



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2nd Floor Norbert Hill Center  
February 5, 2025  
9:00 a.m.

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

**II. Minutes to be Approved**

1. January 15, 2025 LOC Meeting Minutes (pg. 2)

**III. Current Business**

1. Oneida Law Enforcement Ordinance Amendments (pg. 4)
2. Landlord Tenant Law Amendments (pg. 46)

**IV. New Submissions**

1. Lavish and Extravagant Trip and Gratuities Law (pg. 73)
2. Ten Day Notice Policy Amendments (pg. 92)

**V. Additions**

**VI. Administrative Updates**

1. Legislative Operating Committee Fiscal Year 2025 First Quarter Report (pg. 93)
2. Certification of Real Property Law Rule No. 1 – Land Assessments for the Nation's Decisionmakers to Build an Autonomous Community (pg. 102)
3. Certification of Real Property Law Rule No. 2 – Land Use Licenses (pg. 127)
4. Spring LOC Community Meeting Notice (HANDOUT)

**VII. Executive Session**

**VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center  
January 15, 2025  
9:00 a.m.

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

**Others Present:** Clorissa N. Leeman, Grace Elliott, Carolyn Salutz

**Others Present on Microsoft Teams:** Carl Artman, Carrie Lindsey, David P. Jordan, Eric Boulanger, Shannon Stone, Justin Nishimoto, Katsitsiyo Danforth, Kristal Hill, Mark A. Powless Sr., Mark Powless, Sarah White, Maureen Perkins, Michelle Braaten, Rae Skenandore, Ronald Vanschyndel, Trina Schuyler, Brooke Doxtator, Michelle Tipple, Eric McLester, Fawn Cottrell, Mae Cornelius, Matt Denny

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

Jameson Wilson called the January 15, 2025, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jonas Hill to approve the agenda; seconded by Marlon Skenadore. Motion carried unanimously.

**II. Minutes to be Approved**

**1. December 18, 2024 LOC Meeting Minutes**

Motion by Kirby Metoxen to approve the December 18, 2024 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

**III. Current Business**

**1. Oneida Life Insurance Plan Law Amendments**

Motion by Marlon Skenandore to approve the adoption packet for the Oneida Life Insurance Plan law amendments and forward to the Oneida Business Committee for consideration; seconded by Jonas Hill. Motion carried unanimously.

**2. Petition S. Benton – Move Oneida Nation Arts Program under Tourism or Community Development**

Motion by Marlon Skenandore to accept the statement of effect for the Petition: S. Benton – Move Oneida Nation Art Program under Tourism or Community Development with noted change and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.



**3. Oneida Nation Law Enforcement Ordinance Amendments**

Motion by Jonas Hill to approve the updated draft and legislative analysis for the Oneida Nation Law Enforcement Ordinance amendments; seconded by Marlon Skenandore. Motion carried unanimously.

**IV. New Submissions**

**V. Additions**

**VI. Administrative Updates**

**VII. Executive Session**

**VIII. Adjourn**

Motion by Kirby Metoxen to adjourn at 9:19 a.m.; seconded by Marlon Skenandore. Motion carried unanimously.



Legislative Operating Committee  
February 5, 2025

# Oneida Nation Law Enforcement Ordinance Amendments

<b>Submission Date:</b> 9/17/14	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> Jonas Hill	<b>Emergency Enacted:</b> n/a

**Summary:** *This item was carried over from the previous three terms. The item was originally added to the Active Files List per the request of the Oneida Police Department and the Oneida Law Office that clarification be added to the law regarding whether the Nation's Conservation wardens qualify as sworn officers.*

**9/17/14 LOC:** Motion by Jennifer Webster to add Law Enforcement Ordinance Amendments – Conservation Officers to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously. *Note: Tehassi Hill will be the sponsor for this item.*

**10/10/16:** *Quarterly Sponsor Update Meeting held.* Present: Tehassi Hill, Maureen Perkins, Tani Thurner, Clorissa Santiago, Krystal John. No new updates.

**9/6/17 LOC:** Motion by Jennifer Webster to add Law Enforcement Ordinance Amendments – Conservation Officers to the active files list with Ernie Stevens III as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

**11/1/17 LOC:** Motion by Kirby Metoxen approve the 60-day active files list update and continue development of all the items on the active files list; seconded by Ernie Stevens III. Motion carried unanimously.

**10/7/20 LOC:** Motion by Kirby Metoxen to add the Law Enforcement Ordinance Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

**12/09/21:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Marie Summers, Kristal Hill, Rhiannon Metoxen, Clorissa Santiago, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to have the LOC review a first draft of amendments to the Oneida Law Enforcement Ordinance. For purposes of efficiency, amendments to the Ordinance should be developed and adopted simultaneous with the ONGO amendments; specifically, as they relate to the transition of the Security Department (as set forth in ONGO) from under the Oneida Police Department to under a Public Safety Commission, which will be created through re-establishment of the Oneida Police Commission via amendments to this Ordinance. The next step is for the drafting attorney to meet with the heads of the Police Department and Conservation Department to discuss the aforementioned transition.

- 12/15/21:** *Work Meeting.* Present: David Jordan, Marie Summers, Daniel Guzman-King, Jennifer Webster, Kristal Hill, Clorissa Santiago, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss the meeting scheduled for December 21, 2021 with the heads of the Oneida Police Department and Conservation Department to discuss the transition of the Conservation Department from under the Police Department to under a re-established Oneida Police Commission to be renamed the Public Safety Commission.
- 12/21/21:** *Work Meeting.* Present: David Jordan, Marie Summers, Daniel Guzman-King, Joel Maxam, Eric Boulanger, Shad Webster, Terry Metoxen, Nicole Rommel, Kristal Hill, Rhiannon Metoxen, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss amendments to the Oneida Law Enforcement Ordinance as they relate to the oversight of the Conservation Department. The next step is for the Police Department and Conservation Department to forward their policies/protocols to the LRO so that it may review them in anticipation of discussing the issue in more depth with the LOC.
- 1/28/22:** *Work Meeting.* Present: Richard VanBoxtel, Jeanette Ninham, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to hear from members of the Oneida Police Commission in regards to the proposal to reorganize the Commission, as well as the Conservation Department, in a manner that better suits the Nation and its members.
- 6/23/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Summers, Clorissa N. Santiago, Carolyn Salutz, Grace Elliott, Rhiannon Metoxen, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to clarify some drafting questions to provide greater direction as to the drafting of potential amendments to the Law.
- 7/6/22:** *Work Meeting.* Present: Kirby Metoxen, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Carolyn Salutz, Grace Elliott, Kristal Hill, Eric Boulanger, Joel Maxam. Terry Metoxen, Kelly McAndrews. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to begin discussing potential amendments to the Law.
- 8/3/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Carolyn Salutz, Grace Elliott, Kristal Hill, Rhiannon Metoxen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss an e-mail received from Attorney Kelly McAndrews providing that the Oneida Law Office and Oneida Police Department no longer support the creation of a Public Safety Commission that would oversee the Security Department in addition to the Police Department.
- 9/19/22:** *Work Meeting.* Present: Kirby Metoxen, Marie Summers, Daniel Guzman King, Jennifer Webster, Clorissa N. Santiago, Carolyn Salutz, Kristal Hill, Eric Boulanger, Joel Maxam, Richard VanBoxtel, Kelly McAndrews, Katsitsiyo Danforth. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss a memorandum from OPD, Law Office, and Security regarding some concerns with including Security within the Law Enforcement Ordinance, as well as additional areas within the Law Enforcement Ordinance that will need amending.
- 9/21/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Cornelius, Daniel Guzman King, Jennifer Webster, Clorissa N. Santiago, Carolyn Salutz, Rhiannon Metoxen, Grace Elliott. This was a work meeting held through Microsoft Teams. The purpose of the meeting

was to follow up on the September 19, 2022, work meeting and make a final determination as to whether to move forward with the development of the Public Safety Commission.

- 10/3/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Cornelius, Daniel Guzman King, Jennifer Webster, Clorissa N. Leeman, Carolyn Salutz, Grace Elliott, Kristal Hill, Katsitsiyo Danforth, Louise Cornelius. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss with the Gaming General Manager, Gaming maintaining some responsibilities over the Security Department even after it moves to under the Public Safety Commission.
- 10/4/23 LOC:** Motion by Jennifer Webster to add the Law Enforcement Ordinance Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried unanimously.
- 3/6/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Kelly McAndrews, Eric Boulanger, Joel Maxam, Brandon Vandehei, Maureen Perkins, Kristal Hill. The purpose of this work meeting was to review the Oneida Nation Law Enforcement Ordinance and discuss potential amendments.
- 3/28/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Kristal Hill, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to discuss the removal of “sergeant” from section 301.5-3(d) of the law.
- 4/19/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Marlon Skenandore, Clorissa Leeman, Kelly McAndrews, Eric Boulanger, Joel Maxam, Brandon Vandehei, Dan Skenandore, Fawn Cottrell, Katsitsiyo Danforth, Maureen Perkins. The purpose of this work meeting was to review the updated draft of the proposed amendments to the Oneida Nation Law Enforcement Ordinance.
- 6/7/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Kelly McAndrews, Eric Boulanger, Brandon Vandehei, Richard VanBoxtel, Katsitsiyo Danforth, Carolyn Salutz, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to review the updated draft of the proposed amendments to the Oneida Nation Law Enforcement Ordinance, and specifically obtain the input of the Oneida Police Commission.
- 7/26/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Clorissa Leeman, Maureen Perkins, Richard VanBoxtel, Eric Boulanger. The purpose of this work meeting was to review some final topics in the Oneida Law Enforcement Ordinance draft – particularly looking at section 301.6-4 so we can have some discussion on what responsibilities the Commission should have over the Department so it best reflects current practice.
- 9/4/24 LOC:** Motion by Jonas Hill to approve the draft of the proposed amendments to the Oneida Law Enforcement Ordinance and direct that a legislative analysis be completed; seconded by Kirby Metoxen. Motion carried unanimously.
- 9/4/24:** *OBC Officers Meeting.* Present: Jameson Wilson, Jonas Hill, Clorissa Leeman, Lisa Liggins, Lisa Summers, Lawrence Barton, Danelle White, Tehassi Hill, Brandon Yellowbird-Stevens. Members of the LOC were called into the OBC Officers’ meeting to discuss the progress of the Oneida Law Enforcement Ordinance amendments and the future placement of the Internal Security Department. Some Officers expressed concern with placing the Internal Security Department under the future Oneida Public Safety and Security Commission and asked for reconsideration of the idea to place the Internal Security Department under the Gaming General Manager. The LOC provided they would take this into consideration.

**9/4/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Clorissa Leeman, Carolyn Salutz, Fawn Cottrell, Kristal Hill, Maureen Perkins, Fawn Billie. The purpose of this work session was to consider the request made from the OBC Officers. LOC decided to hold one more work session with the larger work group to consider the Officers' request for reconsideration of the placement of the Internal Security Department under the Gaming General Manager.

**10/8/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Marlon Skenandore, Clorissa Leeman, Eric Boulanger, Joel Maxam, Kristal Hill, Maureen Perkins, Reynold Danforth, Katsitsiyo Danforth, Mark Powless, Jeremy King, Fawn Cottrell, Michelle Braaten. The purpose of this work meeting was to have one final discussion on the placement of the Internal Security Department with the broader work team before the draft of the proposed amendments to the Oneida Law Enforcement Ordinance continues moving through the legislative process.

**10/9/24:** *Phone Call.* Present: Clorissa Leeman, Kelly McAndrews. The purpose of this phone call was to collect Attorney Kelly McAndrew's insight on the placement of the Internal Security Department, since she was unable to attend the work meeting yesterday.

**10/18/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Clorissa Leeman, Grace Elliott, Kristal Hill, Maureen Perkins, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to discuss the placement of the Internal Security Department after the information collected during our last work meeting.

**10/24/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Maureen Perkins, Kristal Hill, Fawn Cottrell. The purpose of this work meeting was to discuss and make a decision as to where the Internal Security Department should be placed within the organization, and if any changes to the proposed amendments to the law need to be developed.

**1/15/25 LOC:** Motion by Jonas Hill to approve the updated draft and legislative analysis for the Oneida Nation Law Enforcement Ordinance amendments; seconded by Marlon Skenandore. Motion carried unanimously.

### **Next Steps:**

- Approve the public meeting packet for the amendments to the Oneida Nation Law Enforcement Ordinance and forward to a public meeting to be held on March 14, 2025.



**ONEIDA NATION PUBLIC MEETING NOTICE****FRIDAY, MARCH 14, 2025, 12:15 pm**Norbert Hill Center-Business Committee Conference Room  
N7210 Seminary Rd., Oneida, Wisconsin**Find Public Meeting Materials at**

Oneida-nsn.gov/government/register/public meetings

**Send Public Comments to**

LOC@oneidanation.org

**Ask Questions here**

LOC@oneidanation.org

920-869-4417

**ONEIDA NATION LAW ENFORCEMENT ORDINANCE AMENDMENTS**

The purpose of the Oneida Nation Law Enforcement Ordinance is to regulate the conduct of the Nation's law enforcement personnel according to the highest professional standards.

**The Oneida Nation Law Enforcement Ordinance amendments will:**

- ♦ Change what positions in the Oneida Police Department are required to be held by enrolled members of the Nation.
- ♦ Allow for the sworn oath of a law enforcement officer to take place at a special Oneida Business Committee meeting, or at an alternative time and location as determined by the Oneida Business Committee Secretary, in addition to at a regular Oneida Business Committee meeting.
- ♦ Expand the Oneida Police Commission into the Oneida Public Safety and Security Commission, which will oversee the Internal Security Department and any other safety operation department of the Nation, in addition to the Oneida Police Department
- ♦ Revise the eligibility qualifications and responsibilities for Oneida Public Safety and Security Commission members.
- ♦ Update the disciplinary proceedings for law enforcement officers.
- ♦ And make other drafting change to the law.

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

**PUBLIC COMMENT PERIOD CLOSSES FRIDAY, MARCH 21, 2025**

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



For more information on the proposed Oneida Nation Law Enforcement Ordinance amendments please review the public meeting packet at oneida-nsn.gov/government/register/public meetings.





# ONEIDA NATION LAW ENFORCEMENT ORDINANCE AMENDMENTS LEGISLATIVE ANALYSIS

## SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> <li>▪ Include a new provision providing the policy of the Nation in regard to this law. [3 O.C. 301.1-2];</li> <li>▪ Provide that law enforcement operations can take place outside the Reservation when the operations occur pursuant to any other jurisdictional exception that may exist for law enforcement officers. [3 O.C. 301.4-2(c)];</li> <li>▪ Remove the Police Sergeant the positions in the Oneida Police Department that are required to be held by enrolled members of the Nation. [3 O.C. 301.5-1(a)];</li> <li>▪ Require that upon the removal of a Police Chief, in addition to the retirement or resignation, the Oneida Police Commission shall appoint an interim Police Chief. [3 O.C. 301.5-2(b)(4)];</li> <li>▪ Clarify that to the extent that Federal Tort Claims Act coverage does not apply, the Nation shall provide professional liability insurance for all law enforcement officers. [3 O.C. 301.5-4];</li> <li>▪ Allow for the sworn oath of a law enforcement officer to take place at a special Oneida Business Committee meeting, or at an alternative time and location as determined by the Oneida Business Committee Secretary, in addition to at a regular Oneida Business Committee meeting. [3 O.C. 301.5-6];</li> <li>▪ Expand the Oneida Police Commission into the Oneida Public Safety and Security Commission, which will oversee the Internal Security Department and any other safety operation department of the Nation, in addition to the Oneida Police Department. [3 O.C. 301.6];</li> <li>▪ Revise the eligibility qualifications for Oneida Public Safety and Security Commission members. [3 O.C. 301.6-3];</li> <li>▪ Revise the responsibilities of the Oneida Public Safety and Security Commission in regard to the Oneida Police Department. [3 O.C. 301.6-4];</li> <li>▪ Provide that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws. [3 O.C. 301.6-5];</li> <li>▪ Revise the disciplinary proceedings for law enforcement officers. [3 O.C. 301.9];</li> <li>▪ Move all provisions regarding the use of firearms to section 301.11 of the Law, and provide that the Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty,</li> </ul>

	property, land, and premises, according to the usual and current accepted law enforcement standards. [3 O.C. 301.11-1]; and ▪ Make other minor drafting changes throughout the Law.
<b>Purpose</b>	The purpose of this law is to regulate the conduct of the Nation’s law enforcement personnel according to the highest professional standards. [3 O.C. 301.1-1].
<b>Affected Entities</b>	Oneida Police Department, Oneida Police Commission
<b>Public Meeting</b>	A public meeting will be held on March 14, 2025.
<b>Fiscal Impact</b>	A fiscal impact statement has not yet been requested.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- A. *Background.*** The Oneida Nation Law Enforcement Ordinance (“the Law”) was originally adopted by the Oneida Business Committee in 2001 through resolution BC-10-10-01-C. The purpose of the Law is to regulate the conduct of the Nation’s law enforcement personnel according to the highest professional standards. [3 O.C. 301.1-1]. It is the policy of the Nation to ensure that the law enforcement personnel operates at the highest level of professional standards to ensure the safety and welfare of the community. [3 O.C. 301.1-2].
- B. *Request for Amendments.*** The request for amendments to the Law originally came before the Legislative Operating Committee in 2014 from the Oneida Police Department and the Oneida Law Office for clarification on whether Conservation wardens qualified as sworn officers. The Legislative Operating Committee originally added this item to its Active Files List on September 17, 2014. This legislative matter was then carried on the Active Files List for more than three legislative terms. The Legislative Operating Committee added the Oneida Nation Law Enforcement Ordinance amendments to its Active Files List this legislative term on October 4, 2023.

## SECTION 3. CONSULTATION AND OUTREACH

- A.** Representatives from the following departments or entities participated in the development of the amendments to the Law and this legislative analysis:
- Oneida Police Department;
  - Oneida Police Commission;
  - Oneida Business Committee;
  - Oneida Law Office;
  - Internal Security Department;
  - Oneida Gaming Commission; and the
  - General Manager.
- B.** The following laws were reviewed in the drafting of this analysis:
- Boards, Committees, and Commissions law; and
  - Oneida Personnel Policies and Procedures.

## SECTION 4. PROCESS

- A.** The development of the proposed amendments to the Law complies with the process set forth in the Legislative Procedures Act (LPA).

- On October 10, 2023, the Legislative Operating Committee added the Oneida Nation Law Enforcement Ordinance to its Active Files List.
  - On September 4, 2024, the Legislative Operating Committee approved the draft of the proposed amendments to the Law and directed that a legislative analysis be developed.
  - On January 15, 2025, the Legislative Operating Committee approved the updated draft and legislative analysis for the Oneida Nation Law Enforcement Ordinance amendments.
- B.** At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to the Law this legislative term:
- March 6, 2024: LOC work session with the Oneida Police Department and the Oneida Law Office.
  - March 28, 2024: LOC work session.
  - April 19, 2024: LOC work session with the Oneida Police Department, Oneida Law Office, Oneida Police Commission, and the Internal Security Department.
  - June 7, 2024: LOC work session with the Oneida Police Department, Oneida Law Office, Oneida Police Commission, and the Internal Security Department.
  - July 26, 2024: LOC work session with the Oneida Police Department and the Oneida Police Commission.
  - September 4, 2024: OBC Officers’ Meeting.
  - September 4, 2024: LOC work session.
  - October 8, 2024: LOC work session with Oneida Police Department, Oneida Law Office, Oneida Police Commission, Internal Security Department, Oneida Gaming Commission, and the General Manager.
  - October 9, 2024: Phone call with Oneida Law Office.
  - October 18, 2024: LOC work session.
  - October 24, 2024: LOC work session.

## SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Policy.*** The current Law does not include a policy statement. Amendments to the Law will include the addition of a policy statement, which will provide that it is the policy of the Nation to ensure that law enforcement personnel operate at the highest level of professional standards to ensure the safety and welfare of the community. [3 O.C. 301.1-2].
- *Effect.* The inclusion of a policy statement complies with the formatting requirements of section 109.11-1(a)(2) of the Legislative Procedures Act which requires that all laws of the Nation contain a policy section which indicates the direction the law is to take, including impetus or underlying goal of the regulation.
- B. *Jurisdictional Exception.*** Section 301.4-1 of the current Law provides that all law enforcement operations shall take place on and within the Oneida Reservation unless there is a potential that safety and welfare of an individual is being compromised, or the enforcement operations take place pursuant to mutual aid agreements with local governments. The proposed amendments to the Law maintain the current provision of the Law while also adding a provision which provides that law enforcement operations can take place outside the Reservation when the operations occur pursuant to any other jurisdictional exception that may exist for law enforcement officers. [3 O.C. 301.4-2(c)].
- *Effect.* The proposed amendments to the Law recognize that there may be other jurisdictional exceptions that exist for law enforcement officers in other laws, and therefore provides greater flexibility for the Nation’s law enforcement officers when operating outside of the Reservation.

- 77 **C. *Oneida Police Department Restrictions.*** Section 301.5-3(d) of the current Law provides that the  
78 positions of Police Chief, Assistant Chief, Police Lieutenant or Sergeant, Conservation Director, and  
79 Assistant Conservation Director are required to be held by only members of the Nation. The proposed  
80 amendments to the Law revise the requirement for what job positions in the Oneida Police Department  
81 are required to be held by enrolled members of the Nation, and require that only the Police Chief,  
82 Assistant Chief, and Police Lieutenant be enrolled members of the Nation. [3 O.C. 301.5-1(a)].
- 83     ▪ *Effect.* The proposed amendments to the Law remove the positions of Police Sergeant,  
84 Conservation Director, and Assistant Conservation Director from the requirement to be held by  
85 members of the Nation. The positions of Conservation Director and Assistant Conservation  
86 Director were removed from the Law as they are not positions of the Oneida Police Department.  
87 The position of Police Sergeant was removed because it provides the Oneida Police Department  
88 greater flexibility in filling its vacant positions. Indian preference in hiring still applies to the hiring  
89 of the Police Sergeant position in accordance with the Oneida Personnel Policies and Procedures.
- 90 **D. *Notification of Removal of a Police Chief.*** Section 301.6-5(d) of the current Law provides that upon  
91 accepting retirement notification or the resignation of a current Police Chief, the Oneida Police  
92 Commission shall appoint an interim or acting Police Chief who shall serve in said capacity until the  
93 process for appointment of a new chief can be completed. The proposed amendments to the Law also  
94 recognize that upon the removal of a Police Chief, the Oneida Police Commission shall appoint an  
95 interim Police Chief. [3 O.C. 301.5-2(b)(4)].
- 96     ▪ *Effect.* The Law was amended to include the removal of a Police Chief as a circumstance in which  
97 the Oneida Police Commission shall appoint an interim Police Chief to be more inclusive of all  
98 circumstances that may arise in which an interim Police Chief would need to be appointed.
- 99 **E. *Liability Coverage.*** Section 301.5-4 of the current Law provides that the Nation shall provide  
100 professional liability insurance for all law enforcement officers and Conservation Officers. The  
101 proposed amendments to the Law clarify that to the extent that Federal Tort Claims Act coverage does  
102 not apply, the Nation shall provide professional liability insurance for all law enforcement officers. [3  
103 O.C. 301.5-4].
- 104     ▪ *Effect.* The Law was amended to recognize that the Federal Tort Claims Act does provide some  
105 liability coverage for law enforcement officers, and therefore a reference to that policy was  
106 included.
- 107 **F. *Law Enforcement Officers to be Sworn.*** Section 301.5-6 of the current Law provides that all law  
108 enforcement officers shall be installed by sworn oath before the Oneida Business Committee at a  
109 regular meeting. The proposed amendments to the Law provide that all law enforcement officers be  
110 installed by sworn oath before the Oneida Business Committee during a regular or special Oneida  
111 Business Committee meeting, or at an alternative time and location as determined by the Oneida  
112 Business Committee Secretary. [3 O.C. 301.5-6]. The proposed amendments then clarify that when  
113 taking an oath, the law enforcement officer shall appear in person to take their oath, except if granted  
114 permission by the Oneida Business Committee Secretary to appear through video conferencing, or  
115 through other telecommunications. [3 O.C. 301.5-6(a)]. If an oath is administered outside of an Oneida  
116 Business Committee meeting, a quorum of Oneida Business Committee members are required to be  
117 present to witness the oath. [3 O.C. 301.5-6(b)].
- 118     ▪ *Effect.* The proposed amendments provide greater flexibility for when a law enforcement officer  
119 may take their sworn oath.

120 **G. *Oneida Public Safety and Security Commission.*** Section 301.4-7 of the current Law establishes the  
121 Oneida Police Commission to provide oversight regarding the activities and actions of the law  
122 enforcement operations to provide the greatest possible professional services to the Oneida community  
123 and to allow for community input regarding those law enforcement services through its representatives  
124 on the Police Commission. Section 301.6 of the current Law then goes on to provide for the  
125 qualifications, appointment term, responsibilities, and removal of the Oneida Police Commission. The  
126 proposed amendments to the Law expand the Oneida Police Commission into the Oneida Public Safety  
127 and Security Commission. [3 O.C. 301.6]. The purpose of the Oneida Public Safety and Security  
128 Commission is much the same as the Oneida Police Commission, except that it is now expanded to  
129 have oversight authority over the Internal Security Department and any other safety operation  
130 department of the Nation, in addition to the Oneida Police Department. [3 O.C. 301.6-1]. The terms  
131 of appointment for commissioners on the Oneida Public Safety and Security Commission remains the  
132 same as it was for the Oneida Police Commission. [3 O.C. 301.6-2].

- 133     ▪ *Effect.* The proposed amendments to the Law expand the Oneida Police Commission into the  
134     Oneida Public Safety and Security Commission in recognition that are more departments currently  
135     than just the Oneida Police Department that focus on the safety and security of the Nation, and this  
136     could be expanded even more in the future, and therefore the same oversight that the Oneida Police  
137     Commission provides the Oneida Police Department should be provided for all safety and security  
138     departments of the Nation.

139 **H. *Eligibility Qualifications.*** Section 301.6-3 of the current Law provides the eligibility requirements for  
140 serving on the Oneida Police Commission, which include: be a member of the Nation, be twenty-five  
141 (25) years of age or older; have a satisfactory background investigation; submit to drug testing prior to  
142 appointment and on an annual basis; not be an employee of the Oneida Police Department; attend  
143 applicable training; and be a person of known good standing in the community. The eligibility  
144 qualifications for the Oneida Public Safety and Security Commission remain much the same as the  
145 Oneida Police Commission except that the following eligibility requirements were removed from the  
146 Law: that an individual submit to drug testing prior to appointment and on an annual basis; the  
147 individual attend applicable training; and be a person of known good standing in the community. [3  
148 O.C. 301.6-3]. The proposed amendments to the Law also clarify that in addition to not being an  
149 employee of the Oneida Police Department, the individual cannot be an employee or terminated from  
150 the Oneida Police Department, Internal Security Department, or any other public safety operation  
151 overseen by the Oneida Public Safety and Security Commission. [3 O.C. 301.6-3(d)].

- 152     ▪ *Effect.* The eligibility requirement that an individual submit to drug testing prior to appointment  
153     and on an annual basis was removed from the Law due to the fact that other boards, committees,  
154     and commissions of the Nation do not include a similar requirement, and it was unknown why it  
155     was necessary to include that requirement for the Oneida Police Commission when the Commission  
156     members already have to pass a background investigation. The eligibility requirement that the  
157     individual attend applicable training was removed because this was determined that it was not so  
158     much of an eligibility requirement, but mores so a training requirement. The eligibility requirement  
159     that a person be of known good standing in the community was removed because the notion of  
160     “good standing” was too subjective and left a lot open to interpretation and would not be necessarily  
161     needed because a person already has to pass a background investigation. And finally, the eligibility  
162     requirement that an individual cannot be an employee or terminated from the Oneida Police  
163     Department, Internal Security Department, or any other public safety operation overseen by the

Oneida Public Safety and Security Commission was included in recognition that the Oneida Public Safety and Security Commission oversees multiple areas, and therefore employment in any of those areas is forbidden to avoid any potential or actual conflicts of interest.

**I. *Responsibilities of the Commission in regard to the Oneida Police Department.*** Section 301.6-1 of the current Law provides for the responsibilities of the Oneida Police Commission in regard to the Oneida Police Department. In the proposed amendments to the Law, the responsibilities of the Oneida Public Safety and Security Commission have been provided for in section 301.-4. Many of the responsibilities the Oneida Police Commission had over the Oneida Police Department remain the same through the transition to the Oneida Public Safety and Security Commission, including the following the responsibilities to: appoint, suspend, or remove the Police Chief of the Oneida Police Department; approve all law enforcement officer appointments made by the Police Chief including the promotion of subordinates; approve an eligibility list of individuals determined to be eligible for appointment as a law enforcement officer or promotion; hear charges filed against law enforcement officers or other appointed personnel of the Police Department, whether filed by the Oneida Public Safety and Security Commission or the Police Chief, make findings and determinations, and impose penalties, up to and including termination; Hear appeals of disciplinary actions against any law enforcement personnel – with the clarification added that the Oneida Public Safety and Security Commission shall not have authority over disciplinary actions of non-sworn personnel; and adopt standard operating procedures governing the Oneida Public Safety and Security Commission’s management of its own activities. [3 O.C. 301.6-4]. The following responsibilities over the Oneida Police Department were removed from the Law with the proposed amendments: adopt, modify, and repeal rules governing how lists of individuals, concluded to be eligible for appointment to law enforcement officer and promotion, are established; approve competitive examinations used to judge suitability for appointment or promotion of law enforcement officers; suspend law enforcement officers or other appointed personnel of the Police Department pending the filing and hearing of charges against them, subject to the provisions of 301.10; initiate charges against law enforcement officers or other appointed personnel of the Police Department.

- *Effect.* The responsibilities of the Oneida Public Safety and Security Commission over the Oneida Police Department were amended to reflect the current practices of the Oneida Police Commission over the Oneida Police Department.

**J. *Responsibilities of the Commission in regard to Internal Security and other Departments.*** The proposed amendments to the Law provide that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws. [3 O.C. 301.6-5].

- *Effect.* The amendments to the Law provide that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws, since it would not be appropriate for those responsibilities to be included in this Law because this Law governs law enforcement, and the Internal Security Department and any other safety operation of the Nation are not law enforcement.

**K. *Disciplinary Proceedings for Law Enforcement Officers.*** Section 301.9 of the current Law provides for the disciplinary proceedings for law enforcement officers. This section of the Law was entirely rewritten with the proposed amendments to the Law to simplify and clarify the disciplinary process.

The proposed amendments to the law provide for the just cause standard, discipline of law enforcement officers by the Chief of Police, discipline of the Chief of Police, the right to request a hearing, filing of charges, procedure for responding to charges, scheduling conference, evidentiary hearing, deliberations and findings, and orders from the hearing. [3 O.C. 301.9].

- Effect. The proposed amendments to the Law simplify and clarify the disciplinary process.

**L. *Firearms Control.*** Section 301.4-6 of the current Law provides that the Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land, and premises, according to the usual and minimum accepted law enforcement standards as determined by the Police Chief with approval of the Oneida Police Commission. The current Law then goes on to clarify that the actual use of deadly force shall be allowed solely for the protection of life or the prevention of grievous bodily harm. Section 301.11-1 of the current Law provides that the Nation hereby establishes regulations for the carrying of firearms issued to certified law enforcement officers employed by the Nation, and then goes onto clarify that the needs and requirements for carrying firearms shall be established and determined by the Police Chief subject to the review of the Oneida Police Commission, and said requirements shall reflect the needs of the Nation in order to protect all persons and property. The proposed amendments to the Law move all provisions regarding the use of firearms to section 301.11 of the Law. The proposed amendments to the Law provide that the Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land, and premises, according to the usual and current accepted law enforcement standards. [3 O.C. 301.11-1]. Section 301.11-2 of the proposed amendments to the Law remain the same except for minor non-substantive updates.

- *Effect.* Overall, the proposed amendments to the Law referencing the usual and current accepted law enforcement standards instead of including language within the Law itself ensures that the law enforcement practices of the Nation stay up to date without having to amend the Law. ‘

**M. *Other Amendments.*** Overall, a variety of other amendments and revisions were made to the Law to address formatting, drafting style, and organization that did not affect the substance of the Law.

## **SECTION 6. EXISTING LEGISLATION**

**A. *Other Related Laws of the Nation.*** The following laws of the Nation are related to the proposed amendments to this Law.

- *Oneida Personnel Policies and Procedures.* The purpose of the Oneida Personnel Policies and Procedures is to provide for the Nation’s employee related policies and procedures including recruitment, selection, compensation and benefits, employee relations, safety and health, program and enterprise rules and regulations, and record keeping.

- Section III of the Oneida Personnel Policies and Procedures provides for the Oneida preference and Indian preference in hiring statement of the Nation. Section 301.5-1(a) provides that all positions and appointments of the Oneida Police Department shall be subject to Indian preference in hiring, except that the following positions shall be held only by members of the Nation: Police Chief; Assistant Chief; and Police Lieutenant.

- This Law clarifies that disciplinary actions for law enforcement officers is governed by section 301.9 pf this Law, while disciplinary actions of non-sworn personnel of the Oneida Police Department shall be governed by the Nation’s laws, policies, and rules governing employment.

- *Boards, Committees, and Commissions Law.* The Boards, Committees, and Commissions law governs boards, committees, and commissions of the Nation, including the procedures regarding



the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees, and commissions [1 O.C. 105.1-1].

- Section 301.6 of this Law establishes the Oneida Public Safety and Security Commission.
- The Oneida Public Safety and Security Commission is required to comply with all provisions of the Boards, Committees, and Commissions law.

