



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2nd Floor Norbert Hill Center  
February 21, 2024  
9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
  - 1. February 7, 2024 LOC Meeting Minutes (pg. 2)
- III. Current Business**
- IV. New Submissions**
  - 1. Pardon and Forgiveness Screening Committee Bylaws Amendments (pg. 4)
  - 2. Landlord-Tenant Law Amendments (pg. 6)
- V. Additions**
- VI. Administrative Updates**
  - 1. Budget and Finances Law One Year Review Memorandum (pg. 14)
- VII. Executive Session**
- VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center  
February 7, 2024  
9:00 a.m.

**Present:** Jennifer Webster, Kirby Metoxen, Jonas Hill

**Excused:** Jameson Wilson, Marlon Skenandore

**Others Present:** Clorissa N. Leeman, Grace Elliott, Keith Doxtator, Brooke Doxtator, Maureen Perkins

**Others Present on Microsoft Teams:** Eric Boulanger, Fawn Cottrell, Joy Salzwedel, Lorna Skenandore, Matt Denny, Peggy Helm-Quest, Todd Vanden Heuvel, Whitney Wheelock, David P. Jordan, Janice Decorah, Lisa Moore, Mark Powless

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

Kirby Metoxen called the February 7, 2024, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster approve the agenda; seconded by Jonas Hill. Motion carried unanimously.

**II. Minutes to be Approved**

**1. January 17, 2024 LOC Meeting Minutes**

Motion by Jennifer Webster to approve the January 17, 2024, LOC meeting minutes; seconded by Jonas Hill. Motion carried unanimously.

**III. Current Business**

**1. Drug and Alcohol Free Workplace Law Amendments**

Motion by Jennifer Webster to approve the adoption packet for the Drug and Alcohol Free Workplace law amendments and forward to the Oneida Business Committee for consideration; seconded by Jonas Hill. Motion carried unanimously.

**2. Clean Air Policy Amendments**

Motion by Jennifer Webster to approve the adoption packet for the Clean Air Policy amendments and forward to the Oneida Business Committee for consideration; seconded by Jonas Hill. Motion carried unanimously.



**IV. New Submissions****1. Boards, Committees, and Commissions Law Amendments**

Motion by Jennifer Webster to add the Boards, Committees, and Commissions law amendments to the Active Files List with Kirby Metoxen as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

**V. Additions****VI. Administrative Items****1. Legislative Operating Committee Fiscal Year 2024 First Quarter Report**

Motion by Jennifer Webster to approve the Legislative Operating Committee Fiscal Year 2024 First Quarter Report and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

**2. E-Poll Results: Approval of the March 6, 2024 LOC Community Meeting Notice**

Motion by Jennifer Webster to enter into the record the results of the January 29, 2024, e-poll titled, Approval of the March 6, 2024 LOC Community Meeting Notice; seconded by Jonas Hill. Motion carried unanimously.

**VII. Executive Session****VIII. Adjourn**

Motion by Jennifer Webster to adjourn at 9:21 a.m.; seconded by Jonas Hill. Motion carried unanimously.



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



## AGENDA REQUEST FORM

- 1) Request Date: February 12, 2024
- 2) Contact Person(s): Bonnie Pigman  
 Dept: Boards, Committees, Commissions  
 Phone Number: 920-869-4372 Email: bpigman@oneidanation.org
- 3) Agenda Title: Pardon and Forgiveness Bylaws
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
See attached PFSC Bylaws Amendments Memorandum  


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

- |                                  |          |
|----------------------------------|----------|
| 1) <u>2021 04 28 PFSC Bylaws</u> | 3) _____ |
| 2) _____                         | 4) _____ |

- 5) Please list any laws, policies or resolutions that might be affected:  
Pardon and Forgiveness Law
- 6) Please list all other departments or person(s) you have brought your concern to:  


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- 7) Do you consider this request urgent? ☐ Yes ☒ No  
 If yes, please indicate why:  


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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: Jameson Wilson, LOC Chair

FROM: Eric Boulanger, PFSC Chair 

DATE: February 12, 2024

RE: Pardon and Forgiveness Screening Committee Bylaw Amendments

The purpose of this memorandum is to request amendments to the Pardon and Forgiveness Screening Committee bylaws.

