



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2nd Floor Norbert Hill Center  
May 15, 2024  
9:00 a.m.

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

**II. Minutes to be Approved**

1. May 1, 2024 LOC Meeting Minutes (pg. 2)

**III. Current Business**

1. Oneida Land Trust Law (pg. 4)
2. Investigative Leave Policy Amendments (pg. 7)
3. Petition C. Kestell: Address Housing Issues/Veterans Home Loan Program (pg. 21)

**IV. New Submissions**

1. Computer Resource Ordinance Amendments (pg. 34)
2. Vehicle Driver Certification and Fleet Management Law Amendments (pg. 35)

**V. Additions**

**VI. Administrative Updates**

1. Change to the Bylaws Amendment Process and Removal of Bylaws from the Active Files List (pg. 36)

**VII. Executive Session**

**VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center  
May 1, 2024  
9:00 a.m.

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

**Others Present:** Clorissa N. Leeman

**Others Present on Microsoft Teams:** Fawn Cottrell, Grace Elliott, Kristal Hill, Maureen Perkins, Nicole Rommel, Ralinda Ninham-Lamberies, Kaylynn Gresham, Bobbi Webster, Carolyn Salutz, Katsitsiyo Danforth, Rae Skenandore, Eric Boulanger, Peggy Helm-Quest, Tavia James-Charles, Ronald Vanschyndel, Janice Decorah, Todd Vanden Heuvel, Derrick King, Lisa Moore, Rhiannon Metoxen

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

Jameson Wilson called the May 1, 2024, 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. April 17, 2024 LOC Meeting Minutes**

Motion by Kirby Metoxen to approve the April 17, 2024, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

**III. Current Business**

**1. Petition: C. Kestell - Address Housing Issues/Veterans Home Loan Program**

Motion by Jennifer Webster to accept the status update for the Petition C. Kestell: Address Housing Issues/Veterans Home Loan Program and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

**2. Eviction and Termination Law Amendments**

Motion by Jonas Hill to approve the memorandum entitled, *Follow up on February 25, 2024, GTC Directive for Amendments to the Eviction and Termination Law*, and corresponding materials and forward to the Oneida Business Committee; seconded by Marlon Skenandore. Motion carried unanimously.



**IV. New Submissions****1. GWA Law – Cultural Significant Event Pow Wow Participant**

Motion by Jennifer Webster to add the Culturally Significant Event Participation Program Law to the Active Files List with Marlon Skenandore as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

**2. Oneida Nation School Board Bylaws Amendments**

Motion by Jonas Hill to add the Oneida Nation School Board Bylaws Amendments to the Active Files List with Marlon Skenandore as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

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

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

**2. Approval of June 4, 2024 LOC Community Meeting Notice**

Motion by Jennifer Webster to approve the revised LOC community meeting notice and reschedule the community meeting to take place on June 4, 2024.; seconded by Kirby Metoxen. Motion carried unanimously.

**3. Approval of June 19, 2024 LOC Community Meeting Notice**

Motion by Jennifer Webster to approve the LOC community meeting notice and schedule the community meeting to take place on June 19, 2024.; seconded by Marlon Skenandore. Motion carried unanimously.

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

Motion by Marlon Skenandore to adjourn at 9:26 a.m.; seconded by Jennifer Webster. Motion carried unanimously.



Legislative Operating Committee  
May 15, 2024

# Oneida Land Trust Law

<b>Submission Date:</b> 10/21/2020	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> Jameson Wilson	<b>Emergency Enacted:</b> n/a <b>Expires:</b> n/a

**Summary:** *This item was carried over from last term, and originally added to the Active Files List on October 21, 2020, per the request of Councilman Daniel Guzman King, for purposes of protecting and preserving Oneida land for future generations by creating an Oneida Land Trust that would place land under the jurisdiction and authority of the Nation, thereby eliminating many of the land use and jurisdictional issues that arise when placed in trust with the federal government.*

**10/4/23 LOC:** Motion by Jonas Hill to add the Oneida Land Trust Law to the Active Files List with Jameson Wilson as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

**11/6/2023:** *Work Meeting.* Present: Krystal John, Grace Elliott, Clorissa Leeman. The purpose of this meeting was to share information related land trusts including case law, history, current efforts that are underway to provide additional protections for Oneida land, and alternative avenues for additional protections. Next steps are to seek clarification on what protections are sought and develop an effective strategy for achieving them.

**1/15/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, via teams: Kristal Hill, Maureen Perkins, Fawn Cottrell. The purpose of this meeting is to review preliminary research findings related to a Land Trust Law and to open discussions on the goals that this law is seeking to meet.

**4/3/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Fawn Cottrell, Maureen Perkins. The purpose of this work meeting was to set a priority for this legislative item. The LOC decided this should be moved to a low priority.

**5/1/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Marlon Skenandore, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to discuss whether continuing to pursue the development of a Land Trust law is the best use of resources at this time.

**Next Steps:**

- Remove the Oneida Land Trust law from the Active Files List.



TO: Legislative Operating Committee  
FROM: Grace Elliott, Legislative Reference Office, Staff Attorney *Grace Elliott*  
DATE: May 15, 2024  
RE: Request to Remove the Land Trust Law from the Active Files List

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### ***Background***

This item was carried over from last term, and originally added to the Active Files List on October 21, 2020, per the request of Councilman Daniel Guzman King, for purposes of protecting and preserving Oneida land for future generations by creating an Oneida Land Trust that would place land under the jurisdiction and authority of the Nation, thereby eliminating many of the land use and jurisdictional issues that arise when placed in trust with the federal government.

The Legislative Operating Committee reviewed information pertaining to the potential purposes an Oneida Land Trust law might serve during meetings on October 4, 2023, November 6, 2023, January 15, 2024, April 3, 2024, and May 1, 2024.

### ***Issue***

After consultation with the Oneida Law Office, it was determined that placing the Nation's fee land into an Oneida Land Trust under an Oneida Land Trust law would not provide tax or jurisdictional benefits comparable to placing such land into federal trust status or restricted fee status.

Tribal fee land held in a land trust is subject to a wide array of complex jurisdictional matters and tax consequences depending on the many layers of governmental authorities any given property may be subject to. Currently available mechanisms for protecting tribal fee land such as moving it into federal trust status or restricted fee status provide tax and jurisdictional benefits superior to placing tribal fee land into a land trust.

### ***Requested Action***

Remove the Oneida Land Trust law from the Active Files List so that resources may be allocated to tasks that promise greater benefit to the Nation at this time.



Legislative Operating Committee  
May 15, 2024

# Investigative Leave Policy Amendments

<b>Submission Date:</b> 2/6/19	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> Marlon Skenandore	<b>Emergency Enacted:</b> n/a <b>Expires:</b> n/a

**Summary:** *This item was carried over from the last three (3) terms. In February 2019, the Nation’s Human Resources Department requested amendments to this law to address investigative enforcement. Amendments to the law are being sought to delegate authority to investigators to put employees on investigative leave (as opposed to just the supervisor of the employee), and discipline employees. An amendment was also sought so that if terminated, an employee would be ineligible for employment with the Nation but may request forgiveness after five (5) years. This item was added to the AFL in conjunctions with a request for amendments to the Oneida Personnel Policies and Procedures and the Workplace Violence law.*

**10/7/20 LOC:** Motion by Jennifer Webster to add the Investigative Leave Policy Amendments to the Active Files List with David Jordan as the sponsor; seconded by Marie Summers. Motion carried unanimously.

**10/10/22:** *Work Meeting.* Present Todd Vanden Heuvel, Matthew Denny, Nicolas Reynolds, Joshua Cottrell, Wendy Alvarez, Whitney Wheelock, Clorissa Santiago, Carolyn Salutz, Grace Elliott. This was an introductory meeting to open discussions around the Investigative Leave Policy and any potential additional amendments including but not limited to amending the leave to a paid status rather than unpaid.

**11/29/22:** *Work Meeting.* Present Todd Vanden Heuvel, Matthew Denny, Nicolas Reynolds, Joshua Cottrell, Wendy Alvarez, Whitney Wheelock, Clorissa Santiago, Carolyn Salutz, Grace Elliott. This meeting continued discussions around delegating authority to investigators so that they are empowered act quickly to ensure a safe work environment; and, to amend the policy in a comprehensive manner that more accurately reflects its investigative purpose. The comprehensive amendment discussion included but was not limited to paid leave, continuation of benefits and credit for service time.

**12/19/22:** *Work Meeting.* Present Todd Vanden Heuvel, Matthew Denny, Nicolas Reynolds, Joshua Cottrell, Wendy Alvarez, Whitney Wheelock, Clorissa Santiago, Carolyn

Salutz, Grace Elliott. This purpose of this meeting was to review draft language implementing proposed amendments, and to discuss the use of investigative leaves in other Laws.

**12/21/22:** *Work Meeting.* Present: David Jordan, Jennifer Webster, Daniel Guzman, Marie Cornelius, Kirby Metoxen, Carolyn Salutz, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to gather feedback from the LOC on amending the Investigative Leave Policy from unpaid leave to paid leave. The consensus was to move forward with drafting paid leave options for consideration.

**01/12/23:** *Work Meeting.* Present: David Jordan, Jennifer Webster, Daniel Guzman, Kristal Hill, Carolyn Salutz, Clorissa Leeman, Grace Elliott. The purpose of the meeting was to gather direction from the LOC on whether an objective of the Investigative Leave Policy should be to consolidate all investigative leave policies in one Law. Consensus from the members present supported moving in a consolidated direction, to be considered further in conjunction with HRD at another meeting scheduled January 20<sup>th</sup>, 2023.

**01/20/23:** *Work Meeting.* Present: David Jordan, Jennifer Webster, Marie Cornelius, Daniel Guzman, Carolyn Salutz, Clorissa Leeman, Grace Elliott, Todd Vanden Heuvel, Matthew Denny, Joshua Cottrell, Peggy Van Gheem, Whitney Wheelock, Wendy Alvarez. This was a work meeting held through Microsoft Teams. The purpose of this meeting was to begin review of the draft paid investigative leave language.

**1/26/23 LOC:** *Work Meeting.* Present: David Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to update with a review of edits drafted based on suggestions from the prior meeting.

**2/13/23:** *Work meeting.* Present: Brenda Mendolla-Buckley, Carolyn Salutz, Chad Fuss, Clorissa Leeman, Debra Powless, Derrick King, Grace Elliott, Kathleen King, Lorna Skenandore, Lucy Neville, Mark Powless, Peggy Van Gheem, Sarah White. The purpose of this meeting was to solicit feedback and share information regarding amendments under consideration, and the Investigative Leave Policy in general, with the General Managers and their delegates.

**2/17/23 LOC:** *Work meeting.* Present: David Jordan, Kirby Metoxen, Marie Cornelius, Daniel Guzman, Debra Powless, Mark Powless, Peggy Van Gheem, Wendy Alvarez, Matthew Denny, Whitney Wheelock, Rita Reiter, Todd Vanden Heuvel, Grace Elliott. The purpose of this meeting was to consider feedback and review an amended and proposed final draft Investigative Leave Policy.

