shall designate approved
133 programs for which funds shall be budgeted each fiscal year, consistent with the purposes of this

134 law. Approved programs may also be funded through third-party funding if available.
 135 1001.5-4. *Use of Assistance*. All assistance provided through an approved program shall be used
 136 for the purpose stated in the approved program description. If assistance is used or pledged for a
 137 purpose inconsistent with the purpose set forth in an approved program the payment shall be
 138 deemed forfeited. The Nation may secure repayment from any recipient who forfeited their
 139 assistance.

140 1001.5-5. *Anti-Alienation*. Assistance provided to a member through an approved program shall
 141 not be subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance,
 142 attachment or garnishment by creditors of the member.

143

144 **1001.6. Non-Recourse Designation**

145 1001.6-1. The Nation does not guarantee assistance under this law. Assistance shall not be treated
 146 as a resource or asset of a recipient for any purpose; and no recipient shall have an interest in or
 147 right to any funds budgeted for, or set aside for, approved programs until paid.

148 1001.6-2. The Oneida Business Committee reserves the right to cancel, adjust, modify or revoke
 149 any benefit.

150 1001.6-3. Approved programs shall be administered at all times to avoid triggering of the doctrines
 151 of “constructive receipt” or “economic benefit.”

152

153 **1001.7. Governing Law; Sovereignty**

154 1001.7-1. All the rights and liabilities associated with the enactment of this law, or the assistance
 155 made hereunder, shall be construed and enforced according to the Nation’s laws and applicable
 156 federal law. Nothing in this law or the related laws, policies, or procedures adopted for its
 157 implementation, if any, shall be construed to make applicable to the Nation any laws or regulations
 158 which are otherwise inapplicable to the Nation, or from which the Nation is entitled to exemption
 159 because of its sovereign status.

160

161 **1001.8. Federal Trust Obligations**

162 1001.8-1. The Nation reserves the right to provide assistance in circumstances where federal
 163 funding is insufficient to operate federal programs designed to benefit applicants and when federal
 164 funding is insufficient to adequately and consistently fulfill federal trust obligations. The Nation’s
 165 adoption of its approved programs is not intended to relieve or diminish the federal government of
 166 its funding and trust responsibilities. Nothing herein shall waive the Nation’s right to seek funding
 167 shortfalls or to enforce the trust rights of the Nation and its members. The Nation shall be entitled
 168 to government-to-government consultation and coordination with the federal government
 169 regarding these obligations.

170

171 *End.*

172

174 Emergency Adopted – BC-08-12-20-D

175 Emergency Amended – BC-02-10-21-B

176 Emergency Extended – BC-07-28-21-M

177 Adopted – BC-__-__-__-__

DRAFT

79 **G. May 8, 2023, special meeting minutes (00:43:27)**
80

81 Motion by Brandon Stevens to approve items IV.A.-G. Seconded by Debbie Danforth. **Motion carried by**
82 **show of hands**

83
84 Amendment to the main motion by Linda Dallas to accept items IV.A.-G. as information only.
85 Seconded by Madelyn Genskow. **Motion carried by show of hands**
86

87
88 **V. TABLED BUSINESS**
89

90 **A. Onlayote?a·ká ni?i Project Plan (00:53:48)**
91

92 Motion by Marena Bridges to take item V.A. from the table. Seconded by Kathy Mauritz. **Motion carried**
93 **by hand count: 993 support; 349 opposed; 222 abstained**

94
95 Motion by Nancy Barton deny the Onlayote?a·ká ni?i Project Plan request to move the project forward.
96 Seconded by Michael Debraska.¹ **Motion failed by show of hands**
97

98 Amendment to the main motion by Natasha Emmerton to defer the Onlayote?a·ká ni?i Project
99 Plan request until the semi-annual meeting and for the Business Committee to bring forward
100 more statistics from other tribes. Seconded by Pauline Ackley.² **Motion ruled out of order by**
101 **Chairman Tehassi Hill; the timeline from this amendment to the main motion has lapsed**
102

103 Motion by Lisa Liggins to support the Onlayote?a·ká ni?i Project Plan noting updates will be provided at
104 each annual and semi-annual General Tribal Council meeting and to direct the Business Committee to
105 create a Board, Committee, or Commission to manage the project plan in accordance with the Boards,
106 Committees, and Commissions law. Seconded by Jonas Hill. **Motion carried by 2/3 majority vote**
107 **requirement: (1551 total yes/no votes; 1034 needed for 2/3 majority) 1154 support; 255 opposed;**
108 **71 abstained**
109

110 Amendment #1 to the main motion by Linda Dallas to direct the Oneida Business Committee to
111 schedule a separate General Tribal Council meeting solely for the purpose to discuss the
112 Onlayote?a·ká ni?i Project Plan. Seconded by Lisa Liggins. **Motion carried by show of hands**
113

114 Amendment #2 to the main motion by Gerald Doxtator to have the Onlayote?a·ká ni?i
115 Project Plan General Tribal Council meeting to have no General Tribal Council meeting
116 stipend paid for that meeting. Seconded by Johnathan Smith. **Motion carried by show**
117 **of hands**
118

119 *Item VII.A. was addressed next.*
120

¹ The item was tabled at the January 30, 2023, annual General Tribal Council meeting and the action was not voted upon.

² The item was tabled at the January 30, 2023, annual General Tribal Council meeting and the action was not voted upon.