## SECTION 7. OTHER CONSIDERATIONS

**A. *Bylaws of the Oneida Public Safety and Security Commission.*** With the expansion of the Oneida Police Commission into the Oneida Public Safety and Security Commission provided through the proposed amendments to this Law, the bylaws of the Commission will need to be updated. Specifically, section 301.6-5 of the Law states that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws. The Boards, Committees, and Commissions law provides the requirements that must be followed for bylaws of a board, committee, or commission. [1 O.C. 105.10]. In May of 2024, the Legislative Operating Committee 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 Legislative Operating Committee no longer processes amendments to bylaws for boards, committees, and commissions of the Nation, as it was determined that the Government Administrative Office and the board, committee, or commission's assigned attorney from the Oneida Law Office will instead 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 which streamlines the process.

- *Conclusion.* Amended bylaws should be presented for adoption at the same time that the proposed amendments to the Law are presented for adoption to ensure a smooth transition between the Oneida Police Commission and the Oneida Public Safety and Security Commission. The Legislative Operating Committee should ensure that the need for amended bylaws be communicated to the Oneida Law Office and Government Administrative Office.

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

- *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact statement be completed.

**Title 3. Health and Public Safety – Chapter 301**  
**~~ONEIDA NATION LAW ENFORCEMENT ORDINANCE~~**  
**Shakotiye'nás Olihwáke**  
*The Matters of Those Who Protect Us*  
**LAW ENFORCEMENT**

#

301.1-1 Purpose and Policy

301.2-1 Adoption, Amendment, Repeal

301.3-1 Definitions

301.4-1 General Principles

301.5-1 Oneida Police Department

301.6-1 Oneida ~~Police~~Public Safety and Security Commission

301.7-1 Appointment of Law Enforcement Officers

301.8-1 Promotion of Law Enforcement Officers

301.9-1 Disciplinary Proceedings

301.10-1 Administrative Leave

301.11-1 Firearms Control

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**301.1. Purpose and Policy**

301.1-1. Purpose.— The purpose of this ~~ordinance~~law is to regulate the conduct of the ~~Oneida Tribe of Indians of Wisconsin~~Nation's law enforcement personnel according to the highest professional standards.

301.1-2. Policy. It is the policy of the Nation to ensure that law enforcement personnel operate at the highest level of professional standards to ensure the safety and welfare of the community.

**301.2. Adoption, Amendment, Repeal**

301.2-1.— This law ~~is~~was adopted by the Oneida Business Committee by resolution BC ~~Resolution~~-10-10-01-C and amended by resolution BC-02-25-15-C, and BC- - - -.

301.2-2.— This law may be amended ~~pursuant to the procedures set out in the Oneida Administrative Procedures Act~~or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

301.2-3.— 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.

~~301.2-4.— All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this policy.~~

301.2-4. 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.

301.2-5.— This ~~ordinance shall be known as~~law is adopted under authority of the Constitution of the Oneida ~~Law Enforcement Ordinance~~Nation.

**301.3. Definitions**

301.3-1.— This section shall govern the definitions of words ~~as~~and phrases ~~as~~used ~~herein~~within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) ~~“Certified Law Enforcement Officer shall mean~~law enforcement officer” means a sworn officer who meets all qualifications for law enforcement officer, including accepted professional training and experience, State of Wisconsin Certification or eligibility for Certification which includes but is not limited to, satisfactory background investigation, psychological evaluation, drug testing, and police firearms certification.

(b) ~~Police Supervisors are defined as~~“Commissioner” shall mean a member of the Oneida Public Safety and Security Commission.

(c) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17.

(d) “Nation” means the Oneida Nation.

(e) “Non-sworn personnel” means an individual employed with the Oneida Police Department that does not meet the qualifications for a certified law enforcement officers who hold the rank of Sergeant or above officer.

~~(e) Non-sworn Personnel shall mean those persons who perform duties for the f) “Oneida Police Department as directed by the Police Chief or designee.~~

~~(d) Oneida Police~~Public Safety and Security Commission~~shall refer to~~” means the entity made up of those individuals appointed by the Oneida Business Committee to ~~serve in the capacity of insuring that community input is maintained~~provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation.

(g) “Police supervisor” means a law enforcement officer who holds the rank of Sergeant or above.

(h) “Reservation” means all land within the ~~Oneida Police Department by means of policy review and enforcement~~exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

~~(e) Commissioner shall mean a member of the Oneida Police Commission.~~

~~(f) Oneida Tribe means the Oneida Tribe of Indians of Wisconsin.~~

~~(g) Judiciary means the judicial system that was established by Oneida General Tribal Council resolution GTC 01-07-13-B to administer the judicial authorities and responsibilities of the Tribe.~~

#### 301.4. General Principles-

301.4-1.— All law enforcement operations of the Nation shall be conducted in accordance with this law.

301.4-2. Law enforcement operations shall take place on and within ~~Oneida~~the Reservation, unless:

(a) there is a potential that the safety and welfare of an individual is being compromised. In addition,;

(b) the law enforcement operations may take place occur pursuant to mutual aid agreements with local governments; or

(c) the 301.4-2. All law enforcement operations shall be conducted as set forth in this ordinance occur pursuant to any other jurisdictional exception.

301.4-3.— Law enforcement operations shall be used primarily for the purposes of providing law enforcement within the ~~Oneida Community~~Nation and to ~~supplement~~provide mutual assistance or aid to external law enforcement services offered by local governments within the Oneida ~~Community~~community by powers set forth in section 301.4, of this law, Article IV section 1(f) of the Constitution and By-Laws of the Oneida ~~Tribe of Indians of Wisconsin~~Nation, and as set forth in compacts and agreements authorized by the Oneida Business Committee or General Tribal Council.

301.4-4.—~~The Oneida Tribe of Indians of Wisconsin~~ The Nation shall appoint and employ law enforcement personnel within its boundaries as it deems necessary for the purpose of detecting

and preventing crime and enforcing the laws ~~and ordinances~~ of the ~~Oneida Tribe~~Nation, in addition to protection of persons, property, and premises.

301.4-5.—~~The Oneida Police Department may, as authorized and delegated by this Ordinance~~law and the Oneida Business Committee or General Tribal Council, enter into cross-deputization and other law enforcement agreements with other jurisdictions.

~~301.4-6.— The Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land and premises, according to the usual and minimum accepted law enforcement standards as determined by the Police Chief with approval of the Oneida Police Commission. However, actual use of deadly force shall be allowed solely for the protection of life or the prevention of grievous bodily harm.~~

~~301.4-7.— A Police Commission is established by this Ordinance to provide oversight regarding the activities and actions of the law enforcement operations to provide the greatest possible professional services to the Oneida community and to allow for community input regarding those law enforcement services through its representatives on the Police Commission. This entity is created as an oversight body and does not involve decision making processes on day to day activities of those law enforcement services.~~

### **301.5. Oneida Police Department**

301.5-1.—~~There is hereby established an Oneida Police Department,~~to which is delegated all law enforcement authority of the ~~Oneida Tribe~~Nation. The Oneida Police Department may create divisions of operation as may be deemed appropriate.

(a) Oneida Police Department Position Restrictions. All positions and appointments of the Oneida Police Department shall be subject to Indian preference in hiring, except that the following positions shall be held only by members of the Nation:

- (1) Police Chief.~~The;~~
- (2) Assistant Police Chief; and
- (3) Police Lieutenant.

301.5-2. Oneida Police Chief. The Oneida Police Department shall be headed by a Police Chief, appointed pursuant to ~~Section 6-5 of this Ordinance~~law.

~~(b)~~a The Police Chief shall have authority over departmental personnel and operations, subject to the ~~powers of the Oneida Police Commission set forth in Section 301.6-1 of this Ordinance.~~

~~(c) In addition to such divisions as are specified in this Ordinance the Oneida Police Department may create divisions of operation as may be deemed appropriate.~~

~~(d) The Police Chief or his/her designee shall have the right to exercise his/her police authority to deputize and use the services and manpower of the Oneida~~ Public Safety and Security Department for emergencies, special events, and investigations~~Commission.~~

~~301.5-2.— Conservation Department. There~~(b) Qualifications and Process for Appointment as Police Chief.

(1) The recruitment and hiring process for Police Chief shall be ~~a Conservation Department which is a division of~~ conducted by the Oneida Police Department. ~~This division~~ Public Safety and Security Commission, with assistance, as needed, by the Human Resources Department.

(2) No person shall be ~~responsible for the protection~~ accepted as a candidate or be eligible to serve as Police Chief who does not meet the following qualifications:

(A) Current certification in the State of Wisconsin as a law enforcement

officer or upon approval from the applicable State of ~~all fish resources, wildlife resources, and the lands~~ Wisconsin Standards Board;

(B) Member of the Nation;

(C) A minimum of five (5) years creditable service as a sworn law enforcement officer for a state, tribal, local, or federal government, with preference for:

(i) those who have at least an associate degree in police science, criminal justice or similar field, or a bachelor's degree in a related subject; and

(ii) those with successful supervisory experience;

(D) Current satisfactory background investigation completed by a law enforcement agency selected by the Oneida ~~Tribe~~ Public Safety and Security Commission with results of the investigation reported directly to the Oneida Public Safety and Security Commission;

(E) Current satisfactory psychological examination report;

(F) Current satisfactory medical examination report;

(G) Current drug test with negative results for controlled substances; and

(H) Any other minimum requirement as provided for in the job description.

(3) Examinations, interviews, further selection criteria and other processes utilized in the hiring process of a Police Chief shall be at the discretion of the Oneida Public Safety and Security Commission.

(4) Upon accepting notification of retirement, resignation, or the removal of a current Police Chief, the Oneida Public Safety and Security Commission shall appoint an interim or acting Police Chief who shall serve in said capacity until the process for appointment of a new Police Chief can be completed.

301.5-3.— Law Enforcement Officers.

(a) ~~Law Enforcement Officer:~~ Educational Requirements. All persons ~~hired after February 1, 1993,~~ shall meet the following minimum education requirements within five (5) years of ~~the~~their hire date, ~~which are as follows:~~

(1) Possess a two (2) year associate degree from ~~a Wisconsin~~ an accredited vocational, technical, ~~and/or~~ adult education district ~~or its accredited equivalent from another state;~~ or

(2) Possess documentation in the form of an official transcript showing a minimum of sixty (60) fully accredited college level credits. ~~Documentation will be required in the form of an official transcript;~~ or

(3) Possess a bachelors degree from ~~a Wisconsin~~ accredited college or university ~~or its accredited equivalent.~~

(b) Conditional Employment. ~~Persons hired after February 1, 1993.~~ Any person who ~~are~~is not a certified law enforcement ~~officers~~officer at the time of hire, ~~are~~is considered a conditional ~~employees~~employee and ~~must~~shall attain the educational requirements as specified in section 301.5-3(a), within five (5) years of their date of hire.

(1) Conditional employees are not eligible for promotion.

(2) Law enforcement officers who fail to ~~meet~~attain the ~~specified~~educational requirements ~~in section B,~~within five (5) years of their date of hire shall be subject to immediate termination.

(c) Educational Requirement: for Police Supervisors. Upon enactment of this



~~ordinance~~law, no law enforcement officer may be considered eligible for promotion to supervisor until the educational requirements of section 301.5-3(a) have been satisfied. Law enforcement officers promoted prior to the enactment of this ~~ordinance~~law are exempt from the educational requirements specified in section 301.5-3(a).

~~(d) Oneida Police Department Position Restrictions/Exceptions. The following positions shall be held only by members of the Oneida Tribe: Police Chief, Assistant Chief, Police Lieutenant or Sergeant, Conservation Director, and Assistant Conservation Director. All other positions and appointments shall be subject to the Indian Preference rules of the Oneida Tribe.~~

301.5-4. ~~Liability Coverage. The Oneida Tribe~~To the extent the Federal Tort Claims Act coverage does not apply, the Nation shall provide professional liability insurance for all law enforcement officers ~~and Conservation Officers.~~

301.5-5. *Declaration of Additional Restrictions of Employees.* All personnel of the Oneida Police Department shall be bound by ~~Standard Operating Procedures~~standard operating procedures that are required as a result of the specific and unique needs of law enforcement.

301.5-6. *Law Enforcement Officers to Be Sworn.* All law enforcement officers shall be installed by sworn oath before the Oneida Business Committee ~~at a regular meeting~~during a regular or special Oneida Business Committee meeting, or at an alternative time and location as determined by the Oneida Business Committee Secretary.

(a) When taking an oath, the law enforcement officer shall appear in person to take their oath, except if granted permission by the Oneida Business Committee Secretary to appear through video conferencing, or through other telecommunications.

(b) If an oath is administered outside of an Oneida Business Committee meeting, a quorum of Oneida Business Committee members shall be present to witness the oath.

### **301.6. ~~Oneida Police~~Public Safety and Security Commission**

301.6-1. ~~Oneida Police Commission. Establishment.~~ There is hereby established an Oneida ~~Police~~ Public Safety and Security Commission to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation to provide the greatest possible professional services to the Nation and to allow for community input regarding those public safety and security services through its representatives on the Oneida Public Safety and Security Commission. The Oneida Public Safety and Security Commission is an oversight body of the following departments of the Nation, but its oversight authority does not involve decision making processes on day-to-day activities of those public safety services:

(a) Oneida Police Department;

(b) Internal Security Department; and

(c) Any other safety operation department of the Nation as identified in the bylaws of the Oneida Public Safety and Security Commission.

301.6-2. *Appointment of Commissioners.* The Oneida Business Committee shall appoint five (5) members to the Oneida Public Safety and Security Commission for a term of five (5) years. Commissioners may serve more than one (1) term, but not more than three (3) consecutive terms.

301.6-3. *Commissioner Eligibility Qualifications.* In order to be eligible for membership on the Oneida Public Safety and Security Commission an individual shall:

(a) Be a member of the Nation;

(b) Be twenty-five (25) years of age or older;

(c) Have a background investigation result in none of the following:

(1) A felony conviction in the State of Wisconsin, or any conviction of a crime in another state that would be considered a felony conviction if the offense and adjudication occurred in the State of Wisconsin;

(2) A felony arrest which results in a misdemeanor conviction due to a plea arrangement;

(3) A conviction of any law violation that could bring discredit to the Oneida Public Safety and Security Commission; or

(4) Any pardon issued by the Nation or the governor of any State, for an offense specified in sections 301.6-4(c)(1)-(3), shall not deem a person as “exonerated” for the purposes of membership on the Oneida Public Safety and Security Commission;

(d) Not be employed with or terminated from the Oneida Police Department, Internal Security Department, or any other public safety operation overseen by the Oneida Public Safety and Security Commission;

301.6-4. Responsibilities in Regard to the Oneida Police Department. The Oneida Public Safety and Security Commission shall be responsible for and empowered to do the following in regard to the Oneida Police Department:

(a) Appoint, suspend, or remove the Police Chief of the Oneida Police Department.

(b) Approve all law enforcement officer appointments made by the Police Chief including the promotion of subordinates.

~~(c) Adopt, modify, and repeal rules governing how lists of individuals, concluded to be eligible for appointment to law enforcement officer and promotion, are established.~~

~~(d) Approve competitive examinations used to judge suitability for appointment or promotion of law enforcement officers.~~

~~(e)~~ (c) Approve an eligibility list of individuals determined to be eligible for appointment as a law enforcement officer or promotion.

~~(f) Suspend law enforcement officers or other appointed personnel of the Police Department pending the filing and hearing of charges against them, subject to the provisions of 301.10.~~

~~(g) Initiate charges against law enforcement officers or other appointed personnel of the Police Department.~~

~~(h)~~ (d) Hear charges filed against law enforcement officers ~~or other appointed personnel~~ of the Police Department, whether filed by the Oneida Public Safety and Security Commission or the Police Chief, make findings and determinations, and impose penalties, up to and including termination.

~~(i)~~ (e) Hear appeals of disciplinary actions against any sworn law enforcement ~~personnel or officers.~~

(1) The Oneida Public Safety and Security Commission shall not have authority over disciplinary actions of non-sworn personnel.

~~(j)~~ (f) Adopt ~~rules~~ standard operating procedures governing the Oneida ~~Police~~ Public Safety and Security Commission’s management of its own activities.

301.6-5. Responsibilities in Regard to the Internal Security and Other Departments. The responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws.

301.6-6. Removal From Office. ~~(k) Review contracts, and forward to the Oneida Business Committee for approval, concerning cross-deputization, dispatch function and~~



mutual aid pacts which are made between the Oneida Police Department and a non-tribal agency.

(l) Approve Standard Operating Procedures of the Oneida Police Department.

A member of the Oneida Public Safety and Security Commission may have their appointment terminated by the Oneida Business Committee for:

(a) Misconduct~~301.6-2. Appointment of Commissioners.~~ The Oneida Business Committee shall appoint five members to the Oneida Police Commission for a term of five years. Commissioners may serve more than one term, but not more than three consecutive terms.  
~~301.6-3. Commissioner Requirements and Qualifications.~~ The following are membership requirements for serving on the Oneida Police Commission:

(a) Shall be a member of the Oneida Tribe.

(b) Must be 25 years of age or older.

(c) Satisfactory background investigation. The following would prohibit any person from serving on the Oneida Police Commission:

(1) A felony conviction in the State of Wisconsin, or any conviction of a crime in another state that would be considered a felony conviction if the offense and adjudication occurred in the State of Wisconsin.

(2) A felony arrest which results in a misdemeanor conviction due to a plea arrangement.

(3) A conviction of any ordinance violation that could bring discredit to the Commission.

(4) Any pardon issued by the Oneida Tribe or the governor of any State, for an offense specified in sections 301.6-3(c)(1)-(3), shall not deem a person as "exonerated" for the purposes of membership on the Oneida Police Commission.

(d) Must submit to drug testing prior to appointment and on an annual basis.

(e) Must not be an employee of the Oneida Police Department

(f) Shall attend applicable training.

(g) Must be a person of known good standing in the community.

~~301.6-4. Removal From Office.~~ In addition to the Removal Law standards, a Commissioner may be removed for:

(a) Malfeasance in office;

(b) Conduct which could jeopardize the reputation of the Oneida Tribe Nation, the Oneida Police Public Safety and Security Commission, or the law enforcement public safety system;

(c) Any change in status which would place the Commissioner in conflict with the qualifications specified in section 301.6-3(c) above; or

(d) Violation of the confidentiality of closed hearings or any other information declared "confidential" by the Oneida Police Commission.

301.6-5. Qualifications Public Safety and Security Commission.

301. Process for 7. Appointment as Police Chief.

(a) The recruitment and hiring process for Police Chief shall be conducted by the Oneida Police Commission, with assistance, as needed, by the Human Resources Department.

(b) No person shall be accepted as a candidate or be eligible to serve as Police Chief who does not meet the following qualifications:

(1) Current certification in the State of Wisconsin as a law enforcement officer or

- ~~upon approval from State of Wisconsin Standards Board.~~  
~~(2) Member of the Oneida Tribe.~~  
~~(3) A minimum of five (5) years creditable service as a sworn law enforcement officer for a state, tribal, local or federal government, with preference for (i) those who have at least an associate degree in police science, criminal justice or similar field, or a bachelor's degree in a related subject; and (ii) those with successful supervisory experience.~~  
~~(4) Current satisfactory background investigation completed by the Security Department or a law enforcement agency selected by the Oneida Police Commission with results of the investigation reported directly to the Oneida Police Commission.~~  
~~(5) Current satisfactory psychological examination report.~~  
~~(6) Current satisfactory medical examination report.~~  
~~(7) Current drug test with negative results for controlled substances.~~  
~~(e) Examinations, interviews, further selection criteria and other processes utilized in the hiring process of a Police Chief shall be at the discretion of the Oneida Police Commission;~~  
~~(d) Upon accepting retirement notification or the resignation of a current Police Chief, the Oneida Police Commission shall appoint an interim or acting Police Chief who shall serve in said capacity until the process for appointment of a new chief can be completed.~~

### **301.7.— Appointment of Law Enforcement Officers**

301.7-1.— *Job Task Analysis.* The Police Chief shall develop a ~~Job Task Analysis~~job task analysis (job description) for law enforcement officers and submit ~~the job task analysis~~ to the Oneida ~~Police~~Public Safety and Security Commission for approval.

301.7-2.— *Hiring Criteria.* Hiring criteria for law enforcement officers, shall be developed by the Oneida ~~Police~~Public Safety and Security Commission and implemented by the Police Chief; ~~and must.~~ The hiring criteria shall include, but is not be limited to, the following:

- ~~(a) \_educational requirements;~~
- ~~(b) \_satisfactory background investigation;~~
- ~~(c) \_psychological examination;~~ and
- ~~(d) \_medical certification.~~

301.7-3.— *Hiring Process Outline.* ~~A Hiring Process Outline~~A hiring process outline shall be developed by ~~the~~ Oneida ~~Police~~Public Safety and Security Commission and implemented by the Police Chief. The ~~Hiring Process Outline will~~hiring process outline shall detail specific steps involved in the hiring process for law enforcement officers, and steps in the process involving scoring, rank scoring, or grading shall be specified, as well as passing grades or scores. The ~~Hiring Process Outline~~hiring process outline shall include all pertinent steps involved in the hiring process including, but not limited to, the following:

- ~~(a) \_application process;~~
- ~~(b) \_application screening;~~
- ~~(c) \_written test procedures;~~
- ~~(d) \_oral interviews;~~
- ~~(e) \_physical agility testing;~~
- ~~(f) \_background investigation;~~
- ~~(g) \_conditional offer of employment;~~ and
- ~~(h) \_psychological and medical testing.~~

301.7-4.— *Approval of Additional Law Enforcement Personnel.*

(a) The Police Chief shall make a request for the hiring of additional law enforcement personnel through the Human Resources Department processes.

(b) Upon receiving approval, the Police Chief shall make a formal request to the Human Resources Department for posting the position(s) available. The current ~~Job Task Analysis, Hiring Criteria~~ job task analysis, hiring criteria and ~~Hiring Process Outline~~ hiring process outline shall be submitted to the Human Resources Department by the Police Chief.

301.7-5.— *Process.* All phases of the hiring process shall be conducted in accordance with the ~~Hiring Process Outline~~ hiring process outline. Duties and responsibilities of persons involved in the process shall be specified in the outline.

301.7-6.— *Eligibility List.*

(a) Upon completion of all screening steps of the ~~Hiring Process Outline~~ hiring process outline, a list shall be compiled of all candidates based on cumulative scores earned by each applicant in all graded or scored steps of the current hiring process.

(b) Candidates shall be ranked in inverse numerical order, that is the candidate with the highest cumulative score is ranked “1”, the candidate with the second highest cumulative score is ranked “2”, etc.

(c) The list shall be reviewed and approved by the Oneida ~~Police~~ Public Safety and Security Commission and submitted to the Police Chief.

(d) The eligibility list will be valid for one (1) year from the date it was compiled.

(e) The order of appointment of applicants to the position of law enforcement officers shall follow the order of the eligibility list contingent upon satisfactory background investigation, psychological testing, and medical testing.

301.7-7.— *Commencement of Background Investigation.*

(a) Upon receiving the approved eligibility list, the Police Chief shall direct a subordinate to commence a background investigation upon candidates based on their numerical ranking on the eligibility list, starting with the top candidate.

(b) Results of the background investigation shall be forwarded to the Police Chief and the Oneida ~~Police~~ Public Safety and Security Commission.

(c) A candidate may be deemed as having an unsatisfactory background investigation report by either the Police Chief or the Oneida ~~Police—Public Safety and Security~~ Commission, such. Such determinations ~~to be by the Police Chief of the Oneida Public Safety and Security Commission shall~~ be made in writing.

301.7-8.— *Conditional Offer of Employment.* Provided a candidate has satisfactory results in a background investigation, an offer of employment shall be sent to the candidate. -The offer shall specify the candidate’s appointment to the position of law enforcement officer contingent upon satisfactory psychological and medical testing.

301.7-9.— *Appointment.* Provided a candidate has passed psychological and medical testing, a formal offer of employment shall be extended to the candidate by the Police Chief. -In the event the candidate lacks the minimum educational requirements as specified in Section 301.5-3(a), the contingency of employment shall be specified in the offer.

**301.8.— *Promotion of Law Enforcement Officers***

301.8-1.— *Criteria for Promotion.* The Oneida ~~Police~~ Public Safety and Security Commission and the Police Chief shall establish specific criteria for the promotion of law enforcement officers. The criteria shall be placed on the -notice or position posting for the promotion.

301.8-2.— *Process*. The process for promotion shall be developed by the Police Chief and approved by the Oneida ~~Police~~Public Safety and Security Commission.— The specifics of the process shall be placed on the notice or position posting for said promotion.

301.8-3.— *Psychological Testing Required*.— All candidates for promotion shall undergo psychological testing and have a satisfactory report prior to promotion. —The results of such test shall be made available to the Police Chief and the Oneida ~~Police~~Public Safety and Security Commission ~~President~~chairperson.

301.8-4.— *Promotion*. Upon completion of all steps in the promotion process, a law enforcement officer may be promoted upon review and recommendation of Oneida ~~Police~~Public Safety and Security Commission to the Police Chief.

### **301.9.— Disciplinary Proceedings: for Law Enforcement Officers.—**

#### **301.9-1.— ~~Purpose~~:**

(a) ~~Disciplinary actions may be commenced against a law enforcement officer by the Police Chief for violations of departmental Standard Operating Procedures or laws of the Oneida Tribe or other government. Such actions are independent of and exempt from the Oneida Blue Book. Discipline may range from a verbal warning to termination.~~

(b) ~~In serious matters, an internal investigation is conducted by the Oneida Police Department and the law enforcement officer under investigation may be placed on administrative leave pursuant to 301.10.~~

(c) ~~In order to insure due process to for law enforcement officers, an law enforcement officer has the right to appeal a disciplinary action to the Oneida Police Commission.~~

(d) ~~shall be governed by this provision of the Law. Disciplinary actions may be ordered by the Police Chief. The officer may appeal a disciplinary action to the Oneida Police Commission. Upon filing of an appeal, the Police Chief shall submit formal charges against the officer to the Oneida Police Commission.~~

(e) ~~Any citizen may file charges or a complaint against an officer with the Police Chief. The Oneida Police Commission can proceed with a hearing after an investigation by the Police Chief.~~

(f) ~~———— If a citizen wishes to file a complaint with the Oneida Police Commission, the Oneida Police Commission will refer the complaint to the Police Chief to begin an investigation. Upon completion of the investigation the Police Chief~~ of non-sworn personnel of the Oneida Police Department ~~shall submit his written report to the Commission~~ be governed by the Nation's laws, policies, and rules governing employment.

301.9-2.— ~~Commencement of Disciplinary Hearings. A request for an appeal of a decision of the Police Chief must be submitted in writing to the Oneida Police Commission within 30 calendar days.~~

(a) ~~If the request is by a law enforcement officer or a citizen against a law enforcement officer, the President must without delay, notify the Police Chief that a hearing has been requested.~~

(b) ~~The Oneida Police Commission must meet within ten calendar days and set a hearing date.~~

(c) ~~The Oneida Police Commission has the right to extend hearing dates for~~ Just Cause Standard. Just cause.

301.9-3.— ~~Rights and Responsibilities of the Oneida Police Commission at Hearings.~~

(a) ~~The Oneida Police Commission shall have legal counsel and a court reporter present at~~

all formal proceedings.

(b) The Oneida Police Commission has the authority to subpoena witnesses.

(c) Hearing procedures that may be unique to a particular hearing shall be established prior to the hearing.

(d) Disciplinary hearings shall be open, except where:

(1) the person subject to discipline requests in writing that the hearing be closed;  
or

(2) the Police Chief requests in writing that the hearing be closed and indicates that confidential police matters are involved.

(e) Commissioners shall not discuss the disciplinary matter with anyone outside the Commission until the hearing is completed and a decision is filed.

#### 301.9 4. Rights of the Accused Law Enforcement Officer at Hearings.

(a) Notice of charges that have been made, or will be made, as well as actions that will or may be taken against the individual.

(b) The right to a hearing to respond to the charges.

(c) The right to representation at the individual's expense.

(d) The right to confront and cross-examine his/her accusers.

(e) The right to present evidence and argue his/her view of the facts.

#### 301.9 5. Pre Hearing Conference.

(a) A pre-hearing conference shall be scheduled at least five (5) working days before the hearing. The law enforcement officer and the complainant shall be notified in writing of the pre-hearing conference and both may be represented.

(b) The is determined using the following matters shall be accomplished at the conference.

(1) Witness lists and any prior written or recorded statements or reports of witnesses will be exchanged between the parties or their representatives.

(2) Exhibit lists will also be exchanged between the parties or their representatives, and each party and/or their representative shall be permitted to physically inspect all exhibits of the other party.

(3) Witnesses or exhibits not on the pre-hearing conference lists may not be introduced at the hearing unless the Oneida Police Commission determines that the party or their representative can demonstrate a satisfactory reason for the inclusion of such witness or exhibit on the list(s) submitted at the pre-hearing conference.

(4) In the absence of the party or representative at the pre-hearing conference, the Oneida Police Commission shall dismiss the charges unless the party or representative can demonstrate a satisfactory reason for non-appearance.

#### 301.9 6. Hearing Procedure.

(a) The nature of a law enforcement agency requires the highest level of public trust. As a result, hearings will be open to the public to allow the public to be reassured that hearings are conducted under the highest standards of objectiveness and reason. to the extent possible:

(b) The President of the Oneida Police Commission has the duties of:

(1) Presiding over the hearing.

(2) Maintaining order.

(3) Insuring that the hearing is fair and impartial.

(c) The President may elect to use an attorney or experienced hearing examiner to assist in conducting the hearing.

(d) Order of Business.



- ~~(1) The President calls the meeting to order and:~~  
~~(A) Explains that the Oneida Police Commission is not an investigative body.~~  
~~(B) Describes the hearing as a formal inquiry into the facts of the matter in front of them as an original hearing body.~~  
~~(2) The President reads the charges, as filed with the Oneida Police Commission, and cites the rule(s) and/or policy(s) that were alleged to be violated.~~  
~~(3) Testimony begins with the person(s) who filed the charges.~~  
~~(A) Witnesses, evidence, documents, and other related reports will be submitted by the Police Chief or complainant.~~  
~~(B) Witnesses testify under oath which can be administered by the President or any other Commissioner.~~  
~~(C) Any Commissioner may ask questions but they must be relevant to the issues at hand. It is the President's responsibility to insure that the questions are germane.~~  
~~(D) The law enforcement officer or representative may challenge the testimony or evidence presented.~~  
~~(4) The law enforcement officer or representative is given an opportunity to present facts, introduce evidence, and call witnesses to prove:~~  
~~(A) That the law enforcement officer was wrongly charged.~~  
~~(B) The penalty is not appropriate for the violation.~~  
~~(5) The complainant may challenge any testimony offered by the accused.~~  
~~(6) Both sides are allowed to present closing summaries of their position.~~  
~~(7) The President then adjourns the hearing.~~  
~~(8) The Oneida Police Commission retires to executive session to deliberate upon the matter.~~

~~301.9-7. Just Cause Standard Applied to Commission Deliberations. The Commissioners shall base their decisions regarding a disciplinary action upon the "just cause" standard.~~

- ~~(a) (a)~~ Whether the law enforcement officer could reasonably be expected to have had knowledge of the probable consequences of the alleged misconduct.  
(b) Whether the procedure the law enforcement officer allegedly violated is reasonable.  
(c) Whether the Police Chief, before filing charges against the law enforcement officer, made a reasonable effort to discover whether the law enforcement officer did, in fact, violate a procedure.  
(d) Whether the investigation was fair and objective.  
(e) Whether the Police Chief discovered substantial evidence that the law enforcement officer violated the procedure as described in the charges filed against the law enforcement officer.  
(f) Whether the Police Chief is applying the rule or order fairly and without discrimination against the law enforcement officer.  
(g) Whether the proposed discipline is reasonable as it relates to the seriousness of the alleged violation and to the law enforcement officer's record of service with the Oneida Police Department.

~~301.9-8. Commission Actions.~~

- ~~(a) The Oneida Police Commission may on appeals, review a disciplinary action taken by the Police Chief, and:~~

~~(1) Approve the action taken by the Police Chief without change.~~

301.9-3. Discipline of Employees by the Chief of Police. The Chief of Police may reprimand or suspend a law enforcement officer for just cause without prior approval of the Oneida Public Safety and Security Commission. The Chief of Police shall report this action to the chairperson of the Oneida Public Safety and Security Commission immediately in writing and explain the cause(s) of the action. A law enforcement officer shall not be entitled to a hearing on the suspension unless the subordinate requests that the Police Chief file charges, which then triggers the hearing process.

(a) For any reductions in rank or terminations of a law enforcement officer, the Police Chief shall first file charges with the Oneida Public Safety and Security Commission.

301.9-4. Discipline of the Chief of Police. The Oneida Public Safety and Security Commission has the sole authority to suspend or terminate the Chief of Police, for cause, upon its own initiative. It may suspend the Chief of Police pending the investigation of written charges received.

301.9-5. Right to Request Hearing. If a law enforcement officer against whom a disciplinary action of suspension, demotion, or termination has been taken requests a hearing on the matter, the Oneida Public Safety and Security Commission shall proceed with such a hearing. Charges shall then be filed with the Oneida Public Safety and Security Commission by the party initially taking the disciplinary action.

301.9-6. Filing of Charges.

(a) Standing to File Charges. Charges may be filed with the Oneida Public Safety and Security Commission by:

(1) the Chief of Police;

(2) ~~Dismiss or modify~~ a member of the Oneida Public Safety and Security Commission;

(3) the Oneida Public Safety and Security Commission as a body; or

(4) any aggrieved party.

(b) Content of Charges. The charges shall be in writing and shall be signed by the charging party. The sources of all information contained in the charges shall be stated in the charges or in accompanying documents. Information regarding the names and addresses of witnesses having relevant knowledge relating to the charges may be embodied in a separate statement accompanying the charges. The charges shall identify the person who is charged and specify, if possible, the date(s) and place(s) of the alleged offense(s).