**3/7/23 LOC:** *Work Meeting.* Present: Kirby Metoxen, Marie Cornelius, Daniel Guzman, Jennifer Webster, Clorissa Leeman, Carolyn Salutz, Matthew Denny, Rhiannon Metoxen, Derrick King, Lorna Skenandore, Donna Smith, Joshua Cottrell, Rita Reiter, Wendy Alvarez, Louise Cornelius, Kristal Hill, Mark Powless, Debra Powless, Todd Vanden Heuvel, Grace Elliott. The purpose of this meeting was to continue development of potential paid and unpaid aspects of an investigative leave.



**3/24/23 LOC:** *Work Meeting.* Present: David Jordan, Jennifer Webster, Marie Cornelius, Daniel Guzman, Todd Vanden Heuvel, Lorna Skenandore, Derrick King, Mark Powless, Wendy Alvarez, Debra Powless, Matthew Denny, Kristal Hill, Donna Smith, Grace Elliott. The purpose of this meeting was to discuss the extent to which benefits will be made available on investigative leave, and to continue to develop notice criteria, lines of authority and responsibilities.

**4/28/23 LOC:** *Work Meeting.* Present: David Jordan, Marie Cornelius, Daniel Guzman, Debra Powless, Peggy Van Gheem, Todd Vanden Heuvel, Whitney Wheelock, Wendy Alvarez, Laura Laitinen-Warren, Derrick King, Rita Reiter, Rhiannon Metoxen, Lorna Skenandore, Daniel Habeck. The purpose of this meeting was to evaluate various options for specific sections of the law.

**5/3/23 LOC:** *Work Meeting.* David Jordan, Marie Cornelius, Daniel Guzman, Kirby Metoxen, Clorissa Leeman, Kristal Hill, Matthew Denny. The purpose of this meeting evaluate options for specific sections of the Law that had evolved through discussion at the previous meeting.

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

**1/8/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jonas Hill, Marlon Skenandore, Jennifer Webster, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Todd Vanden Heuvel, Matthew Denny, Peggy Van Gheem, Mark Powless, Lucy Neville, Dana Thyssen, Wendy Alvarez, Whitney Wheelock, Carolyn Salutz. The purpose of this meeting was to provide an introduction to the Investigative Leave law and begin review of the law.

**3/4/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jonas Hill, Marlon Skenandore, Jennifer Webster, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Todd Vanden Heuvel, Matthew Denny, Peggy Van Gheem, Mark Powless, Lucy Neville, Dana Thyssen, Wendy Alvarez, Whitney Wheelock. The purpose of this meeting was to review the law with a particular focus on amendments that were made pursuant to the January 8, 2024, meeting.

**4/30/24:** *Work Meeting.* Present: Kirby Metoxen, Jameson Wilson, Marlon Skenandore, Grace Elliott, Fawn Cottrell, Kristal Hill, Peggy Van Gheem, Todd Vanden Heuvel, Matthew Denny, Mark Powless, Lucy Neville, Maureen Perkins, Carolyn Salutz, Fawn Billie. The purpose of this meeting was to review the final draft of the Investigative Leave law for any additional amendments.

#### **Next Steps:**

- Approve the draft of the Investigative Leave Policy Amendments and direct that a legislative analysis be developed.

**Title 2. Employment – Chapter 208**  
**INVESTIGATIVE LEAVE ~~LAW~~POLICY**

208.1 Purpose and Policy	208.8 Duration
208.2 Adoption, Amendment, Repeal	208.9 Employee Responsibilities
208.3 Definitions	208.10 <del>Enforcement</del> Pay and Benefits
208.4 Scope	208.11 <del>Appeal</del> Enforcement
208.5 Authorization	208.12 <del>Confidentiality</del> Appeal
208.6 Employee Notice	<del>208.13 Confidentiality</del>
208.7 Investigator(s) and Reports	

1  
2 **208.1 Purpose and Policy**

3 208.1-1 \_\_\_\_\_The purpose of this ~~law~~Policy is to set forth a process to address investigative  
4 leave for employees undergoing work-related investigations.

5 ~~208.1-2.~~ It is the policy of the ~~Oneida Tribe~~ of ~~the Nation~~Indians of Wisconsin to conduct  
6 objective, confidential investigations into alleged employee misconduct.~~maintain confidentiality~~  
7 ~~and avoid undue influence when conducting an investigation into an employee’s alleged wrong~~  
8 ~~doings.~~

9  
10 **208.2 Adoption, Amendment, Repeal**

11 208.2-1. This ~~law~~policy was adopted by the Oneida Business Committee by resolution BC-04-  
12 07-99-A, and amended by resolution BC-08-13-14-D, ~~and~~ BC-06-24-15-A, and BC- - - -.

13 208.2-2. This ~~law~~policy may be amended or repealed by the Oneida Business Committee or  
14 the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

15 208.2-3. Should a provision of this ~~law~~policy or the application thereof to any person or  
16 circumstances be held as invalid, such invalidity shall not affect other provisions of this  
17 ~~law~~policy which are considered to have legal force without the invalid portions.

18 208.2-4. In the event of a conflict between a provision of this ~~law~~policy and a provision of  
19 another ~~law~~policy, the provisions of this ~~law~~policy shall control.

20 208.2-5. This ~~law~~policy is adopted under authority of the Constitution of the Oneida Nation.  
21 ~~Tribe of Indians of Wisconsin.~~

22  
23 **208.3 Definitions**

24 208.3-1. This section ~~shall~~ governs the definitions of words and phrases used within this  
25 ~~law~~Policy. All words not defined herein shall be used in their ordinary and everyday sense.

26 (a) “Day” means calendar day.  
27 ~~(a)(b)~~ “Employee” ~~shall~~ means any individual who is employed by the Nation~~Tribe~~ ~~and~~  
28 ~~is subject to the direction and control of the Tribe with respect to the material details of~~  
29 ~~the work performed, or who has the status of an employee under the usual common law~~  
30 ~~rules applicable to determining the employer-employee relationship. “Employee”~~  
31 ~~includes, but is not limited to; an individual employed by any program or enterprise of~~  
32 ~~the Tribe, but does not include elected or appointed officials or individuals employed by~~  
33 a corporation chartered by the Nation.~~political appointees.~~

34 ~~(b)(c)~~ “Investigative leave” ~~shall~~ means a temporary absence from an employee’s regular  
35 job duties for the purpose of conducting an investigation into alleged employee  
36 misconduct.~~to determine whether conduct or alleged conduct by an employee should~~  
37 ~~result in disciplinary action and/or termination of employment.~~

38 (d) “Nation”~~“Tribal” or “Tribe”~~ shall mean the Oneida Nation.~~Tribe of Indians of~~

Wisconsin.

~~(e)~~(e) “Workplace” means any location owned and operated by the Nation, any location where employees are staffing an event sponsored by the Nation, and any location where an employee represents the Nation, including over-the-road travel in Nation owned or rented vehicles and any circumstances where an employee is being reimbursed for expenses.

## 208.4 Scope

208.4-1. An employee shall be placed on investigative leave when a situation requires an investigation be conducted and one (1) of the following occurs:

~~(a)~~ The nature and severity of the alleged violation, or alleged illegal activity, is significant; including but not limited to: ~~A situation requires an investigation be conducted and the employee’s presence may influence the outcome.~~

(1) Workplace violence;

(2) Sexual harassment;

(3) Theft;

(4) Arson, bribery, or perjury; or

(5) Obstruction or interference with an investigation authorized by the Nation.

~~(a)~~(b) The employee’s presence in the workplace may result in the destruction of evidence relevant to the investigation, result in loss or damage to property of the Nation, or otherwise damage legitimate interests of the Nation; including, but not limited to classified, privileged, proprietary, financial or medical records; and the privacy of individuals whose data the Nation holds in its systems.

(c) The employee’s presence in the workplace may pose an unacceptable risk to the life, safety, health, or personal property of employees, contractors, vendors or visitors to a facility of the Nation.

~~(b)~~(d) An employee allegedly commits an act which would preclude the employee from meeting employment eligibility including required licenses, ~~the Tribal~~ fidelity bond, commercial crime policy, or background investigation requirements.

~~208.4 2.— This policy shall not be used as a form of discipline.~~

208.4-2. Investigative leave shall include:

(a) Up to forty-five (45) days without loss of or reduction in:

(1) Pay;

(2) Credit for time or service;

(3) Benefits to which the employee is otherwise entitled to under the Nation’s laws governing employment, except that:

(A) Personal and vacation time shall not accrue.

(b) After forty-five (45) days on paid investigative leave an employee may use their personal and vacation time.

(c) After forty-five (45) days on paid investigative leave and the expiration of any personal and vacation time all pay and benefits shall cease.

(d) After forty-five (45) days of paid investigative leave, an employee shall receive back-pay and benefits for any time the employee was on unpaid investigative leave pursuant to the laws governing back-pay if they return to their position at the conclusion of the investigation.

85 **208.5 Authorization**

86 208.5-1. ~~Investigative~~This leave, or an extension of this leave, shall only be used: ~~when an~~  
87 ~~employee's supervisor receives prior approval from the Human Resources Department Manager~~  
88 ~~or his or her designee and:~~

- 89 (a) ~~their Division Director; or~~ When initiated by the Executive Director of the Human  
90 Resource Department with concurrent written notice to the employee's supervisor; or  
91 (b) ~~if there is no Division Director, the person at the highest level of the chain of~~  
92 ~~command.~~ When initiated by an employee's supervisor after receiving written approval  
93 from the Executive Director of the Human Resource Department or their designee, and:  
94 (1) Their division director; or  
95 (2) If there is no division director, the person at the highest level of the chain of  
96 command under the Oneida Business Committee.

97 ~~208.5-2. If the Human Resources Department Manager or his or her designee and the Division~~  
98 ~~Director or his or her equivalent do not agree with placing the employee on investigative leave,~~  
99 ~~then the final decision shall rest with the Human Resources Department Manager or his or her~~  
100 ~~designee.~~

101 208.5-~~2~~3. ~~The prior approval~~Approval requested in 208.5-1(b) shall be granted or denied by the  
102 Executive Director of the Human Resource Department within forty-eight (48) hours of  
103 receiving the request.

104 208.5-3. An investigative leave shall initially be authorized for a period of forty-five (45) days.  
105 (a) If the investigative leave is not projected to conclude within forty-five (45) days, the  
106 initial authorizer(s) may review and authorize the extension of the investigative leave  
107 until such time that a safe and equitable determination may reasonably be reached.

108 ~~208.5-4. During the investigative leave, the employee's supervisor shall authorize an~~  
109 ~~alternative work assignment if all the following occur:~~

- 110 (a) ~~The alleged action does not preclude the employee from working elsewhere in the~~  
111 ~~organization;~~  
112 (b) ~~An alternative work assignment is available; and~~  
113 (c) ~~The employee meets the minimum job requirements of the alternative work assignment.~~

114 ~~208.5-5. If an employee is placed in an alternative work assignment under section 208.5-4, the~~  
115 ~~alternative work assignment shall be considered a part of the investigative leave and the~~  
116 ~~employee shall continue to receive their same rate of pay.~~

117  
118 **208.6 Employee Notice**

119 208.6-1. When the employee is placed on investigative leave, the employee shall immediately  
120 receive a written notice from the employee's supervisor, or if the employee's supervisor is  
121 unavailable, their designee of equal or greater authority; the notice shall contain the following:

- 122 (a) ~~The specific allegation(s) being investigated;~~ This action does not denote any  
123 wrongdoing on the part of the employee.  
124 (b) ~~The employee shall be on unpaid status, unless he or she is placed in an alternative~~  
125 ~~work assignment;~~ The employee remains an employee of the Nation.  
126 (c) ~~The alternative work assignment, if appropriate;~~ Clear documentation regarding the  
127 status of pay and benefits while on investigative leave.  
128 (d) ~~The expected length of the investigation;~~ The definition of business hours as it  
129 pertains to the employee's particular area of employment.  
130 (e) ~~Whether or not the investigation is being forwarded to an outside agency;~~ The specific

131 allegation(s) being investigated.