ONAYOTE?A·KÁ NI? I COMMISSION BYLAWS

Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Onayote?a·ká ni? i Commission and may be referred to as the I Am Oneida Commission.
- 1-2. *Establishment.* The Onayote?a·ká ni? i Commission is established by motion of the General Tribal Council on April 10, 2023¹, and further established through the adoption of these bylaws on INSERT DATE.
- 1-3. *Authority.*
- (a) *Purpose.* The purpose of the Onayote?a·ká ni? i Commission is to serve as an advisory body for the General Tribal Council and Oneida Business Committee as it relates to the implementation of the Onayote?a·ká ni? i Project Plan which was presented at the Annual General Tribal Council Meeting on January 30, 2023, and subsequently supported by General Tribal Council on July 24, 2023.
 - (b) *Powers and duties.* The powers of the Onayote?a·ká ni? i Commission are advisory, with duties that include, but are not limited to the following:
 - (1) Assist with ensuring accurate and timely information is provided to the Oneida Community regarding relevant or associated enrollment projection data and projected impacts based on that data.
 - (2) Provide constructive input or advise to the General Tribal Council and Oneida Business Committee on matters relating the implementation of the Onayote?a·ká ni? i Project Plan.
 - (3) Act as listening and communication agents on behalf of the community, by sharing general information, timelines or other matters relating to the implementation of the approved project plan.
 - (4) Ensure the Oneida Nation's Vision² and Mission³ are considered an incorp
 - (5) Responding to and acting upon any other delegated authority established through the laws, policies, rules and resolutions of the Oneida Nation.

¹ Motion by Lisa Liggins to support the Onayote?a·ká ni? i Project Plan noting updates will be provided at each annual and semi-annual General Tribal Council meeting and to direct the Business Committee to create a Board, Committee, or Commission to manage the project plan in accordance with the Boards, Committees, and Commissions law. Seconded by Jonas Hill. **Motion carried by 2/3 majority vote requirement: (1551 total yes/no votes; 1034 needed for 2/3 majority) 1154 support; 255 opposed; 71 abstained**

² A Nation of strong families built on Tsi? niyukwaliho T^ and a strong economy.

³ To strengthen and protect our people, reclaim our land and enhance the environment by exercising our sovereignty.

- 34 (6) Create non-stipend sub-committees for the purpose of assisting in
 35 outreach and education regarding the Onlayote?a·ká ni? i Project
 36 Plan, and whose composition is representative of individuals who
 37 may be impacted by implementation of the plan.
 38 (7) TBD
 39 (8) TBD
 40 (9) TBD
 41

42 1-4. *Office.* The official mailing address of the Onlayote?a·ká ni? i Commission shall
 43 be:
 44 Onlayote?a·ká ni? i Commission
 45 Attn: Oneida Government Administrative Office (NHC)
 46 P.O. Box 365
 47 Oneida, WI 54155
 48

49 1-5. *Membership.*

- 50 (a) *Number of members.* The Onlayote?a·ká ni? i Commission shall consist of
 51 not less than nine (9), nor more than 15 appointed members.
 52 (1) Each member shall hold office until his or her term expires, until his
 53 or her resignation, or until his or her appointment is terminated in
 54 accordance with the Boards, Committees and Commissions law.
 55 (A) *Term Expiration.* Although a member's term has expired, he
 56 or she shall remain in office until a successor has been sworn
 57 in by the Oneida Business Committee.
 58 (B) *Resignation.* A member may resign at any time verbally at a
 59 meeting or by delivering written notice to the Oneida
 60 Government Administrative Office and the The
 61 Onlayote?a·ká ni? i Commission Chairperson or
 62 Chairperson's designee. The resignation is deemed effective
 63 upon acceptance by motion of a member's verbal resignation
 64 or upon delivery of the written notices.
 65 (b) *Appointment.* The Onlayote?a·ká ni? i Commission shall be appointed in
 66 accordance with the Boards, Committees and Commissions Law for a term
 67 of three (3) years.
 68 (1) Terms shall start of the first day of the year (01/01) and shall end on
 69 the last day of the year (12/31).
 70 (c) *Vacancies.* Vacancies shall be filled in accordance with the Boards,
 71 Committees and Commissions Law.
 72 (d) *Qualifications of members.* Members of the Onlayote?a·ká ni? i
 73 Commission shall meet the following qualifications:

- 74 (1) Be enrolled or eligible for enrollment with the Oneida Nation, or be
 75 not more than one (1) generation removed from an enrolled or
 76 eligible member.
 77 (2) Reside in the State of Wisconsin.
 78 (3) Be a citizen in good standing in the Oneida Community.
 79

80 1-6. *Termination.* An Onlayote?a·ká ni? i Commission Member's appointment may be
 81 terminated by the Oneida Business Committee in accordance with the Boards,
 82 Committees and Commissions law.

83 (a) The Onlayote?a·ká ni? i Commission may make recommendations to the
 84 Oneida Business Committee for the termination of a member's appointment
 85 based on the following:

- 86 (1) A failure to comply with these bylaws or with any other law and/or
 87 policy of the Nation;
 88 (2) Three (3) un-excused absences from an Onlayote?a·ká ni? i
 89 Commission meeting within a period of one (1) year.

90 (A) An un-excused absence shall be defined as a failure by a
 91 member to notify a Board Officer, in writing, of his or her
 92 pending absence no less than thirty (30) minutes before the
 93 scheduled meeting.

94 (b) Recommendations to the Oneida Business Committee for termination of an
 95 Onlayote?a·ká ni? i Commission member's appointment must be
 96 determined by a majority vote of the members in attendance at an
 97 Onlayote?a·ká ni? i Commission meeting of an established
 98 quorum.
 99

100 1-7. *Trainings and Conferences.* Onlayote?a·ká ni? i Commission members shall be eligible
 101 to attend and participate in various trainings and/or conferences that the Oneida
 102 Business Committee deems appropriate to advance the implementation of the
 103 Onlayote?a·ká ni? i Project Plan, provided that:

- 104 (a) the Onlayote?a·ká ni? i Commission shall not exceed the allowable assigned
 105 budget, and
 106 (b) all approved travel and travelers shall comply with the Oneida Nation's
 107 Travel Policies and Procedures.
 108 (c) Regardless of the number of trainings/conferences that he or she is attends,
 109 no Onlayote?a·ká ni? i Commission member shall be eligible to receive
 110 stipends for attending more than three (3) full days of mandatory
 111 trainings/conferences per year.
 112