(c) Filing of Charges. The charges shall be filed with the chairperson of the Oneida Public Safety and Security Commission. Pending disposition of such charges, the Oneida Public Safety and Security Commission or Police Chief may suspend the employee.

(d) Service of Charges. Following service upon the Oneida Public Safety and Security Commission chairperson, a copy of the charge(s) ~~made by the Police Chief~~ shall be served upon the person charged. A copy of the charge shall be issued to the person charged within five (5) business days after charges are sent to the Commission.

301.9-7. Procedure for Responding to Charges.

(a) Participation of the Commission. If the Oneida Public Safety and Security Commission as a body files charges, it shall retain special counsel to prosecute such charges on the Commission's behalf and the Oneida Public Safety and Security Commission shall refrain from any active involvement in the prosecution of such charges. If any member of the Oneida Public Safety and Security Commission files and actively prosecutes such charges, such member shall not participate in deliberating the charges or determining whether they are sustained.



602 (b) *Docket List.* All charges filed with the Oneida Public Safety and Security Commission  
603 shall be recorded on a docket list and assigned a number in sequence of filing with the date  
604 of filing added in parentheses.

605 (c) *Preliminary Investigation.* Upon the filing of charges, the Oneida Public Safety and  
606 Security Commission may have a preliminary investigation conducted to determine if it  
607 has jurisdiction in the matter. If the Oneida Public Safety and Security Commission judges  
608 that it does not have jurisdiction over the charges, it may dismiss the charges. In the event  
609 of such dismissal, the Oneida Public Safety and Security Commission shall notify the  
610 complainant in writing of its action.

611 (d) *Scheduling of Hearing.* Following the filing of charges or a request for a hearing, a  
612 copy of the charges shall be served upon the person charged. The Oneida Public Safety and  
613 Security Commission shall set a date for a hearing not less than ten (10) days or more than  
614 thirty (30) days following receipt of the charges. This timeframe may be waived if mutually  
615 agreed.

616 301.9-8.(3) — Modify any penalty imposed by the Police Chief.

617 (4) Void the action taken by the Police Chief.

618 (b) — The Oneida Police Commission *Scheduling Conference.*

619 (a) *Scheduling Conference.* A scheduling conference between the parties and/or their legal  
620 counsel is appropriate to establish the procedural timeline leading up to, and the process  
621 for, the evidentiary hearing.

622 (b) *Purpose of the Scheduling Conference.* The following matters shall be accomplished  
623 at the scheduling conference, and the resolution of these issues shall be memorialized in a  
624 scheduling order distributed to the parties:

625 (1) Establishing the date(s) of the evidentiary hearing;

626 (2) Setting up deadlines to exchange witness lists and any prior written or recorded  
627 statements or reports of witnesses;

628 (3) Setting up deadlines to identify and exchange exhibits;

629 (4) Setting up any discovery deadline. Prehearing discovery is permitted.

630 (5) Establishing the process and deadlines to request the Oneida Public Safety and  
631 Security Commission to issue subpoenas. The Oneida Public Safety and Security  
632 Commission chairperson has the power to issue subpoenas to compel the attendance  
633 of witnesses;

634 (6) Arranging for the recording of the testimony. The hearing shall be transcribed  
635 by a court reporter or otherwise recorded to preserve the evidence in case of an  
636 appeal to the Trial Court; and

637 (7) Determining if there are any objections to any Oneida Public Safety and  
638 Security Commission member participating in the hearing, deliberations, or  
639 decision and the basis for such objections.

640 301.9-9. *Evidentiary Hearing.*

641 (a) *Hearing Procedures.*

642 (1) The evidentiary hearing shall be conducted in open session.

643 (2) Following the evidentiary hearing, the deliberations of the Oneida Public Safety  
644 and Security Commission may be conducted in closed session at the discretion of  
645 the Commission.

646 (3) The Commission's vote following deliberations may take place in closed  
647 session, unless the charged party demands that the vote take place in open session.

648 (4) A record of the proceedings shall be created by the Commission. Exhibits  
649 introduced shall be marked with a docket number and exhibit number in sequence  
650 of introduction.

651 (5) Either or both of the parties may be represented by counsel and may compel  
652 the attendance of the witnesses by subpoenas, which shall be issued by the  
653 chairperson of the Commission.

654 (6) All testimony of witnesses at hearings shall be given under oath, administered  
655 by a member of the Commission.

656 (b) Order of Proceedings. At the hearing, the order of proceedings shall be as follows:

657 (1) Reading of the charges by the president.

658 (2) Opening statement by the parties, if any;

659 (3) Testimony and introduction of evidence by the charging party to substantiate  
660 the charges, with cross-examination by the accused;

661 (4) Testimony and introduction of evidence by the accused with cross-examination  
662 by the charging party; and

663 (5) Closing arguments.

664 301.9-10. Deliberations, Findings, Conclusions, Orders from Hearing.

665 (a) Finding of Fact.

666 (1) At the conclusion of the hearing, the Oneida Public Safety and Security  
667 Commission shall prepare written findings of fact based upon the testimony and  
668 evidence presented and shall prepare conclusions which are based on the findings  
669 and an order consistent with such findings and conclusions within three (3) days  
670 after the conclusion of the hearing and file it with the Oneida Public Safety and  
671 Security Commission Secretary.

672 (2) For purposes of deliberation after the hearing, the Oneida Public Safety and  
673 Security Commission shall adjourn into closed session. During the deliberation  
674 only Oneida Public Safety and Security Commission members and the  
675 commission's attorney shall be present.

676 (b) Just Cause Standard. In determining whether there is just cause for discipline, the  
677 Oneida Public Safety and Security Commission shall apply the standards set forth in  
678 section 301.9-2.

679 (c) Charges Rescinded. If the Oneida Public Safety and Security Commission determines  
680 that the charges are not sustained, the charged party shall immediately have all related  
681 disciplinary action taken to date rescinded and all lost pay or other benefits, if any, restored.

682 (d) Charges Sustained. If the Oneida Public Safety and Security Commission determines  
683 that the charges are sustained, the charged party, by order of the Commission, may impose  
684 any of the following penalties, but is not limited to the penalties listed herein:

685 (1) — Verbal consultation;

686 (2) — Written reprimand;

687 (3) — Suspension without pay;

688 (4) — Demotion in rank; or

689 (5) — Termination of employment.

690 (e) ~~e~~ Announcement of Decision. The Oneida ~~Police Commission's findings shall be in~~  
691 ~~writing~~ Public Safety and ~~include:~~

692 (1) ~~A statement of all charges filed.~~

693 (2) ~~The specific rule(s), policy(s), or standard(s) of conduct violated.~~

~~(3) A list of charges that the Oneida Police~~Security Commission ~~found were proven~~shall announce its decision in open session.

~~(4) A summary of the disciplinary actions considered~~(f) Appeal of Decision. Any law enforcement officer suspended, demoted, reassigned, or removed by the Oneida Police Commission.

~~(5) The disciplinary action ordered by the Oneida Police Commission~~Public Safety and any special actions attached to the approved disciplinary action.

~~(d) In acting on a complaint including a request for termination of employment, filed with the Oneida Police Commission, the Oneida Police~~Security Commission may:

~~(1) Dismiss~~appeal from the complaint.

~~(2) Dismiss or modify certain charges filed.~~

~~(3) Conclude that~~order of the testimony~~Oneida Public Safety~~ and ~~evidence sustain the charges and impose a penalty.~~

~~(4) Allow the Oneida Police Commission the power to hire an outside agency to conduct the investigation of allegations against the Police Chief.~~

~~301.9.9. Appeals of Commission Findings. Appeals of Oneida Police Commission's ruling shall be made~~Security Commission to the Judiciary.

### **301.10.— Administrative Leave ~~of~~ Law Enforcement Officers.**

301.10-1.— General. Administrative leave is an action commenced by the Police Chief affecting the status of a law enforcement officer. ~~A law enforcement officer is temporarily relieved of all law enforcement powers while on administrative leave. The law enforcement officer continues to receive salary and is responsible to report to the Police Chief or perform other duties as assigned. Administrative leave does not denote wrong-doing on the part of the law enforcement officer.~~

301.10-2.— Applicability. Administrative leave may only be ordered in the following circumstances:

(a) The law enforcement officer poses a threat to themselves or others.

(b) The law enforcement officer is alleged to have committed a violation(s) which calls for termination of ~~his or her~~their employment as a law enforcement officer and the matter is under investigation.

(c) The law enforcement officer is alleged to have committed a violation(s) that is under investigation and that would cause a loss of public trust in the Oneida Police Department.

(d) The law enforcement officer is under investigation for alcohol or drug abuse.

(e) The law enforcement officer is under investigation for insubordination, untruthfulness, or commission of a crime.

(f) The law enforcement officer demonstrates behavior indicating the law enforcement officer is unfit for duty.

### **301.10-3.— Duration of Administrative Leave.**

(a) In cases where the law enforcement officer is under formal investigation, the law enforcement officer ~~will~~shall remain on administrative leave until the investigation is completed.

(1) If the investigation results in allegations being sustained, the law enforcement officer ~~will~~shall remain on administrative leave pending issuance of discipline.

(2) If the investigation results in a finding that the charges were unfounded or not sustained, the law enforcement officer shall be immediately returned to active duty status.

(b) In cases where the law enforcement officer is placed on administrative leave for other matters not involving formal investigation, the law enforcement officer shall be returned to active duty status upon order of the Police Chief. -The period of administrative leave in incidents not involving investigation shall not exceed thirty ~~working~~(30) ~~calendar~~ days.

**301.11. — Firearms Control.**

~~301.11-1. The Oneida Tribe~~301.11-1. The Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land, and premises, according to the usual and current accepted law enforcement standards.

301.11-2. The Nation hereby establishes regulations for the carrying of firearms issued to certified law enforcement officers employed by the ~~Oneida Tribe~~Nation.

(a) The needs and requirements for carrying firearms shall be established and determined by the Police Chief subject to the review of the Oneida ~~Police~~Public Safety and Security Commission.

(b) Said requirements shall reflect the needs of the ~~Oneida Tribe~~Nation in order to protect all persons and property.

End.

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Adopted - BC -10-10-01-C  
Revisor Correction 2004  
Amended – BC-02-25-15-C  
~~Amended – BC- - - -~~

**Title 3. Health and Public Safety – Chapter 301**  
**Shakotiye'nás Olihwáke**  
*The Matters of Those Who Protect Us*  
**LAW ENFORCEMENT**

#

301.1-1 Purpose and Policy  
301.2-1 Adoption, Amendment, Repeal  
301.3-1 Definitions  
301.4-1 General Principles  
301.5-1 Oneida Police Department  
301.6-1 Oneida Public Safety and Security Commission

301.7-1 Appointment of Law Enforcement Officers  
301.8-1 Promotion of Law Enforcement Officers  
301.9-1 Disciplinary Proceedings  
301.10-1 Administrative Leave  
301.11-1 Firearms Control

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**301.1. Purpose and Policy**

301.1-1. *Purpose.* The purpose of this law is to regulate the conduct of the Nation's law enforcement personnel according to the highest professional standards.

301.1-2. *Policy.* It is the policy of the Nation to ensure that law enforcement personnel operate at the highest level of professional standards to ensure the safety and welfare of the community.

**301.2. Adoption, Amendment, Repeal**

301.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-10-01-C and amended by resolution BC-02-25-15-C and BC-\_\_-\_\_-\_\_.

301.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

301.2-3. 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.

301.2-4. 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.

301.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**301.3. Definitions**

301.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Certified law enforcement officer" means a sworn officer who meets all qualifications for law enforcement officer, including accepted professional training and experience, State of Wisconsin Certification or eligibility for Certification which includes but is not limited to, satisfactory background investigation, psychological evaluation, drug testing, and police firearms certification.

(b) "Commissioner" shall mean a member of the Oneida Public Safety and Security Commission.

(c) "Judiciary" means the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17.

(d) "Nation" means the Oneida Nation.

(e) "Non-sworn personnel" means an individual employed with the Oneida Police Department that does not meet the qualifications for a certified law enforcement officer.

(f) “Oneida Public Safety and Security Commission” means the entity made up of those individuals appointed by the Oneida Business Committee to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation.

(g) “Police supervisor” means a law enforcement officer who holds the rank of Sergeant or above.

(h) “Reservation” means all land within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

#### **301.4. General Principles**

301.4-1. All law enforcement operations of the Nation shall be conducted in accordance with this law.

301.4-2. Law enforcement operations shall take place on and within the Reservation, unless:

(a) there is a potential that the safety and welfare of an individual is being compromised;

(b) the law enforcement operations occur pursuant to mutual aid agreements with local governments; or

(c) the law enforcement operations occur pursuant to any other jurisdictional exception.

301.4-3. Law enforcement operations shall be used primarily for the purposes of providing law enforcement within the Nation and to provide mutual assistance or aid to external law enforcement services offered by local governments within the Oneida community by powers set forth in section 301.4 of this law, Article IV section 1(f) of the Constitution and By-Laws of the Oneida Nation, and as set forth in compacts and agreements authorized by the Oneida Business Committee or General Tribal Council.

301.4-4. The Nation shall appoint and employ law enforcement personnel within its boundaries as it deems necessary for the purpose of detecting and preventing crime and enforcing the laws of the Nation, in addition to protection of persons, property, and premises.

301.4-5. The Oneida Police Department may, as authorized and delegated by this law and the Oneida Business Committee or General Tribal Council, enter into cross-deputization and other law enforcement agreements with other jurisdictions.

#### **301.5. Oneida Police Department**

301.5-1. There is hereby established an Oneida Police Department which is delegated all law enforcement authority of the Nation. The Oneida Police Department may create divisions of operation as may be deemed appropriate.

(a) *Oneida Police Department Position Restrictions.* All positions and appointments of the Oneida Police Department shall be subject to Indian preference in hiring, except that the following positions shall be held only by members of the Nation:

(1) Police Chief;

(2) Assistant Police Chief; and

(3) Police Lieutenant.

301.5-2. *Oneida Police Chief.* The Oneida Police Department shall be headed by a Police Chief, appointed pursuant to this law.

(a) The Police Chief shall have authority over departmental personnel and operations, subject to the authority of the Oneida Public Safety and Security Commission.

(b) *Qualifications and Process for Appointment as Police Chief.*

(1) The recruitment and hiring process for Police Chief shall be conducted by the Oneida Public Safety and Security Commission, with assistance, as needed, by the Human Resources Department.

(2) No person shall be accepted as a candidate or be eligible to serve as Police Chief who does not meet the following qualifications:

(A) Current certification in the State of Wisconsin as a law enforcement officer or upon approval from the applicable State of Wisconsin Standards Board;

(B) Member of the Nation;

(C) A minimum of five (5) years creditable service as a sworn law enforcement officer for a state, tribal, local, or federal government, with preference for:

(i) those who have at least an associate degree in police science, criminal justice or similar field, or a bachelor's degree in a related subject; and

(ii) those with successful supervisory experience;

(D) Current satisfactory background investigation completed by a law enforcement agency selected by the Oneida Public Safety and Security Commission with results of the investigation reported directly to the Oneida Public Safety and Security Commission;

(E) Current satisfactory psychological examination report;

(F) Current satisfactory medical examination report;

(G) Current drug test with negative results for controlled substances; and

(H) Any other minimum requirement as provided for in the job description.

(3) Examinations, interviews, further selection criteria and other processes utilized in the hiring process of a Police Chief shall be at the discretion of the Oneida Public Safety and Security Commission,

(4) Upon accepting notification of retirement, resignation, or the removal of a current Police Chief, the Oneida Public Safety and Security Commission shall appoint an interim or acting Police Chief who shall serve in said capacity until the process for appointment of a new Police Chief can be completed.

### 301.5-3. *Law Enforcement Officers.*

(a) *Educational Requirements.* All persons shall meet the following minimum education requirements within five (5) years of their hire date:

(1) Possess a two (2) year associate degree from an accredited vocational, technical, or adult education district; or

(2) Possess documentation in the form of an official transcript showing a minimum of sixty (60) fully accredited college level credits; or

(3) Possess a bachelors degree from accredited college or university.

(b) *Conditional Employment.* Any person who is not a certified law enforcement officer at the time of hire, is considered a conditional employee and shall attain the educational requirements as specified in section 301.5-3(a), within five (5) years of their date of hire.

(1) Conditional employees are not eligible for promotion.

(2) Law enforcement officers who fail to attain the educational requirements within five (5) years of their date of hire shall be subject to immediate termination.

(c) *Educational Requirement for Police Supervisors.* Upon enactment of this law, no law



enforcement officer may be considered eligible for promotion to supervisor until the educational requirements of section 301.5-3(a) have been satisfied. Law enforcement officers promoted prior to the enactment of this law are exempt from the educational requirements specified in section 301.5-3(a).

301.5-4. *Liability Coverage.* To the extent the Federal Tort Claims Act coverage does not apply, the Nation shall provide professional liability insurance for all law enforcement officers.

301.5-5. *Declaration of Additional Restrictions of Employees.* All personnel of the Oneida Police Department shall be bound by standard operating procedures that are required as a result of the specific and unique needs of law enforcement.

301.5-6. *Law Enforcement Officers to Be Sworn.* All law enforcement officers shall be installed by sworn oath before the Oneida Business Committee during a regular or special Oneida Business Committee meeting, or at an alternative time and location as determined by the Oneida Business Committee Secretary.

(a) When taking an oath, the law enforcement officer shall appear in person to take their oath, except if granted permission by the Oneida Business Committee Secretary to appear through video conferencing, or through other telecommunications.

(b) If an oath is administered outside of an Oneida Business Committee meeting, a quorum of Oneida Business Committee members shall be present to witness the oath.

### **301.6. Oneida Public Safety and Security Commission**

301.6-1. *Establishment.* There is hereby established an Oneida Public Safety and Security Commission to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation to provide the greatest possible professional services to the Nation and to allow for community input regarding those public safety and security services through its representatives on the Oneida Public Safety and Security Commission. The Oneida Public Safety and Security Commission is an oversight body of the following departments of the Nation, but its oversight authority does not involve decision making processes on day-to-day activities of those public safety services:

(a) Oneida Police Department;

(b) Internal Security Department; and

(c) Any other safety operation department of the Nation as identified in the bylaws of the Oneida Public Safety and Security Commission.

301.6-2. *Appointment of Commissioners.* The Oneida Business Committee shall appoint five (5) members to the Oneida Public Safety and Security Commission for a term of five (5) years. Commissioners may serve more than one (1) term, but not more than three (3) consecutive terms.

301.6-3. *Commissioner Eligibility Qualifications.* In order to be eligible for membership on the Oneida Public Safety and Security Commission an individual shall:

(a) Be a member of the Nation;

(b) Be twenty-five (25) years of age or older;

(c) Have a background investigation result in none of the following:

(1) A felony conviction in the State of Wisconsin, or any conviction of a crime in another state that would be considered a felony conviction if the offense and adjudication occurred in the State of Wisconsin;

(2) A felony arrest which results in a misdemeanor conviction due to a plea arrangement;

(3) A conviction of any law violation that could bring discredit to the Oneida Public

- 188 Safety and Security Commission; or  
189 (4) Any pardon issued by the Nation or the governor of any State, for an offense  
190 specified in sections 301.6-4(c)(1)-(3), shall not deem a person as “exonerated” for  
191 the purposes of membership on the Oneida Public Safety and Security Commission;  
192 (d) Not be employed with or terminated from the Oneida Police Department, Internal  
193 Security Department, or any other public safety operation overseen by the Oneida Public  
194 Safety and Security Commission;
- 195 **301.6-4. Responsibilities in Regard to the Oneida Police Department.** The Oneida Public Safety  
196 and Security Commission shall be responsible for and empowered to do the following in regard to  
197 the Oneida Police Department:
- 198 (a) Appoint, suspend, or remove the Police Chief of the Oneida Police Department.
  - 199 (b) Approve all law enforcement officer appointments made by the Police Chief including  
200 the promotion of subordinates.
  - 201 (c) Approve an eligibility list of individuals determined to be eligible for appointment as a  
202 law enforcement officer or promotion.
  - 203 (d) Hear charges filed against law enforcement officers of the Police Department, whether  
204 filed by the Oneida Public Safety and Security Commission or the Police Chief, make  
205 findings and determinations, and impose penalties, up to and including termination.
  - 206 (e) Hear appeals of disciplinary actions against any sworn law enforcement officers.
    - 207 (1) The Oneida Public Safety and Security Commission shall not have authority  
208 over disciplinary actions of non-sworn personnel.
  - 209 (f) Adopt standard operating procedures governing the Oneida Public Safety and Security  
210 Commission’s management of its own activities.
- 211 **301.6-5. Responsibilities in Regard to the Internal Security and Other Departments.** The  
212 responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal  
213 Security Department or any other safety operation department of the Nation shall be provided for  
214 in the Oneida Public Safety and Security Commission bylaws.
- 215 **301.6-6. Removal From Office.** A member of the Oneida Public Safety and Security Commission  
216 may have their appointment terminated by the Oneida Business Committee for:
- 217 (a) Misconduct in office;
  - 218 (b) Conduct which could jeopardize the reputation of the Nation, the Oneida Public Safety  
219 and Security Commission, or the public safety system;
  - 220 (c) Any change in status which would place the Commissioner in conflict with the  
221 qualifications specified in section 301.6-3(c) above; or
  - 222 (d) Violation of the confidentiality of closed hearings or any other information declared  
223 confidential by the Oneida Public Safety and Security Commission.
- 224
- 225 **301.7. Appointment of Law Enforcement Officers**
- 226 **301.7-1. Job Task Analysis.** The Police Chief shall develop a job task analysis (job description)  
227 for law enforcement officers and submit the job task analysis to the Oneida Public Safety and  
228 Security Commission for approval.
- 229 **301.7-2. Hiring Criteria.** Hiring criteria for law enforcement officers, shall be developed by the  
230 Oneida Public Safety and Security Commission and implemented by the Police Chief. The hiring  
231 criteria shall include, but not be limited to, the following:
- 232 (a) educational requirements;
  - 233 (b) satisfactory background investigation;

- (c) psychological examination; and
- (d) medical certification.

301.7-3. *Hiring Process Outline.* A hiring process outline shall be developed by the Oneida Public Safety and Security Commission and implemented by the Police Chief. The hiring process outline shall detail specific steps involved in the hiring process for law enforcement officers, and steps in the process involving scoring, rank scoring, or grading shall be specified, as well as passing grades or scores. The hiring process outline shall include all pertinent steps involved in the hiring process including, but not limited to, the following:

- (a) application process;
- (b) application screening;
- (c) written test procedures;
- (d) oral interviews;
- (e) physical agility testing;
- (f) background investigation;
- (g) conditional offer of employment; and
- (h) psychological and medical testing.

301.7-4. *Approval of Additional Law Enforcement Personnel.*

- (a) The Police Chief shall make a request for the hiring of additional law enforcement personnel through the Human Resources Department processes.
- (b) Upon receiving approval, the Police Chief shall make a formal request to the Human Resources Department for posting the position(s) available. The current job task analysis, hiring criteria, and hiring process outline shall be submitted to the Human Resources Department by the Police Chief.

301.7-5. *Process.* All phases of the hiring process shall be conducted in accordance with the hiring process outline. Duties and responsibilities of persons involved in the process shall be specified in the outline.

301.7-6. *Eligibility List.*

- (a) Upon completion of all screening steps of the hiring process outline, a list shall be compiled of all candidates based on cumulative scores earned by each applicant in all graded or scored steps of the current hiring process.
- (b) Candidates shall be ranked in inverse numerical order, that is the candidate with the highest cumulative score is ranked “1”, the candidate with the second highest cumulative score is ranked “2”, etc.
- (c) The list shall be reviewed and approved by the Oneida Public Safety and Security Commission and submitted to the Police Chief.
- (d) The eligibility list will be valid for one (1) year from the date it was compiled.
- (e) The order of appointment of applicants to the position of law enforcement officers shall follow the order of the eligibility list contingent upon satisfactory background investigation, psychological testing, and medical testing.

301.7-7. *Commencement of Background Investigation.*

- (a) Upon receiving the approved eligibility list, the Police Chief shall direct a subordinate to commence a background investigation upon candidates based on their numerical ranking on the eligibility list, starting with the top candidate.
- (b) Results of the background investigation shall be forwarded to the Police Chief and the Oneida Public Safety and Security Commission.
- (c) A candidate may be deemed as having an unsatisfactory background investigation

report by either the Police Chief or the Oneida Public Safety and Security Commission. Such determinations by the Police Chief of the Oneida Public Safety and Security Commission shall be made in writing.

301.7-8. *Conditional Offer of Employment.* Provided a candidate has satisfactory results in a background investigation, an offer of employment shall be sent to the candidate. The offer shall specify the candidate's appointment to the position of law enforcement officer contingent upon satisfactory psychological and medical testing.

301.7-9. *Appointment.* Provided a candidate has passed psychological and medical testing, a formal offer of employment shall be extended to the candidate by the Police Chief. In the event the candidate lacks the minimum educational requirements as specified in Section 301.5-3(a), the contingency of employment shall be specified in the offer.

### **301.8. Promotion of Law Enforcement Officers**

301.8-1. *Criteria for Promotion.* The Oneida Public Safety and Security Commission and the Police Chief shall establish specific criteria for the promotion of law enforcement officers. The criteria shall be placed on the notice or position posting for the promotion.

301.8-2. *Process.* The process for promotion shall be developed by the Police Chief and approved by the Oneida Public Safety and Security Commission. The specifics of the process shall be placed on the notice or position posting for said promotion.

301.8-3. *Psychological Testing Required.* All candidates for promotion shall undergo psychological testing and have a satisfactory report prior to promotion. The results of such test shall be made available to the Police Chief and the Oneida Public Safety and Security Commission chairperson.

301.8-4. *Promotion.* Upon completion of all steps in the promotion process, a law enforcement officer may be promoted upon review and recommendation of Oneida Public Safety and Security Commission to the Police Chief.

### **301.9 Disciplinary Proceedings for Law Enforcement Officers**

301.9-1. Disciplinary actions for law enforcement officers shall be governed by this provision of the Law. Disciplinary actions of non-sworn personnel of the Oneida Police Department shall be governed by the Nation's laws, policies, and rules governing employment.

301.9-2. *Just Cause Standard.* Just cause is determined using the following standards, to the extent possible:

(a) Whether the law enforcement officer could reasonably be expected to have had knowledge of the probable consequences of the alleged misconduct.

(b) Whether the procedure the law enforcement officer allegedly violated is reasonable.

(c) Whether the Police Chief, before filing charges against the law enforcement officer, made a reasonable effort to discover whether the law enforcement officer did, in fact, violate a procedure.

(d) Whether the investigation was fair and objective.

(e) Whether the Police Chief discovered substantial evidence that the law enforcement officer violated the procedure as described in the charges filed against the law enforcement officer.

(f) Whether the Police Chief is applying the rule or order fairly and without discrimination against the law enforcement officer.

(g) Whether the proposed discipline is reasonable as it relates to the seriousness of the

alleged violation and to the law enforcement officer's record of service with the Oneida Police Department.

301.9-3. *Discipline of Employees by the Chief of Police.* The Chief of Police may reprimand or suspend a law enforcement officer for just cause without prior approval of the Oneida Public Safety and Security Commission. The Chief of Police shall report this action to the chairperson of the Oneida Public Safety and Security Commission immediately in writing and explain the cause(s) of the action. A law enforcement officer shall not be entitled to a hearing on the suspension unless the subordinate requests that the Police Chief file charges, which then triggers the hearing process.

(a) For any reductions in rank or terminations of a law enforcement officer, the Police Chief shall first file charges with the Oneida Public Safety and Security Commission.

301.9-4. *Discipline of the Chief of Police.* The Oneida Public Safety and Security Commission has the sole authority to suspend or terminate the Chief of Police, for cause, upon its own initiative. It may suspend the Chief of Police pending the investigation of written charges received.

301.9-5. *Right to Request Hearing.* If a law enforcement officer against whom a disciplinary action of suspension, demotion, or termination has been taken requests a hearing on the matter, the Oneida Public Safety and Security Commission shall proceed with such a hearing. Charges shall then be filed with the Oneida Public Safety and Security Commission by the party initially taking the disciplinary action.

301.9-6. *Filing of Charges.*

(a) *Standing to File Charges.* Charges may be filed with the Oneida Public Safety and Security Commission by:

- (1) the Chief of Police;
- (2) a member of the Oneida Public Safety and Security Commission;
- (3) the Oneida Public Safety and Security Commission as a body; or
- (4) any aggrieved party.

(b) *Content of Charges.* The charges shall be in writing and shall be signed by the charging party. The sources of all information contained in the charges shall be stated in the charges or in accompanying documents. Information regarding the names and addresses of witnesses having relevant knowledge relating to the charges may be embodied in a separate statement accompanying the charges. The charges shall identify the person who is charged and specify, if possible, the date(s) and place(s) of the alleged offense(s).

(c) *Filing of Charges.* The charges shall be filed with the chairperson of the Oneida Public Safety and Security Commission. Pending disposition of such charges, the Oneida Public Safety and Security Commission or Police Chief may suspend the employee.

(d) *Service of Charges.* Following service upon the Oneida Public Safety and Security Commission chairperson, a copy of the charge shall be served upon the person charged. A copy of the charge shall be issued to the person charged within five (5) business days after charges are sent to the Commission.

301.9-7. *Procedure for Responding to Charges.*

(a) *Participation of the Commission.* If the Oneida Public Safety and Security Commission as a body files charges, it shall retain special counsel to prosecute such charges on the Commission's behalf and the Oneida Public Safety and Security Commission shall refrain from any active involvement in the prosecution of such charges. If any member of the Oneida Public Safety and Security Commission files and actively prosecutes such charges, such member shall not participate in deliberating the charges or determining whether they are sustained.

(b) *Docket List*. All charges filed with the Oneida Public Safety and Security Commission shall be recorded on a docket list and assigned a number in sequence of filing with the date of filing added in parentheses.

(c) *Preliminary Investigation*. Upon the filing of charges, the Oneida Public Safety and Security Commission may have a preliminary investigation conducted to determine if it has jurisdiction in the matter. If the Oneida Public Safety and Security Commission judges that it does not have jurisdiction over the charges, it may dismiss the charges. In the event of such dismissal, the Oneida Public Safety and Security Commission shall notify the complainant in writing of its action.

(d) *Scheduling of Hearing*. Following the filing of charges or a request for a hearing, a copy of the charges shall be served upon the person charged. The Oneida Public Safety and Security Commission shall set a date for a hearing not less than ten (10) days or more than thirty (30) days following receipt of the charges. This timeframe may be waived if mutually agreed.

301.9-8. *Scheduling Conference*.

(a) *Scheduling Conference*. A scheduling conference between the parties and/or their legal counsel is appropriate to establish the procedural timeline leading up to, and the process for, the evidentiary hearing.

(b) *Purpose of the Scheduling Conference*. The following matters shall be accomplished at the scheduling conference, and the resolution of these issues shall be memorialized in a scheduling order distributed to the parties:

- (1) Establishing the date(s) of the evidentiary hearing;
- (2) Setting up deadlines to exchange witness lists and any prior written or recorded statements or reports of witnesses;
- (3) Setting up deadlines to identify and exchange exhibits;
- (4) Setting up any discovery deadline. Prehearing discovery is permitted.
- (5) Establishing the process and deadlines to request the Oneida Public Safety and Security Commission to issue subpoenas. The Oneida Public Safety and Security Commission chairperson has the power to issue subpoenas to compel the attendance of witnesses;
- (6) Arranging for the recording of the testimony. The hearing shall be transcribed by a court reporter or otherwise recorded to preserve the evidence in case of an appeal to the Trial Court; and
- (7) Determining if there are any objections to any Oneida Public Safety and Security Commission member participating in the hearing, deliberations, or decision and the basis for such objections.

301.9-9. *Evidentiary Hearing*.

(a) *Hearing Procedures*.

- (1) The evidentiary hearing shall be conducted in open session.
- (2) Following the evidentiary hearing, the deliberations of the Oneida Public Safety and Security Commission may be conducted in closed session at the discretion of the Commission.
- (3) The Commission's vote following deliberations may take place in closed session, unless the charged party demands that the vote take place in open session.
- (4) A record of the proceedings shall be created by the Commission. Exhibits introduced shall be marked with a docket number and exhibit number in sequence



of introduction.

(5) Either or both of the parties may be represented by counsel and may compel the attendance of the witnesses by subpoenas, which shall be issued by the chairperson of the Commission.

(6) All testimony of witnesses at hearings shall be given under oath, administered by a member of the Commission.

(b) Order of Proceedings. At the hearing, the order of proceedings shall be as follows:

(1) Reading of the charges by the president.

(2) Opening statement by the parties, if any;

(3) Testimony and introduction of evidence by the charging party to substantiate the charges, with cross-examination by the accused;

(4) Testimony and introduction of evidence by the accused with cross-examination by the charging party; and

(5) Closing arguments.

301.9-10. *Deliberations, Findings, Conclusions, Orders from Hearing.*

(a) *Finding of Fact.*

(1) At the conclusion of the hearing, the Oneida Public Safety and Security Commission shall prepare written findings of fact based upon the testimony and evidence presented and shall prepare conclusions which are based on the findings and an order consistent with such findings and conclusions within three (3) days after the conclusion of the hearing and file it with the Oneida Public Safety and Security Commission Secretary.

(2) For purposes of deliberation after the hearing, the Oneida Public Safety and Security Commission shall adjourn into closed session. During the deliberation only Oneida Public Safety and Security Commission members and the commission's attorney shall be present.