132 (f) ~~The telephone number and name of person to contact in case of questions;~~The  
133 expected length of the investigation.

134 (g) ~~The procedures to return to work upon completion of the investigation; and~~Whether  
135 or not the investigation is being forwarded to an outside agency.

136 (h) ~~That the employee still remains as an employee with the Tribe.~~The telephone number,  
137 email address, and name of person to contact in case of questions.

138 (i) The employee shall surrender all property of the Nation pursuant to section 208.9-1(c).

139 (j) The procedures to return to work upon completion of the investigation.

140 (h) Employee responsibilities pursuant to section 208.9.

141 208.6-2. If the employee's investigative leave is projected to ~~extended~~ past the initial forty-five  
142 ~~(45) original fifteen (15) calendar~~ days pursuant to section 208.5-3~~8-1~~, the supervisor or their  
143 designee of equal or greater authority shall immediately notice the employee in writing of this  
144 extension and the reason for the extension at least ten (10) days prior to the expiration of the  
145 initial forty-five (45) days. The notice shall contain the following:

146 (a) That the employee remains an employee of the Nation.

147 (b) Clear documentation regarding the cessation of pay and benefits.

148 (c) The definition of business hours as it pertains to the employee's particular area of  
149 employment.

150 (d) The expected length of the investigation.

151 (e) The telephone number, email address, and name of the person to contact in case of  
152 questions.

153 (f) Employee responsibilities pursuant to section 208.9.

## 154 **208.7 Investigator(s) and Reports**

156 208.7-1. The Executive Director of the Human Resource Department, in collaboration with the  
157 supervisor, ~~employee's supervisor and/or area manager~~ shall be responsible for designating the  
158 individual or agency responsible for completing the investigation. If the employee being  
159 investigated reports directly to the Oneida Business Committee, the ~~Tribal~~ Equal Employment  
160 Opportunity Officer shall either conduct the investigation or serve as the point of contact and  
161 coordinator for the investigative agency.

162 208.7-2. If the allegations against the employee include criminal actions, or actions that may  
163 affect licensing, the supervisor ~~may~~shall conclude the employment related investigation without  
164 waiting for the results of a criminal or licensing investigation.

165 (a) Documentation of criminal proceedings or licensing outcomes shall be maintained in  
166 the employee's personnel file within the Human Resource Department.

167 208.7-3. The person(s) conducting an investigation shall prepare a written report that shall  
168 include the findings of the investigation, and if someone other than the employee's supervisor  
169 conducts the investigation, a copy of the written report shall be provided to the employee's  
170 supervisor. ~~If someone other than the employee's supervisor conducts the investigation, within~~  
171 ~~forty eight (48) hours of receiving the written report, the supervisor shall complete the~~  
172 ~~investigation by determining and documenting any corrective actions needed.~~

173 208.7-4. The employee's supervisor shall prepare a memorandum based on the information  
174 produced during the investigation ~~written report~~ which shall be provided to the employee and  
175 shall inform the employee of the following:

176 (a) Corrective actions needed based on the written report, if any; and



(1) Should the supervisor choose not to follow the corrective action recommended by the investigator(s), they shall provide written notice and justification to the Executive Director of the Human Resource Department.

~~(b) When to return to work, if applicable, and/or what disciplinary action will be taken against the employee based on the report; and~~

~~(c) A redacted copy of the written report will be made available to the employee upon request, only in the event the employee appeals any disciplinary action.~~

**208.8 Duration**

208.8-1. An investigative leave shall conclude when the investigation has produced sufficient information and verifiable facts for the employee’s supervisor and the Executive Director of the Human Resource Department to make a reasonable determination on workplace safety and employee status; documentation of that determination has been recorded in permanent files, and the employee has either returned to work or separated from their employment.~~be no longer than fifteen (15) calendar days, with the ability to extend one (1) time for an additional fifteen (15) calendar days with a valid explanation of the reason for the extension. The extension shall be determined by the same individuals who placed the employee on investigative leave in section 208.5 1. However, if the investigation is forwarded to an outside agency, these timelines shall not apply.~~

208.8-2. All investigations shall be completed as expeditiously as circumstances permit. The supervisor shall provide weekly updates to the Executive Director of the Human Resource Department, or if an outside entity is conducting the investigation, the Equal Employment Opportunity Officer shall provide the weekly updates. ~~Investigative leave shall end upon any of the following occurrences:~~

- ~~(a) the expiration of the fifteen (15) calendar day time limit, if applicable;~~
- ~~(b) the expiration of the fifteen (15) calendar day extension if granted;~~
- ~~(c) termination of the employee’s employment based on the investigation;~~
- ~~(d) the employee’s return to work based on the written report submitted to the employee after an investigation is completed; or~~
- ~~(e) the employee chooses to resign or retire.~~

**208.9 Employee Responsibilities**

208.9-1. An employee placed on investigative leave shall:

- (a) Not report to work or the worksite without prior supervisory approval;
  - (1) Written permission to enter a public work site and the conditions thereof may be included in the employee notice.
- ~~(b) Abide by all Tribal laws and policies; and~~ Not discuss the investigation with employees or post information related to the investigation on social media pursuant to section 208.12-1.
- (c) Surrender all property of the Nation in their possession including but not limited to:
  - (1) Time keeping badge(s),
  - (2) Identification card(s),
  - (3) Laptop(s),
  - (4) Vehicles and key(s),
  - (5) Cell phone.

(d) Fully cooperate with the investigation as requested by those conducting the investigation.

(e) Respond to all inquiries within twenty-four (24) business hours.

**208.10 Pay and Benefits**

~~208.10 1. Paid leave shall not be authorized.~~

~~208.10 2. An employee placed on investigative leave shall not receive any wages or benefits unless placed in an alternative work assignment. If the employee refuses the alternative work assignment and is returned to work, the employee shall not receive any back pay or benefits.~~

~~208.10 3. If an alternative work assignment is not available, the employee may use his or her accrued vacation and/or personal time while on investigative leave.~~

~~208.10 4. An employee shall receive back pay and benefits for the time the employee was on investigative leave pursuant to the Back Pay Policy if all of the following occur:~~

~~(a) The employee was not offered an alternative work assignment when placed on investigative leave; and~~

~~(b) The employee is returned to his or her position; and~~

~~(c) The employee is not disciplined based on the investigation.~~

**208.10~~1~~ Enforcement**

~~208.10~~1~~-1. Any employee found violating this lawPolicy shall be subject to discipline in accordance with the Nation'sTribe's laws and policies governing employment.personnel policies and procedures.~~

208.10-2. Failure by the employee to respond to inquiries within twenty-four (24) business hours will result in the termination of paid investigative leave and immediately shift the employee to unpaid status.

**208.1~~1~~2 Appeal**

~~208.1~~1~~2-1. An employee may appeal any disciplinary action arising out of an investigation in accordance with the Nation's laws and policies governing employment.Tribe's personnel policies and procedures.~~

**208.1~~2~~3 Confidentiality**

~~208.1~~2~~3-1. Information related to an investigation is confidential and may not be released in any manner, including social media, except ~~only be released~~ in accordance with relevant laws. and ~~personnel policies and procedures.~~~~

~~208.1~~2~~3-2. All investigation materials shall be maintained in the employee's personnel file with the Human Resources Department.~~

*End.*

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OBC Approved 4-07-99-A  
Amended- 08-13-14-D  
Amended – BC-06-24-15-A  
Amended BC- - - -

**Title 2. Employment – Chapter 208**  
**INVESTIGATIVE LEAVE**

208.1 Purpose and Policy  
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**208.1 Purpose and Policy**

208.1-1. The purpose of this law is to set forth a process to address investigative leave for employees undergoing work-related investigations.  
208.1-2. It is the policy of the of the Nation to conduct objective, confidential investigations into alleged employee misconduct.

**208.2 Adoption, Amendment, Repeal**

208.2-1. This law was adopted by the Oneida Business Committee by resolution BC-04-07-99-A, and amended by resolution BC-08-13-14-D, BC-06-24-15-A, and BC- - - - .  
208.2-2. 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.  
208.2-3. 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.  
208.2-4. 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.  
208.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**208.3 Definitions**

208.3-1. This section governs 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) “Day” means calendar day.  
(b) “Employee” means any individual who is employed by the Nation but does not include elected or appointed officials or individuals employed by a corporation chartered by the Nation.  
(c) “Investigative leave” means a temporary absence from an employee’s job duties for the purpose of conducting an investigation into alleged employee misconduct.  
(d) “Nation” means the Oneida Nation.  
(e) “Workplace” means any location owned and operated by the Nation, any location where employees are staffing an event sponsored by the Nation, and any location where an employee represents the Nation, including over-the-road travel in Nation owned or rented vehicles and any circumstances where an employee is being reimbursed for expenses.

**208.4 Scope**

208.4-1. An employee shall be placed on investigative leave when a situation requires an investigation be conducted and one (1) of the following occurs:  
(a) The nature and severity of the alleged violation, or alleged illegal activity, is significant;



- 39 including but not limited to:
- 40 (1) Workplace violence;
- 41 (2) Sexual harassment;
- 42 (3) Theft;
- 43 (4) Arson, bribery, or perjury; or
- 44 (5) Obstruction or interference with an investigation authorized by the Nation.
- 45 (b) The employee's presence in the workplace may result in the destruction of evidence
- 46 relevant to the investigation, result in loss or damage to property of the Nation, or otherwise
- 47 damage legitimate interests of the Nation; including, but not limited to classified,
- 48 privileged, proprietary, financial or medical records; and the privacy of individuals whose
- 49 data the Nation holds in its systems.
- 50 (c) The employee's presence in the workplace may pose an unacceptable risk to the life,
- 51 safety, health, or personal property of employees, contractors, vendors, or visitors to a
- 52 facility of the Nation.
- 53 (d) An employee allegedly commits an act which would preclude the employee from
- 54 meeting employment eligibility including required licenses, fidelity bond, commercial
- 55 crime policy, or background investigation requirements.

56 208.4-2. Investigative leave shall include:

- 57 (a) Up to forty-five (45) days without loss of or reduction in:
- 58 (1) Pay;
- 59 (2) Credit for time or service;
- 60 (3) Benefits to which the employee is otherwise entitled to under the Nation's laws
- 61 governing employment, except that:
- 62 (A) Personal and vacation time shall not accrue.
- 63 (b) After forty-five (45) days on paid investigative leave an employee may use their
- 64 personal and vacation time.
- 65 (c) After forty-five (45) days on paid investigative leave and the expiration of any personal
- 66 and vacation time all pay and benefits shall cease.
- 67 (d) After forty-five (45) days of paid investigative leave, an employee shall receive back-
- 68 pay and benefits for any time the employee was on unpaid investigative leave pursuant to
- 69 the laws governing back-pay if they return to their position at the conclusion of the
- 70 investigation.