According to 7-1 of our bylaws we are required to review our bylaws on an annual basis. After reviewing the bylaws, we identified the following areas needing amendments:

- Section 1-5(a)(2)(B) replace Oneida Social Service Department language with Oneida Human Services Department
- Section 2-6(a) to change the Business Committee Support Office language to Government Administrative Office
- Section 3-1. Regular Meetings, to change the language which reads: that regular meetings of the PFSC shall occur on a quarterly basis and be held on the third Monday of the month each quarter at the Norbert Hill Center located in Oneida Wisconsin commencing at 10:00 a.m., to that regular meetings of the PFSC shall occur on a quarterly basis and be held on the Monday prior to a scheduled hearing of the month each quarter at the Norbert Hill Center located in Oneida Wisconsin commencing at 10:00 a.m.
- Sections 6-1, 6-2, 6-2(a) & 6-3(a) to change the Business Committee Support Office language to Government Administrative Office.
- Section 6-5 & 6-5(a) to change the Business Committee Support Office language to Government Administrative Office.

Please note this isn't an all-inclusive list of changes as we anticipate there may be additional amendments as we go through the formal process.



**Oneida Nation**  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



## AGENDA REQUEST FORM

- 1) Request Date: February 15, 2024
- 2) Contact Person(s): Clorissa Leeman  
 Dept: Legislative Reference Office  
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Landlord-Tenant Law Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
The LOC received a memo from Attorney Krystal John in the Oneida Law Office regarding potential amendments that may be needed to the Landlord Tenant law and the Eviction and Termination law (which is already on the AFL for amendments). See attached memo for more info.

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

- |   |          |
|---|----------|
| 1) <u>Memo from Attorney Krystal John</u> | 3) _____ |
| 2) _____                                  | 4) _____ |

- 5) Please list any laws, policies or resolutions that might be affected:  
Landlord Tenant Law, Eviction and Termination Law
- 6) Please list all other departments or person(s) you have brought your concern to:  
Request came from Oneida Law Office.
- 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@oneidanation.org**  
 or  
**Legislative Operating Committee (LOC)**  
 P.O. Box 365  
 Oneida, WI 54155  
 Phone 920-869-4376



## MEMORANDUM

**TO:** Jameson Wilson, LOC Chairman

**FROM:** Krystal L. John, Staff Attorney

**CC:** Lisa Rauschenbach, CHD Director  
Eric McLester, EHSLA Division Director  
Mark Powless, General Manager  
Eric Boulanger, OPD Chief of Police  
Peter King, 1822 Land & Development Co.

Krystal L. John

Digitally signed by Krystal L. John  
Date: 2024.02.15 14:40:26 -06'00'

**DATE:** February 15, 2024

**SUBJECT:** Revisions to the Landlord-Tenant and Eviction and Termination laws

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The purpose of this memorandum is to point out an up-coming housing development which may present a conflict of law question that the LOC may seek to remedy.

As I am sure the LOC is aware, the Nation is working towards opening a new housing development at the Water Tower Circle. There are 2 proposed housing sites beginning construction there. The first, is being managed by the Nation's engineering team and will be operated by Oneida Comprehensive Housing Division when it is open for residents. The second, is being managed by 1822 with the tax credit investor partner<sup>1</sup> and will be operated by that team when it is open for residents.

Currently, the Oneida Landlord-Tenant and Eviction and Termination laws only apply when the Nation is the landlord. For the new housing development, this would mean that Oneida tribal members<sup>2</sup> residing on the tribal land on the same street would be subject to different laws based on which entity is managing the apartment complex.

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<sup>1</sup> A tax credit investor is an investor willing to provide up front capital for a housing development contingent on the operating partner being awarded federal monies that, in combination with the tax credits that investor is able to realize, are able to compensate the investor over time. Then, when all tax credits have been fully realized, ownership will convert to the operating partner (in this case 1822).