(b) *Just Cause Standard.* In determining whether there is just cause for discipline, the Oneida Public Safety and Security Commission shall apply the standards set forth in section 301.9-2.

(c) *Charges Rescinded.* If the Oneida Public Safety and Security Commission determines that the charges are not sustained, the charged party shall immediately have all related disciplinary action taken to date rescinded and all lost pay or other benefits, if any, restored.

(d) *Charges Sustained.* If the Oneida Public Safety and Security Commission determines that the charges are sustained, the charged party, by order of the Commission, may impose any of the following penalties, but is not limited to the penalties listed herein:

(1) Verbal consultation;

(2) Written reprimand;

(3) Suspension without pay;

(4) Demotion in rank; or

(5) Termination of employment.

(e) *Announcement of Decision.* The Oneida Public Safety and Security Commission shall announce its decision in open session.

(f) *Appeal of Decision.* Any law enforcement officer suspended, demoted, reassigned, or removed by the Oneida Public Safety and Security Commission may appeal from the order of the Oneida Public Safety and Security Commission to the Judiciary.

**301.10. Administrative Leave of Law Enforcement Officers**

301.10-1. *General.* Administrative leave is an action commenced by the Police Chief affecting the status of a law enforcement officer. A law enforcement officer is temporarily relieved of all law enforcement powers while on administrative leave. The law enforcement officer continues to receive salary and is responsible to report to the Police Chief or perform other duties as assigned. Administrative leave does not denote wrong-doing on the part of the law enforcement officer.

301.10-2. *Applicability.* Administrative leave may only be ordered in the following circumstances:

- (a) The law enforcement officer poses a threat to themselves or others.
- (b) The law enforcement officer is alleged to have committed a violation(s) which calls for termination of their employment as a law enforcement officer and the matter is under investigation.
- (c) The law enforcement officer is alleged to have committed a violation(s) that is under investigation and that would cause a loss of public trust in the Oneida Police Department.
- (d) The law enforcement officer is under investigation for alcohol or drug abuse.
- (e) The law enforcement officer is under investigation for insubordination, untruthfulness, or commission of a crime.
- (f) The law enforcement officer demonstrates behavior indicating the law enforcement officer is unfit for duty.

301.10-3. *Duration of Administrative Leave.*

- (a) In cases where the law enforcement officer is under formal investigation, the law enforcement officer shall remain on administrative leave until the investigation is completed.
  - (1) If the investigation results in allegations being sustained, the law enforcement officer shall remain on administrative leave pending issuance of discipline.
  - (2) If the investigation results in a finding that the charges were unfounded or not sustained, the law enforcement officer shall be immediately returned to active duty status.
- (b) In cases where the law enforcement officer is placed on administrative leave for other matters not involving formal investigation, the law enforcement officer shall be returned to active duty status upon order of the Police Chief. The period of administrative leave in incidents not involving investigation shall not exceed thirty (30) calendar days.

**301.11. Firearms Control.**

301.11-1. The Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land, and premises, according to the usual and current accepted law enforcement standards.

301.11-2. The Nation hereby establishes regulations for the carrying of firearms issued to certified law enforcement officers employed by the Nation.

- (a) The needs and requirements for carrying firearms shall be established and determined by the Police Chief subject to the review of the Oneida Public Safety and Security Commission.
- (b) Said requirements shall reflect the needs of the Nation in order to protect all persons and property.

*End.*

512  
513 Adopted - BC -10-10-01-C  
514 Revisor Correction 2004  
515 Amended – BC-02-25-15-C  
516 Amended – BC-\_\_-\_\_-\_\_-\_\_



Legislative Operating Committee  
February 5, 2025

## Landlord-Tenant Law Amendments

<b>Submission Date:</b> 2/21/24	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> Jonas Hill	<b>Emergency Enacted:</b> n/a <b>Expires:</b> n/a

**Summary:** *This item was added to the Active Files List on February 21, 2024, per the request of the Oneida Law Office, for the purpose of making the Landlord Tenant law generally applicable to all landlords, not just the Nation as a landlord, and fully assert the Nation's jurisdiction within the Reservation boundaries.*

**2/21/24 LOC:** Motion by Kirby Metoxen to add the Landlord Tenant law amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

**3/20/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work session was for the LOC to discuss and determine a priority for this legislative item.

**5/28/24:** *Work Meeting.* Present: Krystal John, Grace Elliott. The purpose of this meeting was to outline the main amendments being sought.

**7/11/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Krystal John, Lisa Rauschenbach, Michelle Hill, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to identify any areas of the Landlord Tenant law that may benefit from amendments.

**8/1/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Mark Powless, Derick Denny, Krystal John, Scott Denny, Grace Elliott. The purpose of this meeting was to continue reviewing the Landlord Tenant law for any recommended amendments.

**8/23/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Clorissa Leeman, Carolyn Salutz, Maureen Perkins, Fawn Billie. The purpose of this meeting was to address an additional question about the proposed amendments to the Law.

**9/18/24 LOC:** Motion by Jennifer Webster to approve the draft of the Landlord Tenant law amendments and direct that a legislative analysis be developed; seconded by Marlon Skenandore. Motion carried unanimously.

**12/18/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Carolyn Salutz, Kristal Hill, Fawn Billie, Fawn Cottrell, Maureen Perkins, Grace Elliott. The purpose of this meeting was to review inconsistencies in the law that were identified in the legislative analysis and gather direction on next steps.

**Next Steps:**

- Accept the Landlord Tenant law Amendments Legislative Analysis;
- Approve the public meeting packet for the amendments to the Landlord Tenant law and forward to a public meeting to be held on March 14, 2025.

**ONEIDA NATION PUBLIC MEETING NOTICE****FRIDAY, MARCH 14, 2025, 12:15 pm**Norbert Hill Center-Business Committee Conference Room  
N7210 Seminary Rd., Oneida, Wisconsin**Find Public Meeting Materials at**

Oneida-nsn.gov/government/register/public meetings

**Send Public Comments to**

LOC@oneidation.org

**Ask Questions here**

LOC@oneidation.org

920-869-4417

**LANDLORD TENANT LAW AMENDMENTS**

The purpose of the Landlord Tenant law is to provide mechanisms for protecting the rights of the landlords and tenants on all land owned by the Nation or members of the Nation within the Reservation boundaries.

**The Landlord Tenant law amendments will:**

- ♦ Extend the application of the law to all landlords and tenants on land owned by the Nation or members of the Nation.
- ♦ Provide that when the Nation is the landlord, and the property has become untenable due to damage by fire, water or other casualty, or because of any condition hazardous to health, the Nation will provide the tenant with alternative housing if it is reasonably available.
- ♦ Extend the legal protections provided to a child of a tenant to any child of the household.
- ♦ Eliminate the Land Commission's rule making authority under the Landlord Tenant law.
- ♦ Eliminate all rulemaking authority over applicant selection and the issuance of rental agreements.

Individuals may attend the public meeting for the proposed Landlord Tenant law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidation.org.

**PUBLIC COMMENT PERIOD CLOSES FRIDAY, MARCH 21, 2025**

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



For more information on the proposed Landlord Tenant law amendments please review the public meeting packet at oneida-nsn.gov/government/register/public meetings.





## LANDLORD TENANT LAW AMENDMENTS LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Legislation or Amendments	<ul style="list-style-type: none"> <li>▪ Expand the scope of the law to include all land owned by the Nation or members of the Nation within the Reservation boundaries instead of only to the Nation’s rental programs. <i>[6 O.C. 611.1-1]</i>.</li> <li>▪ Expand the Nation’s policy of providing a fair process to landlords and tenants of the Nation’s rental programs to include all residents of the Nation. <i>[6 O.C. 611.1-2]</i>.</li> <li>▪ Expand the definition of landlord to include any person or entity within the Nation’s jurisdiction, instead of limiting it to the Nation acting in its capacity as the landlord. <i>[6 O.C. 611.3-1(b)]</i>.</li> <li>▪ Redefine “rule” to grant rulemaking authority solely to the Comprehensive Housing Division instead of jointly to the Land Commission and the Comprehensive Housing Division. <i>[6 O.C. 611.3-1(g)]</i>. The Land Commission’s rulemaking authorities are eliminated as follows: <ul style="list-style-type: none"> <li>• Naming programs and providing specific requirements and regulations that apply to said programs. <i>[6 O.C. 611.10-1]</i></li> <li>• Disposition of personal property on Tribal land. <i>[6 O.C. 611.5-2(c)]</i>.</li> <li>• How and when rent shall be decreased due to untenability. <i>[6 O.C. 611.5-3(c)(2)]</i>.</li> <li>• Governing the selection of applicants for the issuance of rental agreements. <i>[current 6 O.C. 611.4-3]</i>.</li> </ul> </li> <li>▪ Remove rulemaking authority over applicant selection for the issuance of rental agreements from both the Land Commission and the Comprehensive Housing Division. <i>current 6 O.C. 611.4-3]</i>.</li> <li>▪ Organize the law to flow from general to specific in accordance with the Legislative Procedures Act. <i>[1 O.C. 109.11-1(d)]</i>. The Rental Program section is limited to rental programs managed by the Comprehensive Housing Division, these programs now occupy a subset of landlord tenant relationships under the proposed amendments expanded scope of landlord tenant relationships. <i>[6 O.C. 611.1-1]</i>. Therefore, the Rental Program section is moved from the beginning of the law to the end. <i>[current 6 O.C. 611.4]</i>. <i>[proposed 6 O.C. 611.10]</i>.</li> <li>▪ Clarify that rental agreements shall state that nothing in the agreement may be considered a waiver of the Nation’s sovereign immunity when the Nation is acting in its capacity as a landlord. <i>[6 O.C. 611.4-2(a)(5)]</i>.</li> <li>▪ Clarify that all landlords or their staff must keep a written log of the date and the work time expended storing and/or removing personal property and/or removing debris left at the property after the expiration of the timeframe provided in the order to vacate. <i>[6 O.C. 611.5-2(b)]</i>.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Remove language applying any section of this law to leases. <i>[6 O.C. 611.5-3]</i>.</li> <li>▪ Clarify that a landlord may bring an action for eviction when it is authorized by the Eviction and Termination law based on contacts with an entity for law enforcement services, health services, or safety services. <i>[6 O.C. 611.4-(b)(1)(C)]</i>.</li> <li>▪ Provide that when the Nation is the landlord, and a property has become untenable due to damage by fire, water or other casualty, or because of any condition hazardous to health, or if there is a substantial violation of 611.5-3(a) materially affecting the health and safety of the tenant, alternative housing shall be provided if it is reasonably available. <i>[6 O.C. 611.5-3(c)(4)]</i>.</li> <li>▪ Expand protections provided to a child of a tenant to a child of the household when the landlord is presented with documentation of any of the following: <ul style="list-style-type: none"> <li>• An injunction order under Wis. Stat. 813.122 protecting a child from a co-tenant;</li> <li>• An injunction order or criminal complaint filed under Wis. Stat. 813.125(4) protecting a child from a co-tenant, based on the co-tenant's engaging in an act that would constitute sexual assault under Wis. Stat. 940.225, 948.02 and 948.025;</li> <li>• A criminal complaint filed under Wis. Stat. 940.32 alleging the co-tenant stalked the child. <i>[6 O.C. 611.6-1(b), (c), (e), and (f)]</i>.</li> </ul> </li> <li>▪ Make other minor drafting changes throughout the Law.</li> </ul>
<b>Purpose</b>	The purpose of this law is to provide mechanisms for protecting the rights of the landlords and tenants on all land owned by the Nation or members of the Nation within the Reservation boundaries. <i>[6 O.C. 611.1-1]</i> .
<b>Affected Entities</b>	The Comprehensive Housing Division, Land Commission, Oneida Tribal members, their spouses and occupants who rent and occupy premises under this law, and all landlords leasing land from the Nation and their tenants.
<b>Related Legislation</b>	Administrative Rulemaking law, Building Code, Leasing law, Eviction and Termination law, Judiciary law, Oneida Judiciary Rules of Civil Procedure, Pardon and Forgiveness law, Real Property law and Zoning and Shoreline Protection Ordinance.
<b>Enforcement</b>	The Landlord-Tenant law delegates authority to the CHD to develop rules, pursuant to the Administrative Rulemaking law, as well as citation fees and penalty schedules, for the implementation, interpretation and/or enforcement of the law. <i>[6 O.C. 611.3-1(g)]</i> . No administrative hearing body, including a board, committee or commission, is authorized to hear a complaint regarding actions taken under the law and/or rental agreement; <i>[6 O.C. 611.9-2]</i> . Where the Nation is the landlord, any complaint filed with the judiciary shall name the Comprehensive Housing Division and the specific program. <i>[6 O.C. 611.9-3]</i> .
<b>Due Process</b>	A pardon or forgiveness received pursuant to the Pardon and forgiveness law may provide an exception to the condition that a rental program an applicant must have no felony or drug convictions within the past two (2) years from the date of application. <i>[6 O.C. 611.10-2(b)]</i> . The Oneida Judiciary is granted jurisdiction to hear complaints filed under the law and/or a rental agreement. <i>[6 O.C. 611.9-1]</i> .
<b>Public Meeting</b>	A public meeting has not yet been held.
<b>Fiscal Impact</b>	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not yet been requested.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Landlord Tenant law was originally adopted by the Oneida Business Committee by motion on October 12, 2016, and then through resolutions BC-10-12-16-C, and BC-12-13-17-D. The Landlord Tenant law provides mechanisms for protecting the rights of landlords and tenants on all lands owned by the Nation or members of the Nation within the Reservation boundaries. [6 O.C. 611.1-1].
- B. **Request for Amendments.** This item was added to the Active Files List on February 21, 2024, at the request of the Oneida Law Office for the purpose of making the Landlord Tenant law generally applicable to all landlords, not just the Nation as landlord, and assert the Nation's jurisdiction within the Reservation boundaries. The sponsor of the Landlord Tenant law amendments is Councilman Jonas Hill.

## SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments or entities participated in the development of the amendments to this Law and legislative analysis:
  - Comprehensive Housing Division (CHD);
  - Oneida Law Office;
  - Land Management; and
  - General Manager.
- The following laws of the Nation were reviewed in the drafting of this analysis:
  - Eviction and Termination law;
  - Real Property law;
  - Leasing law;
  - Administrative Rulemaking law;
  - Pardon and Forgiveness law;
  - Building Code;
  - Zoning and Shoreline Protection Ordinance;
  - Judiciary law; and
  - Oneida Judiciary Rules of Civil Procedure.

## SECTION 4. PROCESS

- A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.
- On February 21, 2024, the Legislative Operating Committee added this Law to its Active Files List for amendments.
  - On September 18, 2024, the Legislative Operating Committee approved the draft of the Landlord Tenant law amendments and directed that a legislative analysis be developed.
- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to this law:
- March 20, 2024: LOC work session;
  - May 28, 2024: LOC work session with the Oneida Law office;
  - July 11, 2024: LOC work session with the Oneida Law Office, Land Management, and the Comprehensive Housing Division;

- August 1, 2024: LOC work session with the Oneida Law Office, Land Management, Comprehensive Housing Division, and the General Manager;
- August 23, 2024: LOC work session;
- December 18, 2024: LOC work session.

## SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Who the Law applies to.*** The proposed amendments to the Law expand its application to cover all land owned by the Nation or its members instead of only to the Nation's rental programs. [6 O.C. 611.1-1]. The Law currently only applies to the Nation's rental programs. [6 O.C. 611.1-1].
- *Effect.* The proposed amendments to the Law apply the Law to all land owned by the Nation or its members regardless of who the landlord is. This expands the Nation's exercise of sovereignty within Reservation boundaries.
- B. *Redefining landlord.*** The proposed amendments to the Law define landlord to mean any person or entity within the Nation's jurisdiction in their capacity to rent real property subject to a rental agreement. [6 O.C. 611.3-1(b)]. Currently, the definition of landlord is limited to the Nation acting in its capacity to rent real property subject to a rental agreement. [6 O.C. 611.3-1(b)].
- *Effect.* The proposed amendments to the Law will apply the Law to all landlord-tenant relationships occurring on land owned by the Nation or its members regardless of whether the relationship is based on one of the Nation's rental programs. The reach of the Law is increased to cover all land owned by the Nation or its members regardless of who the landlord is. This expands the Nation's exercise of sovereignty within the Reservation boundaries.
- C. *Compliance with the Eviction and Termination law.*** The proposed amendments to the Law align the Landlord Tenant law with the Eviction and Termination law by clarifying that a landlord may take action to evict or threaten to evict based on a tenant's contacts with an entity for law enforcement services, health services or safety services as long as it is authorized by the Eviction and Termination law. [6 O.C. 611.4-2(b)(1)(C)]. The Law currently renders void and unenforceable any rental agreement that allows a landlord to increase rent, decrease services, evict or threaten to evict, or refuse to renew a rental agreement based on tenant contacts with an entity for law enforcement services, health services, or safety services. [6 O.C. 611.4-2(b)(1)(A), (B), (C), or (D)].
- *Effect.* A landlord may act to evict a tenant based on contacts with an entity for law enforcement services, health services or safety services when it is authorized by the Eviction and Termination law.
- D. *Alternate housing.*** The proposed amendments to the Law provide that when the Nation is the landlord, and the property has become untenable due to damage by fire, water or other casualty, or because of any condition hazardous to health, or if there is a substantial violation of 611.5-3(a) alternate housing will be provided when it is reasonably available. [6 O.C. 611.5-3(c)(4)].
- *Effect.* When the Nation is the landlord, and a property has become untenable due to due to damage by fire, water or other casualty, or because of any condition hazardous to health, or if there is a substantial violation of 611.5-3(a), the Nation will provide the tenant with alternative housing if it is reasonably available. [6 O.C. 611.5-3(c)(4)].
- E. *Protection of children in the household.*** The proposed amendments to the Law expand protections provided to a child of a tenant, to a child of the household, when the landlord is presented with documentation of any of the following:
- An injunction order under Wis. Stat. 813.122 protecting a child from a co-tenant;

- An injunction order or criminal complaint filed under Wis. Stat. 813.125(4) protecting a child from a co-tenant, based on the co-tenant's engaging in an act that would constitute sexual assault under Wis. Stat. 940.225, 948.02 and 948.025;
- A criminal complaint filed under Wis. Stat. 940.32 alleging the co-tenant stalked the child. [6 O.C. 611.6-1(b), (c), (e), and (f)].
- *Effect.* The proposed amendments to the Law expand protections provided to children of a tenant to all children of the household. Protections apply to any child living in the household regardless of whether that child is a child of a tenant.

**F. *Eliminate the Land Commission's rulemaking authority.*** The proposed amendments to the Law remove the Land Commission from all rulemaking authority delegated via this Law. Specific removals include naming programs and providing specific requirements and regulations that apply to said programs; disposition of personal property on tribal land; determining how and when rent is decreased due to untenability, and the selection of applicants for the issuance of rental agreements. [6 O.C. 611-3(g); current 611.4-1; 611.5-2(c); 611.5-3; current 611.4-3]. Rulemaking authority over applicant selection and the issuance of rental agreements is also removed from both the Land Commission and the Comprehensive Housing Division. [current 6 O.C. 611.4-3].

- *Effect.* The Comprehensive Housing Division will have sole authority to develop rules pursuant to this Law.

**G. *Eliminate all rulemaking authority over applicant selection and the issuance of rental agreements.*** Rulemaking authority over applicant selection and the issuance of rental agreements is removed from both the Land Commission and the Comprehensive Housing Division. [current 6 O.C. 611.4-3].

- *Effect.* Applicant selection will be determined by program criteria as applicable.

**H. *Other Amendments.*** Overall, a variety of other amendments and revisions were made to the Law to address formatting, drafting style, and organization that did not affect the substance of the Law.

## SECTION 6. EXISTING LEGISLATION

**A. *Related legislation.*** The following laws of the Nation are related to the proposed amendments to this Law:

- *Eviction and Termination Law.* The purpose of the Eviction and Termination Law is to provide consistent procedures for terminating contracts and evicting occupants under the Nation's rental and/or leasing programs that include due process and protects for all parties involved. [6 O.C. 610.1-1]. The law's underlying policy is to "provide fair termination and eviction processes that preserves the peace, harmony, safety, health, general welfare and the Nation's resources." [6 O.C. 610.1-2].
  - According to the Eviction and Termination law, the Nation, as the owner or landlord, may terminate a contract prior to the contract term and evict the occupant, if the occupant:
    - Violates the terms of the contract;
    - Is alleged to have violated any applicable law or rule; and/or
    - Is alleged to have committed one or more nuisance activities. [6 O.C. 610.5-1].
  - The law defines nuisance as an occupant's interference with another occupant's use and enjoyment of the premises, including, but not limited to, harassment, disorderly conduct, battery, lewd and lascivious behavior, prostitution, theft, possession of stolen property, arson, illegal drug activity, gambling, animal violations, trespassing, weapons violations, habitual noise violations, execution of warrants, alcohol violations, obstruction/resisting

and inspection related calls in which a law enforcement agency responds. [6 O.C. 610.3-1(e)].

- *Leasing Law.* The purpose of the Leasing Law is to set forth the Nation’s authority to issue, review, approve, as well as enforce, leases and was established in accordance with the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2021 (HEARTH Act) so that the Nation can approve leases on its land without having to obtain additional approval from the Secretary of the Interior. [6 O.C. 602.1- 1]. The policy behind the law is to codify the expectations and responsibilities of the lessor and lessee when leasing Tribal land and to ensure that the leasing of Tribal land results in minimal risk to the Nation. [6 O.C. 602.1-2].
  - According to the Leasing Law leases approved under the Law are subject to all of the Nation’s laws, except to the extent those laws are inconsistent with applicable federal law. [6 O.C. 602.4-3]. Any landlord leasing land from the Nation through the Leasing Law is subject to all other laws of the Nation including the Eviction and Termination Law as well as the Landlord Tenant Law.
- *Judiciary Law.* The purpose of the Judiciary law is to establish a Judiciary, and to provide for the administration of law, justice, judicial procedures and practices by the Oneida Nation as a sovereign nation by exercising the inherent power to make, execute, apply and enforce its own law, and to apply its own customs and traditions in matters affecting the Oneida people. [8 O.C. 801.1-1].
  - This Law provides that the Oneida Judiciary is granted jurisdiction to hear complaints filed under the law and/or a rental agreement. [6 O.C. 611.9-1].
- *Real Property law.* The purpose of the Real Property law is to provide regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation’s employees dealing with real property transactions. [6 O.C. 601.1-1].
  - According to the Real Property Law the Comprehensive Housing Division oversees all residential transactions within the Reservation and shall administer such transactions using the applicable laws of the Nation including the Landlord Tenant law. [6 O.C. 601.12-1].
- *Administrative Rulemaking.* The purpose of the Administrative Rulemaking law is to provide a process for the adoption of and amendments to the Nation’s administrative rules. [1 O.C. 106.1-1]. Its underlying policy is to ensure there exists an efficient, effective and democratic process for enacting and revising administrative rules, and that authorized agencies act in a responsible and consistent manner when enacting and revising administrative rules. [1 O.C. 106.1-2].
  - This Law delegates rulemaking authority solely to the Comprehensive Housing Division.
  - Any rules promulgated by the Comprehensive Housing Division are required to be developed in accordance with the process and procedures of the Administrative Rulemaking law.
- *Pardon and Forgiveness law.* The purpose of the Law is to provide a fair, efficient and formal process by which: a member of the Nation may receive a pardon for the conviction of a crime; a member of the Nation may receive forgiveness for acts that render him or her ineligible for housing or other benefits through the Nation; and a member or non-member of the Nation may receive forgiveness for acts that render him or her ineligible to be employed with the Nation; receive a

Nation-issued occupational license, certification or permit; and/or obtain housing or other benefits through the Nation [1 O.C. 126.1-1(a)].

- This Law provides that in order to be eligible for a rental program an applicant must have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and forgiveness law may provide an exception to this condition. [6 O.C. 611.10-2(b)].

## SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. The Landlord Tenant law delegates authority to the Comprehensive Housing Division to develop rules, pursuant to the Administrative Rulemaking law, as well as citation fees and penalty schedules, for the implementation, interpretation and/or enforcement of the law. [6 O.C. 611.3-1(g)].
- B. The Landlord Tenant law provides a process for grieving decisions made by the Comprehensive Housing Division under its delegation of authority, said process is as follows: [6 O.C. 611.9].
  - That, the Oneida Judiciary is granted jurisdiction to hear complaints filed for actions taken under the law and/or rental agreement; [6 O.C. 611.9-1].
  - That, no administrative hearing body, including a board, committee or commission, is authorized to hear a complaint regarding actions taken under the law and/or rental agreement; [6 O.C. 611.9-2].
  - Where the Nation is the landlord, any complaint filed with the judiciary shall name the Comprehensive Housing Division and the specific program. [6 O.C. 611.9-3].

## SECTION 8. OTHER CONSIDERATIONS

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

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



**Title 6. Property and Land- Chapter 611**  
**LANDLORD-TENANT**  
**Tsi' Yuhwatsyawá'ku Aolihwá'ke**  
*where it bound to the earth - issues*

611.1. Purpose and Policy  
611.2. Adoption, Amendment, Repeal  
611.3. Definitions  
~~611.4. Rental Programs~~  
611.45. Rental Agreement Documents  
611.56. Rights and Duties of Landlords and Tenants

611.67. Domestic Abuse Protections  
611.78. Sex Offender Registry  
611.89. Termination of Tenancy at Death of Tenant  
611.949. Landlord or Tenant Actions  
[611.10 Comprehensive Housing Division Rental Programs](#)

**611.1. Purpose and Policy**

611.1-1. *Purpose.* The purpose of this law is to provide mechanisms for protecting the rights of the landlords and tenants [on all land owned by the Nation or members of the Nation within the Reservation boundaries](#) ~~of the Nation's rental programs.~~

611.1-2. *Policy.* It is the Nation's policy to provide a fair process to all landlords and tenants ~~of the Nation's rental programs~~ that preserves the peace, harmony, safety, health, [and](#) general welfare ~~of and~~ the Nation's [residents](#) ~~resources.~~

**611.2. Adoption, Amendment, Repeal**

611.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-C and thereafter amended by resolution BC-12-13-17-D.

611.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

611.2-3. 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.

611.2-4. 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.

611.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

**611.3. Definitions**

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

(a) "Comprehensive Housing Division" ~~is~~ the division within the Oneida Nation under the direction of the Comprehensive Housing Division Director which consists of all residential services offered by the Nation, including but not limited to, all rental programs, the rent-to-own program, and the residential sales and mortgages programs.

(b) "Landlord" means [any person or entity within the Nation's jurisdiction](#) in ~~their~~ capacity to rent real property subject to a rental agreement.

(c) "Nation" means the Oneida Nation.

(d) "Premises" means the property covered by a rental agreement, including not only the real property and fixtures, but also any personal property furnished by the landlord pursuant to a rental agreement.

(e) “Rental Agreement” means a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less, provided that the term may be longer than one (1) year in circumstances where the contract is on a rent-to-own basis.

(f) “Reservation” means all property within the exterior boundaries of the reservation of the Oneida Nation, as created pursuant to the 1838<sup>u</sup> Treaty with the Oneida<sup>u</sup>, 7 Stat.<sup>u</sup> 566<sup>u</sup>, and any lands added thereto pursuant to federal law.

(g) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted ~~jointly by the Land Commission and~~ <sup>by</sup> the Comprehensive Housing Division in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law, ~~provided that where such requirements relate solely to premises administered pursuant to federal funding, the Comprehensive Housing Division has sole authority.~~

(h) “Tenant” means the person granted the right to use or occupy a premises pursuant to a rental agreement.

(i) “Tribal member” means an individual who is an enrolled member of the Nation.

(j) “Security Deposit” means a payment made to the landlord by the tenant to ensure that rent will be paid and other responsibilities of the rental agreement performed.

#### **611.4. — Rental Programs**

~~611.4 1. Available Rental Programs. Consistent with available funds, the Comprehensive Housing Division shall provide residential rental programs for providing housing to the following types of tenants and the Oneida Land Commission and the Comprehensive Housing Division shall jointly establish rules naming said programs and providing the specific requirements and regulations that apply to each program:~~

~~(a) Elder tribal members;~~

~~(b) Low income Oneida tribal members and families; and~~

~~(c) Tribal members in general.~~

~~611.4 2. Minimum Rental Eligibility Requirements. In order to be eligible for a rental agreement, applicants shall meet the following conditions:~~

~~(a) Be eighteen (18) years of age at the time of the application;~~

~~(b) Have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and Forgiveness law may provide an exception to this condition;~~

~~(c) Meet the local governments’ laws’ requirements regarding residency restrictions for convicted sex offenders;~~

~~(d) Meet the income requirements for entering the rental agreement as determined by the rental program’s governing rules;~~

~~(e) Not hold a residential lease with the Nation; and~~

~~(f) Meet any other eligibility requirements set by the rental program’s rules, which may not be less strict than this law, but may be stricter than this law, provided that rules developed for low income Tribal members and families:~~

~~(1) May not contain eligibility requirements that consider debt owed or evictions from entities other than the Comprehensive Housing Division; but~~

~~(2) May contain eligibility requirements that consider debt owed to utility providers, provided that eligibility may not be denied for any debt owed to a utility provider with a past due balance of less than two hundred dollars (\$200).~~

~~611.4 3. *Tenant Selection.* The Land Commission and the Comprehensive Housing Division shall jointly develop rules governing the selection of applicants for the issuance of rental agreements.~~

**611.45. Rental Agreement Documents**

611.45-1. *Severability of Rental Agreement Provisions.* The provisions of a rental agreement are severable. If any provision of a rental agreement is void or unenforceable by reason of any law, rule, regulation, or judicial order, the invalidity or unenforceability of that provision does not affect other provisions of the rental agreement that can be given effect without the invalid or unenforceable provision.

611.45-2. *Requirements of Rental Agreements and Terminations.* A rental agreement or termination of a rental agreement is not enforceable unless it meets the requirements of this law and is in writing.

(a) All rental agreements shall:

(1) Set forth the amount of rent or other consideration provided in exchange for the ability to use/occupy the premises;

(2) Set forth the required amount of security deposit and require payment of the security deposit prior to the tenant(s) taking use/occupancy of the premises;

(3) Set the time of commencement and expiration of the rental agreement;

(4) Provide a reasonably definite description of the premises;

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

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

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

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

(b) Any provision of a rental agreement that does any of the following is void and unenforceable.

(1) Allows a landlord to do or threaten to do any of the following because a tenant has contacted an entity for law enforcement services, health services or safety services:

(A) Increase rent;

(B) Decrease services;

(C) Bring an action for eviction unless authorized by ~~pursuant to~~ the Eviction and Termination law; and/or

(D) Refuse to renew a rental agreement.

(2) Except as otherwise provided in this law in regards to domestic abuse, authorizes the eviction or exclusion of a tenant from the premises other than through the process described in the Eviction and Termination law.

(3) Requires the tenant to pay attorney's fees or costs incurred by the landlord in any legal action or dispute arising under the rental agreement except as supported by a court order.

(4) States that the landlord is not liable for property damage or personal injury caused by negligent acts or omissions of the landlord. This subsection does not affect ordinary maintenance obligations of a tenant under 611.56-3(b) or assumed by a tenant under a rental agreement or other written agreement between the landlord and the tenant.

(5) Imposes liability on the tenant for any of the following:

(A) Personal injury arising from causes clearly beyond the tenant's control.

(B) Property damage caused by natural disasters or by persons other than the tenant or the tenant's guests or invitees. This subsection does not affect ordinary maintenance obligations of a tenant under 611.56-3(b) or assumed by a tenant under a rental agreement or other written agreement between the landlord and the tenant.

(6) Waives any obligation on the part of the landlord to deliver the premises in a fit and habitable condition or to maintain the premises during the tenant's tenancy.

(7) Allows for periodic tenancy, which for the purposes of this section means when a tenant uses/occupies a premises without an effective and valid rental agreement by paying rent on a periodic basis including, but not limited to, day-to-day, week-to-week and month-to-month.

611.45-3. *Assignment of Rental Agreements Not Permitted.* Assignments of rental agreements are not permitted under any circumstances.

## **611.56. Rights and Duties of Landlords and Tenants**

611.56-1. This section governs the rights and duties of the landlord and tenant in the absence of any inconsistent provision found in a valid rental agreement.

611.56-2. *Disposition of Personal Property Left by the Tenant.* If the tenant moves from or is evicted from the premises and leaves personal property, the landlord may presume that the tenant has abandoned the personal property and may dispose of said property in any manner that the landlord, in ~~their~~<sup>his or her</sup> sole discretion, determines is appropriate, provided that:

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

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

(c) The ~~Land Commission and the~~ Comprehensive Housing Division shall ~~jointly~~ create rules further governing the disposition of personal property on Tribal land.

611.56-3. *Repairs; Untenability.* This section applies to all ~~leases~~<sup>rental agreements</sup> if there is no contrary provision in writing signed by both parties.

(a) *Duties of the Landlord.*

(1) Except for repairs made necessary by the negligence of, or improper use of the premises by the tenant, the landlord has a duty to do all of the following:

(A) Keep in a reasonable state of repair portions of the premises over which the landlord maintains control.

(B) Keep in a reasonable state of repair all equipment under the landlord's control necessary to supply services that the landlord has expressly or impliedly agreed to furnish to the tenant, such as heat, water, elevator, or air conditioning.

(C) Make all necessary structural repairs.

(D) Except as provided in section 611.56-3(b)(2), repair or replace any plumbing, electrical wiring, machinery, or equipment furnished with the premises and no longer in reasonable working condition.

(E) Comply with any laws or rules of the Nation that are applicable to the premises.

(2) If the premises are part of a building where other parts are occupied by one (1) or more other tenants, negligence or improper use by one (1) tenant does not relieve the landlord from the landlord's duty to make repairs as provided in 611.56-3(a)(1), provided that the landlord may require the responsible tenant to pay for such repairs.