71

72 **208.5 Authorization**

- 73 208.5-1. Investigative leave, or an extension of this leave, shall only be used:
- 74 (a) When initiated by the Executive Director of the Human Resource Department with
- 75 concurrent written notice to the employee's supervisor; or
- 76 (b) When initiated by an employee's supervisor after receiving written approval from the
- 77 Executive Director of the Human Resource Department or their designee, and:
- 78 (1) Their division director; or
- 79 (2) If there is no division director, the person at the highest level of the chain of
- 80 command under the Oneida Business Committee.
- 81 208.5-2. Approval requested in 208.5-1(b) shall be granted or denied by the Executive Director
- 82 of the Human Resource Department within forty-eight (48) hours of receiving the request.
- 83 208.5-3. An investigative leave shall initially be authorized for a period of forty-five (45) days.
- 84 (a) If the investigative leave is not projected to conclude within forty-five (45) days, the

85 initial authorizer(s) may review and authorize the extension of the investigative leave until  
86 such time that a safe and equitable determination may reasonably be reached.  
87

## 88 **208.6 Employee Notice**

89 208.6-1. When the employee is placed on investigative leave, the employee shall immediately  
90 receive a written notice from the employee's supervisor, or if the employee's supervisor is  
91 unavailable, their designee of equal or greater authority; the notice shall contain the following:

- 92 (a) This action does not denote any wrongdoing on the part of the employee.
- 93 (b) The employee remains an employee of the Nation.
- 94 (c) Clear documentation regarding the status of pay and benefits while on investigative  
95 leave.
- 96 (d) The definition of business hours as it pertains to the employee's particular area of  
97 employment.
- 98 (e) The specific allegation(s) being investigated.
- 99 (f) The expected length of the investigation.
- 100 (g) Whether or not the investigation is being forwarded to an outside agency.
- 101 (h) The telephone number, email address, and name of person to contact in case of  
102 questions.
- 103 (i) The employee shall surrender all property of the Nation pursuant to section 208.9-1(c).
- 104 (j) The procedures to return to work upon completion of the investigation.
- 105 (h) Employee responsibilities pursuant to section 208.9.

106 208.6-2. If the employee's investigative leave is projected to extend past the initial forty-five  
107 (45) days pursuant to section 208.5-3, the supervisor or their designee of equal or greater authority  
108 shall immediately notice the employee in writing of this extension and the reason for the extension  
109 at least ten (10) days prior to the expiration of the initial forty-five (45) days. The notice shall  
110 contain the following:

- 111 (a) That the employee remains an employee of the Nation.
- 112 (b) Clear documentation regarding the cessation of pay and benefits.
- 113 (c) The definition of business hours as it pertains to the employee's particular area of  
114 employment.
- 115 (d) The expected length of the investigation.
- 116 (e) The telephone number, email address, and name of the person to contact in case of  
117 questions.
- 118 (f) Employee responsibilities pursuant to section 208.9.

## 119 **208.7 Investigator(s) and Reports**

121 208.7-1. The Executive Director of the Human Resource Department, in collaboration with the  
122 supervisor, shall be responsible for designating the individual or agency responsible for completing  
123 the investigation. If the employee being investigated reports directly to the Oneida Business  
124 Committee, the Equal Employment Opportunity Officer shall either conduct the investigation or  
125 serve as the point of contact and coordinator for the investigative agency.

126 208.7-2. If the allegations against the employee include criminal actions, or actions that may  
127 affect licensing, the supervisor may conclude the employment related investigation without  
128 waiting for the results of a criminal or licensing investigation.

- 129 (a) Documentation of criminal proceedings or licensing outcomes shall be maintained in the  
130 employee's personnel file within the Human Resource Department.

131 208.7-3. The person(s) conducting an investigation shall prepare a written report that shall  
132 include the findings of the investigation, and if someone other than the employee's supervisor  
133 conducts the investigation, a copy of the written report shall be provided to the employee's  
134 supervisor.

135 208.7-4. The employee's supervisor shall prepare a memorandum based on the information  
136 produced during the investigation which shall be provided to the employee and shall inform the  
137 employee of the following:

- 138 (a) Corrective actions needed based on the written report, if any; and  
139 (1) Should the supervisor choose not to follow the corrective action recommended  
140 by the investigator(s), they shall provide written notice and justification to the  
141 Executive Director of the Human Resource Department.  
142 (b) When to return to work, if applicable.  
143 (c) A redacted copy of the written report will be made available to the employee upon  
144 request.

## 146 **208.8 Duration**

147 208.8-1. An investigative leave shall conclude when the investigation has produced sufficient  
148 information and verifiable facts for the employee's supervisor and the Executive Director of the  
149 Human Resource Department to make a reasonable determination on workplace safety and  
150 employee status; documentation of that determination has been recorded in permanent files, and  
151 the employee has either returned to work or separated from their employment.

152 208.8-2. All investigations shall be completed as expeditiously as circumstances permit. The  
153 supervisor shall provide weekly updates to the Executive Director of the Human Resource  
154 Department, or if an outside entity is conducting the investigation, the Equal Employment  
155 Opportunity Officer shall provide the weekly updates.

## 157 **208.9 Employee Responsibilities**

158 208.9-1. An employee placed on investigative leave shall:

- 159 (a) Not report to work or the worksite without prior supervisory approval;  
160 (1) Written permission to enter a public work site and the conditions thereof may  
161 be included in the employee notice.  
162 (b) Not discuss the investigation with employees or post information related to the  
163 investigation on social media pursuant to section 208.12-1.  
164 (c) Surrender all property of the Nation in their possession including but not limited to:  
165 (1) Time keeping badge(s),  
166 (2) Identification card(s),  
167 (3) Laptop(s),  
168 (4) Vehicles and key(s),  
169 (5) Cell phone.  
170 (d) Fully cooperate with the investigation as requested by those conducting the  
171 investigation.  
172 (e) Respond to all inquiries within twenty-four (24) business hours.

## 174 **208.10 Enforcement**

175 208.10-1. Any employee found violating this law shall be subject to discipline in accordance  
176 with the Nation's laws and policies governing employment.

177 208.10-2. Failure by the employee to respond to inquiries within twenty-four (24) business hours  
178 will result in the termination of paid investigative leave and immediately shift the employee to  
179 unpaid status.

180  
181 **208.11 Appeal**

182 208.11-1. An employee may appeal any disciplinary action arising out of an investigation in  
183 accordance with the Nation's laws and policies governing employment.

184  
185 **208.12 Confidentiality**

186 208.12-1. Information related to an investigation is confidential and may not be released in any  
187 manner, including social media, except in accordance with relevant laws.

188 208.12-2. All investigation materials shall be maintained in the employee's personnel file with  
189 the Human Resources Department.

190  
191 *End.*

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192  
193 OBC Approved 4-07-99-A  
194 Amended- 08-13-14-D  
195 Amended – BC-06-24-15-A  
196 Amended – BC-\_\_-\_\_-\_\_-\_\_



Legislative Operating Committee  
May 15, 2024

# Petition C. Kestell: Address Housing Issues/Veterans Home Loan Program

Submission Date: 4/3/24

LOC Sponsor: Jonas Hill

**Summary:** *On March 18, 2024, the Petition C. Kestell Address Housing Issues/Veterans Home Loan Program was submitted. On March 19, 2024, the Oneida Trust Enrollment Department verified the signatures for the Petition. The Oneida Business Committee acknowledged receipt of this Petition on March 27, 2024.*

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

- Direct the OBC to direct Finance to fund the Veteran's Home Loan Program within 60 days.*
- Direct the OBC to direct the GM and Finance to work with Bay Bank to establish the lending requirements for the Veteran's Home Loan Program and to have Bay Bank administer the Veteran's Home Loan Program within 60 days.*
- Direct the OBC to direct the GM to direct Comprehensive Housing Division to work with the Land Commission to make the necessary adjustments to the HIIP that would allow the program to work with and complement the Veteran's Home Loan Program within 60 days.*
- Direct the OBC to direct the GM to direct Comprehensive Housing Division to provide the listing of vacant homes that are in Comprehensive Housing Division home inventory, on the Comprehensive Housing Division fixed asset register and any homes that are vacant where a decision has not been made if the home will be for sale or rental that are not currently on either the inventory listing or the fixed asset register with 30 days.*
- Direct the OBC to direct the GM to direct Comprehensive Housing Division to work with Finance and Bay Bank to develop a Home Rehabilitation Loan Program including the lending requirements for the homes owned by the Oneida Nation that are needing rehabilitation that are wither on the inventory listing or the fixed asset register of Comprehensive Housing and to have these homes advertised for sale within 30 days.*

**3/27/24 OBC:** Motion by Jennifer Webster to acknowledge receipt of the petition from Connor Kestell regarding Address Housing Issues/Veterans Home Loan Program; to direct the BC Direct Report Offices to complete and submit their administrative impact statements of the petition to the TribalSecretary mailbox by Wednesday, April 17, 2024; to direct the Law, Finance, and Legislative Reference Offices to complete, respectively, the legal review, fiscal impact statement, and statement of effect with status updates to be submitted for the April 24, 2024,

regular Business Committee meeting agenda and the first BC meeting of the month thereafter or until the final documents are submitted, seconded by Lawrence Barton. Motion carried.

**4/3/24 LOC:** Motion by Jennifer Webster to add the Petition: C. Kestell: Address Housing Issues/Veterans Home Loan Program to the Active Files List with Jonas Hill as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

**4/10/24 OBC:** Motion by Lisa Liggins to schedule a special General Tribal Council meeting on Sunday, September 15, 2024, at 2:00 p.m. to address petition # 2024-01, seconded by Kirby Metoxen. Motion carried.

**4/17/24 LOC:** Motion by Jonas Hill to accept the status update for the Petition C. Kestell: Address Housing Issues/Veterans Home Loan Program and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

**4/24/24 OBC:** Motion by Lisa Liggins to accept the status updates on items XIII.A.1-3 as information, seconded by Lawrence Barton. Motion carried.

**5/1/24 LOC:** Motion by Jennifer Webster to accept the status update for the Petition C. Kestell: Address Housing Issues/Veterans Home Loan Program and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

**5/8/24 OBC:** Motion by Jonas Hill to accept the statement of effect status update re: Address Housing Issues/Veterans Home Loan Program - petition # 2024-01, seconded by Jennifer Webster. Motion carried.

**Next Steps:**

- Accept the statement of effect for the Petition C. Kestell: Address Housing Issues/Veterans Home Loan Program and forward to the Oneida Business Committee.



## Statement of Effect

*Petition: C. Kestell – Address Housing Issues/Veterans Home Loan Program*

### Summary

This petition requests the General Tribal Council to consider various directives regarding a Veterans Home Loan Program and a Home Rehabilitation Loan Program.