113 **Article II. Officers**

- 114 2-1. *Officers.* The Officer positions of the Onlayote?a·ká ni? i Commission shall consist
 115 of a Chairperson and a Vice-Chairperson.
 116
- 117 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the
 118 Chairperson are as follows:
 119 (a) Shall call and preside over all meetings of the Onlayote?a·ká ni? i
 120 Commission and appoint members to any task forces or subcommittees of
 121 the Onlayote?a·ká ni? i Commission in accordance with section 3-4 of these
 122 bylaws.
 123 (b) Shall have financial sign-off authority as set forth in section 2-6 of these
 124 bylaws.
 125 (c) Shall submit, or through a designee submit, annual and semi-annual reports,
 126 or other reports to the Oneida General Tribal Council, as well as quarterly
 127 reports to the Oneida Business Committee, in accordance with the Boards,
 128 Committees and Commissions law.
 129 (d) Shall represent and/or request another Officer to represent the
 130 Onlayote?a·ká ni? i Commission at all regularly scheduled/unscheduled
 131 reporting requirements to the Oneida Business Committee and other
 132 business units of the Nation as may be requested, including, but not limited
 133 to, the Oneida Business Committee meeting in which the Onlayote?a·ká ni?
 134 i Commission quarterly report appears on the agenda.
 135 (e) In collaboration with the Vice-Chairperson and personnel from the Oneida
 136 Government Administrative Office, shall prepare agendas and handouts,
 137 submit any necessary paperwork to ensure stipends are paid, and perform
 138 other similar administrative functions, all in accordance with these bylaws,
 139 the Boards, Committees and Commissions law, and the Open Records and
 140 Open Meetings law.
 141
- 142 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of
 143 the Vice-Chairperson are as follows:
 144 (a) Shall preside over all meetings of the Onlayote?a·ká ni? i Commission in
 145 the absence of the Chairperson and may call emergency meetings.
 146 (b) Shall have financial sign-off authority as set forth in section 2-6 of these
 147 bylaws.
 148 (c) In lieu of the Chairperson, shall represent the Onlayote?a·ká ni? i
 149 Commission at all regularly scheduled/unscheduled reporting
 150 requirements to the Oneida Business Committee and other business units of
 151 the Nation as may be requested, including, but not limited to, the Oneida
 152 Business Committee meeting in which the Onlayote?a·ká ni? i Commission
 153 quarterly report appears on the agenda.

154 (d) In collaboration with the Vice-Chairperson and personnel from the Oneida
 155 Government Administrative Office, shall prepare agendas and handouts,
 156 submit any necessary paperwork to ensure stipends are paid, and perform
 157 other similar administrative functions, all in accordance with these bylaws,
 158 the Boards, Committees and Commissions law, and the Open Records and
 159 Open Meetings law.
 160

161 2-4. *Selection of Officers.* Officers of the Onʌyoteʔa·ká niʔ i Commission shall be elected on
 162 an annual basis by a majority vote of the members in attendance at an Onʌyoteʔa·ká
 163 niʔ i Commission meeting of an established quorum for terms of one (1) year.

164 (a) The election of Officers shall take place within thirty (30) days after the
 165 newly appointed Onʌyoteʔa·ká niʔ i Commission members are present at
 166 their first scheduled regular meeting of an established quorum.

167 (b) Onʌyoteʔa·ká niʔ i Commission members may be dismissed from their
 168 Officer position by majority vote of the members in attendance at an
 169 Onʌyoteʔa·ká niʔ i Commission meeting of an established quorum.

170 (c) Vacant Officer positions shall be filled by majority vote of the members in
 171 attendance at an Onʌyoteʔa·ká niʔ i Commission meeting of an established
 172 quorum.

173 (d) Members of the Onʌyoteʔa·ká niʔ i Commission shall not hold more than
 174 one (1) Officer position per Officer term.
 175

176 2-5. *Budgetary Sign-Off Authority and Travel.* ONVAC shall follow the Nation's policies and
 177 procedures regarding purchasing and sign-off authority.

178 (a) Levels of budgetary sign-off authority for the Onʌyoteʔa·ká niʔ i
 179 Commission shall be as set forth in the manual titled, *Oneida Tribe of*
 180 *Indians of Wisconsin Purchasing Policies and Procedures*, for Area
 181 Directors/Enterprise Directors.

182 (1) All Onʌyoteʔa·ká niʔ i Commission Officers shall have sign-off
 183 authority.

184 (2) Two (2) of the Onʌyoteʔa·ká niʔ i Commission Officers are required
 185 to sign-off on all
 186 budgetary requests, except as follows:

187 (A) The Oneida Government Administrative Office shall have
 188 sign-off authority over requests for stipends, travel per diem
 189 and business expense reimbursement.

190 (b) The Oneida Business Committee shall approve members' request(s) to
 191 travel on behalf of the Onʌyoteʔa·ká niʔ i Commission.
 192

193 2-3. *Personnel.* The Onʌyoteʔa·ká niʔ i Commission shall not have authority to hire

194 personnel for its benefit.

- 195 (a) The Onλyoteʔa·ká niʔ i Commission may receive administrative support
 196 from staff within the Oneida Government Administrative Office that is
 197 consistent with the Boards, Committees and Commissions law for items
 198 such as preparing meeting agendas, documents and minutes; providing
 199 notice of meetings, meeting agendas, documents and minutes; recording
 200 meetings and meeting minutes; maintaining meeting agendas, documents
 201 and minutes; and submitting any necessary paperwork to facilitate stipend
 202 payments.
 203

204 **Article III. Meetings**

205 3-1. *Regular Meetings.* Regular meetings of the Onλyoteʔa·ká niʔ i Commission shall be held
 206 INSERT HERE - i.e., first Tuesday of the month, commencing at 5:30 p.m.,
 207 either in person at the Norbert Hill Center, located at N7210 Seminary Rd.,
 208 Oneida, WI 54155 or virtually via an agreed upon platform identified by the
 209 Onλyoteʔa·ká niʔ i Commission.

- 210 (a) The meeting date, time and/or place shall be reviewed by the Onλyoteʔa·ká
 211 niʔ i Commission and may change from time-to-time by majority vote of
 212 the members in attendance at an Onλyoteʔa·ká niʔ i Commission meeting
 213 of an established quorum so long as notice is provided to all members in
 214 writing and, along with the public, in accordance with governing law,
 215 including, but not limited to, the Open Records and Open Meetings law,
 216 prior to the implementation of a new date, time and/or location. Identify
 217 when regular meetings will be held.