(3) A landlord shall disclose to a prospective tenant, before entering into a rental agreement with or accepting any earnest money or security deposit from the prospective tenant, any violation of either the Building Code of the Oneida Nation or the Zoning and Shoreland Protection Ordinance if all of the following apply:

(A) The landlord has actual knowledge of the violation;

(B) The violation affects the dwelling unit that is the subject of the prospective rental agreement or a common area of the premises;

(C) The violation presents a significant threat to the prospective tenant's health or safety; and

(D) The violation has not yet been corrected but the landlord shall correct the violation prior to the tenant taking occupancy of the premises.

(4) If the premises are damaged by fire, water or other casualty, not the result of the negligence or intentional act of the landlord, this subsection is inapplicable and either section 611.56-3(b) or (c) governs.

(5) The landlord is responsible for all required pest control to keep the premises in a safe and healthy condition, provided that where an infestation has occurred due to the acts or inaction of the tenant the pest control costs may be assessed against the tenant.

*(b) Duties of the Tenant.*

(1) If the premises are damaged, including by an infestation of insects or other pests, due to the acts or inaction of the tenant, the landlord may elect to allow the tenant to remediate or repair the damage and restore the appearance of the premises by redecorating. However, the landlord may elect to undertake the remediation, repair, or redecoration, and in such case the tenant shall reimburse the landlord for the reasonable cost thereof; the cost to the landlord is presumed reasonable unless proven otherwise by the tenant.

(2) The tenant shall keep plumbing, electrical wiring, machinery and equipment furnished with the premises in reasonable working order.

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

*(c) Untenability.* If the premises become untenable because of damage by fire, water or other casualty or because of any condition hazardous to health, or if there is a substantial violation of section 611.56-3(a) materially affecting the health or safety of the tenant, the



tenant may move from the premises unless the landlord promptly repairs, rebuilds or eliminates the health hazard or the substantial violation of 611.56-3(a) materially affecting the health or safety of the tenant.

(1) The tenant may also move and terminate the rental agreement if the inconvenience to the tenant by reason of the nature and period of repair, rebuilding or elimination would impose undue hardship on the tenant.

(2) If the tenant remains in possession, the landlord shall decrease rent for each month to the extent the tenant is deprived of the full normal use of the premises.

~~The Land Commission and the Comprehensive Housing Division shall jointly develop rules governing how and when rent is decreased pursuant to this section.~~

This subsection does not authorize rent to be withheld in full, if the tenant remains in possession.

(3) If the tenant justifiably moves out under this subsection, the tenant is not liable for rent after the premises become untenable and the landlord shall repay any rent paid in advance apportioned to the period after the premises become untenable. This subsection is inapplicable if the damage or condition is caused by negligence or improper use by the tenant.

(4) If the Nation is the landlord, alternative housing shall be provided to the extent that it is reasonably available.

(d) *Check-in sheet.* Landlords shall provide all new tenants with a check-in sheet when the tenant commences ~~his or her~~ their occupancy of the premises that the tenant may use to make comments, if any, about the condition of the premises. The landlord shall provide the tenant with seven (7) days from the date the tenant commences ~~his or her~~ their occupancy to complete the check-in sheet and return it to the landlord. The landlord is not required to provide the check-in sheet to a tenant upon renewal of a rental agreement.

(e) *Notice to Enter Required.* The landlord shall provide twenty-four (24) hour written notice prior to entering the tenant's premises where notice is required to either be personally served to the tenant or posted on the premises. A landlord is exempt from this notice requirement in the case of an emergency welfare check. The basis of a welfare check may include, but is not limited to the following:

(1) The landlord believes the tenant's or a child's wellbeing may be in jeopardy based on reports of child abuse or neglect, medical concerns, suspicious activity or other reported information;

(2) The landlord suspects the tenant has abandoned the premises; and/or

(3) The landlord receives notice that the premise's utilities have been disconnected.

(f) *Acts of tenant not to affect rights of landlord.* No act of a tenant in acknowledging as landlord a person other than the tenant's original landlord can prejudice the right of the original landlord to possession of the premises.

(g) *Annual Inspection Required.* In the event the tenant renews the rental agreement for additional terms, the landlord shall, at a minimum, inspect the premises once annually.

## **611.67. Domestic Abuse Protections**

611.67-1. If a tenant notices the landlord of domestic abuse with of any of the following documentation, regardless of marital status, the landlord shall change the locks to the premises and, if the tenant is unmarried, allow the tenant to modify the rental agreement to remove the domestic abuser:

- (a) An injunction order under Wis. Stat. 813.12(4) protecting the tenant from a co-tenant;
- (b) An injunction order under Wis. Stat. 813.122 protecting a child of the ~~household~~tenant from a co-tenant;
- (c) An injunction order under Wis. Stat. 813.125(4) protecting the tenant or ~~child~~ of the ~~household~~tenant from a co-tenant, based on the co-tenant's engaging in an act that would constitute sexual assault under Wis. Stat. 940.225, 948.02 or 948.025, or stalking under Wis. Stat. 940.32, or attempting or threatening to do the same;
- (d) A condition of release under Wis. Ch. 969 ordering the co-tenant not to contact the tenant;
- (e) A criminal complaint alleging that the co-tenant sexually assaulted the tenant or a child of the ~~household~~tenant under Wis. Stat. 940.225, 948.02 or 948.025;
- (f) A criminal complaint alleging that the co-tenant stalked the tenant or a child of the ~~household~~tenant under Wis. Stat. 940.32; or
- (g) A criminal complaint that was filed against the co-tenant as a result of the co-tenant being arrested for committing a domestic abuse offense against the tenant under Wis. Stat. 968.075.

611.67-2. If a tenant is no longer eligible to maintain the rental agreement upon removing a co-tenant domestic abuser from the rental agreement, the landlord shall permit the tenant to remain on the premises for the longer of either the duration of the rental agreement or ninety (90) days from the date the rental agreement is modified. If the latter applies, in addition to removing the co-tenant that is the domestic abuser, the landlord shall also revise the rental agreement to extend its duration.

611.67-3. The Eviction and Termination law provides tenants that are victims of domestic abuse with a defense to eviction should the abusers actions be the cause for eviction.

### **611.78. Sex Offender Registry**

611.78-1. Should a tenant request information about whether any other tenants are required to register as a sex offender, the landlord shall provide the tenant with written notice that ~~they he or she~~ may obtain information about the sex offender registry and persons registered within the registry by contacting the department of corrections. The landlord shall include in such notice the appropriate telephone number and internet site of the department of corrections.

### **611.89. Termination of Tenancy at Death of Tenant**

611.89-1. If a tenant dies, ~~his or her~~their tenancy is terminated as follows:

- (a) If the deceased tenant was the only household member listed in the rental agreement, immediately upon the death of the tenant;
- (b) If there were additional adult household members aside from the deceased tenant listed in the household within the rental agreement, then the later of the following, provided that an adult household member remaining in the unit shall assume the tenancy responsibilities under the rental agreement:
- (1) Six (6) months after the landlord receives notice, is advised, or otherwise becomes aware of the tenant's death, provided that any extension beyond the original term of the agreement requires an amendment or limited term rental agreement which covers the term of the extension; or
  - (2) The expiration of the term of the rental agreement.

611.89-2. The deceased tenant or ~~his or her~~their estate is not liable for any rent after the termination of ~~his or her~~their tenancy. A landlord may not contact or communicate with a member



of the deceased tenant's family for the purpose of obtaining from the family member rent for which the family member has no liability except that if adult household members remain in the rental unit following the deceased tenant's death in accordance with section 611.89-1 or 611.89-4, an adult household member shall assume the tenancy responsibilities pursuant to the rental agreement. 611.89-3. Nothing in this section relieves another adult tenant of the deceased tenant's premises from any obligation under a rental agreement or any other liability to the landlord.

611.89-4. Where the Nation is the landlord, and if the deceased tenant is a Tribal member whose death renders a co-tenant no longer eligible for a rental agreement based on Tribal member status, the non-Tribal member tenant may remain in the premises as follows:

(a) If subject to a standard rental agreement (i.e. not on a rent-to-own basis), see section 611.89-1(b) above.

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

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

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

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

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

~~611.9-5.~~ 611.8-5. Where a landlord is terminating a rental agreement entered on a rent-to-own basis based on death of a Tribal member tenant, the landlord shall pay the remaining co-tenant all equity the tenants may have accrued in accordance with the rental agreement.

#### **611.9-10. Landlord or Tenant Actions**

611.9-10-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions taken pursuant to this law and/or a rental agreement.

611.9-10-2. No administrative hearing body, including a board, committee or commission, is authorized to hear a complaint regarding actions taken pursuant to this law and/or a rental agreement.

611.9-10-3. Where the Nation is the landlord any complaint filed with the judiciary ~~The landlord is the Comprehensive Housing Division in regards to taking actions authorized under this law and complaints filed with the Oneida Judiciary~~ shall name the Comprehensive Housing Division and the specific program.

**611.10. Comprehensive Housing Division Rental Programs**

611.10-1. Available Rental Programs. Consistent with available funds, the Comprehensive Housing Division shall provide residential rental programs for providing housing to the following types of tenants. The Comprehensive Housing Division shall establish rules naming said programs and providing the specific requirements and regulations that apply to each program:

- (a) Elder members of the Nation;
- (b) Low-income Oneida tribal members and families; and
- (c) Tribal members in general.

611.10-2. Minimum Rental Eligibility Requirements. In order to be eligible for a rental agreement with CHD, applicants shall meet the following conditions:

- (a) Be eighteen (18) years of age at the time of the application;
- (b) Have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and Forgiveness law may provide an exception to this condition;
- (c) Meet the local governments' laws' requirements regarding residency restrictions for convicted sex offenders;
- (d) Meet the income requirements for entering the rental agreement as determined by the rental program's governing rules;
- (e) Not hold a residential lease with the Nation; and
- (f) Meet any other eligibility requirements set by the rental program's rules, which may not be less strict than this law, but may be stricter than this law, provided that rules developed for low-income Tribal members and families:
  - (1) May not contain eligibility requirements that consider debt owed or evictions from entities other than the Comprehensive Housing Division; but
  - (2) May contain eligibility requirements that consider debt owed to utility providers, provided that eligibility may not be denied for any debt owed to a utility provider with a past due balance of less than two hundred dollars (\$200).

*End.*

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Adopted – BC-10-12-16-C  
Emergency Amended – BC-01-25-17-C  
Emergency Extension – BC-07-26-17-I  
Amended—BC-12-13-17-D

**Title 6. Property and Land- Chapter 611**  
**LANDLORD-TENANT**  
**Tsi' Yuhwatsyawá'ku Aolihwá'ke**  
*where it bound to the earth - issues*

611.1.	Purpose and Policy	611.6.	Domestic Abuse Protections
611.2.	Adoption, Amendment, Repeal	611.7.	Sex Offender Registry
611.3.	Definitions	611.8.	Termination of Tenancy at Death of Tenant
611.4.	Rental Agreement Documents	611.9.	Landlord or Tenant Actions
611.5.	Rights and Duties of Landlords and Tenants	611.10	Comprehensive Housing Division Rental Programs

**611.1. Purpose and Policy**

611.1-1. *Purpose.* The purpose of this law is to provide mechanisms for protecting the rights of the landlords and tenants on all land owned by the Nation or members of the Nation within the Reservation boundaries.

611.1-2. *Policy.* It is the Nation's policy to provide a fair process to all landlords and tenants that preserves the peace, harmony, safety, health, and general welfare of the Nation's residents.

**611.2. Adoption, Amendment, Repeal**

611.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-C and thereafter amended by resolution BC-12-13-17-D.

611.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

611.2-3. 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.

611.2-4. 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.

611.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

**611.3. Definitions**

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

(a) "Comprehensive Housing Division" is the division within the Oneida Nation under the direction of the Comprehensive Housing Division Director which consists of all residential services offered by the Nation, including but not limited to, all rental programs, the rent-to-own program, and the residential sales and mortgages programs.

(b) "Landlord" means any person or entity within the Nation's jurisdiction in their capacity to rent real property subject to a rental agreement.

(c) "Nation" means the Oneida Nation.

(d) "Premises" means the property covered by a rental agreement, including not only the real property and fixtures, but also any personal property furnished by the landlord pursuant to a rental agreement.

(e) “Rental Agreement” means a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less, provided that the term may be longer than one (1) year in circumstances where the contract is on a rent-to-own basis.

(f) “Reservation” means all property within the exterior boundaries of the reservation of the Oneida Nation, as created pursuant to the 1838, Treaty with the Oneida, 7 Stat., 566, and any lands added thereto pursuant to federal law.

(g) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted by the Comprehensive Housing Division in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law

(h) “Tenant” means the person granted the right to use or occupy a premises pursuant to a rental agreement.

(i) “Tribal member” means an individual who is an enrolled member of the Nation.

(j) “Security Deposit” means a payment made to the landlord by the tenant to ensure that rent will be paid and other responsibilities of the rental agreement performed.

#### **611.4. Rental Agreement Documents**

611.4-1. *Severability of Rental Agreement Provisions.* The provisions of a rental agreement are severable. If any provision of a rental agreement is void or unenforceable by reason of any law, rule, regulation, or judicial order, the invalidity or unenforceability of that provision does not affect other provisions of the rental agreement that can be given effect without the invalid or unenforceable provision.

611.4-2. *Requirements of Rental Agreements and Terminations.* A rental agreement or termination of a rental agreement is not enforceable unless it meets the requirements of this law and is in writing.

(a) All rental agreements shall:

(1) Set forth the amount of rent or other consideration provided in exchange for the ability to use/occupy the premises;

(2) Set forth the required amount of security deposit and require payment of the security deposit prior to the tenant(s) taking use/occupancy of the premises, if applicable;

(3) Set the time of commencement and expiration of the rental agreement;

(4) Provide a reasonably definite description of the premises;

(5) If the Nation is the landlord, state that nothing in the agreement may be considered a waiver of the Nation’s sovereign immunity, provided that tenants may seek enforcement of a rental agreement or dispute an action taken pursuant to a rental agreement with the Oneida Judiciary; and

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

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

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

(b) Any provision of a rental agreement that does any of the following is void and unenforceable.

(1) Allows a landlord to do or threaten to do any of the following because a tenant has contacted an entity for law enforcement services, health services or safety services:

(A) Increase rent;

(B) Decrease services;

(C) Bring an action for eviction unless authorized by the Eviction and Termination law; and/or

(D) Refuse to renew a rental agreement.

(2) Except as otherwise provided in this law in regard to domestic abuse, authorizes the eviction or exclusion of a tenant from the premises other than through the process described in the Eviction and Termination law.

(3) Requires the tenant to pay attorney's fees or costs incurred by the landlord in any legal action or dispute arising under the rental agreement except as supported by a court order.

(4) States that the landlord is not liable for property damage or personal injury caused by negligent acts or omissions of the landlord. This subsection does not affect ordinary maintenance obligations of a tenant under 611.5-3(b) or assumed by a tenant under a rental agreement or other written agreement between the landlord and the tenant.

(5) Imposes liability on the tenant for any of the following:

(A) Personal injury arising from causes clearly beyond the tenant's control.

(B) Property damage caused by natural disasters or by persons other than the tenant or the tenant's guests or invitees. This subsection does not affect ordinary maintenance obligations of a tenant under 611.5-3(b) or assumed by a tenant under a rental agreement or other written agreement between the landlord and the tenant.

(6) Waives any obligation on the part of the landlord to deliver the premises in a fit and habitable condition or to maintain the premises during the tenant's tenancy.

(7) Allows for periodic tenancy, which for the purposes of this section means when a tenant uses/occupies a premises without an effective and valid rental agreement by paying rent on a periodic basis including, but not limited to, day-to-day, week-to-week and month-to-month.

611.4-3. *Assignment of Rental Agreements Not Permitted.* Assignments of rental agreements are not permitted under any circumstances.

## **611.5. Rights and Duties of Landlords and Tenants**

611.5-1. This section governs the rights and duties of the landlord and tenant in the absence of any inconsistent provision found in a valid rental agreement.

611.5-2. *Disposition of Personal Property Left by the Tenant.* If the tenant moves from or is evicted from the premises and leaves personal property, the landlord may presume that the tenant has abandoned the personal property and may dispose of said property in any manner that the landlord, in their sole discretion, determines is appropriate, provided that:

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

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

(c) The Comprehensive Housing Division shall create rules further governing the disposition of personal property on Tribal land.

611.5-3. *Repairs; Untenability.* This section applies to all rental agreements if there is no contrary provision in writing signed by both parties.

(a) *Duties of the Landlord.*

(1) Except for repairs made necessary by the negligence of, or improper use of the premises by the tenant, the landlord has a duty to do all of the following:

(A) Keep in a reasonable state of repair portions of the premises over which the landlord maintains control.

(B) Keep in a reasonable state of repair all equipment under the landlord's control necessary to supply services that the landlord has expressly or impliedly agreed to furnish to the tenant, such as heat, water, elevator, or air conditioning.

(C) Make all necessary structural repairs.

(D) Except as provided in section 611.5-3(b)(2), repair or replace any plumbing, electrical wiring, machinery, or equipment furnished with the premises and no longer in reasonable working condition.

(E) Comply with any laws or rules of the Nation that are applicable to the premises.

(2) If the premises are part of a building where other parts are occupied by one (1) or more other tenants, negligence or improper use by one (1) tenant does not relieve the landlord from the landlord's duty to make repairs as provided in 611.5-3(a)(1), provided that the landlord may require the responsible tenant to pay for such repairs.

(3) A landlord shall disclose to a prospective tenant, before entering into a rental agreement with or accepting any earnest money or security deposit from the prospective tenant, any violation of either the Building Code of the Oneida Nation or the Zoning and Shoreland Protection Ordinance if all of the following apply:

(A) The landlord has actual knowledge of the violation;

(B) The violation affects the dwelling unit that is the subject of the prospective rental agreement or a common area of the premises;

(C) The violation presents a significant threat to the prospective tenant's health or safety; and

(D) The violation has not yet been corrected but the landlord shall correct the violation prior to the tenant taking occupancy of the premises.

(4) If the premises are damaged by fire, water or other casualty, not the result of the negligence or intentional act of the landlord, this subsection is inapplicable and either section 611.5-3(b) or (c) governs.

(5) The landlord is responsible for all required pest control to keep the premises in a safe and healthy condition, provided that where an infestation has occurred due to the acts or inaction of the tenant the pest control costs may be assessed against the tenant.

(b) *Duties of the Tenant.*

(1) If the premises are damaged, including by an infestation of insects or other pests, due to the acts or inaction of the tenant, the landlord may elect to allow the tenant to remediate or repair the damage and restore the appearance of the premises by redecorating. However, the landlord may elect to undertake the remediation, repair, or redecoration, and in such case the tenant shall reimburse the landlord for the reasonable cost thereof; the cost to the landlord is presumed reasonable unless proven otherwise by the tenant.

(2) The tenant shall keep plumbing, electrical wiring, machinery and equipment furnished with the premises in reasonable working order.

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

(c) *Untenability.* If the premises become untenable because of damage by fire, water or other casualty or because of any condition hazardous to health, or if there is a substantial violation of section 611.5-3(a) materially affecting the health or safety of the tenant, the tenant may move from the premises unless the landlord promptly repairs, rebuilds or eliminates the health hazard or the substantial violation of 611.5-3(a) materially affecting the health or safety of the tenant.

(1) The tenant may also move and terminate the rental agreement if the inconvenience to the tenant by reason of the nature and period of repair, rebuilding or elimination would impose undue hardship on the tenant.

(2) If the tenant remains in possession, the landlord shall decrease rent for each month to the extent the tenant is deprived of the full normal use of the premises. This subsection does not authorize rent to be withheld in full, if the tenant remains in possession.

(3) If the tenant justifiably moves out under this subsection, the tenant is not liable for rent after the premises become untenable and the landlord shall repay any rent paid in advance apportioned to the period after the premises become untenable. This subsection is inapplicable if the damage or condition is caused by negligence or improper use by the tenant.

(4) If the Nation is the landlord, alternative housing shall be provided to the extent that it is reasonably available.

(d) *Check-in sheet.* Landlords shall provide all new tenants with a check-in sheet when the tenant commences their occupancy of the premises that the tenant may use to make comments, if any, about the condition of the premises. The landlord shall provide the tenant with seven (7) days from the date the tenant commences their occupancy to complete the check-in sheet and return it to the landlord. The landlord is not required to provide the check-in sheet to a tenant upon renewal of a rental agreement.

(e) *Notice to Enter Required.* The landlord shall provide twenty-four (24) hour written notice prior to entering the tenant's premises where notice is required to either be personally served to the tenant or posted on the premises. A landlord is exempt from this notice requirement in the case of an emergency welfare check. The basis of a welfare check may include, but is not limited to the following:

(1) The landlord believes the tenant's or a child's wellbeing may be in jeopardy based on reports of child abuse or neglect, medical concerns, suspicious activity or other reported information;

(2) The landlord suspects the tenant has abandoned the premises; and/or

(3) The landlord receives notice that the premise's utilities have been disconnected.



(f) *Acts of tenant not to affect rights of landlord.* No act of a tenant in acknowledging as landlord a person other than the tenant's original landlord can prejudice the right of the original landlord to possession of the premises.

(g) *Annual Inspection Required.* In the event the tenant renews the rental agreement for additional terms, the landlord shall, at a minimum, inspect the premises once annually.

#### **611.6. Domestic Abuse Protections**

611.6-1. If a tenant notices the landlord of domestic abuse with of any of the following documentation, regardless of marital status, the landlord shall change the locks to the premises and, if the tenant is unmarried, allow the tenant to modify the rental agreement to remove the domestic abuser:

- (a) An injunction order under Wis. Stat. 813.12(4) protecting the tenant from a co-tenant;
- (b) An injunction order under Wis. Stat. 813.122 protecting a child of the household from a co-tenant;
- (c) An injunction order under Wis. Stat. 813.125(4) protecting the tenant or child of the household from a co-tenant, based on the co-tenant's engaging in an act that would constitute sexual assault under Wis. Stat. 940.225, 948.02 or 948.025, or stalking under Wis. Stat. 940.32, or attempting or threatening to do the same;
- (d) A condition of release under Wis. Ch. 969 ordering the co-tenant not to contact the tenant;
- (e) A criminal complaint alleging that the co-tenant sexually assaulted the tenant or a child of the household under Wis. Stat. 940.225, 948.02 or 948.025;
- (f) A criminal complaint alleging that the co-tenant stalked the tenant or a child of the household under Wis. Stat. 940.32; or
- (g) A criminal complaint that was filed against the co-tenant as a result of the co-tenant being arrested for committing a domestic abuse offense against the tenant under Wis. Stat. 968.075.

611.6-2. If a tenant is no longer eligible to maintain the rental agreement upon removing a co-tenant domestic abuser from the rental agreement, the landlord shall permit the tenant to remain on the premises for the longer of either the duration of the rental agreement or ninety (90) days from the date the rental agreement is modified. If the latter applies, in addition to removing the co-tenant that is the domestic abuser, the landlord shall also revise the rental agreement to extend its duration.

611.6-3. The Eviction and Termination law provides tenants that are victims of domestic abuse with a defense to eviction should the abusers actions be the cause for eviction.

#### **611.7. Sex Offender Registry**

611.7-1. Should a tenant request information about whether any other tenants are required to register as a sex offender, the landlord shall provide the tenant with written notice that they may obtain information about the sex offender registry and persons registered within the registry by contacting the department of corrections. The landlord shall include in such notice the appropriate telephone number and internet site of the department of corrections.

#### **611.8. Termination of Tenancy at Death of Tenant**

611.8-1. If a tenant dies, their tenancy is terminated as follows:

- (a) If the deceased tenant was the only household member listed in the rental agreement, immediately upon the death of the tenant;

(b) If there were additional adult household members aside from the deceased tenant listed in the household within the rental agreement, then the later of the following, provided that an adult household member remaining in the unit shall assume the tenancy responsibilities under the rental agreement:

(1) Six (6) months after the landlord receives notice, is advised, or otherwise becomes aware of the tenant's death, provided that any extension beyond the original term of the agreement requires an amendment or limited term rental agreement which covers the term of the extension; or

(2) The expiration of the term of the rental agreement.

611.8-2. The deceased tenant or their estate is not liable for any rent after the termination of their tenancy. A landlord may not contact or communicate with a member of the deceased tenant's family for the purpose of obtaining from the family member rent for which the family member has no liability except that if adult household members remain in the rental unit following the deceased tenant's death in accordance with section 611.8-1 or 611.8-4, an adult household member shall assume the tenancy responsibilities pursuant to the rental agreement.

611.8-3. Nothing in this section relieves another adult tenant of the deceased tenant's premises from any obligation under a rental agreement or any other liability to the landlord.

611.8-4. Where the Nation is the landlord, and if the deceased tenant is a Tribal member whose death renders a co-tenant no longer eligible for a rental agreement based on Tribal member status, the non-Tribal member tenant may remain in the premises as follows:

(a) If subject to a standard rental agreement (i.e. not on a rent-to-own basis), see section 611.8-1(b) above.

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

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

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

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

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

611.8-5. Where a landlord is terminating a rental agreement entered on a rent-to-own basis based on death of a Tribal member tenant, the landlord shall pay the remaining co-tenant all equity the tenants may have accrued in accordance with the rental agreement.

**611.9. Landlord or Tenant Actions**

611.9-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions taken pursuant to this law and/or a rental agreement.

611.9-2. No administrative hearing body, including a board, committee or commission, is authorized to hear a complaint regarding actions taken pursuant to this law and/or a rental agreement.

611.9-3. Where the Nation is the landlord, any complaint filed with the judiciary shall name the Comprehensive Housing Division and the specific program.

**611.10. Comprehensive Housing Division Rental Programs**

611.10-1. *Available Rental Programs.* Consistent with available funds, the Comprehensive Housing Division shall provide residential rental programs for providing housing to the following types of tenants. The Comprehensive Housing Division shall establish rules naming said programs and providing the specific requirements and regulations that apply to each program:

- (a) Elder members of the Nation;
- (b) Low-income Oneida tribal members and families; and
- (c) Tribal members in general.

611.10-2. *Minimum Rental Eligibility Requirements.* In order to be eligible for a rental agreement with CHD, applicants shall meet the following conditions:

- (a) Be eighteen (18) years of age at the time of the application;
- (b) Have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and Forgiveness law may provide an exception to this condition;
- (c) Meet the local governments' laws' requirements regarding residency restrictions for convicted sex offenders;
- (d) Meet the income requirements for entering the rental agreement as determined by the rental program's governing rules;
- (e) Not hold a residential lease with the Nation; and
- (f) Meet any other eligibility requirements set by the rental program's rules, which may not be less strict than this law, but may be stricter than this law, provided that rules developed for low-income Tribal members and families:
  - (1) May not contain eligibility requirements that consider debt owed or evictions from entities other than the Comprehensive Housing Division; but
  - (2) May contain eligibility requirements that consider debt owed to utility providers, provided that eligibility may not be denied for any debt owed to a utility provider with a past due balance of less than two hundred dollars (\$200).

*End.*

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Adopted – BC-10-12-16-C  
Emergency Amended – BC-01-25-17-C  
Emergency Extension – BC-07-26-17-I  
Amended—BC-12-13-17-D

## Legislative Operating Committee



### Agenda Request Form

- 1) Request Date: 1-15-25 LOC Mtg. Date
- 2) Contact Person(s): Larry Barton Dept: Treasurer  
 Phone Number: 920-869-4394 Email: lbarton2@oneidanation.org
- 3) Agenda Title: Lavish & Extravagant Trip & Gratuities Law
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee  
See attached memorandum  


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

- 1) Oneida Travel and Expense Policy
- 2) Ticket Distribution Statement of Effect
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) Please List any laws, ordinances or resolution that might be affected:  
Travel Policy, Code of Ethics, Gift Policy, Ticket Distribution SOP
- 6) Please List all other departments or person(s) you have brought your concern to:  
Oneida Business Committee
- 7) Do you consider this request urgent? ☐ Yes ☒ No  
 If yes, please indicate why: \_\_\_\_\_

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

Signature of Requester: \_\_\_\_\_

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

**LOC@oneidanation.org**

or

**Legislative Operating Committee (LOC)**

P.O. Box 365


Oneida, WI 54155

Phone 920-869-4376



## Memorandum

To: Legislative Reference Office/Legislative Operating Committee

From: Larry Barton, Treasurer 

Date: January 20, 2025

Re: Lavish & Extravagant Trip & Gratuities Law

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Transparency and Audit Compliance is required to disclose the monetary value of the complimentary trip(s) in addition to the number of individuals attending with the Oneida Nation. The sponsor or vendor providing invitation would serve this purpose toward full disclosure.

The current manner of determining attendance to complimentary trips has no identifiable due diligence process to assess optimal benefit of the Oneida community or benefiting Not-For-Profit(s) serving Oneida Tribal members.

It is apparent that past and current invitation(s) and utilization of lavish and extravagant trip offerings by vendors requires a transparent process and law to guide best practices when invitations are offered.

Consideration of the following criteria requires evaluation to optimize the best interests of the Nation toward utilization of the specified trip(s).

International and Domestic athletic events and related vendor sponsored event invitation(s), necessitate structure and process toward an identified criteria including:

1. Identifiable revenue generation including complimentary offering to related gaming clientele as a priority.
2. Community Fundraising for an Oneida community related funding need.  
Example: ONCOA, Veterans, Youth Recreation, Education, Oneida Hymn Singers, and related through a raffle type instrument.
3. Random voluntary drawing amongst enrolled members and tribal employees in compliance with existing policy.
4. Student academic or leadership recognition.

Additionally, research of the taxability of Trips & Gratuities is required to comply with all applicable Tax Code(s).

Recent lavish complementary trip offerings have prompted necessity of policy (Law) clarity to guide and disclose receipt and use of travel gratuities.

### Definitions:

Lavish – Sumptuously rich, elaborate, or luxurious.

Extravagant – Exceeding the limits or reason or necessity.

Hob Nob – Mix socially, especially with those of higher social status, elites, royalty.

### Associated Costs with February 7-10, 2025 Trip:

Chartered Flights: \$5,000 per person round trip (estimate). Pro Rata passenger;

Hotel: \$999.00 - \$3,325 (4 night required minimum stay).

Tribal Per Diem: \$280.00 (4 days)

Superbowl Tickets: \$7,078.00 - \$32,500.00 (Range based on seating)

The justification for attendance to the noted event is a need to “Hob Nob.”

Substantiation of the benefit of this event (Superbowl), let alone the recent event in the U.K.; provides no apparent visible benefit to the Oneida Nation transacted with 10 (ten) attendees. Lacking data, the appearance of a paid trip with no value added is evident.

Importantly, lacking a finite dollar limit to acceptance of lavish travel, our Audit finding may be apparent. Typically, a \$100.00 (One-Hundred Dollar) limit is common.

Formal guidance with adoption of a law ahead of the next seasons possible trip to Ireland Fall of 2025, is a necessity to formalize policy and Audit Compliance.

Importantly, no prior formal discussion to the request for approval of the noted trip other than by “E-Poll” was conducted. Original correspondence is a purposeful requirement that can be addressed in the proposed Law as no attached or written travel offering or back-up documentation was provided.

The proposed Law can identify formal, written guidance where all expenses are covered by the third-party sponsor. Amendment to the Oneida Nation Travel Policy addresses whether acceptance of travel per diem is appropriate.

The current informal practice is absent of process toward disclosure and transparency. Development of a definitive law clearly governing noted offerings enhance engagement with our membership through fostering an ethical culture.

### Attachments

## Title 2. Employment – Chapter 219

### ONEIDA TRAVEL AND EXPENSE POLICY

219.1 Purpose and Policy  
 219.2 Adoption, Amendment, Repeal  
 219.3 Definitions  
 219.4 Non-local Travel  
 219.5 Travel Advances  
 219.6 Air Fare  
 219.7 Lodging  
 219.8 Car Rental

219.9 Expense Voucher And Receipts.  
 219.10 Local Mileage  
 219.11 Credit Cards  
 219.12 Travel Agency  
 219.13 Extended Travel  
 219.14 Conduct on Travel  
 219.15 Special Group Travel  
 219.16 Department Travel

#### **219.1. Purpose and Policy**

219.1-1. This document establishes policies governing the reimbursement of travel and expenses incurred during the conduct of company business. It is company policy to reimburse employees for ordinary, necessary, and reasonable travel expenses that are directly connected with, or pertaining to, the transaction of company business. Employees are expected to exercise prudent business judgement regarding cost effective expenses covered by this policy.

#### **219.2 Adoption, Amendment, Repeal**

219.2-1. This Policy is adopted by the Oneida Business Committee by resolution BC-4-2-97-F, and amended by resolutions # 04-07-99-B , BC-7-03-02-C, BC-4-2-08-A and BC-08-06-08-B.

219.2-2. This Policy may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

219.2-3. Should a provision of this Policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other portions of this Policy which are considered to have legal force and effect without the invalid portions.

219.2-4. All other Oneida policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this Policy are hereby repealed unless specifically re-enacted after adoption of this policy.

219.2-5. Forms or other documents needed to fully implement this policy may be created and revised by the Travel Office or Accounting Department as necessary to fully implement this policy without need for approval by any approving authority, or amendment to this Policy.

#### **219.3 Definitions**

219.3-1. This section shall govern the definitions of words or phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) "Non-local travel" is defined as any travel which requires an overnight stay.
- (b) "Travel Coordinator" means the person or personnel from All Nations Travel.
- (c) "Department Designee" means the secretary or person making arrangements for individuals within departments of the Oneida Tribe.
- (d) "Traveler" means the employee of the Oneida Tribe of Indians of Wisconsin in an employment capacity, who from time to time may be authorized to act on behalf of the Oneida Tribe.