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

*Date: May 15, 2023*

### *Analysis by the Legislative Reference Office*

On March 18, 2024, the Petition: C. Kestell – Address Housing Issues/Veterans Home Loan Program (“the Petition”) was submitted to the Government Administrative Office by Connor Kestell and has since been verified by the Oneida Trust Enrollment Department on March 19, 2024. On March 27, 2024, the Oneida Business Committee acknowledged receipt of the Petition and directed that the Legislative Reference Office complete a statement of effect for the Petition with status updates to be submitted for the April 24, 2024, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted. On April 3, 2024, the Legislative Operating Committee added the Petition to the Active Files List to be worked on by the Legislative Reference Office. The Legislative Operating Committee provided status updates on the development of this statement of effect at the April 24, 2024, and May 8, 2024, Oneida Business Committee meetings.

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

- *Direct the OBC to direct Finance to fund the Veteran’s Home Loan Program within 60 days.*
- *Direct the OBC to direct the GM and Finance to work with Bay Bank to establish the lending requirements for the Veteran’s Home Loan Program and to have Bay Bank administer the Veteran’s Home Loan Program within 60 days.*
- *Direct the OBC to direct the GM to direct Comprehensive Housing Division to work with the Land Commission to make the necessary adjustments to the HIIP that would allow the program to work with and complement the Veteran’s Home Loan Program within 60 days.*
- *Direct the OBC to direct the GM to direct Comprehensive Housing Division to provide the listing of vacant homes that are in Comprehensive Housing Division home inventory, on the Comprehensive Housing Division fixed asset register and any homes that are vacant*

where a decision has not been made if the home will be for sale or rental that are not currently on either the inventory listing or the fixed asset register with 30 days.

- Direct the OBC to direct the GM to direct Comprehensive Housing Division to work with Finance and Bay Bank to develop a Home Rehabilitation Loan Program including the lending requirements for the homes owned by the Oneida Nation that are needing rehabilitation that are wither on the inventory listing or the fixed asset register of Comprehensive Housing and to have these homes advertised for sale within 30 days.

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

### *Funding the Veterans Home Loan Program*

The Petition calls for the General Tribal Council to direct the Oneida Business Committee to direct Finance to fund the Veteran's Home Loan Program within sixty (60) days. This directive would have an impact on legislation of the Nation, specifically, the Budget and Finances law.

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

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

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



On September 25, 2023, the General Tribal Council adopted resolution GTC-09-25-23-A, *Adoption of Fiscal Year 2024 Budget*, which adopted the Fiscal Year 2024 budget in the amount of \$528,978,084 as approved by the General Tribal Council for implementation with review and oversight by the Oneida Business Committee.

The Fiscal Year 2024 budget was adopted prior to this Petition being submitted or presented to the General Tribal Council for consideration. Therefore, any allocation of funding to support the requests of this Petition has not been included in the Fiscal Year 2024 budget. All expenditures of the Nation are required to be made in accordance with the annual budget. [1 O.C. 121.5-1].

After the budget is adopted, amendments of the budget are not permitted unless it is necessary to avoid a budget deficit. [1 O.C. 121.5-5]. The Treasurer and Chief Financial Officer are required to identify when forecasted revenue and forecasted expenses are impacted in a manner which creates a deficit for the current fiscal year, and then the Chief Financial Officer is required to provide the Oneida Business Committee a written fiscal analysis and any input on the potential budget amendment. *Id.* The Oneida Business Committee is responsible for adopting an amendment to the budget through resolution of the Nation. *Id.* The Oneida Business Committee is required to present notification of the budget amendment at the next available General Tribal Council meeting. *Id.* So unless it is necessary to avoid a budget deficit, an amendment to the Fiscal Year 2024 budget to provide any allocation of funding to support the requests of this Petition would not be permissible under the Budget and Finances law.

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

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

### *Lending Requirements for the Veterans Home Loan Program*

The Petition calls for the General Tribal Council to direct the Oneida Business Committee to direct the General Manager and Finance to work with Bay Bank to establish the lending requirements

for the Veteran's Home Loan Program and to have Bay Bank administer the Veteran's Home Loan Program within sixty (60) days.

This directive would not have an impact on legislation of the Nation.

*Amendment of the Leasing Law Rule No. 6 – Homeownership by Independent Purchase Program*

This Petition calls for the General Tribal Council to direct the Oneida Business Committee to direct the General Manager to direct the Comprehensive Housing Division to work with the Oneida Land Commission to make the necessary adjustments to the “HIIP” that would allow the program to work with and complement the Veteran's Home Loan Program within sixty (60) days. It is assumed that when the Petition mentions “HIIP” it is referencing the Leasing Law Rule No. 6 – Homeownership by Independent Purchase Program which is commonly referred to as the “HIPP” rule. This directive may have an impact on legislation of the Nation, specifically, the Administrative Rulemaking law.

The Administrative Rulemaking law provides an efficient, effective, and democratic process for the adoption and amendment of administrative rules. [1 O.C. 106.1-1, 106.1-2]. The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. An authorized agency is any board, committee, commission, department, program, or officer of the Nation that has been granted rulemaking authority. [1 O.C. 106.3-1(a)]. A rule is a set of requirements enacted by an authorized agency in order to implement, interpret and/or enforce a law of the Nation, which may include citation fee and penalty schedules. [1 O.C. 106.3-1(h)]. A rule developed in accordance with the Administrative Rulemaking law has the same force and effect as the law which delegated the authorized agency rulemaking authority, and cannot conflict or supersede a law, policy, or rule of the Nation or a resolution adopted by the Oneida Business Committee or General Tribal Council. [1 O.C. 106.4-1(a)-(b)].

The Leasing law was adopted for the purpose of setting out the Nation's authority to issue, review, approve, and enforce leases. [6 O.C. 602.1-1]. The Leasing law delegates rulemaking authority to the Oneida Land Commission and Land Management to jointly develop rules related to obtaining a residential, agricultural, or business lease. [6 O.C. 602.5-1]. Land Management is defined as “the Division of Land Management or other entity responsible for entering into leases of tribal land.” [6 O.C. 602.3-1(i)]. Per the Nation's Real Property law, the Comprehensive Housing Division is the entity that is responsible for processing all leases of Tribal land for residential purposes. [6 O.C. 601.9-1]. Thus, the Comprehensive Housing Division is Land Management for purposes of the rulemaking authority delegated under the Leasing law.

The Leasing law further provides that Land Management shall develop, and the Oneida Land Commission shall approve, the format and requirements set out in the lease document applications for different types of leases, as well as additional procedures and processes to be followed when offering and awarding lease documents. [6 O.C. 602.5-1(a)].

The purpose of the Leasing Law Rule No. 6 – Homeownership by Independent Purchase (HIP) Program (“the Rule”) is to expand the services being offered by the Nation through the creation of a program in which the prospective lessee buyer initiates a purchase where the buyer would purchase the improvements and the Nation, subject to available funding, would purchase the land pursuant to the process and eligibility requirements set forth in the Land Management’s Land Acquisition for Residential Leasing Standard Operating Procedure. [Rule 1.1-1 and 1.6-1]. Under this Rule the buyer would then enter a HIP residential lease for the land through the Comprehensive Housing Division. [Rule 1.1-1].

First and foremost, in regard to the Petition’s request that the Comprehensive Housing Division be compelled to work with the Oneida Land Commission to amend the Rule, the Administrative Rulemaking law provides that the authorized agency has the authority to decide if amendments to a rule are necessary to pursue, and the law further clarifies that the Oneida Business Committee cannot compel an authorized agency to amend a rule. [1 O.C. 106.12-3].

If the Comprehensive Housing Division and the Oneida Land Commission were to decide that amendments to the Rule should be made to work with and complement the Veterans Home Loan Program, any amendments made to the Rule would need to follow the process provided for in the Administrative Rulemaking law. [1 O.C. 106.4-3].

When amending a rule in accordance with the Administrative Rulemaking law, the authorized agency is first responsible for drafting the proposed amendments to the Rule. The proposed amendments have to comply with the template for rules as developed by the Legislative Operating Committee. [1 O.C. 106.5-1]. The authorized agency is then responsible for preparing a summary report regarding each proposed rule, which includes the name of the proposed rule, a reference to the law that the proposed rule interprets, along with a list of any other related laws, rules, or resolutions that may be affected by the proposed rule; a brief summary of the proposed rule; any changes made to the proposed rule based on the public comment period required by section 106.6, if applicable; a statement of effect for the rule prepared by the Legislative Reference Office upon request by the authorized agency; and the financial analysis. [1 O.C. 106.5-2].

The authorized agency is responsible for preparing the financial analysis and must send a written request to each entity that may be affected by the proposed rule soliciting information on how the proposed rule would financially affect the entity. [1 O.C. 106.5-2(f)(1)]. Each entity’s response indicating its financial affects are required to be included in the financial analysis. *Id.* If an authorized agency does not receive a response from one (1) or more entities regarding its request

for the financial effects of the rule on the entity within ten (10) business days of the date of the request, the authorized agency may submit a financial analysis noting which entities were non-responsive to its request. *[1 O.C. 106.5-2(f)(2)].*

Once the authorized agency has completed the summary report, they can then move onto the next stage in the administrative rulemaking process which is obtaining public review of the proposed rule through a public meeting and public comment period. *1 O.C. 106.6-1].* This is the opportunity for members of the Nation to provide their input or suggestions on proposed rules.

The authorized agency determines a public meeting date and then a public meeting notice is created that contains the date, time and place of the public meeting; the time period for the public comment period; the name, address, phone number, and other appropriate information on where to submit comments on the proposed legislation; and information for electronically accessing the proposed rule and summary report and a statement that hard copies of the materials will be available with the authorized agency. *[1 O.C. 106.6-2(b)].* At least ten (10) business days before the public meeting is held, the public meeting notice is published in the Kalihwisaks and on the Oneida Register<sup>1</sup>. *[1 O.C. 106.6-2(a)].*

The public meeting is then held at the date, time and place designated in the meeting notice. *[1 O.C. 106.6-2(c)].* The authorized agency holding the public meeting on the proposed rule is required to have a representative to preside over the public meeting and briefly describe the rule which is the subject of the public meeting and the nature of the rule's requirements, and then open the meeting for comments. *[1 O.C. 106.6-2(d)].* The authorized agency's presiding representative is not required to comment or respond to comments at the meeting, but may at their discretion. *[1 O.C. 106.6-2(d)(1)].* After the public meeting concludes, the authorized agency is required to hold open a public comment period for at least five (5) business days. *[1 O.C. 106.6-2(h)].* During the public comment period individuals may submit written comments including data, views, arguments, concerns, or questions. The authorized agency may extend the public comment period as it deems appropriate by posting an amended public meeting notice prior to the close of the original public comment period. *[1 O.C. 106.6-3].*

Once the public comment period has concluded, the authorized agency is then required by the Administrative Rulemaking law to fully consider all comments received during the public comment period and during any public meeting held regarding a proposed rule. *[1 O.C. 106.6-4].* The authorized agency accomplishes this responsibility by drafting a memorandum containing all public comments received and the authorized agency's response to each comment. *[1 O.C. 106.6-5].* If substantial changes are made to the proposed rule after all public comments are considered, then the authorized agency is required to hold an additional public meeting. *[1 O.C. 106.6-6].*

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<sup>1</sup> The Oneida Register can be found on the Nation's webpage found at the following location: <https://oneida-nsn.gov/government/register/>

After the public comment period has expired and the authorized agency has considered all public comments received, the authorized agency then submits the proposed rule and all items contained in the administrative record to the Legislative Operating Committee for certification. [1 O.C. 106.7-1]. The proposed rule must be submitted for certification by the Legislative Operating Committee within six (6) months after the public comment period has expired, unless the Legislative Operating Committee determines there is good cause to go outside the time limits. [1 O.C. 106.7-1(a)]. The Legislative Operating Committee is then responsible for certifying the proposed rule meets the following requirements: that promulgation of the rule complies with the procedural requirements contained in the Administrative Rulemaking law; that the administrative record is complete; and that the rule does not exceed its rulemaking authority or conflict with any other law, policy, rule, or resolution of the Nation. [1 O.C. 106.7-2].