- 218 (b) The Onλyoteʔa·ká niʔ i Commission Officers and personnel from the
 219 Oneida Government Administrative Office shall work collaboratively to
 220 ensure all members, along with the public, are provided notice of meeting
 221 location, agenda, documents and minutes pursuant to these bylaws, as well
 222 as the Open Records and Open Meetings law, and that the meeting agenda,
 223 documents and minutes are prepared and packaged for the Onλyoteʔa·ká
 224 niʔ i Commission members consistent with the Boards, Committees and
 225 Commissions law.

- 226 (c) Meetings shall be run in accordance with Robert's Rules of Order and shall
 227 be open to the public per the Open Records and Open Meetings law.
 228

229 3-2. *Emergency Meetings.* An emergency meeting may be called for the purpose of addressing
 230 an emergent need relative to the work of the Onλyoteʔa·ká niʔ i Commission that
 231 requires a determination/decision unable to await until the monthly scheduled
 232 meeting of the Onλyoteʔa·ká niʔ i Commission.

- 233 (a) Within seventy-two (72) hours after an emergency meeting, the
 234 Onλyoteʔa·ká niʔ i Commission shall provide the Nation’s Secretary with
 235 notice of the emergency meeting, the reason for the emergency meeting,
 236 and an explanation as to why the matter could not wait until the next regular
 237 scheduled meeting.
- 238 (b) Subject to section 2-2(a) of these bylaws, emergency meetings may be
 239 called by any Onλyoteʔa·ká niʔ i Commission Officer upon at least twenty-
 240 four (24) hour advance notice to all members of the Onλyoteʔa·ká niʔ i
 241 Commission.
- 242 (1) Notice of an emergency meeting shall be provided to all
 243 Onλyoteʔa·ká niʔ i Commission members via telephone call, as well
 244 as by e-mail communication sent, with a RSVP request, to the
 245 official Oneida Nation e-mail address given to each member to
 246 conduct Onλyoteʔa·ká niʔ i Commission business electronically,
 247 and, along with the public, shall further be provided in accordance
 248 with the Open Records and Open Meetings law.
- 249 (2) A quorum must be present at the emergency meeting in order to take
 250 any action.
- 251 (c) Minutes of emergency meetings shall be taken, recorded electronically, and
 252 approved for the record at the next scheduled monthly Onλyoteʔa·ká niʔ i
 253 Commission meeting.

254
 255 3-3. *Joint Meetings.* Joint Meetings may be held in the Oneida Business Committee Conference
 256 Room of the Norbert Hill Center as frequently as agreed upon between the Oneida
 257 Business Committee and the Onλyoteʔa·ká niʔ i Commission.

- 258 (a) Notice of the joint meeting agenda, documents and minutes shall be
 259 provided, and the joint meeting conducted, in accordance with resolution
 260 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with
 261 Boards, Committees and Commissions – Definitions and Impact, as may be
 262 amended from time-to-time hereafter.

263
 264 3-4. *Task Forces and Subcommittees.* Task forces and subcommittees of the Onλyoteʔa·ká niʔ i
 265 Commission may be created and dissolved when necessary so long as in accordance
 266 with the Boards, Committees and Commissions law.

- 267 (a) The Chairperson shall be an ex officio member of all task forces and
 268 subcommittees.
- 269 (b) A task force created by the Onλyoteʔa·ká niʔ i Commission shall dissolve
 270 upon either a set date or acceptance of a final report by the Onλyoteʔa·ká
 271 niʔ i Commission at its next scheduled monthly meeting.

- 272 (1) At a minimum, task forces created by the OnΛyoteʔa·ká niʔ i
 273 Commission must have mission or goal statements for completion
 274 of tasks.
- 275 (2) Materials generated by the task force shall be forwarded to the
 276 Oneida Business Committee Support Office for proper disposal
 277 within two (2) weeks of dissolution.
 278
- 279 3-5. *Quorum.* All meetings of the OnΛyoteʔa·ká niʔ i Commission shall have at least a
 280 quorum in attendance, with quorum being defined as not less than seven (7)
 281 OnΛyoteʔa·ká niʔ i Commission members, one (1) of which is an
 282 OnΛyoteʔa·ká niʔ i Commission Officer.
- 283 (a) A quorum shall be established at least five (5) minutes before the scheduled
 284 meeting time.
- 285 (1) Failure to establish a quorum will result in rescheduling of the
 286 meeting.
 287
- 288 3-6. *Order of Business.* The order of business shall be:
- 289 (a) Call to Order
 290 (b) Adopt the Agenda
 291 (c) Approval of Minutes
 292 (d) Old Business
 293 (e) New Business
 294 (f) Reports
 295 (g) Other Business
 296 (h) Executive Session
 297 (i) Adjournment
 298
- 299 3-5. *Voting.* Decisions of the OnΛyoteʔa·ká niʔ i Commission shall be by majority vote
 300 of the members in attendance at an OnΛyoteʔa·ká niʔ i Commission meeting
 301 of an established quorum.
- 302 (a) Each of the nine (9) to 15 OnΛyoteʔa·ká niʔ i Commission members,
 303 including the Chairperson, shall be entitled to one (1) vote on each matter
 304 submitted to a vote of the OnΛyoteʔa·ká niʔ i Commission.
- 305 (b) E-polls are permissible so long as conducted in accordance with the Boards,
 306 Committees and Commissions law.
- 307 (1) The Vice-Chairperson shall serve as the Chairperson’s designee for
 308 the responsibility of conducting an e-poll in the absence or
 309 discretion of the Chairperson.
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Article IV. Expectations

4-1. Behavior of Members.