(e) "Local Travel" is defined as travel which does not require an overnight stay.

#### **219.4 Non-local Travel**

219.4-1. Any travel that is non-local travel must be authorized by the Oneida Business Committee or by the approved sign off authority prior to incurring travel expense. All non-local travel for the General Manager, Gaming General Manager, and Oneida Business Committee must be approved by the Oneida Business Committee. If immediate travel is needed, the travel must be put on the next Oneida Business Committee agenda for retro active approval. In either case, if approval is not acquired, all expenses will be the responsibility of the traveler.

219.4-2. Any travel for Boards, Committees, Commissions must be authorized by sign off authority as indicated within approved by-laws.

219.4-3. *Total Representation.* The Oneida Tribe recognizes that multiple representatives are sometimes necessary to obtain the greatest amount of information being presented. However, representation shall be limited as follows.

(a) *Single Representative.* In all instances, a single employee may be approved for non-local travel as a representative.

(b) *Multiple Representatives.* In all cases where more than one employee, regardless of the office or department of the Oneida Tribe is approved for non-local travel, justification for all employees must be presented.

(c) *Limited Number of Representatives.* In all cases where more than fifteen employees will be approved for non-local travel, approval from the Oneida Business Committee must be obtained prior to travel for all employees approved to travel.

219.4-4. *All Nations Travel.* All non-local travel involving transportation and lodging must be arranged through All Nations Travel. That office may manage travel vouchers and expenses if in its judgement sufficient personnel is available to accurately managed such responsibilities. Where All Nations Travel is unable to manage travel vouchers and expenses, the department designee shall monitor this paperwork.

#### **219.5 Travel Advances**

219.5-1. Travel Advances may be obtained for non-local travel only, and are based upon the rates allowed for federal employees as set out in 41 C.F.R. Part 301 and as amended from time to time in the Federal Register.

(a) Accounting computer generated and numbered Travel Authorization forms which require the signature of the Tribal Treasurer, Chief Financial Officer, or by the approved sign-off authority, shall be required for all advances. 100% of the Travel Advance request is allowable.

(b) In order to obtain discounts and reduced fees, information regarding the travel must be submitted to the Travel Coordinator or appropriate department designee at least 7-10 days prior to departure date, when possible. The Travel Coordinator or department designee will fill out the necessary forms to get the proper approval, proper approval consists of the approved sign off authority, and forward the Travel Advance request to the proper accounting staff.

(c) All Travel Advance requests are to be made through the Travel Coordinator office or

department designee who will work with the appropriate accounting department staff to finalize all arrangements, which will include airfare, hotel, per diem, taxi, business expense, registration fees and car rentals.

219.5-2. Travel Advances are computed in the following manner by the Travel Coordinator or department designee. Days are divided into five sections: 12:01 a.m. to 4:30 a.m.; 4:31 a.m. to 10:30 a.m.; 10:31 a.m. to 4:30 p.m.; 4:31 p.m. to 10:30 p.m.; and 10:31 p.m. to 12:00 p.m.

(a) When a change in the per diem rate is made during a day, the rate of per diem is effect at the beginning of the quarter in which the change occurs shall continue to the end of that quarter. Example: travel to Madison on the 5<sup>th</sup> at 9:00 a.m. and then on to Washington, D.C. on the 6<sup>th</sup> leaving Madison at 3:00 p.m. Per diem rate for the first and second quarter will be for Madison, and the rate for Washington will begin at 6:00 p.m.

(b) *Beginning and Ending of Entitlement.* For computing per diem allowances, official travel begins at the time the traveler leaves his home, office, or other point of departure and ends when the traveler returns to his home, office, or other point of conclusion of his work related trip. Vacation time taken in conjunction with a business trip is at the travelers expense.

(c) *Lodging.* There is also a allowable amount for lodging which is listed with the per diem rates. If lodging exceeds rate, justification of exceeding that rate as well as , the supervisor's approval is needed.

(d) *Other.* Taxi or car rental expenses use an estimated amount.

(e) *Business Expense.* Use an estimated amount if needed.

(f) Any other expenses incurred outside the normal rates will not be allowed unless approved by the Oneida Business Committee or approved sign-off authority.

(g) *Private Car Mileage Rate.* Milage will be reimbursed at the rate allowed in the Code of Federal Regulations. Multiply the current rate times the estimated mileage expected for a round trip. Upon completion of travel, actual odometer readings must be turned in to the Travel Coordinator or department designee, from which the adjustments to the final travel costs will be computed.

(h) Travelers cannot claim Business Expense and Per Diem for the same meals.

(i) Travelers shall not claim Per Diem for designated meals when meals are included in the Conference Registration.

(j) Per diem is allowed for non-local travel of the travel exceeds 12 hours.

## **219.6 Air Fare**

219.6-1. Advance notice must be given to the Travel Coordinator or department designee so that he/she can get discounts and/or government rates. Discounted rates are available for 7-day advance notices, 14-day advance notices, and 21-day advance notices. Some rates require a Saturday night stay and other restrictions may apply. The Oneida Tribe encourages the traveler to stay over the Saturday night if it is cost effective to the Oneida Tribe.

219.6-2. It is the traveler's responsibility to sign themselves up for frequent flyer numbers with each of the individual airlines for frequent flyer miles.

219.6-3. All frequent flyer miles and frequent flyer airline tickets, bonus and bank miles are the property of the individual traveler. This will not guarantee that the individual will only fly one

particular airline to receive their miles, but will fly the airline that best accommodates the traveler's schedule.

219.6-4. The individual department will pay for change fees charged by the airlines, provided that the change is related to business and not personal. Example: A traveler is scheduled to leave on Saturday at 10:00 a.m., but wants to leave at 5:00 p.m. because he/she is required to attend a General Tribal Council meeting at 10:00 a.m., this change fee would be covered by the Department. Fees charged for missed flights due to late arrival by the traveler may be the responsibility of the traveler, not the Tribe.

219.6-5. Whenever possible travel arrangements must be made in advance and changes to these arrangements are not encouraged. Once arrangements are finalized, the airlines charge a penalty fee for each change. Sometimes the traveler may not be charged, other times airlines charge a fee at the ticket counter and the traveler will have to pay out of pocket. It is necessary to keep the receipt that the airlines gives the traveler in order to get reimbursed for the change fee, if applicable.

219.6-6. Class of service will always be booked in discount or coach class unless there is no availability in this service, then business or first class will apply for all domestic and international travel unless for medical or physical reasons.

219.6-7. Travelers should limit themselves on the same flight to limit exposure to loss of key personnel in the event of an accident.

219.6-8. All charter and private flights should be booked through the Travel Coordinator's office and should be booked only when the domestic airlines cannot accommodate the traveler to and from his/her destination in the allowed time or if it is cost effective.

219.6-9. Use and approval of prepaid tickets should be made through the Travel Coordinator's office to insure the necessity of the cost for prepaid tickets.

219.6-10. Denial of boarding is the responsibility of the traveler and not the Oneida Tribe and any cost incurred is the traveler's responsibility.

219.6-11. Any unused ticket is the property of the Oneida Tribe. Dates and times can be changed for future use within 1 year of the date of ticketing, with a penalty fee, but names or airlines cannot be changed. All unused tickets are to be sent to the Travel Office to be used towards future travel and will be monitored through the Travel Office.

219.6-12. Cancellation and payment of airline tickets are the responsibility of the department ordering the ticket.

219.6-13. Travelers traveling will use the most cost effective form of travel, whether flying or driving. Travelers who wish to drive, and if flying is cheaper, will receive mileage only up to the cheapest airline ticket available. The individual department will determine which form of travel will be used. Per diem will be paid beginning at noon one day before the meeting and end at noon one day after the meeting on all travel where the employee chooses to drive rather than fly to a location farther than 100 miles from the Oneida Reservation.

## **219.7 Lodging**

219.7-1. All Tribal travel requiring an overnight stay must be requested at Government Rates according to the Federal Register. Anything above that rate will need Tribal Treasurer, Chief Financial Officer and/or the General Manager's or Gaming General Manager's approval on the expense voucher.

219.7-2. Hotel reservations must be made as close as possible to the meeting place, airport, or the safest hotel in the area.

219.7-3. Hotels will not be selected to fit into a traveler's frequent flyer guest programs, but must be selected by location and rate.

219.7-4. It is the responsibility of the traveler to cancel hotel reservations while out on travel to reduce the cost of no-shows. Any no-show charges may be the responsibility of the traveler.

7-5. Only the following are included in your hotel expenses: room, tax, occupancy tax, telephone, fax, parking for rental car. All other expense will not be reimbursed.

## **219.8 Car Rental**

219.8-1. The Oneida Tribe has a corporate negotiated rate with National Car Rental, see Travel Coordinator for corporate identification number.

219.8-2. The use of alternate transportation such as taxi, hotel shuttle, public transportation, subway, metro must be used when less expensive.

219.8-3. Insurance on all car rentals is covered by the Oneida Tribe's insurance policy. The driver must be on the approved Tribal vehicle drivers list with Human Resources Department before departure. No exceptions will be made.

219.8-4. Car rental will only be used if the event is farther than a 15 mile radius of the hotel.

219.8-5. Car rental advances must be submitted on the Travel Authorization before travel is taken.

219.8-6. Car rentals will be made in the compact or mid-sized categories.

219.8-7. Any upgrades will be the employee's responsibility and must be reimbursed to the Oneida Tribe.

219.8-8. A full sized vehicle or mini-van may be requested where there are three or more employees utilizing the rental vehicle.

219.8-9. Fuel charges assessed by the rental company will be the employee's responsibility.

219.8-10. Insurance coverage or charges beyond one driver will be the employee's responsibility. Under no conditions shall additional drivers be approved who are not also approved as drivers of Tribal vehicles.

219.8-11. Employees are required to report accidents to the following persons.

- (a) Local law enforcement agencies.
- (b) Rental company.
- (c) All Nations Travel.
- (d) Human Resources Department upon return.
- (e) Risk Management upon return, with copies of all paperwork.

## **219.9 Expense Voucher and Receipts.**

219.9-1. Upon return from travel, all receipts must be submitted together to the Travel Coordinator or department designee who will itemize the actual and necessary expenses incurred on an Expense Voucher. All expenses must have receipt attached to the Expense Voucher. This applies to both travel advances and business expense reimbursements. Following are the requirements for reimbursable/allowable receipts:

- (a) If exceeding Per diem rates, all receipts are needed.
- (b) All receipts must be a tape register receipt or a credit card receipt. Handwritten receipts

will not be acceptable. The only exceptions to this provision, are:

- (1) Taxi receipts
- (2) Receipts for the purchase of materials, in which case the date, price, description of material, and signature of the seller must be clearly legible.
- (3) Lodging in a dwelling other than a hotel, etc. Example: Land Claims Commission members travel to Canada and usually stay with other members from Canada, they pay the individual for the room and receives a receipt for reimbursement. Receipt must have name, address and telephone number of host/hostess.

(c) Expenses should also meet those requirements set forth in section 219.9-4.

219.9-2. All travel requiring an overnight stay, must be accompanied by a lodging receipt from the establishment providing the traveler's accommodations which clearly establishes the nightly rate for single occupancy for the room occupied and the numbers of nights the traveler utilized the accommodations. If voucher is not properly supported, it will be returned to the traveler, and reimbursement will not be allowed.

219.9-3. *Telephone Calls.* One personal phone call per day is allowed. Where more than one personal call is made, the first call made will be the allowed expense. Provided further, that personal calls in excess of \$15.00 will have all charges in excess of \$15.00 the responsibility of the employee.

We encourage the travelers to use 1-800's when possible. *See also Cellular Phone Policy.*

219.9-4. *Business Expense.* This procedure applies to all purchase requisitions, appropriation requests, expense vouchers and cash advances. Travelers cannot claim business expense and per diem. In order for a meal to be considered as a business expense the following conditions shall be met.

- (a) The bill shall not contain any amounts which represents the purchase of alcoholic beverages. *See Oneida Business Committee Resolution # 1-13-93-A*
- (b) The persons meeting must be a combination of Tribal employees(s) or official(s) and non-Tribal representative(s).
- (c) The non-Tribal representative(s) must be vendors, consultants, independent contractors or other parties that are doing business with the Oneida Nation.
- (d) In most instances the maximum group sizes must number fifteen (15) or less. Groups larger than fifteen (15) must receive prior approval from the Oneida Business Committee. If prior approval is not received, payment or reimbursement may be denied.
- (e) The allowable amount must fall within the guidelines established by the Federal Government for meals. If an estimate of the requested needed appears to fall outside the guidelines it will be necessary for the claimant to receive prior approval from the same person or persons stated in section 219.9-4(d).
- (f) Consideration should be given to patronizing Tribally owned business and Indian preference vendors certified by the Compliance Division.
- (g) Meetings conducted with other Tribes, government officials and delegates will be considered as a promotional business expense.
- (h) The purchase requisitions or appropriations request must be supported by a the Expense Voucher form.
- (i) *Enforcement.* If for any reasons the purchase requisition, appropriation request, or

Business Expense Reimbursement form is rejected, it is the responsibility of those attending to make payment. If payment cannot be made, arrangements will be made to withhold the amounts from the paycheck.

(j) All matters should be executed as authorized by the appropriate official to establish full accountability for all actions.

219.9-5. Travel receipts and business expense receipts must be submitted to the Travel Coordinator or department designee upon return from travel, so he/she can forward the properly approved expense voucher to the Accounting Department for reconciliation, within 10 days from the date he/she receives them. Any reimbursements from Expense Vouchers due the individual will be made to the traveler in the next check run date.

219.9-6. All travel and business expenses must be received in the Accounting Department within 10 days from the date the travel has ended. All past due advances will be automatic payroll deductions.

219.9-7. All non-local travel and business expenses must have a written report or an explanation detailing the purpose of the expenses. Again all receipts must be attached. The purpose of this report is to substantiate the benefits accruing to the Oneida Tribe and/or contracting program. All Oneida Business Committee travel reports will be submitted to the Oneida Business Committee for approval at their regularly scheduled weekly meetings. Verbal reports can be given to the Oneida Business Committee at their weekly meetings, but due to the fact that the auditing process requires a written travel report for each trip, a written report must be submitted to the Travel Coordinator within 5 days of the oral report. If for any reason, the report is unacceptable, the traveler will be responsible to reimburse the Oneida Tribe for any cash advance relating to the unacceptable travel report.

219.9-8. All tips are reimbursable by the Oneida Tribe.

219.9-9. Non-reimbursable charges include, but are not limited to the following items:

- (a) Baby-sitting
- (b) Personal entertainment, in room movies
- (c) Luggage
- (d) Toiletries
- (e) Magazines and subscriptions
- (f) Traffic fines
- (g) Barber/ hairstylist
- (h) Dry cleaning, provided that dry cleaning expense during any travel over five days is reimbursable.

## **219.10. Local Mileage**

219.10-1. Local mileage reimbursement should be submitted to the Accounting Department on a monthly basis on the Mileage Reimbursement form. Any mileage reimbursement request submitted to the Accounting Department after fiscal year end, as established by the Chief Financial Officer, will not be reimbursed.

219.10-2. Individual eligibility must be maintained with Human Resources Department in order to receive mileage reimbursement in accordance with the Vehicle Drivers Policy.

219.10-3. All information on the Mileage Reimbursement form must be identified for

reimbursement as determined by approved procedures.

### **219.11 Credit Cards**

219.11-1. The Corporate Credit Card is to be utilized for official business travel only.

219.11-2. Applicants must travel a least 5 times per year to qualify for the Corporate Credit Card.

219.11-3. The Corporate Credit Cards will be issued in the name of each traveler and the Oneida Tribe. Applications will be made through the Travel Coordinator.

219.11-4. Each individual will be required to sign an Agreement form stating that they will be responsible for the account that is in their name, and will support all charges made to that Corporate Credit Card with proper receipts.

219.11-5. Cash advances on the Corporate Credit Card are not allowable.

219.11-6. The following items are considered to be in non-compliance with this policy, in addition, if any charge is not justifiable and satisfactory to the travel or expense policies they shall be considered to be in non-compliance with this policy.

#### *(a) Questionable Costs.*

(1) The Travel Coordinator and/or Accounting Department may require further explanations or substantiation for questionable expenses.

(2) A memo will be sent to the traveler, with a copy to his/her supervisor requesting explanations or documentation.

(3) The traveler will have use of the Corporate Credit Card suspended until questionable expenses are reviewed by the appropriate authorities.

(4) Unapproved charges incurred will be reimbursed through payroll deduction through the maximum deduction allowed.

#### *(b) Misuse of Corporate Credit Card.*

(1) A traveler will have one (1) letter notifying of misuse from the Travel Office Supervisor.

(2) The second letter of notification will be copied to supervisor and Area Manager.

(3) The third letter will be copied to the General Manager, Gaming General Manager or Tribal Treasurer whichever is appropriate, with the option to

(A) Remove the traveler from company-sponsored payment privileges such as Corporate Credit Cards, Travel Authorizations, etc.

(B) Require the traveler to fund their own business related expenses.

(C) Require the expenses incurred in violation of the policy to be reimbursed to the Oneida Tribe through payroll deduction at the maximum amount allowed under law.

(D) Subject the traveler to disciplinary action in accordance with the Personnel Policies and Procedures.

#### *219.11-7. Travel Coordinator's Responsibilities.*

(a) The Corporate Credit Cards will be kept in the Travel Coordinator's office in a safe and must be signed out on the Sign Out form. When the traveler is going out of town for more than one full 24 hour day, the Corporate Credit Cards must be turned in with the receipts the following working day of his/her return.

(b) Applications and Agreement forms will be kept in the Travel Coordinator's office.



(c) Reconciliations and payment to Credit Card Company is the responsibility of the Travel Coordinator's office and the Accounting Department.

**219.11-8. *Card Member's Responsibilities.***

(a) It is the responsibility of each card member to send copies of all Corporate Credit Card charges, including food charges, and expense vouchers to the Travel Coordinator's office within two (2) days of return of travel.

(b) Card members must submit the Corporate Credit Card back to the Travel Office within two (2) days of return of travel.

219.11-9. Receipts not turned in with the travel voucher may be the responsibility of the traveler.

219.11-10. For any receipts that show up on the Corporate Credit Card bill that are not on the expense voucher, the total charge must be reimbursed to the Oneida Tribe.

219.11-11. If meals are charged on the Corporate Credit Card, and the employee received per diem, the full amount of the charge will be reimbursed by the traveler. However, if the employee charges any meals on the Corporate Credit Card for non-Tribal employees, this expense will be covered by the Oneida Tribe. The sign-off form must accompany the expense voucher justifying the expense.

**219.12 Travel Agency**

219.12-1. With the implementation of the official authorized travel agency, it is recommended that the travelers of the Oneida Tribe not use any other travel agency to process and arrange its booking for employee travel. Travel should be booked through the designated travel agencies or their emergency weekend number. Personal travel may also be booked through our designated Travel Agency.

**219.13 Extended Travel**

219.13-1. Travel which includes the combination of work and personal time must clearly identify the following:

(a) If the traveler spends extra days on a business trip for personal reasons, all tribal funds and coverage stops at the point that the traveler would normally return home.

(b) The traveler must take personal or vacation time for any extra days.

(c) Traveler cannot get reimbursed for expenditures while on their own time.

**219.14 Conduct on Travel**

219.14-1. The traveler empowered to act for or on behalf of the Oneida Tribe may travel on official business pertaining directly to the Oneida Tribe. Traveler is considered to be on official travel from departure of work site/home to return work site/home of travel. While on official tribal business the traveler shall use professional care exercised at all times.

219.14-2. The traveler may be asked to provide proof of attendance to all meetings or proceedings that the traveler is authorized to attend.

219.14-3. The individual upon return, is required to submit a written report to his/her immediate supervisor.

219.14-4. No use of intoxicants, which would impair a traveler's ability to represent, or which would discredit, and or embarrass the Oneida Tribe and its members.

219.14-5. Illegal drugs or barbiturates shall not be used while representing the Oneida Tribe and its members.

219.14-6. No social activity that demoralizes or causes embarrassment to the Oneida Tribe shall be tolerated.

219.14-7. No immediate family or friends shall travel at Tribal expense unless delegated by the Oneida Business Committee.

219.14-8. No personal business or business unrelated to the Oneida Tribe shall be acted on while on official business.

219.14-9. A traveler's actions which violates this section shall be brought to the attention of their supervisor and he/she will take disciplinary action.

### **219.15 Special Group Travel**

219.15-1. All group travel should be booked through the Tribal Travel Agency. Some group sizes over 15 people may qualify for a discount.

219.15-2. Depending on the size of the group, one coordinator shall be identified for the group and shall be with the group at all times.

219.15-3. Names of travelers must be confirmed at least 1 month in advance for confirmation with the airlines, and to defray any name change fees.

219.15-4. Rooming list should be established 1 month in advance to account for any special needs.

219.15-5. All ground transportation must be confirmed 1 month in advance.

219.15-6. If the group travel consists of elderly, consideration should be made for a nurse to be in attendance.

219.15-7. Any drivers must be on the Approved Drivers List before travel is taken.

219.15-8. All travel must have prior approval by the appropriate sign off authority.

219.15-9. A final list of participant's names, phone numbers, and emergency contact persons must be submitted to the department staff and the Travel Office before leaving.

219.15-10. A staff member must call in to the department each day to report on status of the trip.

### **219.16 Department Travel**

219.16-1. Departments will limit themselves to three (3) people from the same department to travel to the same conference, workshop, or seminar and are recommended to share any pertinent information they have with others from their department. Special occasions may develop that need additional personnel from the same department to attend, provided that written approval from the General Manager, Gaming General Manager or Oneida Business Committee is needed, with an explanation for the additional personnel. This will exclude departments that need training hours for specific certifications.

*End.*

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Adopted - BC-1-6-79-A (Application of federal rates to travel)

Adopted - BC-4-2-97-F

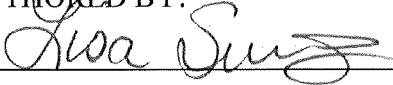
Amendments - BC-04-07-99-B

Emergency Amendments BC-8-08-01

Amendment - BC -7-03-02-C (Permanent adoption of emergency amendments)

Emergency Amendments BC-4-2-08-A

Amendment - BC -08-06-08-B (Permanent adoption of emergency amendments)

<b>ONEIDA TRIBE OF WISCONSIN</b>	<b>TITLE:</b> Ticket Distribution	ORIGINATION DATE: 01/27/2016 REVISION DATE: N/A EFFECTIVE DATE: Upon OBC approval
<b>DEPARTMENT:</b> Oneida Business Committee	<b>APPROVED BY:</b> <i>Oneida Business Committee</i> See Attached OBC meeting minutes	DATE: 01/27/2016
<b>AUTHOR:</b> Lisa Summers, Secretary	<b>AUTHORED BY:</b> 	DATE: 01/27/2016

## 1.0 PURPOSE

- 1.1 Standardize how tickets are distributed by the Oneida Business Committee

## 2.0 DEFINITIONS

- 2.1 *Alternate* means an individual who receives tickets in the event a winner refuses or does not claim.
- 2.2 *Packers Ticket Drawing Pool* means those Tribal members who provided the required information by June 30 and is the random drawing pool used for a random drawing of Packers Tickets.
- 2.3 *Random Drawing* means an act of choosing the recipients of tickets.
- 2.4 *Random Drawing Pool* means those Tribal members who are at least eighteen (18) years old on or before the date of the random drawing, for a random drawing for anything other than Packers Tickets.
- 2.5 *Secretary* means the current elected Secretary of the Tribe or his or her designee.

## 3.0 WORK STANDARD

- 3.1 All tickets will be tracked on a Ticket Distribution Form.
- 3.2 For a random drawing:
- 3.2.1 Notice of random drawing will be provided to the Enrollment Department and the Intergovernmental Affairs and Communications Department no less than five (5) business days prior to drawing.
- 3.2.2 A number of alternates equaling no less than two times the number of winners are selected. Alternates are selected from the same random drawing pool and at the same time as the winners.

- 3.3 Where the dates fall on a Saturday, Sunday, or holiday the deadline shall be construed to be the close of business on the following business day.

#### **4.0 PACKERS TICKETS**

- 4.1 In the event Packers Tickets are available for Tribal members, the following timelines and procedure will be followed. This procedure applies only to Packers Tickets for preseason games and regular season games.

##### June 1

- 4.2 BC Support Office sends a mailing to those Tribal members who are at least eighteen (18) years old on or before July 1.
- 4.3 Mailing includes:
- 4.3.1 Notice that a code of conduct is required in order to accept Packers tickets,
  - 4.3.2 Space for Tribal member to provide the required information:
    - 4.3.2.1 Name,
    - 4.3.2.2 Date of birth,
    - 4.3.2.3 Enrollment number, and
    - 4.3.2.4 Telephone number.
  - 4.3.3 Notice that required information must be returned to the BC Support Office no later than June 30 in order to be included in the Packers Ticket Drawing Pool.

##### July 1

- 4.4 Packers Ticket Drawing Pool is closed and includes only those Tribal members who returned the required information to the BC Support Office by June 30.
- 4.5 Deadline for Joint Marketing to provide notification to the BC Support Office of Packers Tickets available to Tribal members.

#### **5.0 RECEIPTING AND PROCESSING TICKETS**

- 5.1 Tickets are received by the Business Committee Support Office (BC Support Office).
- 5.2 BC Support Office:
- 5.2.1 Verifies the number of tickets received by double count.
  - 5.2.2 Completes any applicable paperwork indicating receipt of tickets.
  - 5.2.3 Completes applicable spaces on the Ticket Distribution Form. Ticket

Distribution Form must include:

- 5.2.3.1 Description of tickets received
- 5.2.3.2 Date tickets received by the BC Support Office
- 5.2.3.3 Source of tickets (i.e. donation, contract, sponsorship)
- 5.2.3.4 Date tickets disbursed and to whom
- 5.2.4 Provides copy of Ticket Distribution Form to the Secretary within one (1) business day.
- 5.3 Secretary adds Ticket Distribution Form to the next Business Committee meeting agenda for the consideration of how tickets will be distributed.
  - 5.3.1 Three options for consideration are:
    - 5.3.1.1 Random drawing
      - 5.3.1.1.1 A random drawing may be considered only if adequate time is available for the notification required in 3.2.
    - 5.3.1.2 First come, first serve
      - 5.3.1.2.1 Eligibility criteria for first come, first serve must be determined by the Business Committee (i.e. Tribal members, employees only, elders age 55 and over)
    - 5.3.1.3 Transfer tickets to Joint Marketing
  - 5.3.2 An E-poll may be used (See OBC SOP titled Conducting Electronic Voting (E-polls)).

## 6.0 RANDOM DRAWING

### Prepare for random drawing

- 6.1 BC Support Office provides notice to the Enrollment Department of random drawing. Notice must include:
  - 6.1.1 Date of random drawing.
  - 6.1.2 Time of random drawing.
  - 6.1.3 Number of winners needed.
  - 6.1.4 Number of alternates needed.
  - 6.1.5 Criteria for random drawing pool.
- 6.2 BC Support Office provides notice to the Intergovernmental Affairs and Communications Department of random drawing. Notice must include:
  - 6.2.1 Date of random drawing.
  - 6.2.2 Time of random drawing.
  - 6.2.3 Number of winners that will be drawn.
  - 6.2.4 Date and Time winners may begin to claim their tickets.
  - 6.2.5 Deadline by which winners must claim their tickets.
- 6.3 BC Support Office reserves meeting space to conduct the drawing.

### Pre-Drawing Activities

- 6.4 BC Support Office ensures equipment is functional in order for the Enrollment Department staff to complete the random drawing.

#### Post-Drawing Activities

- 6.5 After random drawing is complete, the Enrollment Department staff provides the winner and alternate information to the BC Support Office. This information includes:
  - 6.5.1 Winner/Alternate Names
  - 6.5.2 Winner/Alternate Enrollment Number
  - 6.5.3 Winner/Alternate Address
  - 6.5.4 Winner/Alternate Phone Number
- 6.6 BC Support Office notifies winner by phone.
  - 6.6.1 Winner may accept or refuse/decline.
  - 6.6.2 If winner accepts:
    - 6.6.2.1 See 9.0.
  - 6.6.3 If winner declines tickets or cannot be contacted within three (3) business days from the date of the random drawing:
    - 6.6.3.1 Alternate is notified.
    - 6.6.3.2 If alternate accepts,
      - 6.6.3.2.1 See 9.0.
    - 6.6.3.3 If alternate declines tickets or cannot be contacted within three (3) business days from the date of the random drawing:
      - 6.6.3.3.1 see 6.6.3.1.

### **7.0 FIRST COME, FIRST SERVE**

- 7.1 BC Support Office provides notice to Intergovernmental Affairs and Communications of ticket availability. Notice must include:
  - 7.1.1 Total number of tickets available.
  - 7.1.2 Limit of tickets available per person (i.e. four (4) tickets per person).
  - 7.1.3 Eligibility Criteria determined by the Business Committee in 5.3.1.2.1.
  - 7.1.4 Date and Time tickets may begin to be claimed.
  - 7.1.5 Deadline by which tickets must be claimed.
- 7.2 See 9.0.

**8.0 TRANSFER TICKETS TO JOINT MARKETING****8.1 BC Support Office:**

- 8.1.1 Contacts Joint Marketing within one (1) business day to arrange transfer of tickets.
- 8.1.2 Completes Ticket Distribution Form when transfer of tickets is completed.
- 8.1.3 Files Ticket Distribution Form and forwards a copy to the appropriate party/parties as needed or required by contract or policy.

**9.0 DISBURSING TICKETS****9.1 Recipient signs Acceptance Receipt and code of conduct agreement, if applicable****9.2 BC Support Office**

- 9.2.1 Receives acceptance receipt and code of conduct agreement, if applicable.
- 9.2.2 Updates Ticket Distribution Form.
- 9.2.3 Disburses tickets.
  - 9.2.3.1 Tickets may be mailed or picked up.
- 9.2.4 Files Ticket Distribution Form and forwards a copy to the appropriate party/parties as needed or required by contract or policy.

**10.0 UNCLAIMED TICKETS**

- 10.1 Any tickets that are unclaimed 48 hours prior to the event will be transferred to Joint Marketing.
- 10.2 See 8.0.

**11.0 REFERENCES**

- 11.1 Conducting Electronic Voting (E-polls) SOP

**12.0 FORMS**

- 12.1 Ticket Distribution Form
- 12.2 Acceptance Receipt
- 12.3 Code of Conduct

**13.0 FLOW CHART**



### XIII. NEW BUSINESS

**A. Accept request for Business Committee recognition and award of \$500 Exxon/Mobile Alliance Program grant to each six (6) area schools in cooperation with Oneida One Stops and Oneida Travel Center (00:26:00)**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

*Presentation of awards by Michele Doxtator and Angela Parks to Niki Disterhaft (Lannoye Elementary School), Kris Wells (Hillcrest Elementary School), Jamie Kallies (Pioneer Elementary School), Diane Stelmach (Martin Luther King Elementary School), Yvette Peguero (Oneida Nation Elementary School), Sharon Mousseau (Oneida High School).*

**B. Approve Ticket Distribution Standard Operating Procedure (4:23:00)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to approve the Ticket Distribution Standard Operating Procedure, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth, David Jordan

**C. Approve request to co-host the 2016 Tri-History Conference on June 13-17, 2016 (00:29:22)**

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to approve the request to co-host the 2016 Tri-History Conference on June 13-17, 2016, seconded by Fawn Billie. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers

Abstained: Jennifer Webster

Not Present: Melinda J. Danforth, David Jordan

### XIV. TRAVEL (4:24:32)

**A. Travel Reports**

**1. Accept travel report – Councilwoman Jennifer Webster – 2015 National Indian Head Start Directors Association (NIHSDA)/Office of Head Start (OHS) Tribal Leader Consultation – Sacramento, CA – June 15-17, 2015**

Motion by Lisa Summers to accept the travel report – Councilwoman Jennifer Webster – 2015 National Indian Head Start Directors Association (NIHSDA)/Office of Head Start (OHS) Tribal Leader Consultation – Sacramento, CA – June 15-17, 2015, seconded by Brandon Stevens. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers

Abstained: Jennifer Webster

Not Present: Melinda J. Danforth, David Jordan

**2. Accept travel reports – Secretary Lisa Summers, Councilwoman Jennifer Webster, and Councilman Tehassi Hill – 72<sup>nd</sup> Annual National Congress of American Indians (NCAI) Conference – San Diego, CA – October 17-24, 2015**

Motion by Fawn Billie to accept the travel reports – Secretary Lisa Summers, Councilwoman Jennifer Webster, and Councilman Tehassi Hill – 72<sup>nd</sup> Annual National Congress of American Indians (NCAI) Conference – San Diego, CA – October 17-24, 2015, seconded by Brandon Stevens. Motion carried with three abstentions:

Ayes: Fawn Billie, Trish King, Brandon Stevens

Abstained: Tehassi Hill, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth, David Jordan



**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: January 30, 2025
- 2) Contact Person(s): Clorissa N. Leeman  
 Dept: Legislative Reference Office  
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Ten Day Notice Policy Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
7/1/24 GTC meeting directed the OBC to bring back proposed  
amendments to the Ten Day Notice Policy to authorize notice of all GTC  
meetings & make materials available by request or access electronically  
and to expand the time frame to 15 days or more.

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

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

Signature of Requester: \_\_\_\_\_

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

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



## Legislative Operating Committee Fiscal Year 2025 First Quarter Report October 2024 – December 2024

### Legislative Operating Committee Strategic Directions

The Legislative Operating Committee completed strategic planning and set forth the following strategic directions to provide clarity and direction on the Legislative Operating Committee's legislative efforts during the 2023-2026 legislative term:

- Improving relationships through communication;
- Improving internal processes and strategy;
- Educating and engaging stakeholders, including youth; and
- Implementing efficient use of technology.