The Legislative Operating Committee then either determines the authorized agency has complied with the requirements for certification and certifies the proposed rule or determines that the authorized agency has not complied with the certification requirements and denies certification of the proposed rule. [1 O.C. 106.7-3]. If the Legislative Operating Committee denies the certification of a proposed rule, the proposed rule is returned to the authorized agency with specific feedback as to which requirements were not fulfilled, and the authorized agency may resubmit the proposed rule for certification by the Legislative Operating Committee once all requirements for certification have been met. [1 O.C. 106.7-3(b)]. If the Legislative Operating Committee certifies the proposed rule, then the Legislative Operating Committee forwards the administrative record to the Oneida Business Committee. [1 O.C. 106.7-3(a)(1)].

Once the Oneida Business Committee receives an administrative record for a proposed rule from the Legislative Operating Committee, the Oneida Business Committee reviews and considers the proposed rule, the administrative record, and the Legislative Operating Committee's certification of compliance. [1 O.C. 106.8-1]. After review of all materials submitted and consideration of the proposed rule, the Oneida Business Committee either adopts the proposed rule, or denies the adoption of the proposed rule. [1 O.C. 106.8-2]. A majority vote is required for the adoption of a rule by the Oneida Business Committee. [1 O.C. 106.8-2(a)]. The Legislative Operating Committee is responsible for publishing the rule on the Oneida Register upon adoption by the Oneida Business Committee. [1 O.C. 106.8-2(a)(1)]. The Oneida Business Committee may deny adoption of the proposed rule if the Oneida Business Committee has any concerns and/or requested revisions to the rule. [1 O.C. 106.8-2(b)]. Upon the denial of the adoption of a proposed rule the Oneida Business Committee may request that the authorized agency work with the Oneida Business Committee to address any concerns. *Id.* The authorized agency is responsible for determining a rule's effective date, provided that a rule may not become effective until the Oneida Business Committee adopts the proposed rule. [1 O.C. 106.9-1]. Any rule adopted in substantial compliance with the Administrative Rulemaking law is considered valid. [1 O.C. 106.4-3]. No rule may be contested based on non-compliance with the procedural requirements of the

Administrative Rulemaking law after one (1) year has elapsed from the effective date of the rule. [1 O.C. 106.13-1].

Any amendments made to the Rule would need to follow the process as described above and required by the Administrative Rulemaking law. It is unlikely the Comprehensive Housing Division and the Oneida Land Commission would be able to comply with the requirements of the Administrative Rulemaking law within the directed sixty (60) day timeframe to amend the Rule.

#### *Providing a List of Vacant Homes*

This Petition calls for the General Tribal Council to direct the Oneida Business Committee to direct the General Manager to direct the Comprehensive Housing Division to provide a listing of vacant homes that are in Comprehensive Housing Division home inventory, on the Comprehensive Housing Division fixed asset register, and any homes that are vacant where a decision has not been made if the home will be for sale or rental that are not currently on either the inventory listing or the fixed asset register with thirty (30) days.

This directive would not have an impact on legislation of the Nation.

#### *Development of a Home Rehabilitation Loan Program*

This Petition calls for the General Tribal Council to direct the Oneida Business Committee to direct the General Manager to direct the Comprehensive Housing Division to work with Finance and Bay Bank to develop a Home Rehabilitation Loan Program, which should include the lending requirements for the homes owned by the Nation that are needing rehabilitation that are either on the inventory listing or the fixed asset register of the Comprehensive Housing Division, and to have these homes advertised for sale within thirty (30) days. This directive may have an impact on legislation of the Nation, specifically the Mortgage and Foreclosure law, Administrative Rulemaking law, Budget and Finances law, and Real Property law.

The Mortgage and Foreclosure law sets the standards and requirements for participation in the mortgage programs and to prescribe the foreclosure process required to be used in the event of a default of a mortgage. [6 O.C. 612.1-1]. The Mortgage and Foreclosure law provides that consistent with available funds, the Comprehensive Housing Division is responsible for providing mortgage programs for the following purposes and is responsible for establishing rules naming said programs and providing the specific requirements for each program: financing the purchase or down payment of existing homes and lands; construction of new homes; repairs and improvements to existing homes; refinancing existing mortgages. [6 O.C. 612.4-1]. The Oneida Land Commission and the Comprehensive Housing Division are then jointly delegated rulemaking authority to develop rules governing the requirements of mortgages entered into by the Comprehensive Housing Division. [6 O.C. 612.4-4]. The Mortgage and Foreclosure Law Rule No.



1 - Mortgage Programs, Guidelines and Requirements currently provides the various mortgage programs offered by the Comprehensive Housing Division and provides additional requirements for participating in such programs than the minimum requirements found in the Mortgage and Foreclosure law. [Rule .1-1].

If it is interpreted that the Home Rehabilitation Loan Program would be a mortgage program of the Comprehensive Housing Division, then the Mortgage and Foreclosure law would be impacted. The Mortgage and Foreclosure law delegates the authority to create mortgage programs to the Comprehensive Housing Division, so the Comprehensive Housing Division would need to create a rule for the Home Rehabilitation Loan Program in accordance with the Administrative Rulemaking law as required in section 612.4-1 of the Mortgage and Foreclosure law. The Comprehensive Housing Division would then need to jointly work with the Oneida Land Commission to create a rule in accordance with the Administrative Rulemaking law that would govern the requirements of that mortgage as required in section 612.44 of the Mortgage and Foreclosure law.

If the Petition's directive that a Home Rehabilitation Loan Program be developed would include funding the program, then the Budget and Finances law would be impacted, and the analysis of the legislative impact of funding the Veterans Home Loan Program described earlier in this memorandum would also apply to the funding of the Home Rehabilitation Loan Program.

The Petition also directs that the homes owned by the Nation that are needing rehabilitation that are either on the inventory listing or the fixed asset register of the Comprehensive Housing Division be advertised for sale within thirty (30) days.

The Real Property law delegates the authority to the Comprehensive Housing Division to oversee all residential transactions within the Reservation, and the responsibility to process and administer such transactions using the applicable of the Landlord-Tenant law, the Mortgage and Foreclosure law, the Leasing law and/or the Eviction and Termination law; including any corresponding rules. [6 O.C. 601.12-1]. The Oneida Land Commission and the Comprehensive Housing Division are delegated joint rulemaking authority to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential property. *Id.* Real Property Law Rule No. 2 – Comprehensive Housing Division Residential Sales provides the requirements for both the Nation and potential buyer when the Comprehensive Housing Division offers a residential property for sale.

All requirements of the Real Property law and the corresponding rules would need to be complied with by the Comprehensive Housing Division moving forward if any homes are listed for sale.

## Conclusion

After a review of all applicable laws and policies of the Nation, it has been determined that the adoption of the Petition: C. Kestell – Address Housing Issues/Veterans Home Loan Program would have the following legislative effect:

1. The Petition’s directive for the General Tribal Council to direct the Oneida Business Committee to direct Finance to fund the Veteran’s Home Loan Program within sixty (60) days has a legislative impact.
  - The Fiscal Year 2024 budget was adopted prior to this Petition being submitted or presented to the General Tribal Council for consideration, so any call of action for an allocation of funding to support the requests of this Petition has not been included in the Fiscal Year 2024 budget. All expenditures of the Nation are required to be made in accordance with the annual budget. Unless it is necessary to avoid a budget deficit, an amendment to the Fiscal Year 2024 budget to provide any allocation of funding to support the requests of this Petition would not be permissible under the Budget and Finances law.
  - Any allocation of funding to support the requests of this Petition for future fiscal years would be required to be budgeted for in accordance with the process and procedures contained within the Budget and Finances law.
2. The Petition’s directive for the General Tribal Council to direct the Oneida Business Committee to direct the General Manager and Finance to work with Bay Bank to establish the lending requirements for the Veteran’s Home Loan Program and to have Bay Bank administer the Veteran’s Home Loan Program within sixty (60) days would not have legislative impact.
3. The Petition’s directive for the General Tribal Council to direct the Oneida Business Committee to direct the General Manager to direct Comprehensive Housing Division to work with the Oneida Land Commission to make the necessary adjustments to the Leasing Law Rule No. 6 – Homeownership by Independent Purchase (HIP) Program that would allow the program to work with and complement the Veteran’s Home Loan Program within sixty (60) days may have a legislative impact.
  - The Administrative Rulemaking law provides that it is the authorized agency that has the authority to decide if amendments to a rule are necessary to pursue, and that the Oneida Business Committee cannot compel an authorized agency to amend a rule.
  - If amendments to the Leasing Law Rule No. 6 – Homeownership by Independent Purchase (HIP) Program are pursued, all processes and procedures contained within the Administrative Rulemaking law are required to be followed.
  - It is unlikely that the Comprehensive Housing Division and the Oneida Land Commission would be able to amend the Leasing Law Rule No. 6 – Homeownership by Independent Purchase (HIP) Program in accordance with the Administrative Rulemaking law in the sixty (60) day timeframe directed by this Petition.



4. The Petition's directive for the General Tribal Council to direct the Oneida Business Committee to direct the General Manager to direct the Comprehensive Housing Division to provide a listing of vacant homes that are in Comprehensive Housing Division home inventory, on the Comprehensive Housing Division fixed asset register, and any homes that are vacant where a decision has not been made if the home will be for sale or rental that are not currently on either the inventory listing or the fixed asset register with thirty (30) days would not have a legislative impact.
5. The Petition's directive for the General Tribal Council to direct the Oneida Business Committee to direct the General Manager to direct the Comprehensive Housing Division to work with Finance and Bay Bank to develop a Home Rehabilitation Loan Program, which should include the lending requirements for the homes owned by the Nation that are needing rehabilitation that are either on the inventory listing or the fixed asset register of the Comprehensive Housing Division, and to have these homes advertised for sale within thirty (30) days may have a legislative impact.
  - If it is interpreted that the Home Rehabilitation Loan Program would be a mortgage program of the Comprehensive Housing Division, then the Mortgage and Foreclosure law would be impacted. The Mortgage and Foreclosure law delegates the authority to create mortgage programs to the Comprehensive Housing Division, so the Comprehensive Housing Division would need to create a rule for the Home Rehabilitation Loan Program in accordance with the Administrative Rulemaking law as required by the Mortgage and Foreclosure law. The Comprehensive Housing Division would then need to jointly work with the Oneida Land Commission to create a rule in accordance with the Administrative Rulemaking law that would govern the requirements of that mortgage as required by the Mortgage and Foreclosure law.
  - If the Petition's directive that a Home Rehabilitation Loan Program be developed would include funding the program, then the Budget and Finances law would be impacted, and the analysis of the legislative impact of funding the Veterans Home Loan Program described earlier in this memorandum would also apply to the funding of the Home Rehabilitation Loan Program.
  - The directive that the homes owned by the Nation that are needing rehabilitation that are either on the inventory listing or the fixed asset register of the Comprehensive Housing Division be advertised for sale within thirty (30) days would need to comply with the requirements of the Real Property law and the corresponding rules.