- (a) Members of the Onλyoteʔa·ká niʔ i Commission shall present and conduct themselves in a professional manner when acting in their official capacity as members of the Onλyoteʔa·ká niʔ i Commission by, among other actions, speaking in a respectful and courteous manner to Onλyoteʔa·ká niʔ i Commission members, as well as non-members.
- (b) No member shall act independently of the Onλyoteʔa·ká niʔ i Commission on behalf of the Onλyoteʔa·ká niʔ i Commission, or express and/or represent views of the Onλyoteʔa·ká niʔ i Commission without its specific approval as established by a majority vote of the members present at an Onλyoteʔa·ká niʔ i Commission meeting of an established quorum.
- (c) Members shall prepare for and attend all meetings of the Onλyoteʔa·ká niʔ i Commission unless excused in accordance with these bylaws.
- (d) Members shall comply with these bylaws and all other laws and/or policies of the Nation
- (e) *Enforcement.* Any action by a member contrary to the above shall be discussed at the next Onλyoteʔa·ká niʔ i Commission regularly scheduled monthly meeting or emergency meeting and appropriate warnings and/or actions may be taken by the Onλyoteʔa·ká niʔ i Commission as agreed upon by a majority vote of the Onλyoteʔa·ká niʔ i Commission members in attendance at the monthly or emergency meeting of an established quorum, including, but not limited to:
 - (1) That the Onλyoteʔa·ká niʔ i Commission may make a recommendation to the Oneida Business Committee for termination of the member's appointment in accordance with the Boards, Committees and Commissions law or any other law of the Nation governing the termination of appointed officials.
 - (2) That the Onλyoteʔa·ká niʔ i Commission may discipline the member in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

4-2. *Prohibition of Violence.* Onλyoteʔa·ká niʔ i Commission members are prohibited from participating in or committing any intentional acts of violence that inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on another person or damage to property. No intentional act of violence will be tolerated and/or accepted

351 by any member of the Onlayote?a·ká ni? i Commission while acting in an official
352 capacity as a member of the Onlayote?a·ká ni? i Commission.

353
354 4-3. *Drug and Alcohol Use.* Onlayote?a·ká ni? i Commission members shall not use any alcohol,
355 illegal drugs or legal drugs, other than as prescribed/directed, while acting in their
356 official capacity as members of the Onlayote?a·ká ni? i Commission.

357
358 4-4. *Social Media.* Expectations for use of social media is for official business of the
359 Onlayote?a·ká ni? i Commission.

- 360 (a) While engaged in social media activities, no member shall use his or her
361 status on the Onlayote?a·ká ni? i Commission for individual gain or purpose.
362 (b) Members of the Onlayote?a·ká ni? i Commission shall comply with the
363 Oneida Nation's Social Media Policy and their oath of office when using
364 social media while acting on behalf of or as a representative of the
365 Onlayote?a·ká ni? i Commission.
366

367 4-5. *Conflict of Interest.* Onlayote?a·ká ni? i Commission members shall comply with all laws
368 and policies of the Nation governing conflicts of interest.

- 369 (a) Members on the ballot for an Officer position with the Onlayote?a·ká ni? i
370 Commission shall recuse themselves from voting on the position for which
371 they are running to fill.
372

373 **Article V. Stipends and Compensation**

374 5-1. *Stipends.* Onlayote?a·ká ni? i Commission members shall be eligible for the following
375 stipends as set forth in and subject to these bylaws, the Boards, Committees
376 and Commissions law, and resolution BC-05-08-19-B titled, Amending
377 Resolution BC-09-26-18-D Boards, Committees and Commissions Law
378 Stipends, as may be further amended from time-to time-hereafter:

- 379 (a) One (1) meeting stipend per month, provided that:
380 (1) A quorum was established;
381 (2) The meeting of the established quorum lasted for at least one
382 (1) hour; and
383 (3) The member collecting the stipend was physically present
384 for the entire meeting.
385 (b) A stipend for attending a duly called joint meeting between the
386 Onlayote?a·ká ni? i Commission and the Oneida Business
387 Committee, provided that:
388 (1) A quorum was established by the Onlayote?a·ká ni? i
389 Commission;
390 (2) The joint meeting lasted for at least one (1) hour; and

- 391 (3) The ONVAC member collecting the stipend was physically
 392 or virtually present for the entire joint meeting.
- 393 (c) For attending a conference or training, provided that:
- 394 (1) The member attended a full day of training or was present at
 395 the conference for a full day; and
- 396 (2) The member's attendance at the training or conference was
 397 required by law, bylaws or resolution.
- 398 (d) A stipend for attending a Judiciary hearing if the member's
 399 attendance at the Judiciary hearing was required by official
 400 subpoena.
- 401 (e) Task force and subcommittee members shall not be eligible for
 402 stipends unless specific exception is made by the Oneida Business
 403 Committee or the Oneida General Tribal Council.

404

405 5-2. *Compensation.* Besides travel, per diem and business expense reimbursements authorized
 406 by the Boards, Committees and Commissions law, Onlayote?a·ká ni? i
 407 Commission members shall not be eligible for any other form of
 408 compensation for duties/activities they perform on behalf of the
 409 Onlayote?a·ká ni? i Commission.

410

411 **Article VI. Records and Reporting**

412 6-1. *Agenda Items.* Agenda items shall be consistently maintained in the format identified in
 413 Article III, section 3-6 of these bylaws as the Order of Business.

414

415 6-2. *Minutes.* Meeting minutes of the Onlayote?a·ká ni? i Commission shall be typed in a
 416 consistent format provided by the Oneida Government Administrative Office to
 417 generate the most informative record of all meetings of the Onlayote?a·ká ni? i
 418 Commission.

419 (a) The minutes shall provide a summary of the action(s) taken by the
 420 Onlayote?a·ká ni? i Commission during the meeting that includes the
 421 decision, any motions and/or amendments, the vote and any other pertinent
 422 information that would lend to the record.

423 (b) Minutes shall be submitted by the Oneida Government Administrative
 424 Office within thirty (30) days of their approval by the Onlayote?a·ká ni? i
 425 Commission.

426

427 6-3. *Attachments.* All meeting handouts, reports, memorandum and the like shall be attached
 428 to the minutes and agenda to be maintained as a packet upon submission to the
 429 Oneida Government Administrative Office.