<sup>2</sup> The same concept would apply to all tenants, which could include non-tribal members in the development that will be operated by 1822 and their tax-credit investor partner since tribal member applicants for that development will receive a preference but applicants are not *required* to be tribal members (due to the federal funding used for the project).

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By making the Landlord-Tenant and Eviction and Termination laws applicable to all landlords within the reach of the Nation's jurisdiction, the Nation will also be filling a current gap in law that currently leaves Oneida tribal member landlords questioning how to evict someone they have permitted to live with them and their "tenants" asking how much notice, if any, are they entitled to. To the extent the Nation has laws on point, the Nation's laws would govern all properties owned by tribal members within the reservation boundaries and would answer these questions concretely.

In order to make the Landlord Tenant and Eviction and Termination laws generally applicable and fully assert the Nation's jurisdiction within the reservation boundaries, the following revisions should be made the laws:

### Landlord-Tenant:

1. Modify the purpose and policy statements as follows:

611.1-1. Purpose. The purpose of this law is to provide mechanisms for protecting the rights of the landlords and tenants ~~of the Nation's rental programs~~ subject to the Nation's jurisdiction.

611.1-2. Policy. It is the Nation's policy to provide ~~a fair process~~ minimum requirements for to ~~all landlords~~ and tenants ~~of the Nation's rental programs~~ interactions that preserves the peace, harmony, safety, health, and general welfare ~~and the Nation's resources~~ of the Nation's citizens.

2. Modify the following definitions as follows:

611.3. Definitions 611.3-1. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(b) "Landlord" means the Nation or any Tribal member, in its capacity to owning land within the Reservation boundaries, when acting to rent real property owned by the Nation or within the Reservation boundaries ~~subject to a rental agreement~~.<sup>3</sup>

3. Modify the header in 611.4 as follows: 611.4. Oneida Nation Rental Programs

4. Add the following as 611.4-4, 611.4-5, and 611.4-6:

611.4-4. *Oneida Nation Rental Agreements*. All Oneida Nation rental agreements shall include the following language related to waiver of sovereign immunity: Nothing in this Agreement may be considered a waiver of the Nation's sovereign immunity, provided that tenants may seek enforcement of a rental agreement or dispute an action taken pursuant to a rental agreement with the Oneida Judiciary.

<sup>3</sup> The phrase "owned by the Nation or within the Reservation boundaries" is needed in order to capture land owned by the Nation outside of the Reservation boundaries that the Nation may seek to rent out pursuant to this law in the future.



611.4-5. *Rules Further Governing Disposition of Personal Property.* The Land Commission and the Comprehensive Housing Division shall jointly create rules further governing the disposition of personal property at related to the Nation's rental agreements.

611.4-6. *When Death of Tribal Member Tenant Affects Eligibility.* In additions to the provisions of section 611.9, the following provisions apply when the death of a Tribal member tenant renders a non-Tribal member co-tenant no longer eligible for a rental agreement based on Tribal member status. The non-Tribal member tenant may remain in the premises as follows:

(a) If subject to a standard rental agreement (i.e. not on a rent-to-own basis), see section 611.9-1(b) below.

(b) If the rental agreement was on a rent-to-own basis, the remaining non-Tribal member tenant may remain in the premises for a maximum of six (6) months from the date of the Tribal member tenant's death unless the non-Tribal member tenant has a child that is a Tribal member.

(1) In the event the original tenants have a Tribal member child, the non-Tribal member tenant may remain in the premises under the rent-to-own agreement so long as the non-Tribal member tenant either:

- (A) Transfers the premises and the rent-to-own agreement to a child of one (1) or both of the original tenants who is a Tribal member, eighteen years or older, and agrees to live in the premises; or
- (B) Signs an agreement indicating that the premises and the rent-to-own agreement shall be transferred to a minor Tribal member child when the child is eighteen (18) years old.

(2) Should the non-Tribal member tenant satisfy the payment requirements of the rent-to-own agreement prior to the Tribal member child's eighteenth (18th) birthday, the rent-to-own agreement shall be extended at no additional cost to the tenant and conveyance postponed until the Tribal member child reaches eighteen (18) years of age and the rent-to-own agreement is transferred to the child.