### **Requested Action**

Accept the statement of effect for the Petition: C. Kestell – Address Housing Issues/Veterans Home Loan Program.



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: 4/30/2024
- 2) Contact Person(s): Shane Hill Sr  
Dept: DTS  
Phone Number: o: 920.496.7385 c: 920.764.0648 Email: shill8@oneidation.org
- 3) Agenda Title: Delegate DTS Authority to Create IT Governance
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
We are looking to to amend the Computer Resource Ordinance (CRO) to delegate DTS leadership the ability to create IT and IT Security governance rules or regulations that are supported and or enforced by the CRO and have the ability to adapt to the fast changing world of IT and the threat landscape. As cyber criminals continue to advance we need to

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

- 1) \_\_\_\_\_ 3) \_\_\_\_\_
- 2) \_\_\_\_\_ 4) \_\_\_\_\_
- 5) Please list any laws, policies or resolutions that might be affected:  
Computer Resource Ordinance
- 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:  
There currently is no enforced governance outside of the CRO to protect Oneida Nation's Information and data security.

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

Signature of Requester:  
Shane Hill

Digitally signed by Shane Hill  
Date: 2024.04.30 11:07:18 -05'00'

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

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



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



### AGENDA REQUEST FORM

- 1) Request Date: 4-29-24
- 2) Contact Person(s): RaLinda Ninham-Lamberies  
Dept: Finance  
Phone Number: 920-869-4242 Email: rlamberi@oneidanation.org
- 3) Agenda Title: Amend Chapter 210 Vehicle Driver Certification and Fleet Management
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
Remove the word "purchase" and the responsibility from the Fleet Management Department. We have discovered that adding the requirement for the fleet manager to be involved in the purchasing process has lead to unintended delays that can be avoided by reverting this responsibility back to the existing cap ex purchasing process

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

- 1) \_\_\_\_\_ 3) \_\_\_\_\_
- 2) \_\_\_\_\_ 4) \_\_\_\_\_

- 5) Please list any laws, policies or resolutions that might be affected:  
\_\_\_\_\_
- 6) Please list all other departments or person(s) you have brought your concern to:  
DPW
- 7) Do you consider this request urgent?     Yes     No  
If yes, please indicate why:  
Unnecessary delays and lost opportunities.

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



TO: Boards, Committees, and Commissions  
FROM: Jameson Wilson, Legislative Operating Committee Chairperson  
DATE: May 15, 2024  
RE: Change in the Bylaws Amendment Process

The Legislative Operating Committee has collaborated with the Oneida Law Office and the Government Administrative Office to discuss how to improve the process for amending bylaws for boards, committees, and commissions of the Nation.

Currently, when a board, committee, or commission seeks amendments to their bylaws they submit a request to the Legislative Operating Committee. The Legislative Operating Committee then decides to either accept the request and add the bylaws amendments to its Active Files List or denies the request for amendments. If bylaws are added to the Active Files List for amendments to be made, the Legislative Operating Committee then assigns an attorney from the Legislative Reference Office to assist with drafting and/or processing the bylaws amendments so they ultimately can be presented to the Oneida Business Committee for adoption.

The Boards, Committees, and Commissions law requires that amendments to bylaws of boards, committees, and commissions of the Nation be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation. [1 O.C. 105.10-3(g)]. It is not required that amendments to bylaws be processed through the Legislative Operating Committee.

Moving forward, the Government Administrative Office and the board, committee, or commission's assigned attorney from the Oneida Law Office will assist in developing amendments to bylaws. This change in process will allow bylaw amendments to be directly placed on an Oneida Business Committee meeting agenda for approval. This means the Legislative Operating Committee will no longer process amendments to bylaws for boards, committees, and commissions of the Nation, which should streamline the amendment process.


The Government Administrative Office and the Oneida Law Office will be prepared to begin aiding boards, committees, and commissions with processing amendments to their bylaws on June 1, 2024.

The Legislative Operating Committee, Oneida Law Office, and the Government Administrative Office believe this change will create a more efficient and effective process for amending bylaws of boards, committees, and commissions of the Nation.

For any questions regarding the change in the bylaws amendment process please contact:

- Lisa Summers - Business Committee Area Manager  
[lsummer2@oneidanation.org](mailto:lsummer2@oneidanation.org) or (920) 869-4447
- Brooke Doxtator - Boards, Committees, and Commissions Supervisor  
[bdoxtat1@oneidanation.org](mailto:bdoxtat1@oneidanation.org) or (920) 869-4452



TO: Finance Committee  
FROM: Jameson Wilson, Legislative Operating Committee Chairperson   
DATE: May 15, 2024  
RE: Removal of the Finance Committee Bylaws Amendments from the Active Files List

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On May 15, 2024, the Legislative Operating Committee took action to remove the Finance Committee Bylaws Amendments from its Active Files List. This item is being removed from the Legislative Operating Committee's Active Files List because the Legislative Operating Committee will no longer be processing amendments to bylaws.

The Legislative Operating Committee has collaborated with the Oneida Law Office and the Government Administrative Office to discuss how to improve the process for amending bylaws for boards, committees, and commissions of the Nation.


Moving forward, the Legislative Operating Committee will no longer process amendments to bylaws for boards, committees, and commissions of the Nation. Instead, boards, committees, and commissions of the Nation will work directly with the Government Administrative Office and their assigned attorney from the Oneida Law Office to develop amendments to bylaws so they may be directly placed on an Oneida Business Committee meeting agenda for approval.

The Government Administrative Office and the Oneida Law Office will be prepared to begin aiding boards, committees, and commissions with processing amendments to their bylaws on June 1, 2024.

The Legislative Operating Committee, Oneida Law Office, and the Government Administrative Office believe this change will create a more efficient and effective process for amending bylaws of boards, committees, and commissions of the Nation.

If you have any questions regarding the Legislative Operating Committee's decision to remove this item from its Active Files List, please feel free to contact the Legislative Operating Committee at [LOC@oneidation.org](mailto:LOC@oneidation.org).



TO: Southeastern Wisconsin Oneida Tribal Services Advisory Board  
FROM: Jameson Wilson, Legislative Operating Committee Chairperson   
DATE: May 15, 2024  
RE: Removal of the Southeastern Wisconsin Oneida Tribal Services Advisory Board Bylaws Amendments from the Active Files List

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On May 15, 2024, the Legislative Operating Committee took action to remove the Southeastern Wisconsin Oneida Tribal Services Advisory Board Bylaws Amendments from its Active Files List. This item is being removed from the Legislative Operating Committee's Active Files List because the Legislative Operating Committee will no longer be processing amendments to bylaws.

The Legislative Operating Committee has collaborated with the Oneida Law Office and the Government Administrative Office to discuss how to improve the process for amending bylaws for boards, committees, and commissions of the Nation.

The Boards, Committees, and Commissions law requires that amendments to bylaws of boards, committees, and commissions of the Nation be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation. [1 O.C. 105.10-3(g)]. It is not required that amendments to bylaws be processed through the Legislative Operating Committee.


Moving forward, the Legislative Operating Committee will no longer process amendments to bylaws for boards, committees, and commissions of the Nation. Instead, boards, committees, and commissions of the Nation will work directly with the Government Administrative Office and their assigned attorney from the Oneida Law Office to develop amendments to bylaws so they may be directly placed on an Oneida Business Committee meeting agenda for approval.

The Government Administrative Office and the Oneida Law Office will be prepared to begin aiding boards, committees, and commissions with processing amendments to their bylaws on June 1, 2024.

The Legislative Operating Committee, Oneida Law Office, and the Government Administrative Office believe this change will create a more efficient and effective process for amending bylaws of boards, committees, and commissions of the Nation.

If you have any questions regarding the Legislative Operating Committee's decision to remove this item from its Active Files List, please feel free to contact the Legislative Operating Committee at [LOC@oneidation.org](mailto:LOC@oneidation.org).



TO: Pardon and Forgiveness Screening Committee  
FROM: Jameson Wilson, Legislative Operating Committee Chairperson   
DATE: May 15, 2024  
RE: Removal of the Pardon and Forgiveness Screening Committee Bylaws Amendments from the Active Files List

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On May 15, 2024, the Legislative Operating Committee took action to remove the Pardon and Forgiveness Screening Committee Bylaws Amendments from its Active Files List. This item is being removed from the Legislative Operating Committee's Active Files List because the Legislative Operating Committee will no longer be processing amendments to bylaws.

The Legislative Operating Committee has collaborated with the Oneida Law Office and the Government Administrative Office to discuss how to improve the process for amending bylaws for boards, committees, and commissions of the Nation.

The Boards, Committees, and Commissions law requires that amendments to bylaws of boards, committees, and commissions of the Nation be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation. [1 O.C. 105.10-3(g)]. It is not required that amendments to bylaws be processed through the Legislative Operating Committee.

Moving forward, the Legislative Operating Committee will no longer process amendments to bylaws for boards, committees, and commissions of the Nation. Instead, boards, committees, and commissions of the Nation will work directly with the Government Administrative Office and their assigned attorney from the Oneida Law Office to develop amendments to bylaws so they may be directly placed on an Oneida Business Committee meeting agenda for approval.


The Government Administrative Office and the Oneida Law Office will be prepared to begin aiding boards, committees, and commissions with processing amendments to their bylaws on June 1, 2024.

The Legislative Operating Committee, Oneida Law Office, and the Government Administrative Office believe this change will create a more efficient and effective process for amending bylaws of boards, committees, and commissions of the Nation.

If you have any questions regarding the Legislative Operating Committee's decision to remove this item from its Active Files List, please feel free to contact the Legislative Operating Committee at [LOC@oneidanation.org](mailto:LOC@oneidanation.org).





TO: Oneida Election Board  
FROM: Jameson Wilson, Legislative Operating Committee Chairperson   
DATE: May 15, 2024  
RE: Removal of the Oneida Election Board Bylaws Amendments from the Active Files List

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On May 15, 2024, the Legislative Operating Committee took action to remove the Oneida Election Board Bylaws Amendments from its Active Files List. This item is being removed from the Legislative Operating Committee's Active Files List because the Legislative Operating Committee will no longer be processing amendments to bylaws.

The Legislative Operating Committee has collaborated with the Oneida Law Office and the Government Administrative Office to discuss how to improve the process for amending bylaws for boards, committees, and commissions of the Nation.

The Boards, Committees, and Commissions law requires that amendments to bylaws of boards, committees, and commissions of the Nation be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation. [1 O.C. 105.10-3(g)]. It is not required that amendments to bylaws be processed through the Legislative Operating Committee.

Moving forward, the Legislative Operating Committee will no longer process amendments to bylaws for boards, committees, and commissions of the Nation. Instead, boards, committees, and commissions of the Nation will work directly with the Government Administrative Office and their assigned attorney from the Oneida Law Office to develop amendments to bylaws so they may be directly placed on an Oneida Business Committee meeting agenda for approval.