430

431 6-4. *Oneida Business Committee Liaison.* Both Officers of the Onλyoteʔa·ká niʔ i Commission
 432 shall be made aware of the need to meet with the Oneida Business Committee
 433 member who is Onλyoteʔa·ká niʔ i Commission designated liaison, and/or all of
 434 the Oneida Business Committee Members assigned to the Onλyoteʔa·ká niʔi
 435 Project Plan may meet with the liaison on an as-needed basis, the frequency and
 436 format of which may be as agreed upon between the liaison and the Onλyoteʔa·ká
 437 niʔ i Commission Officers so long as no less than as required by law or policy on
 438 reporting developed by the Oneida Business Committee or Oneida General Tribal
 439 Council.

- 440 (a) The purpose of the liaison relationship is to uphold the ability of the liaison
 441 to act as support to the Onλyoteʔa·ká niʔ i Commission.
 442

443 6-5. *Audio Recordings.* All meetings of the Onλyoteʔa·ká niʔ i Commission shall be audio
 444 recorded using a recording device approved of and/or supplied by the Oneida
 445 Government Administrative Office.

- 446 (a) Audio recordings shall be maintained by the Oneida Government
 447 Administrative Office in accordance with the Open Records and Open
 448 Meetings Law.
 449 (b) *Exception.* Audio recordings of executive session portions of a meeting
 450 shall not be recorded.
 451

452 **Article VII. Amendments**

453 7-1. *Amendments.* The Onλyoteʔa·ká niʔ i Commission, upon written notice, may at any of
 454 its regular meetings, by a majority vote of the members present at a meeting of
 455 an established quorum, amend or repeal these bylaws, provided that, the
 456 amendment or repeal has been submitted in writing at the previous regular
 457 meeting.

- 458 (a) Any amendments to these bylaws shall conform to the requirements of the
 459 Boards, Committees and Commissions law and any other policy of the
 460 Nation.
 461 (b) All amendments and/or repeals of these bylaws shall be approved by the
 462 Oneida Business Committee prior to implementation.
 463 (c) These bylaws shall be reviewed on an annual basis.

October 23, 2023 Legislative Operating Committee E-Poll Approval of the LOC and LRO Annual Reports for GTC

E-POLL REQUEST: Approval of the LOC and LRO Annual Reports for GTC

LOC

To: Jameson J. Wilson; Jennifer A. Webster; Jonas G. Hill; Kirby W. Metoxen; Marlon G. Skenandore

Cc: Fawn L. Cottrell; Fawn J. Billie; Maureen S. Perkins; Kristal E. Hill; Clorissa N. Leeman

Vote by clicking Vote in the Respond group above.
This message was sent with High importance.

2024 Annual Report - Legislative Operating Committee.docx 46 KB

2024 Annual Report - Legislative Reference Office.docx 36 KB

Mon 10/23/2023 1:14 PM

Good Afternoon Legislative Operating Committee,

This e-mail serves as the e-poll for the approval of the 2024 Legislative Operating Committee and Legislative Reference Office Annual Reports to the General Tribal Council.

EXECUTIVE SUMMARY

Oneida's Constitution requires the Oneida Business Committee to report to the General Tribal Council twice per year - during the Annual and Semi-Annual meetings. The intent of these reports is to provide members of the Nation with information about the Nation's achievements and how these achievements relate to the dollars spent in each area. The Legislative Operating Committee and the Legislative Reference Office are required to provide annual reports to the Oneida Business Committee to be included in the presentation to the General Tribal Council. Attached to this e-mail are both the 2024 Legislative Operating Committee and Legislative Reference Office Annual Reports to the General Tribal Council.

An e-poll is necessary to approve the 2024 Legislative Operating Committee and Legislative Reference Office Annual Reports to the General Tribal Council because the next Legislative Operating Committee meeting is not until November 1, 2023 and the annual reports are due to the Nation's Secretary by the close of business on October 23, 2023.

REQUESTED ACTION

- Approve the 2024 Legislative Operating Committee and Legislative Reference Office Annual Reports to the General Tribal Council and forward to the Nation's Secretary.

DEADLINE FOR RESPONSE

October 23, 2023 at 4:30 p.m.

All supporting documentation has been attached to this email for your convenience.



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

E-POLL RESULTS:

This e-poll was approved by Kirby Metoxen, Jonas Hill, Jennifer Webster, Jameson Wilson, and Marlon Skenandore.

RE: E-POLL REQUEST: Approval of the LOC and LRO Annual Reports for GTC



Kirby W. Metoxen

To LOC; Jameson J. Wilson; Jennifer A. Webster; Jonas G. Hill; Marlon G. Skenandore
Cc Fawn L. Cottrell; Fawn J. Billie; Maureen S. Perkins; Kristal E. Hill; Clorissa N. Leeman

Reply Reply All Forward

Mon 10/23/2023 1:22 PM

Approve

RE: E-POLL REQUEST: Approval of the LOC and LRO Annual Reports for GTC



Jonas G. Hill

To LOC; Jameson J. Wilson; Jennifer A. Webster; Kirby W. Metoxen; Marlon G. Skenandore
Cc Fawn L. Cottrell; Fawn J. Billie; Maureen S. Perkins; Kristal E. Hill; Clorissa N. Leeman

Reply Reply All Forward

Mon 10/23/2023 1:23 PM

Approve

Thank you,

RE: E-POLL REQUEST: Approval of the LOC and LRO Annual Reports for GTC



Jennifer A. Webster

To LOC; Jameson J. Wilson; Jonas G. Hill; Kirby W. Metoxen; Marlon G. Skenandore
Cc Fawn L. Cottrell; Fawn J. Billie; Maureen S. Perkins; Kristal E. Hill; Clorissa N. Leeman

Reply Reply All Forward

Mon 10/23/2023 1:30 PM

Approve,
Jenny

RE: E-POLL REQUEST: Approval of the LOC and LRO Annual Reports for GTC



Marlon G. Skenandore

To LOC; Jameson J. Wilson; Jennifer A. Webster; Jonas G. Hill; Kirby W. Metoxen
Cc Fawn L. Cottrell; Fawn J. Billie; Maureen S. Perkins; Kristal E. Hill; Clorissa N. Leeman

Reply Reply All Forward

Mon 10/23/2023 2:28 PM

Approve

RE: E-POLL REQUEST: Approval of the LOC and LRO Annual Reports for GTC



Fawn L. Cottrell on behalf of Jameson J. Wilson

To Kirby W. Metoxen; LOC; Jameson J. Wilson; Jennifer A. Webster; Jonas G. Hill; Marlon G. Skenandore
Cc Fawn L. Cottrell; Fawn J. Billie; Maureen S. Perkins; Kristal E. Hill; Clorissa N. Leeman

Reply Reply All Forward

Mon 10/23/2023 1:47 PM

Approve

2024 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.