(3) In the event the non-Tribal member tenant either has no children living in the premises that are Tribal members or declines to enter the agreement transferring the rent-to-own agreement to a Tribal member child, the rent-to-own agreement shall be terminated upon the tenant's ineligibility to remain in the rent-to-own program and a limited term rental agreement shall be executed in accordance with section (b) above.

5. Modify section 611.5-2 as follows:

611.5-2. *Requirements of Rental Agreements and Terminations.* A rental agreement or termination of a rental agreement is not enforceable unless it meets the requirements of this law and is in writing.

(a) All rental agreements shall:

- (1) Set forth the amount of rent or other consideration provided in exchange for the ability to use/occupy the premises;
- (2) Set forth the required amount of security deposit and require payment of the security deposit prior to the tenant(s) taking use/occupancy of the premises;
- (3) Set the time of commencement and expiration of the rental agreement;
- (4) Provide a reasonably definite description of the premises;

~~(5) State that nothing in the agreement may be considered a waiver of the Nation's sovereign immunity, provided that tenants may seek enforcement of a rental agreement or dispute an action taken pursuant to a rental agreement with the Oneida Judiciary<sup>4</sup>; and~~

(6) Be signed by both the landlord and the tenant(s) prior to the tenant(s) taking use/occupancy of the premises;

(A) The rental agreement is not required to be signed by all adults using/occupying the premises, provided that the rights and responsibilities contained in the rental agreement do not extend to persons that are not named as tenants in the rental agreement.

~~(B) Unless legally separated, if a tenant(s) is married, the landlord shall require that each spouse sign the rental agreement.<sup>5</sup>~~

6. Modify Section 611.6-2 as follows:

611.6-2. Disposition of Personal Property Left by the Tenant. If the tenant moves from or is evicted from the premises and leaves personal property, the landlord may presume that the tenant has abandoned the personal property and may dispose of said property in any manner that the landlord, in his or her sole discretion, determines is appropriate, provided that:

(a) The landlord shall hold personal property for a minimum of five (5) business days and the tenant may retrieve said personal property by contacting the landlord.

(b) The landlord shall keep a written log of the date and the work time that the ~~Nation's staff~~landlord expends storing and/or removing personal property and/or removing/disposing of debris left at the property after the expiration of the timeframe provided in the order to vacate.

~~(c) The Land Commission and the Comprehensive Housing Division shall jointly create rules further governing the disposition of personal property.<sup>6</sup>~~

7. Modify section 611.6-3(b)(3) as follows:

(3) Tenants shall comply with all applicable laws and rules of the Nation

8. Modify section 611.6-3(c)(2) as follows:

(2) If the tenant remains in possession, the landlord shall decrease rent for each month to the extent the tenant is deprived of the full normal use of the premises. ~~The Land Commission and the Comprehensive Housing Division shall jointly develop rules~~

<sup>4</sup>Moved to the section specific to the Nation's rental agreements.

<sup>5</sup> This is the only revision I am requesting that is not needed in order to make this law generally applicable to all landlords and tenants. I am requesting this revision because without or without signature of a spouse, the Nation follows WI's marital property law principles. At times, getting signature of both spouses who may be estranged but not legally separated or divorced is impossible and prejudices tribal member applicants.

<sup>6</sup> Moved to the section specific to the Nation's rental agreements.

~~governing how and when rent is decreased pursuant to this section.~~<sup>7</sup> This subsection does not authorize rent to be withheld in full, if the tenant remains in possession.

9. Delete sections 611.9-4 and 611.9-5, which read as follows:<sup>8</sup>

611.9-4. If the deceased tenant is a Tribal member whose death renders a co-tenant no longer eligible for a rental agreement based on Tribal member status, the non-Tribal member tenant may remain in the premises as follows:

(a) If subject to a standard rental agreement (i.e. not on a rent-to-own basis), see section 611.9-1(b) above.