### Legislative Operating Committee Action on Legislative Requests

During the FY25 First Quarter the Legislative Operating Committee added two (2) legislative items to its Active Files List. The Legislative Operating Committee denied zero (0) legislative items during the FY25 First Quarter.

On November 6, 2024, the Legislative Operating Committee added the Indian Preference in Contracting law amendments to its Active Files List.

On December 18, 2024, the Legislative Operating Committee added the Petition S. Benton- Move Oneida Nation Arts Program under Tourism or Community Development to its Active Files List.

### FY25 First Quarter Legislative Accomplishments

During the FY25 First Quarter the Legislative Operating Committee brought forward the following legislative items for amendment:

#### Computer Resources Ordinance Amendments

On October 9, 2024, the Oneida Business Committee adopted amendments to the Computer Resources Ordinance, now known as the Technology Resources law, through the adoption of resolution BC-10-09-24-A. The purpose of the Technology Resources law is to regulate the usage of technology resources and processed data owned and operated by the Nation. [2 O.C. 215.1-1]. The amendments to the Computer Resources Ordinance:

- Revise the title and references throughout the Law from “computer resources” to “technology resources.”

- Clarify that users are expected to conduct themselves professionally and to refrain from using technology resources of the Nation for activities that are inappropriate no matter in what location the user utilizes the technology resources of the Nation. [2 O.C. 215.5-1].
- Clarify that it shall not be deemed an inappropriate use for a user to share information or evidence regarding the inappropriate use of another user if reporting the inappropriate use in accordance with the proper reporting structure. [2 O.C. 215.5-2].
- Clarify that any standard operating procedure defining excessive use of technology resources for any user that is an employee of the Nation is required to be developed in accordance with all other laws and rules of the Nation. [2 O.C. 215.7-1(a)].
- Include a new provision in which DTS is delegated rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation. [2 O.C. 215.9-1].

### **Investigative Leave Policy Amendments**

On November 13, 2024, the Oneida Business Committee adopted amendments to the Investigative Leave Policy, now known as the Investigative Leave law, through adoption of resolution BC-11-13-24-I. The purpose of the Investigative Leave law is to set forth a process to address investigative leave for employees undergoing work-related investigations. [2 O.C. 208.1-1]. The amendments to the Investigative Leave law:

- Clarify the severity of an alleged violation that may warrant an investigative leave and provide examples. [2 O.C. 208.4-1(a)].
- Clarify the type of risks that an investigative leave is intended to protect against. [2 O.C. 208.4-1(b)].
- Prevent undue financial harm to an employee placed on investigative leave. [2 O.C. 208.4-2(a)].
- Eliminate unpaid status for the employee placed on investigative leave for up to forty-five (45) days. [2 O.C. 208.4-2(a)].
- Balance the intention to prevent undue financial harm to an employee placed on investigative leave with the Nation's fiscal responsibilities by shifting the employee to unpaid status when an investigation cannot be safely concluded within forty-five (45) days. [2 O.C. 208.4-2(c)].
- Clarify that an employee may use their personal and vacation time if the investigative leave extends past forty-five (45) days. [2 O.C. 208.4-2(b)].
- Provide that when an employee has used their personal and vacation time up all pay and benefits stop. [2 O.C. 208.4-2(c)].
- Extend the authority to initiate an investigative leave to include the Executive Director of the Human Resource Department. [2 O.C. 208.5-1(a)].
- Clarify that when there is no division director a supervisor must secure authorization from the person at the highest level in the chain of command under the Oneida Business Committee prior to placing an employee on investigative leave. [2 O.C. 208.5-1(b)(2)].

- Delegate the authority for designating the individual or agency responsible for completing the investigation to the Executive Director of the Human Resource Department and the supervisor, instead of the employee's supervisor and/or area manager. [2 O.C. 208.7-1].
- Delete the requirement that the Equal Employment Officer always conducts the investigation if the employee being investigated reports directly to the Oneida Business Committee and instead provide that they may also serve as a liaison to an investigating agency when that is more appropriate. [2 O.C. 208.7-1].
- Eliminate the option for a supervisor to place an employee in an alternate work assignment while on investigative leave. [2 O.C. 208.9-1(a)].
- Expand the requirements that notice to the employee placed on investigative leave must contain. The additional requirements are as follows: [2 O.C. 208.6-1].
  - The employee must surrender all property of the Nation. [2 O.C. 208.6-1(i)].
  - Clear documentation regarding the status of pay and benefits. [2 O.C. 208.6-1(c)].
  - The definition of business hours. The employee is required to respond to inquiries within twenty-four (24) business hours to remain on paid investigative leave within the first forty-five (45) days. [2 O.C. 208.6-1(d)].
  - Whether the investigation has been referred to an outside agency. [2 O.C. 208.6-1(g)].
  - List of the employee's responsibilities. [2 O.C. 208.6-1(k)].
  - Email address of the person the employee may contact if they have questions related to the investigative leave. [2 O.C. 208.6-1(h)].
- Extend the issuance of the second notice to the employee placed on investigative leave from fifteen (15) days to thirty-five (35) days. [2 O.C. 208.6-2].
- Clarify that the second notice must provide the employee placed on investigative leave with the following information: [2 O.C. 208.6-2].
  - That the employee remains an employee of the Nation. [2 O.C. 208.6-2(a)].
  - Clear documentation regarding the cessation of pay and benefits. [2 O.C. 208.6-2(b)].
  - The definition of business hours as it pertains to the employee's particular area of employment. [2 O.C. 208.6-2(c)].
  - The expected length of the investigation. [2 O.C. 208.6-2(d)].
  - The telephone number, email address, and name of the person to contact with questions. [2 O.C. 208.6-2(e)].
  - The employee's responsibilities. [2 O.C. 208.6-2(f)].
- Eliminate the requirement that a supervisor must conclude an investigation without waiting for the conclusion of a criminal or licensing matter. [2 O.C. 208.9-1(a)].
- Eliminate the requirement that an investigative leave must close upon the passing of fifteen (15) days, plus a possible extension of fifteen (15) days, unless an outside agency is conducting the investigation and instead allow the decision makers to close an investigative leave when a reasonable determination based on verifiable facts can be made. [2 O.C. 208.8-1].
- Expedite investigations by adding a requirement that the supervisor, or the EEO Officer (whichever is overseeing the investigation), provide the Executive Director of the Human Resource Department with weekly updates on the investigation. [2 O.C. 208.8-2].
- Eliminate the provision that requires the supervisor to conclude an investigation within forty-eight (48) hours of receiving the investigative report when someone else is conducting the investigation. [2 O.C. 208.8-1].

- Provide the employee who was placed on investigative leave with a redacted copy of the investigative report when requested, instead of only providing the redacted report to an employee who files an appeal. [2 O.C. 208.7-4(c)].
- Require the supervisor to provide written notice and justification to the Executive Director of the Human Resource Department if they choose not to follow the corrective action recommended by the investigator(s). [2 O.C. 208.7-4(a)(1)].
- Expand an employee's responsibilities when on an investigative leave to include the surrender of all property of the Nation, respond to any inquires within twenty-four (24) business hours, and not share anything related to the investigation on social media. [2 O.C. 208.10-2. 2 O.C. 208.12-1].
- Create the option for an exception to be made to the complete prohibition of the employee who is placed on investigative leave entering any public worksite; if, and only if, it is determined that access is necessary, safe, appropriate, and the specific conditions under which access may be allowed are provided for in the notice to the employee. [2 O.C. 208.9-1(a)(1)].
- Require that the employee placed on investigative leave respond to all inquiries within twenty-four (24) business hours. [2 O.C. 208.9-1(e)].

### **FY25 First Quarter Administrative Accomplishments**

During the FY25 First Quarter the Legislative Operating Committee brought forward the following administrative accomplishments:

#### **Real Property Law Rule No. 2 - Comprehensive Housing Division Residential Sales**

The Legislative Operating Committee certified and forwarded the Real Property Law Rule No. 2 - Comprehensive Housing Division Residential Sales Amendments to the Oneida Business Committee. On November 13, 2024, the Oneida Business Committee adopted the amendments to the Real Property Law Rule No. 2 - Comprehensive Housing Division Residential Sales.

### **FY25 First Quarter Community Outreach Efforts**

Focusing on its efforts to enhance community involvement through outreach and communication, during the FY25 First Quarter the Legislative Operating Committee held one (1) community outreach event.

On December 4, 2024, from 5:30 p.m. through 7:30 p.m. the Legislative Operating Committee held a community meeting in the Norbert Hill Center's cafeteria. Topics discussed during the community meeting included a discussion of the development of the following legislation for the Nation: Marijuana law, Short Term Rental law, and amendments to the Boards, Committees, and Commissions law. The purpose of this community meeting was to provide an opportunity for open discussion in which people could share comments, questions, or suggestions on potential issues that should be addressed regarding the topics discussed.

The Legislative Operating Committee intends to hold community outreach events on a quarterly basis and encourages everyone to attend and participate in future community outreach events.

## **FY25 First Quarter Legislative Highlights**

The Legislative Operating Committee would like to highlight its work on the following legislative items during the FY25 First Quarter:

### **Boards, Committees, and Commissions Law Amendments**

This item is sponsored by Kirby Metoxen. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter. On December 4, 2024, the Legislative Operating Committee held a community meeting in which the development of amendments to the Boards, Committees, and Commissions law was a topic of discussion.

### **Business Corporations Law**

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

### **Elder Protection Law**

This item is sponsored by Jennifer Webster and Marlon Skenandore. The Legislative Operating Committee held five (5) work meetings during the FY25 First Quarter regarding this legislative matter.

### **Guardianship Law Amendments**

This item is sponsored by Marlon Skenandore. The Legislative Operating Committee held one (1) work meetings during the FY25 First Quarter regarding this legislative matter.

### **Hunting, Fishing, and Trapping Law Amendments**

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

### **Independent Contractor Policy Amendments**

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

### **Landlord Tenant Law Amendments**

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

### **Law Enforcement Ordinance Amendments**

This item is sponsored by Jonas Hill. The Legislative Operating Committee held four (4) work meetings during the FY25 First Quarter regarding this legislative matter.

**Marijuana Law**

This item was sponsored by Jameson Wilson. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter. On December 4, 2024, the Legislative Operating Committee held a community meeting in which the development of a Marijuana law was a topic of discussion.

**Oneida Life Insurance Plan Law Amendments**

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held one (1) work meetings during the FY25 First Quarter regarding this legislative matter. On October 2, 2024, the Legislative Operating Committee conducted an e-poll entitled, *Approval of Canceled October 2, 2024 LOC Meeting Materials*, which approved the public meeting packet for the proposed amendments to the Oneida Life Insurance Plan law, and forward the Oneida Life Insurance Plan law amendments to a public meeting to be held on November 15, 2024. On October 16, 2024, the Legislative Operating Committee entered into the record the results of that October 2, 2024 e-poll. On November 15, 2024, a public meeting regarding the proposed amendments to the Oneida Life Insurance Plan law was held. Five (5) individuals provided comments during the public meeting. The public comment period was then held open until November 22, 2024. Two (2) individuals provided written comments during the public comment period. On December 4, 2024, The Legislative Operating Committee accepted the public comments and the public comment review memorandum and deferred those items to a work meeting held the same day for further consideration. Then on December 18, 2024, the Legislative Operating Committee approved the updated public comment review memorandum, draft, and legislative analysis for the proposed amendments to the Oneida Life Insurance Plan law; and approved the fiscal impact statement request memorandum and forwarded the materials to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by January 9, 2025. The Finance Administration provided the Legislative Operating Committee the fiscal impact statement on December 27, 2024.

**Oneida Personnel Policies and Procedures**

This item is sponsored by all members of the Legislative Operating Committee. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter.

**Probate Law**

This item is sponsored by Kirby Metoxen, Jameson Wilson, Marlon Skenandore. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter.

**Real Property Law Amendments**

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held two (2) work meeting during the FY25 First Quarter regarding this legislative matter.



**Recycling and Solid Waste Disposal Law Amendments**

This item is sponsored by Kirby Metoxen and Jonas Hill. The Legislative Operating Committee held two (2) work meeting during the FY25 First Quarter regarding this legislative matter.

**Renewable Energy Law**

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

**Short Term Rental Law**

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter. On December 4, 2024, the Legislative Operating Committee held a community meeting in which the development of a Short Term Rental law was a topic of discussion.

**Taxation Law**

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter.

**Tribal Sovereignty in Data Research Law**

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter.

**Two Spirit Inclusion Law**

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

**Uniform Commercial Code**

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held two (2) work meetings during the FY25 First Quarter regarding this legislative matter.

**Vendor Licensing Law Amendments**

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

**Workplace Violence Law Amendments**

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held one (1) work meeting during the FY25 First Quarter regarding this legislative matter.

**FY25 First Quarter Legislative Operating Committee Meetings**

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

Conference Room and on Microsoft Teams.

The Legislative Operating Committee held the following meetings during the FY25 First Quarter:

- October 16, 2024 – Regular meeting;
- November 6, 2024 – Regular meeting;
- November 20, 2024 – Regular meeting;
- December 4, 2024 – Regular meeting; and
- December 18, 2024 – Regular meeting.

The October 2, 2024, Legislative Operating Committee meeting was canceled due to a lack of quorum based on scheduling conflicts.

In addition to attending the Legislative Operating Committee meetings in person, individuals provided the opportunity to attend the Legislative Operating Committee meeting through Microsoft Teams. Anyone who would like to access the Legislative Operating Committee meeting through Microsoft Teams can provide their name, phone number or e-mail address to [LOC@oneidanation.org](mailto:LOC@oneidanation.org) by the close of business the day before a meeting of the Legislative Operating Committee to receive the link to the Microsoft Teams meeting.

For those who may be unable to attend the Legislative Operating Committee meeting either in person or on Microsoft Teams, an audio recording of the Legislative Operating Committee meeting is made available on the Nation's website after the meeting concludes.

### **Goals for FY25 Second Quarter**

During the FY25 Second Quarter the Legislative Operating Committee will focus its legislative efforts on the following matters:

- Hold an additional LOC Community meeting.
- Adoption of the Oneida Life Insurance Plan Law Amendments.
- Hold a public meeting for the Oneida Nation Law Enforcement Ordinance Amendments.

### **Legislative Reference Office**

The Legislative Reference Office's mission is to provide support for the Legislative Operating Committee in developing clear and consistent legislation that reflects the Nation's values, builds upon the Nation's strong foundation, and reaffirms our inherent sovereignty.

In addition to the assisting the Legislative Operating Committee with the development of legislation, the Legislative Reference Office also:

- Drafts statements of effect for Oneida Business Committee and General Tribal Council resolutions;
- Drafts statements of effect for General Tribal Council resolutions petitions;
- Drafts and provides other assistance to various department and entities of the Nation with administrative rulemaking;

- Drafts and provides other assistance to various department and entities of the Nation with bylaws; and
- Manages all other administrative duties and recordkeeping for the Legislative Operating Committee.

During the FY25 First Quarter the Legislative Reference Office was staffed by the following individuals:

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

### Legislative Operating Committee Contact Information

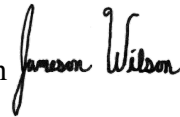
Feel free to contact the LOC at [LOC@oneidanation.org](mailto:LOC@oneidanation.org) with any questions or comments, or individual LOC members at the following:

- |  |   |
|--|---|
| ▪ Jameson Wilson, LOC Chairman<br><a href="mailto:jwilson@oneidanation.org">jwilson@oneidanation.org</a>   | ▪ Jonas Hill, LOC Member<br><a href="mailto:jhill1@oneidanation.org">jhill1@oneidanation.org</a>            |
| ▪ Kirby Metoxen, LOC Vice-Chairman<br><a href="mailto:kmetox@oneidanation.org">kmetox@oneidanation.org</a> | ▪ Marlon Skenandore, LOC Member<br><a href="mailto:mskenan1@oneidanation.org">mskenan1@oneidanation.org</a> |
| ▪ Jennifer Webster, LOC Member<br><a href="mailto:jwebstel@oneidanation.org">jwebstel@oneidanation.org</a> |   |



*The Legislative Operating Committee from left to right: Kirby Metoxen, Jameson Wilson, Jennifer Webster, Marlon Skenandore, Jonas Hill.*



TO: Oneida Business Committee  
FROM: Jameson Wilson, Legislative Operating Committee Chairman   
DATE: February 5, 2025  
RE: Certification of the Real Property Law Rule No. 1 – Land Assessments for the Nation’s Decisionmakers to Build an Autonomous Community (LANDBAC)

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The Legislative Operating Committee reviewed the certification packet provided for the Real Property Law Rule No. 1 – Land Assessments for the Nation’s Decisionmakers to Build an Autonomous Community (“Rule”). The Legislative Operating Committee is responsible for certifying a proposed rule after determining the authorized agency has complied with the requirements for certification stated in section 106.7-2 of the Administrative Rulemaking law, and forwarding the rule to the Oneida Business Committee for consideration of adoption. *[1 O.C. 106.7-3]*.

Certification by the Legislative Operating Committee means:

- The certification packet provided by the Land Management Area of the Environmental, Land and Agricultural Division and Oneida Land Commission for the Rule contained all documentation required by the Administrative Rulemaking law for a complete administrative record;
- The promulgation of the Rule complied with the procedural requirements contained in the Administrative Rulemaking law; and
- The Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated. *[1 O.C. 106.7-2]*.

The Legislative Operating Committee certified the Rule on February 5, 2025.

The purpose of the Rule is to provide set consistent practices and expectations for Land Management’s reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community. *[Rule 1.1-1]*. The Rule addresses:

- Making the Nation’s land available to internal entities, including:
  - Applying the land policy framework;
  - Proof of available land;
  - Land Management’s Leasing and Rental Portfolio *[Rule 1.4]*;
- External land use requests, including defining external land use requests. *[Rule 1.5]*.

The Rule was developed in accordance with the Real Property law which provides the regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation’s employees dealing with real property transactions. *[6 O.C. 601.1-1]*. The Real Property law delegates joint administrative rulemaking authority to the Oneida Land Commission and the Oneida Planning Department any

other affected Oneida divisions and departments for the purpose of developing Land Use Technical Unit rules. [6 O.C. 601.12-2(e)]. The Real Property law provides that the Oneida Land Commission is responsible for allocating and assigning land uses to all Tribal lands in accordance with the Land Use Technical Unit rules.

The Rule is now ready to be considered by the Oneida Business Committee for adoption. The Rule would become effective immediately upon adoption by the Oneida Business Committee in accordance with section 106.9-1 of the Administrative Rulemaking law.

**Requested Action**

Consider the adoption of the Real Property Law Rule No. 1 – Land Assessments for the Nation’s Decisionmakers to Build an Autonomous Community.

## MEMORANDUM

**TO:** Legislative Operating Committee  
**FROM:** Nicole Rommel, Deputy Director – Land Management  
**DATE:** January 27, 2025  
**SUBJECT:** Request for Certification of Procedural Compliance  
Real Property Law Rule No. 1 – Land Assessments for the Nation’s  
Decisionmakers to Build an Autonomous Community - LANDBAC

The Land Management Area of the Environmental, Land and Agricultural Division and the Land Commission, as defined in the Real Property Law, is exercising its rulemaking authority to further define sections of Title 6, Chapter 601, Real Property Law.

This rule is newly drafted; this rule is not amendment to an existing rule.

In accordance with the Administrative Rulemaking law, a public meeting was held for this rule on October 8, 2024, for which the comment period expired on October 16, 2024.

The following attachments are included for your review:

1. Rule No. 1 – LANDBAC – Clean Version<sup>1</sup>;
2. ELA Division Director Approval of Rule No. 1 – LANDBAC;
3. Oneida Land Commission Rule Approval;
4. Public Meeting Packet;
5. Copy of Public Meeting Notice Published in the Kalihwisaks – Page 28 of the October 2024 issue (published September 24, 2024); and
6. Public Meeting transcription from the October 8, 2024, Public Meeting<sup>2</sup>.

Following certification, this rule shall become effective immediately.

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<sup>1</sup> The only revisions made to the rule since the public meeting were to update the name of the Environmental, Health, Safety, Land & Agricultural Division to Environmental, Land and Agricultural Division. Accordingly, for the Summary Report, please include the Public Meeting Packet as no revisions were made to the Summary Report Documents.

<sup>2</sup> No public meeting sign in sheet is attached because no one attended the public meeting. Similarly, no public comment memorandum is provided because no public comments were received.



## Title 6. Property and Land – Chapter 601

### REAL PROPERTY LAW

#### Rule # 1 – Land Assessments for the Nation’s Decisionmakers to Build an Autonomous Community (LANDBAC)

- 2.1. Purpose and Policy
- 2.2. Adoption and Authority
- 2.3. Definitions
- 2.4. Making the Nation’s Land Available to its Internal Entities
- 2.5. External Land Use Requests

#### 1.1. Purpose and Policy

1.1-1. *Purpose.* The purpose of this rule is to set consistent practices and expectations for Land Management’s reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community.

1.1-2. *Policy.* The policy behind this rule is to utilize the Nation’s various subject matter experts when making land use decisions through consistent application of approved processes.

#### 1.2. Adoption and Authority

1.2-1. This rule was jointly adopted by Land Management and the Oneida Land Commission in accordance with the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the joint approval of the Land Management and the Oneida Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application of this rule to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule controls.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Leasing Law.

#### 1.3. Definitions

1.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

(a) *External Land Use Requests.* Means a request to rent, lease or otherwise make use of tribal land where the requesting party is not acting as a representative of a department of the Nation that reports under the Nation’s federal Tax ID.

(b) *Land Policy Framework.* Means, in relevant part, the outline approved by the Nation that describes the desired future character of places on and around the Reservation to include a range of possible uses and/or activities.

(c) *Internal Entity.* Means an entity of the Nation operating under the direction of the Oneida Business Committee and within the management structure of the Nation.

(d) *Land Management Senior Management.* Means the Environmental, Health, Safety, Land and Agricultural Division Director and Deputy Director and the management team they build to implement this Rule.

(e) *Land Assessment Team.* Means a group of professionals employed by the Nation with varying subject matter expertise related to the review and assessment of real



property that is assembled by Land Management to review and assess the Nation's land uses.

(f) *Land Data Sheet*. Means a comprehensive summary of the status of a specific parcel of land owned by the Nation to include information related to any encumbrances, contracts, encroachments, improvements, assigned uses and/or preliminary uses the format of which is approved by the Oneida Land Commission.

(g) *Acquisition Data Sheet*. Means an acquisition review tool prepared by the Acquisition Manager to provide summary information about the proposed acquisition to include property identifying information, which Land Commission priorities it meets, how it compares to similar properties that have recently sold, and any concerns highlighted by the Nation's subject matter experts.

(h) *Preliminary Use Report*. Means a report prepared by the Land Assessment Team that identifies the physical characteristics of a specific parcel owned by the Nation and which identifies general uses that are permitted and not permitted based on the parcels specific characteristics and designations in accordance with effective land laws, rules and policies.

(i) *Specific Use Report*. Means a report prepared by the Land Assessment Team that reviews a proposed specific use of a specific parcel of land owned by the Nation that provides recommendations for Land Commission's consideration in reviewing a specific use request.

#### 1.4. **Making the Nation's Land Available to its Internal Entities.**

1.4-1. *Applying the Land Policy Framework*. Land owned by the Nation shall be made available to the Nation's entities for uses that align with the Land Policy Framework. When Land Management is evaluating use of a parcel, Land Management shall submit the Land Data Sheet for the parcel to the Planning and Development Director to eliminate possible uses of the parcel based on the Land Policy Framework. Upon receipt of the updated Land Data Sheet with any potential uses required to be eliminated by the Land Policy Framework reflected, Land Management shall send the parcel's Land Data Sheet to the Land Assessment Team to request a Preliminary Use Report, which will be used to identify potential uses for the subject parcel.

(a) *Potential Uses of the Nation's Land*. All uses of the Nation's land shall be classified into one of the following categories of use which can be further classified as uses by internal or external parties:

- (1) Residential;
- (2) Commercial;
- (3) Agricultural;
- (4) Institutional;
- (5) Industrial;
- (6) Conservancy;
- (7) Mixed Use;
- (8) Open Space; or
- (9) Flex Use.

(b) *Land Assessment Team*. The Land Assessment Team shall be comprised of the following professionals employed by the Nation:

- (1) Land Management Senior Management;
- (2) Planning and Development Area Manager;



- (3) Environmental Specialist;
- (4) Tribal Historical Preservation Officer;
- (5) GLIS Specialist;
- (6) Zoning Administrator;
- (7) Other subject matter experts based on the characteristics of the parcel to include:

A. If there is a house, then Comprehensive Housing Division Maintenance and Rehabilitation Area Manager.

(c) *Preliminary Use Report.* Land Management shall generate a preliminary use report template that allows space for each member of the Land Assessment Team to provide subject matter expertise feedback regarding a subject parcel. The template shall ask each team member if there are any potential use that should be eliminated based on their assessment of the parcel. Upon receipt of a Land Data Sheet and a request to complete a preliminary use report, each team member shall have 30 calendar days to complete their entry in the Preliminary Use Report.

(1) *Governmental Land Hold.* A governmental land hold removes the parcel from the pool of land available for use. The Planning and Development Area Manager's entry on the Preliminary Use Report shall ask whether Planning and Development is requesting a governmental hold on the parcel for the Nation's future development or for use as open space.

(d) *Land Data Sheet.* When the Preliminary Use Report is complete, Land Management shall enter the potential uses that were not eliminated into the parcel's Land Data Sheet as "allowed" and shall enter "disallowed" for all used that were eliminated by the team.

(e) *Holding Land for Governmental Development or Open Space.* When the Preliminary Use Report is complete, if the Planning Area Manager requested the parcel to be held for governmental development or open space use, then the Planning Manager shall submit an approval request to hold the parcel to the General Manager with a memorandum in support which cites to support in the Land Policy Framework and any pertinent zoning recommendations based on the requested hold. The approval request shall be submitted to the General Manager within 30 calendar days of the date the Preliminary Use Report is finalized, and the General Manager shall have 10 calendar days to issue an approval or denial of the Planning and Development Area Manager's request wherein a declination to respond to the request within the provided timeframe shall be deemed an approval.

(1) *General Manager Response.* The General Manager shall issue his or her response to both the Planning Manager and Land Management.

(A) *Approve.* If the General Manager approves the Planning Manager's request to hold the land for the Nation's development or open space use, then the Planning and Development Area Manager shall submit the request to hold the parcel(s) along with supporting documentation and the General Manager's approval to the next available Oneida Land Commission meeting.

(B) *Modify.* If the General Manager approves the Planning Manager's request to hold the land for the Nation's development or open space use subject to modifications, then the Planning Manager shall implement all modifications required by the General Manager and submit the modified request to hold the parcel(s) along with supporting documentation and the

General Manager's approval to the next available Oneida Land Commission meeting.

(B) *Deny*. If the General Manager denies the Planning Manager's request to hold the land for the Nation's development or open space use, then Land Management shall file the request and the denial in the parcel's data file and continue processing the land for inclusion in the Pool of Available Land as provided in section 2.4-2 below.

(2) *Oneida Land Commission Response*. If the General Manager approved or modified the Planning Manager's request to hold land out of the Pool of Available Land, when the request is brought before the Oneida Land Commission, the Oneida Land Commission shall take one of the following actions:

(A) *Approve*. If the Oneida Land Commission approves the request to hold the land for the Nation's development or open space use, then Land Management shall update the status of the parcel(s) accordingly on the Land Data Sheet(s) and shall remove said parcel(s) from the Pool of Available Land, as provided in section 2.4-2 below.

(B) *Modify*. If the General Manager approves the Planning Manager's request to hold the land for the Nation's development or open space use subject to modifications, then Land Management shall implement all modifications required by the Land Commission, update the status of the parcel(s) accordingly on the Land Data Sheet(s) and remove said parcel(s) from the Pool of Available Land, as provided in section 2.4-2 below.

(B) *Deny*. If the Oneida Land Commission denies the request to hold the land for the Nation's development or open space use, then Land Management shall file the request and the denial in the parcel's data file and continue processing the land for inclusion in the Pool of Available Land as provided in section 2.4-2 below.

(3) *Zoning Verification*. If Land Commission approves any land hold for governmental development and/or open space use, then Land Management shall request confirmation from the Zoning Administrator that the parcel's current zoning designation aligns with Land Commission's approved land hold. If the Zoning Administrator determines either an initial Oneida zoning or a rezoning of Oneida's prior zoning designation is required, the Zoning Administrator shall engage the Oneida Zoning and Shoreland Protection law to execute the required zoning actions. The Zoning Administrator shall inform Land Management of any approved zoning actions affecting the parcel for tracking in the Land Data Sheet; Land Management shall update the Land Data Sheet with zoning information as soon as possible.

1.4-2. *Pool of Available Land*. Land Management shall maintain a list of all parcels that are available for use, internally or externally, where said list shall include all parcels except those that are held for governmental development and/or open space use as provide in 2.4-1 above.

(a) *Advertising Parcels for Internal Use*. Land Management shall create a list of the pool of available land to be advertised for internal entities on the Oneida intranet.

(1) At a minimum, the list shall include:

A. Parcel number and address (if available);

B. Link to the Preliminary Use Report; and

C. Summary of potential uses based on the Preliminary Use Report.

(2) Land Management shall ensure that all parcels are posted in the pool of available land advertised for internal entities for a minimum of ninety (90) calendar days before Land Management may assign said lands to any of its rental or leasing portfolios.

(3) Any internal entities with interest in any advertised parcels shall submit the Parcel Interest Form to Land Management wherein the Parcel Interest Form shall be available with the Pool of Available Land advertisement on the Oneida Intranet. The form shall indicate to internal entities that they may request the land be available for a future use so that any use assigned by Land Management are short term in nature to make the future use possible.

(4) When Land Management receives a Parcel Interest Form, Land Management shall reassemble the Land Assessment Team for development of a specific use report that includes each professional's recommendations in relation to the specific use requested by the internal entity. Land Management shall assemble the team's recommendations related to the requested use and formulate an overarching recommendation in the Specific Use Report for Oneida Land Commission's consideration. When the Specific Use Report is complete, Land Management shall submit the request along with the Specific Use Report and any corresponding supporting documentation to the next available Oneida Land Commission agenda and shall notify the requestor of the Land Commission's meeting date and how the requestor may attend the meeting.

A. *Specific Use Report.* Land Management shall generate a specific use report template that allows space for each member of the Land Assessment Team to provide subject matter expertise feedback regarding a subject parcel.

B. *Land Commission Approval.* If Land Commission approved the, current or future requested use of a parcel by an internal entity, then:

i. *Current Use.* If Land Commission approved a current use, Land Management shall process an Internal Building and Land Assignment to the Internal Entity for the use approved by the Land Commission.

ii. *Future Use.* If Land Commission approved a future use, Land Management shall note that the parcel be available for internal use at a future date on the Land Data Sheet to ensure and agreements entered on the parcel expire before the internal entity's requested use start date.

iii. *Zoning Actions.* If the Specific Use Report notes any required zoning actions in order to implement the requested use, the Zoning Administrator shall take said execute the required zoning action following Land Commission's approval of a specific use. The Zoning Administrator shall inform Land Management of any approved zoning actions affecting the parcel for tracking in the Land Data Sheet; Land Management shall update the Land Data Sheet with zoning information as soon as possible. All required

zoning actions must be complete before an Internal Building and Land Assignment may be executed.

C. *Land Commission Denial.* If Land Commission denies an internal entity's specific use request, Land Management shall file the request in the parcel file and notify the requestor of Land Commission's denial.

1.4-3. *Land Management's Leasing and Rental Portfolio.* Any land that is not subject to a governmental hold or assigned to any internal entity shall be available for including in the Land Management leasing portfolio after the parcel has been advertised for internal entities a minimum on 90 calendar days on the Oneida Intranet. At least once a year, Land Management shall assess its leasing and rental programs and assign an inventory portfolio to each active program for Land Commission's consideration. Land Management shall comply with the specific requirements of the individual laws and rules for allowing external entities to use the Nation's land, provided that, prior to leasing land commercially to an external party, Land Management shall offer the commercial parcel to 1822.

## **1.5. External Land Use Requests**

1.5-1. *Defining External Land Use Requests.* All external land use requests are subject to processes contained in the specific rules governing the rental, lease, easement, license, and/or permit processes; the Nation may not assign a land use to an external third party outside of the processes contained in the applicable laws, rules and procedures. To the extent the Nation receives an external request for land use outside of the applicable prescribed process, Land Management shall treat the request as a general request to add the subject land to the applicable land management portfolio such that it could become available for advertisement pursuant to the applicable process in the future.

(a) *Agricultural Leasing and Renting.* All external land use requests for agricultural land are subject to the Leasing Law, Rule # X, Agricultural Leasing, and Landlord-Tenant Law, Rule #X Agricultural Rentals.

(b) *Commercial Leasing.* All external land use requests for commercial land are subject to the Leasing Law, Rule # X, Commercial Leasing.

(c) *Residential Rentals.* All external land use requests for residential land to rent (the Nation owns the land and the home) are subject to the Landlord-Tenant Law, Rule #'s 1-X identifying processes for the following rental programs:

- (1) Income-based rentals;
- (2) General Rentals;
- (3) Elder Rentals;
- (4) Rent-to-Own Program rentals; and
- (5) VASH Vouchers.

(d) *Residential Leases.* All external land use requests for residential land to lease (the Nation owns the land and the lessee owns the home) are subject to the Leasing Law, Rule #s X – X identifying processes for the following residential leasing programs:

- (1) Residential Leasing (in general);
- (2) Home Build Opportunities Residential Leasing (HBO); and
- (3) Homeownership by Independent Purchase (HIP) Residential Leasing.