LOC Members

Jameson Wilson, Chairman – jwilson@oneidanation.org

Kirby Metoxen, Vice-Chairman – kmetox@oneidanation.org

Jennifer Webster, Member – jwebste1@oneidanation.org

Marlon Skenandore, Member – mskenan1@oneidanation.org

Jonas Hill, Member – jhill1@oneidanation.org

Budget

Funding Sources for FY-2023

TRIBAL CONTRIBUTION: 0%

GRANTS: 0%

OTHER SOURCES:

N/A

Total Budget

TOTAL BUDGET FOR FY-2023: \$0 - The Legislative Operating Committee does not have a budget. Historically, there had been an LOC budget. However, 100% of the budget was managed and spent by the Legislative Reference Office (LRO). The LOC budget was renamed “LRO” to reflect accurately that the LOC does not have a budget, but that the LRO does. Refer to the LRO’s annual report for budget information.

TOTAL EXPENDITURES FOR FY-2023: \$0

VARIANCE: 0

VARIANCE EXPLANATION: N/A

Employees

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

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

	Total dollar amount	Number of meetings.		
	paid	Regular	Special/Emergency	Hearings/Other
October 2022	\$0	2	0	0
November 2022	\$0	1	0	0
December 2022	\$0	2	0	0
January 2023	\$0	2	0	0
February 2023	\$0	2	0	0
March 2023	\$0	2	0	0
April 2023	\$0	2	0	0
May 2023	\$0	2	0	0
June 2023	\$0	2	0	0
July 2023	\$0	2	0	0
August 2023	\$0	1	0	0
September 2023	\$0	0	0	0

Accomplishments for FY-2023

ACCOMPLISHMENT #1

Prepare for and conduct Legislative Operating Committee meetings.

DURING FY23 THE LOC HELD TWENTY (20) LOC MEETINGS. IN ADDITION TO ATTENDING THE MEETINGS IN PERSON, THE LOC ALLOWS EMPLOYEES AND COMMUNITY 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.

ACCOMPLISHMENT #2

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

DURING FY23 THE LOC SUCCESSFULLY COMPLETED LEGISLATIVE ACTIONS ON EIGHT (8) LAWS OF THE NATION. THE LEGISLATIVE ACTIONS INCLUDED THE ADOPTION OF NEW LAWS, AMENDMENT OF CURRENT LAWS, AND EMERGENCY AMENDMENTS OF CURRENT LAWS. CURRENTLY, THE LOC HAS FORTY-NINE (49) LEGISLATIVE ITEMS ON ITS ACTIVE FILES LIST.

ACCOMPLISHMENT #3

Gather input from community and stakeholders during the legislative process.

DURING FY23 THE LOC HELD SIXTY-SIX (66) 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 FIVE (5) PUBLIC MEETINGS AND/OR PUBLIC COMMENT PERIODS TO PROVIDE MEMBERS OF THE COMMUNITY THE OPPORTUNITY TO PROVIDE INPUT ON PROPOSED LEGISLATION.

Goals for FY-2024

GOAL 1

Re-indigenize our legislative foundation with Tsi? Niyukwaliho TÁ

Encouraging Tsi?niyukwalihoT^

GOAL 2

Build an effective team through collaboration with departments, communities, and affected entities.

Improving Organizational Changes

GOAL 3

Enhance community involvement through outreach and communication.

Promoting Positive Community Relations

GOAL 4

Exercise our sovereignty through the development of community focused laws that promote Tsi? Niyukwaliho TÁ.

Exercising Sovereignty

GOAL 5

Create a strategy driven agenda reflecting Oneida community values that align with the Oneida Business Committee's Strategic Plan.

Advancing On^yote?a.ka Principles

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.

Meetings are OPEN.

Contact

MAIN CONTACT: Jameson Wilson

MAIN CONTACT TITLE: Legislative Operating Committee Chairman

MAIN PHONE: (920) 869-4385

MAIN EMAIL: LOC@oneidanation.org

MAIN WEBSITE: www.oneida-nsn.gov/LOC and www.oneida-nsn.gov/Register

2024 Annual Report

Legislative Operating Committee

Legislative Reference Office

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

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.

Budget

Funding Sources for FY-2023

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

Total Budget

TOTAL BUDGET FOR FY-2023:	\$757,325
TOTAL EXPENDITURES FOR FY-2023:	\$448,737
VARIANCE:	\$308,538

VARIANCE EXPLANATION: Positive variance of \$308,538 due to the Legislative Reference Office not being fully staffed for more than six (6) of FY23, and savings on travel, training, supplies and materials, and other costs.

Employees

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

Contact

MAIN CONTACT: Clorissa N. Leeman

MAIN CONTACT TITLE: Senior Staff Attorney

MAIN PHONE: (920) 869-4417

MAIN EMAIL: cleeman@oneidanation.org or LOC@oneidanation.org

MAIN WEBSITE: www.oneida-nsn.gov/LOC and www.oneida-nsn.gov/Register

COMMUNITY MEETING NOTICE**WEDNESDAY, DECEMBER 6, 2023****5:30—7:30 p.m.**

Norbert Hill Center Cafeteria
 N7210 Seminary Rd., Oneida, Wisconsin

Find More Information at
[Oneida-nsn.gov/government/register/public meetings](http://Oneida-nsn.gov/government/register/public%20meetings)
Ask Questions here
LOC@oneidationation.org

920-869-4417

**LEGISLATIVE OPERATING COMMITTEE COMMUNITY MEETING**

Please join the Legislative Operating Committee for a community meeting to gather input regarding the development of the following new laws for the Nation:



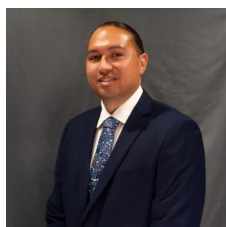
- ◆ **Elder Protection Law**
- ◆ **Oneida Language Law**
- ◆ **Higher Education Scholarship Law**

The Legislative Operating Committee will have a brief overview of the legislative process prior to the discussion of the above mentioned topics. The Legislative Operating Committee encourages everyone to come participate in the legislative process by providing comments, suggestions, and questions that the Legislative Operating Committee can consider and utilize in the development of new laws for the Nation.