(b) If the rental agreement was on a rent-to-own basis, the remaining non-Tribal member tenant may remain in the premises for a maximum of six (6) months from the date of the Tribal member tenant's death unless the non-Tribal member tenant has a child that is a Tribal member. In the event the original tenants have a Tribal member child, the non-Tribal member tenant may remain in the premises under the rent-to-own agreement so long as the non-Tribal member tenant either:

(1) Transfers the premises and the rent-to-own agreement to a child of one (1) or both of the original tenants who is a Tribal member, eighteen years or older, and agrees to live in the premises; or

(2) Signs an agreement indicating that the premises and the rent-to-own agreement shall be transferred to a minor Tribal member child when the child is eighteen (18) years old.

(c) Should the non-Tribal member tenant satisfy the payment requirements of the rent-to-own agreement prior to the Tribal member child's eighteenth (18th) birthday, the rent-to-own agreement shall be extended at no additional cost to the tenant and conveyance postponed until the Tribal member child reaches eighteen (18) years of age and the rent-to-own agreement is transferred to the child.

(d) In the event the non-Tribal member tenant either has no children living in the premises that are Tribal members or declines to enter the agreement transferring the rent-to-own agreement to a Tribal member child, the rent-to-own agreement shall be terminated upon the tenant's ineligibility to remain in the rent-to-own program and a limited term rental agreement shall be executed.

611.9-5. Where a landlord is terminating a rental agreement entered on a rent-to-own basis based on death of a Tribal member tenant, the landlord shall pay the remaining co-tenant all equity the tenants may have accrued in accordance with the rental agreement.

10. Delete section 611.10-3, which reads as follows:

611.10-3. The landlord is the Comprehensive Housing Division in regards to taking actions authorized under this law and complaints filed with the Oneida Judiciary shall name the Comprehensive Housing Division and the specific program.

**Eviction and Termination:**

<sup>7</sup> These rules were never developed, and CHD has never encountered this situation since implementation of the rule. I believe if additional policy is needed, CHD can do so through SOP.

<sup>8</sup> This is moved to the section specific about the Nation's rental agreements.

1. Modify the purpose and policy statements as follows:

610.1-1. Purpose. The purpose of this law is to provide consistent procedures relating to the Nation's rental and leasing programs for terminating a contract and/or evicting an occupant which affords the applicant due process and protects all parties involved.

610.1-2. Policy. It is the Nation's policy to provide fair termination and eviction processes that preserves the peace, harmony, safety, health, general welfare and the Nation's resources.

2. Modify the definitions in section 610.3 as follows:

(e) "Nuisance" means an occupant's interference with another occupant's use and enjoyment of the premises. Nuisance activities include, but are not limited to, allegations of harassment, disorderly conduct, battery, lewd and lascivious behavior, prostitution, theft, possession of stolen property, arson, illegal drug activity, gambling, animal violations, trespassing, weapons violations, habitual noise violations ~~(as defined in the rules which the Land Commission and the Comprehensive Housing Division shall jointly establish)~~<sup>9</sup>, execution of warrants, alcohol violations, obstruction/resisting, inspection related calls in which a law enforcement agency responds.

3. Modify section 610.5-3(d)(1)(E) as follows:

(E) The contact information for the ~~Comprehensive Housing Division~~ owner or staff available to answer questions and/or hear concerns of the occupant related to the notice.

4. Modify section 610.6 as follows:

#### 610.6. Failure to Vacate Following Notice of Eviction or Contract Expiration

610.6-1. Changing of Locks and Removal of Occupant. If an occupant fails to vacate the premises following notice of termination based on eviction, occupant termination or expiration and non-renewal of a contract, the owner shall secure and take possession of the premises once the timeframe in the notice of termination has expired.

(a) The ~~Comprehensive Housing Division~~ owner shall ~~may~~ contact the Oneida Police Department to request that an Oneida Police Officer be on the scene while the locks are being changed.

(b) In the event the occupant has left personal property in the home, the occupant may retrieve the said personal property by contacting the ~~Comprehensive Housing Division~~ owner or staff listed on the notice of termination. The ~~Comprehensive Housing Division~~ owner shall hold personal property for a minimum of five (5) business days, where a business day is Monday through Friday from 8:00 a.m. to 4:30 p.m. and excludes holidays recognized by the Nation.