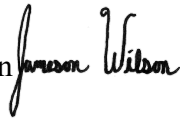
The Government Administrative Office and the Oneida Law Office will be prepared to begin aiding boards, committees, and commissions with processing amendments to their bylaws on June 1, 2024.

The Legislative Operating Committee, Oneida Law Office, and the Government Administrative Office believe this change will create a more efficient and effective process for amending bylaws of boards, committees, and commissions of the Nation.

If you have any questions regarding the Legislative Operating Committee's decision to remove this item from its Active Files List, please feel free to contact the Legislative Operating Committee at [LOC@oneidanation.org](mailto:LOC@oneidanation.org).





TO: Oneida Nation Commission on Aging  
FROM: Jameson Wilson, Legislative Operating Committee Chairperson   
DATE: May 15, 2024  
RE: Removal of the Oneida Nation Commission on Aging Bylaws Amendments from the Active Files List

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On May 15, 2024, the Legislative Operating Committee took action to remove the Oneida Nation Commission on Aging Bylaws Amendments from its Active Files List. This item is being removed from the Legislative Operating Committee's Active Files List because the Legislative Operating Committee will no longer be processing amendments to bylaws.

The Legislative Operating Committee has collaborated with the Oneida Law Office and the Government Administrative Office to discuss how to improve the process for amending bylaws for boards, committees, and commissions of the Nation.

The Boards, Committees, and Commissions law requires that amendments to bylaws of boards, committees, and commissions of the Nation be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation. [1 O.C. 105.10-3(g)]. It is not required that amendments to bylaws be processed through the Legislative Operating Committee.


Moving forward, the Legislative Operating Committee will no longer process amendments to bylaws for boards, committees, and commissions of the Nation. Instead, boards, committees, and commissions of the Nation will work directly with the Government Administrative Office and their assigned attorney from the Oneida Law Office to develop amendments to bylaws so they may be directly placed on an Oneida Business Committee meeting agenda for approval.

The Government Administrative Office and the Oneida Law Office will be prepared to begin aiding boards, committees, and commissions with processing amendments to their bylaws on June 1, 2024.

The Legislative Operating Committee, Oneida Law Office, and the Government Administrative Office believe this change will create a more efficient and effective process for amending bylaws of boards, committees, and commissions of the Nation.

If you have any questions regarding the Legislative Operating Committee's decision to remove this item from its Active Files List, please feel free to contact the Legislative Operating Committee at [LOC@oneidanation.org](mailto:LOC@oneidanation.org).



TO: Oneida Nation School Board  
FROM: Jameson Wilson, Legislative Operating Committee Chairperson   
DATE: May 15, 2024  
RE: Removal of the Oneida Nation School Board Bylaws Amendments from the Active Files List

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On May 15, 2024, the Legislative Operating Committee took action to remove the Oneida Nation School Board Bylaws Amendments from its Active Files List. This item is being removed from the Legislative Operating Committee's Active Files List because the Legislative Operating Committee will no longer be processing amendments to bylaws.

The Legislative Operating Committee has collaborated with the Oneida Law Office and the Government Administrative Office to discuss how to improve the process for amending bylaws for boards, committees, and commissions of the Nation.

The Boards, Committees, and Commissions law requires that amendments to bylaws of boards, committees, and commissions of the Nation be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation. [1 O.C. 105.10-3(g)]. It is not required that amendments to bylaws be processed through the Legislative Operating Committee.


Moving forward, the Legislative Operating Committee will no longer process amendments to bylaws for boards, committees, and commissions of the Nation. Instead, boards, committees, and commissions of the Nation will work directly with the Government Administrative Office and their assigned attorney from the Oneida Law Office to develop amendments to bylaws so they may be directly placed on an Oneida Business Committee meeting agenda for approval.

The Government Administrative Office and the Oneida Law Office will be prepared to begin aiding boards, committees, and commissions with processing amendments to their bylaws on June 1, 2024.

The Legislative Operating Committee, Oneida Law Office, and the Government Administrative Office believe this change will create a more efficient and effective process for amending bylaws of boards, committees, and commissions of the Nation.

If you have any questions regarding the Legislative Operating Committee's decision to remove this item from its Active Files List, please feel free to contact the Legislative Operating Committee at [LOC@oneidanation.org](mailto:LOC@oneidanation.org).



TO: Oneida Nation Veterans Affairs Committee  
FROM: Jameson Wilson, Legislative Operating Committee Chairperson   
DATE: May 15, 2024  
RE: Removal of the Oneida Nation Veterans Affairs Committee Bylaws Amendments from the Active Files List

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On May 15, 2024, the Legislative Operating Committee took action to remove the Oneida Nation Veterans Affairs Committee Bylaws Amendments from its Active Files List. This item is being removed from the Legislative Operating Committee's Active Files List because the Legislative Operating Committee will no longer be processing amendments to bylaws.

The Legislative Operating Committee has collaborated with the Oneida Law Office and the Government Administrative Office to discuss how to improve the process for amending bylaws for boards, committees, and commissions of the Nation.

The Boards, Committees, and Commissions law requires that amendments to bylaws of boards, committees, and commissions of the Nation be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation. [1 O.C. 105.10-3(g)]. It is not required that amendments to bylaws be processed through the Legislative Operating Committee.


Moving forward, the Legislative Operating Committee will no longer process amendments to bylaws for boards, committees, and commissions of the Nation. Instead, boards, committees, and commissions of the Nation will work directly with the Government Administrative Office and their assigned attorney from the Oneida Law Office to develop amendments to bylaws so they may be directly placed on an Oneida Business Committee meeting agenda for approval.

The Government Administrative Office and the Oneida Law Office will be prepared to begin aiding boards, committees, and commissions with processing amendments to their bylaws on June 1, 2024.

The Legislative Operating Committee, Oneida Law Office, and the Government Administrative Office believe this change will create a more efficient and effective process for amending bylaws of boards, committees, and commissions of the Nation.

If you have any questions regarding the Legislative Operating Committee's decision to remove this item from its Active Files List, please feel free to contact the Legislative Operating Committee at [LOC@oneidanation.org](mailto:LOC@oneidanation.org).



TO: Oneida Personnel Commission  
FROM: Jameson Wilson, Legislative Operating Committee Chairperson   
DATE: May 15, 2024  
RE: Removal of the Oneida Personnel Commission Bylaws Amendments from the Active Files List

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On May 15, 2024, the Legislative Operating Committee took action to remove the Oneida Personnel Commission Bylaws Amendments from its Active Files List. This item is being removed from the Legislative Operating Committee's Active Files List because the Legislative Operating Committee will no longer be processing amendments to bylaws.

The Legislative Operating Committee has collaborated with the Oneida Law Office and the Government Administrative Office to discuss how to improve the process for amending bylaws for boards, committees, and commissions of the Nation.

The Boards, Committees, and Commissions law requires that amendments to bylaws of boards, committees, and commissions of the Nation be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation. [1 O.C. 105.10-3(g)]. It is not required that amendments to bylaws be processed through the Legislative Operating Committee.


Moving forward, the Legislative Operating Committee will no longer process amendments to bylaws for boards, committees, and commissions of the Nation. Instead, boards, committees, and commissions of the Nation will work directly with the Government Administrative Office and their assigned attorney from the Oneida Law Office to develop amendments to bylaws so they may be directly placed on an Oneida Business Committee meeting agenda for approval.

The Government Administrative Office and the Oneida Law Office will be prepared to begin aiding boards, committees, and commissions with processing amendments to their bylaws on June 1, 2024.

The Legislative Operating Committee, Oneida Law Office, and the Government Administrative Office believe this change will create a more efficient and effective process for amending bylaws of boards, committees, and commissions of the Nation.

If you have any questions regarding the Legislative Operating Committee's decision to remove this item from its Active Files List, please feel free to contact the Legislative Operating Committee at [LOC@oneidanation.org](mailto:LOC@oneidanation.org).



TO: Oneida Trust Enrollment Committee  
FROM: Jameson Wilson, Legislative Operating Committee Chairperson   
DATE: May 15, 2024  
RE: Removal of the Oneida Trust Enrollment Committee Bylaws Amendments from the Active Files List

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On May 15, 2024, the Legislative Operating Committee took action to remove the Oneida Trust Enrollment Committee Bylaws Amendments from its Active Files List. This item is being removed from the Legislative Operating Committee's Active Files List because the Legislative Operating Committee will no longer be processing amendments to bylaws.

The Legislative Operating Committee has collaborated with the Oneida Law Office and the Government Administrative Office to discuss how to improve the process for amending bylaws for boards, committees, and commissions of the Nation.

The Boards, Committees, and Commissions law requires that amendments to bylaws of boards, committees, and commissions of the Nation be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation. [1 O.C. 105.10-3(g)]. It is not required that amendments to bylaws be processed through the Legislative Operating Committee.

Moving forward, the Legislative Operating Committee will no longer process amendments to bylaws for boards, committees, and commissions of the Nation. Instead, boards, committees, and commissions of the Nation will work directly with the Government Administrative Office and their assigned attorney from the Oneida Law Office to develop amendments to bylaws so they may be directly placed on an Oneida Business Committee meeting agenda for approval.

The Government Administrative Office and the Oneida Law Office will be prepared to begin aiding boards, committees, and commissions with processing amendments to their bylaws on June 1, 2024.

The Legislative Operating Committee, Oneida Law Office, and the Government Administrative Office believe this change will create a more efficient and effective process for amending bylaws of boards, committees, and commissions of the Nation.

If you have any questions regarding the Legislative Operating Committee's decision to remove this item from its Active Files List, please feel free to contact the Legislative Operating Committee at [LOC@oneidanation.org](mailto:LOC@oneidanation.org).

# May 2024

May 2024						June 2024								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
				1	2	3	4						1	
5	6	7	8	9	10	11		2	3	4	5	6	7	8
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26	27	28	29	30	31			23	24	25	26	27	28	29
								30						

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Apr 29	30	May 1 8:30am LOC Prep Meeting (Microsoft Teams Meeting); 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting); 1:30pm LOC Strategic Planning Session	2	3 9:30am Oneida Personnel Policies and Procedures Amendments Work Meeting (Microsoft Teams Meeting); BC_Exec_Conf_Room) - Clorissa N. Leeman
6 3:00pm FW: Oneida Higher Education Authority Review (Microsoft Teams Meeting); 3:00pm FW: Oneida Higher Education Authority Review (Microsoft Teams Meeting)	7	8	9	10 9:30am June 4 LOC Community Meeting Discussion (Microsoft Teams Meeting) - Clorissa N. Leeman
13 10:00am LLC Discussion (Microsoft Teams Meeting) - Grace L. Elliott	14	15 8:30am LOC Prep Meeting (Microsoft Teams Meeting); 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting); 3:00pm LOC Work Session	16	17 8:45am Institutional Research Board Organization (Microsoft Teams Meeting) - Grace L. Elliott
20	21	22	23	24 8:00am Holiday - Oneida Code Talkers Day
27 8:00am Holiday - Memorial Day	28 8:30am Landlord Tenant law review (Microsoft Teams Meeting) - Grace L. Elliott; 1:30pm LOC Strategic Planning (Microsoft Teams Meeting); BC_Exec_Conf_Room) -	29 1:30pm LOC Strategic Planning Session (Microsoft Teams Meeting); BC_Exec_Conf_Room) - Clorissa N. Leeman	30	31