Food will be provided during this community meeting.

OUTREACH

The Legislative Operating Committee (LOC) holds community outreach events in an effort to collect thoughts and ideas from the community at the beginning of the legislative process. This provides insight and ideas early and is a more efficient way of getting work done. Outreach events also provide the community with additional opportunities to share their thoughts with the LOC. When the LOC feels that the community may have a particular interest in proposed legislation these events are held in addition to the formal public meetings required by the Legislative Procedures Act.



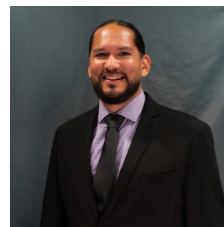
Jameson Wilson
 LOC Chairman



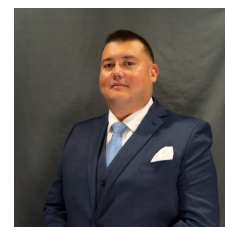
Kirby Metoxen
 LOC Vice-Chairman



Jennifer Webster
 LOC Member



Marlon Skenandore
 LOC Member



Jonas Hill
 LOC Member



Legislative Operating Committee Fiscal Year 2023 Fourth Quarter Report July 2023 – September 2023

Legislative Operating Committee Action on Legislative Requests

During the FY23 Fourth Quarter the Legislative Operating Committee added zero (0) legislative items to its Active Files List. No requests were denied during the FY23 Fourth Quarter.

FY23 Fourth Quarter Legislative Accomplishments

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

Oneida Life Insurance Plan Law

The Oneida Business Committee adopted the Oneida Life Insurance Plan law on a permanent basis on August 23, 2023, through the adoption of resolution BC-08-23-23-G.¹ The purpose of the Oneida Life Insurance Plan law is to provide a death benefit through the Oneida Life Insurance Plan (OLIPP) 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(d)];

¹ The Oneida Life Insurance Plan law was originally adopted on an emergency basis on September 28, 2022, through the adoption of resolution BC-09-28-22-C. This emergency adoption of this law was extended by the Oneida Business Committee on March 22, 2023, through the adoption of resolution BC-03-22-23-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 Oneida 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];
- Provides that the Oneida Life Insurance Plan shall be contingent on funding through the Nation’s annual budget. [10 O.C. 1004.7-1]; and
- Provides that the Oneida Trust Enrollment Department shall be delegated administrative rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern the administration of the Oneida Life Insurance Plan. [10 O.C. 1004.8-1].

FY23 Fourth Quarter Legislative Highlights

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

Clean Air Policy Amendments

On July 10, 2023, the Legislative Operating Committee approved the updated draft and legislative analysis of the Clean Air Policy amendments.

Oneida Personnel Policies and Procedures Amendments

On July 18, 2023, the Legislative Operating Committee accepted the updated public comment review memorandum for the proposed amendments to the Oneida Personnel Policies and Procedures.

FY23 Fourth Quarter Legislative Operating Committee Meetings

All Legislative Operating Committee meetings are open to the public and held on the first and Fourth 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 Fourth Quarter:

- July 10, 2023 – Regular meeting;
- July 18, 2023 – Regular meeting;
- August 3, 2023 – Regular meeting; and
- August 16, 2023 – Regular meeting.

The September 6, 2023, and the September 20, 2023, Legislative Operating Committee meetings

were canceled due to the Oneida Business Committee transition into the 2023-2026 term.

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 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 FY24 First Quarter

During the FY24 First Quarter the Legislative Operating Committee will focus its legislative efforts on the following matters:

1. Transition into the 2023-2026 legislative term.
2. Review Active Files List from the 2020-2023 legislative term and build Active Files List for the 2023-2026 legislative term.

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 Fourth Quarter the Legislative Reference Office was staffed by the following individuals:

- Clorissa N. Leeman, Senior Legislative Staff Attorney.
 - Contact: cleeman@oneidanation.org
- Carolyn Salutz, Legislative Staff Attorney.
 - Contact: csalutz@oneidanation.org
- Grace Elliott, Legislative Staff Attorney.
 - Contact: gelliott@oneidanation.org

Legislative Operating Committee Contact Information

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

- Jameson Wilson, LOC Chairman
jwilson@oneidanation.org
- Kirby Metoxen, LOC Vice-Chairman
kmetox@oneidanation.org
- Jennifer Webster, LOC Member
jwebstel@oneidanation.org
- Jonas Hill, LOC Member
jhill1@oneidanation.org
- Marlon Skenandore, LOC Member
mskenan1@oneidanation.org

November 2023

November 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		

December 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					

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Oct 30	31	Nov 1 8:30am LOC Prep Meeting (Microsoft Teams Meeting); 9:00am Legislative Operating Committee Meeting (Microsoft); 1:30pm LOC Work Session (Microsoft)	2	3
6	7	8	9	10 8:00am Veteran's Day
13	14	15 8:30am LOC Prep Meeting (Microsoft Teams Meeting); 9:00am Legislative Operating Committee Meeting (Microsoft); 1:30pm LOC Work Session (Microsoft)	16	17
20 10:00am Business Code (Microsoft Teams Meeting) - Grace L. Elliott; 10:00am Business Code (Microsoft Teams Meeting) - Grace L. Elliott	21	22	23 8:00am Thanksgiving	24 8:00am Indian Day
27	28	29	30	Dec 1