(1) The ~~Comprehensive Housing Division~~ owner shall keep a written log of the date and the work time the ~~Comprehensive Housing Division~~ owner and/or owner's staff expends storing and/or removing personal property and/or removing/disposing of debris left at the premises after the expiration of the timeframe provided in the notice of termination.

<sup>9</sup> These rules do not yet exist, and CHD has not needed elaboration on this definition to date.

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(2) The Land Commission and the Comprehensive Housing Division shall jointly create rules further governing the disposition of personal property in relation to the Nation's residential contracts and the Land Commission and the Division of Land Management shall jointly create rules further governing the disposition of personal property in relation to the Nation's agricultural and business contracts.

5. Delete section 610.8-3, which reads as follows:

610.8-3. The owner is the Comprehensive Housing Division in regards to taking actions authorized under this law and complaints filed with the Oneida Judiciary shall name the Comprehensive Housing Division and the specific program.

Please contact me with any questions you may have.



TO: Oneida Business Committee  
FROM: Jameson Wilson, Legislative Operating Committee Chairperson  
DATE: February 28, 2024  
RE: One Year Review of the Budget and Finances Law

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### ***Background***

On May 11, 2022, the Oneida Business Committee adopted amendments to the Budget and Finances law through the adoption of resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*. The purpose of the Budget and Finances law is to set forth the requirements to be followed by the Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and to establish financial policies and procedures for the Nation. [1 O.C. 121.1-1].

When the Oneida Business Committee adopted amendments to the Budget and Finances law, resolution BC-05-11-22-B also included a directive that the Legislative Reference Office collaborate with the Nation's Treasurer and Chief Financial Officer to conduct a one (1) year review of the Budget and Finances law and provide the Oneida Business Committee a report on the use and implementation of the Law.

The Legislative Reference Office failed to collaborate with the Nation's Treasurer and Chief Financial Officer in May of 2023 to complete the one (1) year review of the Budget and Finances law. In an effort to rectify this oversight, the Legislative Reference Office and Legislative Operating Committee met with the Nation's Treasurer and Chief Financial Officer on February 7, 2024, to review and discuss how the implementation and utilization of the Budget and Finance law has fared since the most recent amendments were adopted in May of 2022.

### ***One Year Review***

The Nation's Treasurer and Chief Financial Officer provided that the utilization of the processes and procedures in the Budget and Finances law has been smooth since the Oneida Business Committee last amended the Budget and Finances law.

Some issues the Nation's Treasurer and Chief Financial Officer discussed with the Legislative Operating Committee which could potentially be addressed in the Budget and Finances law included:

- ***Authority and Responsibilities of the Oneida Business Committee.***
  - Section 121.4-1(c) of the Budget and Finances law provides that the Oneida Business Committee is responsible for developing priorities, a strategic plan, or broad goals to assist in guiding the budget.
  - The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed the fact that the Oneida Business Committee could better prioritize developing its priorities, strategic plan, or broad goals to assist in guiding the budget earlier on in the fiscal year. Setting the budget priorities helps guide the entire budget



process and timelines. The Oneida Business Committee not prioritizing this responsibility until spring sets back the entire budget process. The Chief Financial Officer identified this as a key missing piece in the current process.

- ***Authority and Responsibilities of the Chief Financial Officer.***

- Section 121.4-3(c) of the Budget and Finances law provides that the Chief Financial Officer is responsible for assisting with the submission and presentation of the Treasurer's report to the Oneida Business Committee which shall specifically include any monthly variances that are either a difference or three percent (3%) or more from the adopted annual budget or fifty thousand dollars (\$50,000) or more in total.
- The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed the fact that the threshold for variances of three percent (3%) or more may be too low and should be raised.

- ***Authority and Responsibilities of Managers.***

- Section 121.4-4(b) of the Budget and Finances law provides that managers shall be responsible for reporting to the Chief Financial Officer and their relevant Executive Manager explanations and corrective actions for any monthly variance that is either a difference or three percent (3%) or more from the adopted annual budget or fifty thousand dollars (\$50,000) or more in total.
- The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed the utility and purpose of this section. There is an underlying purpose of requiring greater accountability from the managers to answer for monthly variances over a certain threshold. Although accountability for overspending or underspending is very important, it was discussed that this may be an administrative burden for managers to comply with. It may not be necessary to require managers to report on the variances every month themselves, when this information is already included in the Treasurer's report. There may be more efficient reporting mechanisms and accountability measures that could be included in the law. Additionally, the Treasurer and Chief Financial Officer provided that if this provision remains in the law, the threshold for variances of three percent (3%) or more may be too low and should be raised.

- ***Content of the Budget.***

- Section 121.5-2(c) of the Budget and Finances law provides that the Nation's budget shall include a description of each line item within each fund unit's budget.
- The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed the purpose of this provision, and the fact that based on the quantity of line items in the Nation's budget, it is not realistic or practical to require a description of every line item be included in the budget.

- ***Budget Adoption Procedure.***

- Section 121.5-4(a)(3) of the Budget and Finances law provides that the Oneida Business Committee shall set a deadline through the adoption of a resolution for when the Treasurer shall submit the budget guidelines to the Oneida Business Committee for review and approval.
- The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed the fact that this requirement was last met through the adoption of resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*, in which the Oneida Business Committee set a deadline of June 1, 2022, for the Treasurer to submit their budget guidelines to the Oneida Business Committee for review and approval, but this requirement has not been met by the Oneida Business

Committee since then. It was discussed that the Oneida Business Committee should be reminded of this responsibility. Whether this should be a resolution that sets a specific deadline date for each year on an annual basis (i.e. a deadline of June 1, 2024), or a resolution that sets a general deadline to be used for multiple years (i.e. a deadline of June 1 of each year) was also discussed.

- ***Procurement Rule Handbook.***

- Section 121.6-2 of the Budget and Finances law provides that the Purchasing Department is delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation.
- Resolution BC-02-08-17-C, *Adoption of the Budget Management and Control Law*, which originally adopted the Budget Management and Control law (now known as the Budget and Finances law) required that required to be developed pursuant to the Budget Management and Control Law shall be in effect no later than October 1, 2017. Resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*, also addressed a deadline for the development of rules, in which the Oneida Business Committee set a deadline of September 30, 2022, for the Purchasing Department to submit the Procurement Rule Handbook to the Legislative Operating Committee for certification in accordance with the Administrative Rulemaking law.
- The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed the fact that to this date, a Procurement Rule Handbook has not yet been developed. It is imperative that moving forward the Procurement Rule Handbook is developed and adopted in accordance with the Administrative Rulemaking law.

- ***Notification of Unbudgeted Expenditures.***

- Section 121.6-4 of the Budget and Finances law provides that the Oneida Business Committee is required to set through resolution a threshold amount for unbudgeted expenditures that require notification by the Oneida Business Committee to the General Tribal Council at the next available General Tribal Council meeting.
- Resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*, addressed notification of unbudgeted expenditures and provided that the Oneida Business Committee hereby reaffirms resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements*, which requires that expenditures for items and specific projects which were not identified in the approved budget and total two hundred and fifty thousand dollars (\$250,000) or more, shall be formally noticed to the General Tribal Council at the next available General Tribal Council regular or special meeting.
- The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed the fact that it may be necessary to increase the threshold of total two hundred and fifty thousand dollars (\$250,000).

- ***Capital Improvement Plan for Government Services.***

- Section 121.6-9(a) of the Budget and Finances law provides that the Oneida Business Committee is required to develop, and the General Tribal Council is responsible to approve, a capital improvement plan for government services. The Budget and Finances law then goes on to further provide the capital improvement plan for government services shall cover a period of five (5) to ten (10) years and shall include any risks and liabilities. The capital improvement plan for government services is also required to be reassessed once every five (5) years, in which the Oneida Business Committee is required to provide a status report and recommendation for any



improvements that have not been completed or that have been modified at the time of the reassessment.

- The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed the fact that we should review the process for the development, approval, and assessment of capital improvement plans for government services. It was discussed that it may be more beneficial to require that a capital improvement plan cover a period of ten (10) years, and that the reassessment occurs once every three (3) years coinciding with each Oneida Business Committee term.
- ***Grant Reserve Fund Account.***
  - Section 121.7-4(a) of the Budget and Finances law provides that the Treasurer, in consultation with the Chief Financial Officer, shall establish, and the Oneida Business Committee shall approve, the level of funds required in the Grant Reserve Fund account relative to the scale of grant dollars we receive on an annual basis.
  - The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed the fact that this has not yet occurred and should be addressed in the Fiscal Year 2025.
- ***Credit Ratios.***
  - Section 121.8-4(a) of the Budget and Finances law provides that the Debt Service Coverage Ratio shall not exceed the acceptable range as defined by low-risk debt financing options at the specific financial institution. Section 121.8-4(b) of the Budget and Finances law provides that the Fixed Charge Coverage Ratio shall be maintained at the acceptable range as defined by low-risk debt financing options at the specific financial institution.
  - The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed the fact that more clarification may be needed in this section to clarify that each credit ratio is required to comply with the applicable credit agreement.
- ***Corporate Debt.***
  - Section 121.8-5 of the Budget and Finances law provides that the Nation shall not be obligated to any debt obligations of its corporate entities.
  - The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed that this provision should be reviewed along with past and current practices of the Nation.
- ***Labor Allocations List.***
  - Section 121.9-2 of the Budget and Finances law provides that the Treasurer, Chief Financial Officer, Executive Managers, and the Executive Human Resources Director shall utilize the Nation's employment cap to develop a labor allocations list. The labor allocations list shall identify the number of full time equivalent (FTE) employees each employment area of the Nation is allocated. The Oneida Business Committee is then delegated the authority to adopt the labor allocation list, and any amendments thereto, through the adoption of a resolution. The Oneida Business Committee is required to review the labor allocations list on an annual basis. Section 121.9-2(b) of the Budget and Finances law then goes on to provide that the Treasurer, Chief Financial Officer, Executive Managers, and Executive Human Resources Director are responsible for developing a standard operating procedure which identifies a process for the consideration of requests to revise the labor allocations list. The Oneida Business Committee is then required to approve this standard operating procedure, and any amendments thereto, through the adoption of a resolution.

- The Legislative Operating Committee and the Nation's Treasurer and Chief Financial Officer discussed the fact that a proper labor allocations list and the required corresponding standard operating procedure have not yet been developed as required by the Budget and Finances law. This is an essential piece of the process that is currently missing.

Overall, through the discussions with the Nation's Treasurer and Chief Financial Officer it was determined that there are issues with the implementation of the Budget and Finances law – such as the development of the Procurement Rule Handbook and the labor allocations list standard operating procedure - that need to be addressed, prioritized, and completed by the appropriate entities. Additionally, there are potential amendments to the Budget and Finances law that would be beneficial to the Nation to make. The Nation's Treasurer and Chief Financial Officer recommended that the Legislative Operating Committee consider adding the Budget and Finances law to its Active Files List for amendments to be made.

**Requested Action**

Accept the review of the Budget and Finances law.

# February 2024

February 2024						
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March 2024						
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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Jan 29	30	31	Feb 1 9:00am LOC Work Session (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Clorissa N. Leeman	2
5	6	7 8:30am LOC Prep Meeting (Microsoft Teams Meeting; 9:00am Legislative Operating Committee Meeting (Microsoft 1:30pm LOC Work Session (Microsoft	8	9
12 1:00pm Draft Guardianship Law (BC_Exec_Conf_Room) - Grace L. Elliott	13 1:00pm Real Property Law Amendments (Microsoft Teams Meeting) - Grace L. Elliott	14	15 2:00pm LOC Work Session (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Clorissa N. Leeman	16
19	20 2:30pm LOC Work Session (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Clorissa N. Leeman	21 8:30am LOC Prep Meeting (Microsoft Teams Meeting; BC_Conf_Room) - 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting;	22	23
26	27	28	29 1:30pm LOC Work Session (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Clorissa N. Leeman	Mar 1