(e) *Land Use Licenses/Special Event Permits.* All external land use requests to temporarily use tribal land are subject to the Real Property law, Rule # X, Land Use Licenses/Special Event Permits.

(f) *Land Permits.* All external land use requests to move earth on tribal land are subject to the Zoning and Shoreland Protection law, specifically those provisions related to Land Use Permits.

(g) *Easements.* All external land use requests for easements from the Nation (on fee or trust land) and easements on land subject to the Nation's jurisdiction shall be evaluated and administered in accordance with the Real Property Rule #3, Easements.

(h) *Various Other Land Use Requests.* Various other specific land use requests may be required pursuant to applicable Oneida laws, for example a Tree Cutting Permit is required pursuant to the Wood Cutting law. External parties seeking information as to what permits are required prior to engaging in various activities on land owned by the Nation or subject to the Nation's jurisdiction should contact Land Management, a department within the Environmental, Health, Safety, Land and Agricultural Division.

*End.*

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Original Effective Date:

## Environmental, Land, &amp; Agricultural Division



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

**MEMORANDUM**

**TO:** Eric McLester, Environmental, Land, and Agriculture Division  
**FROM:** Nicole Rommel, Deputy Director – Land Management  
**DATE:** January 02, 2025  
**SUBJECT:** Director Approval of Rule No. 1 – Land Assessments for the Nation’s Decisionmakers to Build an Autonomous Community - LANDBAC

The Land Management Area of the Environmental, Land and Agricultural Division and the Land Commission, as defined in the Real Property Law, is exercising its rulemaking authority to further define sections of Title 6, Chapter 601, Real Property Law.

This rule is newly drafted; this rule is not amendment to an existing rule.

Attached is the most recent DRAFT of the Rule. To send this to the LOC for certification, the Division Directors approval is needed.

Please review the document and sign below with your approval.

I approve Real Property Law Rule No. 1 – Land Assessments for the Nation’s Decisionmakers to Build an Autonomous Community – LANDBAC.

Eric McLester, Director – Environmental, Land and Agriculture Division

1-7-25

Date



# Oneida Land Commission

**Regular Meeting**  
**5:00 p.m. Monday, August 12, 2024**  
**Little Bear Conference Room & Microsoft Teams**

## Minutes

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**Present:** Vice Chair Sidney White, Secretary Sherrole Benton, Commissioners: Patricia Cornelius, Donald McLester, Frederick Muscavitch

**Arrived at:** N/A

**Excused:** Chair John Danforth

**Others Present:** Matthew Denny, Brooke Doxtator, Victoria Flowers, Lauren Hartman, Michelle Hill, Krystal John, Wes Johnson, Eric McLester, Frank Noble, Troy Parr, Mariah Rauschenbach, Nicole Rommel;

### I. CALL TO ORDER AND ROLL CALL

*Meeting called to order by Vice Chair Sidney White at 5:01 p.m.*

### II. ADOPT THE AGENDA

Motion by Frederick Muscavitch to adopt the agenda with two (2) additions [1] IX.B. Approve the Right for First Refusal for 4890 County Line Rd, 2) IX.C. Neighbor Letters, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

*Item VII.A. addressed next.*

### III. TASK LIST

- A. Right of First Refusal – Legal Opinion
- B. New York Land
  - 1. Hunting
  - 2. Imminent Domain
- C. Realtor Backup
- D. Building Naming
- E. Developer Agreement

### IV. READING OF MINUTES

#### A. Approve the July 22, 2024, regular Oneida Land Commission meeting minutes

Sponsor: Sherrole Benton

Motion by Frederick Muscavitch to approve the July 22, 2024, regular Oneida Land Commission meeting minutes, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

## V. TABLED BUSINESS

## VI. OLD BUSINESS

### A. Review and approve the revised Land Acquisition through Land Management for Residential Leasing (HIP) standard operating procedure

Sponsor: Nicole Rommel

Motion by Sherrole Benton to approve the revised Land Acquisition through Land Management for Residential Leasing Homeownership by Independent Purchase (HIP) standard operating procedure with all the recommended changes, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester  
Opposed: Frederick Muscavitch

Motion by Frederick Muscavitch to request a written legal opinion on section 5.2 on the accuracy, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### B. Review and approve the Land Use License Rule and forward through the Rule Making process

Sponsor: Nicole Rommel

Motion by Donald McLester to approve the draft Land Use License Rule, to forward through the Rule Making process that includes a public hearing and allow staff to use the rule during the rule making process and no fees will be charges until rule making is complete, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch  
Abstained: Frederick Muscavitch

*For the Record: Frederick Muscavitch abstained because he didn't have a chance to read.*

### C. Review Naming Standard Operating Procedure and determine next steps (no submission)

Sponsor: Nicole Rommel

EXCERPT FROM July 8, 2024: Motion by Frederick Muscavitch to defer to the August 12, 2024, meeting, seconded by Donald McLester. Motion carried:

Motion by Donald McLester to defer to the first meeting in September, seconded by Patricia Cornelius.

Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

*Item VII.B. addressed next.*



## VII. NEW BUSINESS

### A. Approve request to install a six (6) foot fence at 1329 Onu U Sla Way

Sponsor: Mariah Rauschenbach

Motion by Donald McLester to deny the request, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

*For the Record: Sherrole Benton stated this is temporary denial as member will need to finish going through process before it can come back to the Land Commission for consideration.*

*Item IV.A. addressed next.*

### B. Approve letter to Treasure Larry Barton regarding training

Sponsor: Frederick Muscavitch

Motion by Frederick Muscavitch to request Brooke to revise the letter with reference to the bylaws section regarding training, add to letterhead, get signed by John and forward to the Treasurer as soon as possible, seconded by Donald McLester. Motion carried:

Ayes: Patricia Cornelius, Donald McLester, Frederick Muscavitch  
Abstained: Sherrole Benton

*For the Record: Sherrole Benton abstained because she thinks the timing might be a problem.*

### C. Discuss inviting the Forester to a meeting

Sponsor: Frederick Muscavitch

Motion by Frederick Muscavitch to invite the Forester to meet with the Land Commission at the first meeting in September, seconded by Patricia Cornelius. Motion carried:

Ayes: Patricia Cornelius, Donald McLester, Frederick Muscavitch  
Opposed: Sherrole Benton

*For the Record: Sherrole Benton is opposed because it is not in our authority to call individual staff members to question them about their work or the successes or failures of their work.*

### D. Discuss installing a fence at Parcel # 170222901

Sponsor: Frederick Muscavitch

Motion by Frederick Muscavitch to request the EHSLA Director work with Zoning to put up an appropriate visual or physical barrier, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### E. Approve the FY-2025 Oneida Land Commission meeting schedule

Sponsor: Brooke Doxtator

Motion by Frederick Muscavitch to approve the FY-2025 Oneida Land Commission meeting schedule, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

**F. Approve the FY-2025 Oneida Land Commission hearing schedule**

Sponsor: Brooke Doxtator

Motion by Frederick Muscavitch to approve the FY-2025 Oneida Land Commission hearing schedule, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

**G. Approve the Building Demolition standard operating procedure**

Sponsor: Nicole Rommel

Motion by Frederick Muscavitch to approve the Building Demolition standard operating procedure with recommended changes, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

**H. Approve the Home Building Opportunities (HBO) Site Preparation standard operating procedure**

Sponsor: Nicole Rommel

Motion by Sherrole Benton to approve the Home Building Opportunity (HBO) Site Preparation standard operating procedure with acronyms spelled out, and a definition added for Landbac, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

**I. Approve the Landbac Rule and forward through the Rule Making process**

Sponsor: Nicole Rommel

Motion by Frederick Muscavitch to approve the draft Landbac Rule, forward through the Rule Making process which includes a Public hearing and approve the staff to use the Rule while in the Rule making process, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

**J. Approve the Easement Rule and forward through the Rule Making process**

Sponsor: Nicole Rommel

Motion by Frederick Muscavitch to defer the draft Easement Rule for consideration of implementation until next month and approve for it to go to public hearing, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

## **VIII. REPORTS (FY-24 DEADLINES Q1-FEB 6, SEMI-ANNUAL-APR, Q2-APR 30, Q3-AUG 6, ANNUAL-OCT, Q4-NOV 5)**

### **A. Enter the e-poll results into the record regarding the approval of the Oneida Land Commission FY-2024 3<sup>rd</sup> quarter report**

Sponsor: Sherrole Benton

Motion by Patricia Cornelius to enter the e-poll results into the record regarding the approval of the Oneida Land Commission FY-2024 3<sup>rd</sup> quarter report, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

Motion by Patricia Cornelius to go into executive session at 6:11 p.m., seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

Motion by Patricia Cornelius to come out of executive session at 6:55 p.m., seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

## **IX. EXECUTIVE SESSION**

### **A. OLD/TABLED BUSINESS**

#### **1. Determine next steps regarding File # 06202402V (no submission)**

Sponsor: Lauren Hartman

*EXCERPT FROM June 24, 2024: Motion by Sherrole Benton to defer File #06202402V to the July 8, 2024, meeting with information regarding the covenants, seconded by Donald McLester. Motion carried:*

*EXCERPT FROM July 8, 2024: Motion by Patricia Cornelius to table File # 06202402V, seconded by Donald McLester. Motion carried:*

*For the record: No action taken on this item.*

#### **2. Real Estate Tools – Rights of First Offer, Rights of First Refusal and Options to Purchase, Waiving Contingencies; and other tools (no submission)**

Motion by Donald McLester to approve developing training for rights of first offer, rights of first refusal, options of purchase, waiving contingencies, other tools along with reviewing the standard operating procedures for defects, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### 3. Determine next steps regarding File # 07202402C

Sponsor: Sidney White

Motion by Sherrole Benton to allow the Oneida Nation Entities to view the facilities for File # 07202402C and Parcel # 6H-1083-1, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### B. Approve the Right for First Refusal for 4890 County Line Rd

Sponsor: Nicole Rommel

Motion by Patricia Cornelius to approve satisfying the mortgage for 4890 County Line Rd to avoid an assignment of lease for loan number xxx9253, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### C. Neighbor Letters

Sponsor: Frederick Muscavitch

Motion by Frederick Muscavitch to approve sending the letter to the three (3) landowners listed on the handout and authorizing offers up to [REDACTED] should she be contacted by them, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

Motion by Patricia Cornelius to go into executive session at 7:01 p.m., seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

Motion by Donald McLester to come out of executive session at 7:04 p.m., seconded Frederick Muscavitch. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

Motion by Patricia Cornelius to add Old Seymour property to the agenda, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### D. Old Seymour Property

Sponsor: Eric McLester

Motion by Patricia Cornelius to approve increasing the offer up to [REDACTED] per acre for the property on Old Seymour Road with no hunting privileges, seconded by Frederick Muscavitch. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

## **X. ADJOURNMENT**

Motion by Donald McLester to adjourn at 7:05 p.m., seconded by Sherrole Benton. Motion carried:  
 Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick  
 Muscavitch

*Roll call for the record:*

*Present: Vice Chair Sidney White, Secretary Sherrole Benton, Commissioners: Patricia Cornelius,  
 Donald McLester, Frederick Muscavitch*

Minutes prepared by Brooke Doxtator, Boards, Committees, and Commissions Supervisor.  
 Minutes approved as presented August 26, 2024.

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Sherrole Benton, Secretary  
 Oneida Land Commission

## NOTICE OF

# PUBLIC MEETING

To be held on

**Tuesday, October 8, 2024****10:00 a.m.**

In the

**Little Bear Development Center Conference Room  
N7332 Water Circle Place, Oneida, WI 54155**

In accordance with the Administrative Rulemaking Law, the Environmental, Health, Safety, Land and Agricultural Division, the General Manager and Oneida Land Commission are hosting this Public Meeting to gather feedback regarding the following new proposed rules:

**Real Property Rule #1— Land Assessments for the Nation's Decisionmaker's to Build an Autonomous Community (LANDBAC)**

- ◆ Replaces the former Land Use Technical Unit (LUTU) process as the Nation's process for assessing land uses to prioritize greatest and best use by the Nation to provide for the community;
- ◆ The process distinguishes between offerings to the Nation's internal entities and requests from external parties to use the Nation's land wherein all possible available uses are governed by separate rules (see various leasing rules, Land Use License Rule, and Easements Rule).

**Real Property Rule #2— Land Use Licenses**

- ◆ Formalizes a former general practice and SOP into an administrative rule while expanding the scope to apply to large gatherings (75 people or more) on land owned by tribal members.

**Real property Rule #3—Easements**

- ◆ Formalizes a former SOP into an administrative rule which applies to third party requests to use/access the Nation's land and individual trust land owners requests for easement processing through the Bureau of Indian Affairs (BIA) on their land.

To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

## PUBLIC COMMENT PERIOD

**OPEN UNTIL Wednesday, October  
16, 2024**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to Land Management by U.S. mail, interoffice mail, e-mail or fax.

**Land Management  
PO Box 365, Oneida, WI 54155  
Email: [nrommel@oneidanation.org](mailto:nrommel@oneidanation.org)  
Phone: 920-869-6505**

**Summary Report for:**

Land Management

**Original Effective Date:** N/A**Amendment Effective Date:** 08/12/2024**Name of Rule:** Land Assessments for the Nation's Decisionmaker's to Build an Autonomous Community (LANDBAC)**Name Law being Interpreted:** Real Property Law**Rule #:** 1**Other Laws or Rules that may be affected:** N/A**Brief Summary of the proposed rule:**

- ♦ Replaces the former Land Use Technical Unit (LUTU) process as the Nation's process for assessing land uses to prioritize greatest and best use by the Nation to provide for the community.
- ♦ The process distinguishes between offerings to the Nation internal entities and requests from external parties to use the Nation's land wherein all possible available uses are governed by separate rules (see various leasing rules, Land Use License Rule, and Easements Rule).

**Statement of Effect:****Financial Analysis:**

Note: In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.

**Financial Analysis for:**

Land Assessments for the Nation's Decisionmaker's to Build an Autonomous Community

<b><u>Type of Cost</u></b>	<b><u>Description/Comment</u></b>	<b><u>Dollar Amount</u></b>
Start Up Costs	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation Costs	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation		Immediate
Other, please explain	N/A	N/A
Total	Annual Net Revenue	\$0.00





## **Statement of Effect**

*Real Property Law Rule No. 1 – Land Assessments for the Nation’s Decisionmakers to Build an Autonomous Community*

### ***Summary***

The Real Property Law Rule No. 1 – Land Assessments for the Nation’s Decisionmakers to Build an Autonomous Community provides set consistent practices and expectations for Land Management’s reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community.

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

*Date: September 20, 2024*

### ***Analysis by the Legislative Reference Office***

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]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation’s laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 O.C. 106.3-1(i)]. An authorized agency is defined as “any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority.” [1 O.C. 106.3-1(a)].

The Real Property law provides regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation’s employees dealing with real property transactions. [6 O.C. 601.1-1]. It is the policy of the Nation to set out the responsibilities and expectations for persons purchasing and/or managing real property on behalf of the Nation and/or within the Reservation and to provide real property holder’s rights and responsibilities. [6 O.C. 601.1-1].

The Real Property law delegates joint administrative rulemaking authority to the Oneida Land Commission and the Oneida Planning Department any other affected Oneida divisions and

departments for the purpose of developing Land Use Technical Unit rules. [6 O.C. 601.12-2(e)]. The Real Property law provides that the Oneida Land Commission is responsible for allocating and assigning land uses to all Tribal lands in accordance with the Land Use Technical Unit rules.

The purpose of the Real Property Law Rule No. 1 – Land Assessments for the Nation’s Decisionmakers to Build an Autonomous Community (“the Rule”) is to provide set consistent practices and expectations for Land Management’s reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community. [Rule 1.1-1]. The Rule addresses:

- Making the Nation’s land available to internal entities, including:
  - Applying the land policy framework;
  - Proof of available land;
  - Land Management’s Leasing and Rental Portfolio [Rule 1.4];
- External land use requests, including:
  - Defining external land use requests [Rule 1.5].

### ***Conclusion***

There are no legal bars to adopting the Real Property Law Rule No. 1 – Land Assessments for the Nation’s Decisionmakers to Build an Autonomous Community.

Setting Time and Notice  
to Interested Parties

The following estates are being prepared  
for probate by the Oneida Nation, Land  
Commission Hearing Body.

To attend a scheduled hearing virtually contact  
Cindy Lecker, Land, Title & Trust Specialist,  
Oneida Nation, Land Management, • 470 Airport Dr.  
PO Box 365, • Oneida, WI 54155, • 920-869-6610  
CLecker@oneidanation.org

In the Matter of the Estate of Leo W Sundquist,  
Case No. 2024 LCP 0006

- 1. An application for probate was filed.
- 2. The decedent with a date of birth of 09/13/1951 and date  
of death 01/04/2024, was an Oneida Nation member,  
domiciled off the Oneida Reservation at 2449 West Point  
Rd., Green Bay, WI 54304
- 3. The deadline to submit claims is 11/01/2024.
- 4. All interested persons are hereby noticed.

ONEIDA JUDICIARY  
Tsi nu téshakotiya?tolétha / Trial Court

Payment can be made either in person at the Oneida Trial  
Court located at 2630 West Mason Street,  
Green Bay, WI 54303; or by mailing said payment to  
Oneida Trial Court P.O. Box 19, Oneida, WI 54155

Oneida entities owed a debt:  
ONEIDA TRIAL COURT



NOTICE OF  
INTENT TO GARNISH

Debtor's Names:

- ◆ Terry Lee Cooper Blackowl
- ◆ Kimberly R. Batiste

First published notice 9/24

NOTICE OF  
PUBLIC MEETING  
TO BE HELD

Tuesday, October 8, 2024 at 10:00am  
Little Bear Development Center Conference Room  
N7332 Water Circle Place, Oneida, WI 54155

In accordance with the Administrative Rule-making Law,  
the Comprehensive Housing Division and the Oneida Land  
Commission are hosting this Public Meeting to gather feedback  
from the community regarding pro-posed amendments to the  
following rule:

Real Property Rule #1— Land Assessments for the Nation's  
Decisionmaker's to Build an Autonomous Community  
(LANDBAC)

- ◆ Replaces the former Land Use Technical Unit (LUTU)  
process as the Nation's process for assessing land uses to  
prioritize greatest and best use by the Nation to provide  
for the community;
- ◆ The process distinguishes between offerings to the  
Nation's internal entities and requests from external  
parties to use the Nation's land wherein all possible  
available uses are governed by separate rules (see  
various leasing rules, Land Use License Rule, and  
Easements Rule).

Real Property Rule #2— Land Use Licenses

- ◆ Formalizes a former general practice and SOP into an  
administrative rule while expanding the scope to apply to  
large gatherings (75 people or more) on land owned by  
tribal members.

Real property Rule #3—Easements

- ◆ Formalizes a former SOP into an administrative rule  
which applies to third party requests to use/access the  
Nation's land and individual trust land owners requests for  
easement processing through the Bureau of Indian Affairs  
(BIA) on their land.

To obtain copies of the Public Meeting documents for this  
proposal, please visit [www.oneida-nsn.gov/Register/  
PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

PUBLIC COMMENT PERIOD  
OPEN UNTIL Wednesday, October 16, 2024

During the Public Comment Period, all interested persons may  
submit written comments and/or a transcript of any testimony/  
spoken comments made during the Public Meeting. These may  
be submitted to The Comprehensive Housing Division by U.S.  
mail, interoffice mail, e-mail or fax.

Comprehensive Housing Division  
2913 Commissioner Street, Oneida, WI 54155  
[nrommel@oneidanation.org](mailto:nrommel@oneidanation.org)  
Phone: 920-869-6505

**Land Management**

**Public Meeting**

**Rule #1 – Land Assessment for the Nation’s Decisionmaker’s to Build an Autonomous Community (LANDBAC)**

**Rule #2 – Land Use License**

**Rule #3 - Easements**

Little Bear Development Center Conference Room

N7332 Water Circle Place, Oneida, WI 54155

October 8, 2024 @ 10:00 a.m.

**Present:** Diane Wilson in person, Lauren Hartman on Teams, Krystal John on Teams, Mark Powless on Teams, Eric McLester in person, Nicole Rommel in person

**Nicole Rommel:** So we’re here to have the public meeting on Tuesday, October 8, 2024 at Little Bear on three rules that are going through the rule making process which is Real Property Rule #1, Land Assessment for the Nation’s Decisionmaker’s to Build an Autonomous Community which is LANDBAC, Real Property #2 which is Land Use Licenses, and Real Property Rule #3 which is Easements. At this time, which is 10:02 there isn’t anyone from the public here to make comments. Ummm.....

**Krystal John:** You can state that you’ll leave, umm that you’ll wait 15 minutes and then you’ll close the public meeting.


**Nicole Rommel:** OK and we’ll wait 15 minutes until 10:15, then we’ll close the meeting.

**Krystal John:** OK now stop your recording and then turn it back on at 10:15

**Nicole Rommel:** Thank you.

**Nicole Rommel:** Started the recording, we didn’t have any community come umm to give verbal comment, the public period is open until Wednesday, October 16, 2024, those written comments can be made to Land Management, PO Box 365, Oneida, WI 54155 or they can be emailed to [nrommel@oneidanation.org](mailto:nrommel@oneidanation.org) or the phone number is 920-869-6505 for any questions. At this time I’m going to stop the public hearing, thank you.



TO: Oneida Business Committee  
FROM: Jameson Wilson, Legislative Operating Committee Chairman   
DATE: February 5, 2025  
RE: Certification of the Real Property Law Rule No. 2 – Land Use Licenses

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The Legislative Operating Committee reviewed the certification packet provided for the Real Property Law Rule No. 2 – Land Use Licenses (“Rule”). The Legislative Operating Committee is responsible for certifying a proposed rule after determining the authorized agency has complied with the requirements for certification stated in section 106.7-2 of the Administrative Rulemaking law, and forwarding the rule to the Oneida Business Committee for consideration of adoption. *[1 O.C. 106.7-3]*.

Certification by the Legislative Operating Committee means:

- The certification packet provided by the Land Management Area of the Environmental, Land and Agricultural Division and Oneida Land Commission for the Rule contained all documentation required by the Administrative Rulemaking law for a complete administrative record;
- The promulgation of the Rule complied with the procedural requirements contained in the Administrative Rulemaking law; and
- The Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated. *[1 O.C. 106.7-2]*.

The Legislative Operating Committee certified the Rule on February 5, 2025.

The purpose of the Rule is to create a process for accepting, reviewing, and approving or denying land use license application requests where the Oneida Land Commission is the decision maker while the Land Management staff are the application processors. *[Rule 2.1-1]*. The Rule addresses:

- Prohibited uses of land use licenses *[Rule 2.4]*;
- Land use license applicants, including when a land use license is required, land use license exceptions, and the requirement of a land use permit *[Rule 2.5]*;
- Land use license review process, including information on the evaluating team, team feedback, Land Management recommendation, Oneida Land Commission approval or denial, appealing a denial, when a land use license includes a land permit, and notice to the evaluating team *[Rule 2.5 ]*;
- Licensee’s duties *[Rule 2.6]*;
- Public conduct during events, including conduct, driving, and parking during parades, races, walks, or marches *[Rule 2.7]*;
- Land use license fees *[Rule 2.8]*; and
- On-site land use license enforcement, including the ability to modify or revoke the land use license on-site *[Rule 2.9]*.

The Rule was developed in accordance with the Real Property law which provides the regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions. [6 O.C. 601.1-1]. The Real Property law delegates joint administrative rulemaking authority to the Oneida Land Commission and Land Management to jointly develop rules regarding easements and land use licenses. [6 O.C. 601.12-3(a)]. The Real Property law provides that the Oneida Land Commission is responsible for approving or denying all easements or land use licenses. [6 O.C. 601.12-2(b)].

The Rule is now ready to be considered by the Oneida Business Committee for adoption. The Rule would become effective immediately upon adoption by the Oneida Business Committee in accordance with section 106.9-1 of the Administrative Rulemaking law.

**Requested Action**

Consider the adoption of the Real Property Law Rule No. 2 – Land Use Licenses.

## MEMORANDUM

**TO:** Legislative Operating Committee  
**FROM:** Nicole Rommel, Deputy Director – Land Management  
**DATE:** January 27, 2025  
**SUBJECT:** Request for Certification of Procedural Compliance  
Real Property Law Rule No. 2 – Land Use Licenses

The Land Management Area of the Environmental, Land and Agricultural Division and the Land Commission, as defined in the Real Property Law, is exercising its rulemaking authority to further define sections of Title 6, Chapter 601, Real Property Law.

This rule is newly drafted; this rule is not amendment to an existing rule.

In accordance with the Administrative Rulemaking law, a public meeting was held for this rule on October 8, 2024, for which the comment period expired on October 16, 2024.

The following attachments are included for your review:

1. Rule No. 2 – Land Use Licenses – Clean Version<sup>1</sup>;
2. ELA Division Director Approval of Rule No. 2 – Land Use Licenses;
3. Oneida Land Commission Rule Approval;
4. Public Meeting Packet;
5. Copy of Public Meeting Notice Published in the Kalihwisaks – Page 28 of the October 2024 issue (published September 24, 2024); and
6. Public Meeting transcription from the October 8, 2024, Public Meeting<sup>2</sup>.

Following certification, this rule shall become effective immediately.

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<sup>1</sup> The only revisions made to the rule since the public meeting were to update the name of the Environmental, Health, Safety, Land & Agricultural Division to Environmental, Land and Agricultural Division. Accordingly, for the Summary Report, please the Public Meeting Packet as no revisions were made to the Summary Report Documents.

<sup>2</sup> No public meeting sign in sheet is attached because no one attended the public meeting. Similarly, no public comment memorandum is provided because no public comments were received.





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## Title 6. Property and Land – Chapter 601

### REAL PROPERTY LAW

#### Rule # 2 – Land Use Licenses

- 2.1.Purpose and Authority
- 2.2.Adoption, Amendment and Repeal
- 2.3.Definitions
- 2.4.Prohibited Uses
- 2.5.Land Use License Applicants
- 2.5.Land Use License Review Process
- 2.6.Licensee's Duties
- 2.7.Public Conduct During Events

#### 2.1. Purpose and Authority

2.1-1. *Purpose.* The purpose of this rule is to create processes for accepting, reviewing, and approving or denying land use license application requests where the Oneida Land Commission is the decision maker and the Land Management staff are the application processors.

2.1-2. *Authority.* The Real Property law, specifically §601.12-3(a), delegates rulemaking authority to Land Management and the Oneida Land Commission in accordance with the Administrative Rulemaking law.

#### 2.2. Adoption, Amendment and Repeal

2.2-1. This rule was adopted by Land Management and the Oneida Land Commission in accordance with the procedures of the Administrative Rulemaking law.

2.2-2. This rule may be amended or repealed by the Land Management and the Oneida Land Commission and/or the Oneida Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

2.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements related to Land Use Licenses.

#### 2.3. Definitions

2.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Land Use License" means an agreement entered into by the Nation providing a tribal member the right to have gatherings within the reservation boundaries of groups larger than 75 people and/or an agreement between the Nation and any third party granting said party the right to occupy and/or utilize a specified piece of Tribal land for a specific purpose and a specific duration.

(b) "Land Use License Consideration Team" means a group of professionals employed by the Nation who have subject matter expertise that may affect the issuance of a Land Use License and as defined in more detail in section 2.6-1 of this Rule.

(c) "Land Use Permit" means an approval from the Oneida Zoning Department pursuant



to the Zoning and Shoreland Protection Ordinance that provides conditions to ensure that a proposed use that would amount to a disturbance of the land, including but not limited to, the erection, movement, or structural alteration of any structure other than a building, is compliant with applicable law.

#### **2.4. Prohibited Uses**

2.4-1. Land Use Licenses may not allow for the use of alcohol and/or drugs on the Nation's property excluding individual fee and trust land and residentially leased properties.

#### **2.5. Land Use License Applicants**

2.5-1. Any tribal member seeking to host an event of 75 persons or more on their property located within the Oneida Reservation and/or any person or entity requesting to use land owned by the Oneida Nation to occupy and/or utilize a specified piece of Tribal land for a specific purpose and a specific duration shall submit an application for a Land Use License to the Land Management Department. Use of land shall extend to nontribal members and/or entities simply accessing land otherwise closed to public access pursuant to the applicable tribal laws, including but not limited to the Public Use of Tribal Lands law. Applications will not be considered until they are complete.

2.5-2. *Land Use License Exceptions.* The following are events and land uses that do not require a Land Use License provided that Land Management shall determine the applicability and/or exemptions of Land Use Licenses to the Nation's property. In the event an exception is granted as related to a Land Use License, an independent review is required by the Zoning Department to determine if a Land Use Permit is required pursuant to the Real Property law and any corresponding rules. Application for a Land Use License is required where there is a fire and/or fireworks on the Nation's property (leased properties excluded), provided that the Nation reserves the right to waive the requirements for a Land Use License based on the determination of the Nation's Fire Marshal.

(a) Use of land in accordance with the permitted use pursuant to an active lease with the Oneida Nation;

(b) Gatherings of seventy-five (75) people or less provided that this exemption shall not apply in instances the Nation's land is being used for any commercial purpose and gathering 75 or more people may invalidate other applicable exemptions in Land Management's sole discretion;

(c) Use of buildings in accordance with the rental agreements with various entities of the Nation, including but not limited to, the County H Recreation Building, the Veteran's Building rental spaces, and/or the Holy Apostles Hall, provided that, this exemption shall not apply to uses beyond the primary use or intended activity and capacity of the site; and

(d) Access to land owned by the Nation pursuant to a contract for services validly executed by the Nation and the service provider.

2.4-3. *Land Use Permit May be Required.* An application for a Land Use License may also require a Land Use Permit pursuant to the Zoning and Shoreland Protection law if temporary structures are to be erected on the site as part of the requested use or if there is any anticipated disturbance of land. To the extent a Land Use Permit is required along with the Land Use License, the Land Use License Application will also function as the request for the Land Use Permit and will be routed for Zoning Department approval by Land Management staff processing the Land Use License. The Land Use Permit review process is independent of the Land Use License process

and if a Land Use Permit is not granted by the Oneida Zoning Department, said use shall not be authorized within the corresponding Land Use License. If both the Land Use License and the Land Use Permit are granted, signatory approvals are required from both Land Management and Zoning Department representatives.

## **2.5. Land Use License Review Process**

2.5-1. *Evaluating Team.* Land Management staff shall forward the Land Use License Application and all supporting materials to the Land Use License Consideration Team as soon as possible. The Land use License Consideration Team consists of:

- (a) Oneida Zoning Department;
- (b) Oneida Police Department;
- (c) Oneida Risk Management Department;
- (d) Oneida Sanitarian (when food is sold/given away as part of the Land Use License Request);
- (e) Oneida Public Health Officer;
- (f) Oneida Emergency Management Director;
- (g) Oneida Law Office; and
- (h) Any other interested stake holder within the Nation that may have control over the land subject to the Land Use License request.

2.5-2. *Team Feedback.* From the date the Land Use License Application and supporting materials are sent to the Land Use License Consideration Team, the representatives shall have five (5) business days to return comments to Land Management for consideration in issuing the Land Use License.

2.5-3. *Land Management Recommendation.* Land Management shall review all comments received from the Land Use License Consideration Team and create a recommendation for approving/denying the Land Use License Request including any recommended additional terms and conditions and shall forward all information and staff's recommendation to the Environmental, Land, and Agricultural (ELA) Division Director or his/her designee.

2.5-4. *Land Commission Approval and Denial.* Land Commission hereby accepts the recommendations provided by Land Management which is based on the information provided by the Land Use Consideration Team which is comprised of subject matter experts employed by the Nation in the fields of health, safety, law, risk and emergency management, law enforcement, zoning, and any other area implicated based on a requested use.

(a) If the ELA Division Director or his/her designee recommends approval of Land Use License application, Land Commission hereby automatically approves said Land Use License.

(b) If the ELA Division Director or his/her designee recommends denial of a Land Use License application, Land Commission hereby automatically denies said Land Use License.

2.5-5. *Appealing a Denial.* Any applicant whose Land Use License application is denied by Land Commission may request reconsideration from the Oneida Land Commission if reconsideration is requested to Oneida Land Management within ten (10) business days of the notice of denial.

2.5-6. *When a Land Use License Includes a Land Permit.* When a Land Use License includes a requirement for a Land Use Permit for use of a temporary structure or a disruption of land, Land Management shall forward the application to the Zoning Department for its review immediately

upon receipt and shall coordinate dual signatures from the EHSLA Division Director and the Zoning Administrator when both a Land Use License and Land Use Permit is to be issued.

2.5-7. *Notice to Evaluating Team.* When a Land Use License is issued, Land Management staff shall provide notice of the issuance to each representative of the Land Use License Consideration Team.

## **2.6. Licensee's Duties**

2.6-1. Once the application is granted, the applicant becomes the licensee. All licensees shall comply with all permit directions and conditions and with all applicable laws and ordinances, and shall follow all safety directives from the Police Department, Fire Department, Zoning Officers and/or Department of Public Works Staff. The licensee's failure to follow any safety directives, or their allowance of any unsafe conditions to develop or continue, shall be grounds for citation and for denial of future land use license applications.

## **2.7. Public Conduct During Events**

2.7-1. *Generally.* All attendees at any event must obey all applicable Oneida Nation, state and federal laws and regulations. The Licensee shall take necessary remedial measures to ensure attendee compliance with applicable laws and regulations and to prevent unsafe conditions from developing or continuing, up to and including stopping the event if attendee conduct is creating a nuisance or disturbance.

2.7-2. *Public Conduct During Parades, Races, Walks, or Marches.* No person shall obstruct, impede, interfere with, or unreasonably hamper any parade, race, walk, march, or parade assembly, nor any person, vehicle, or animal participating or used in a parade.

2.7-3. *Driving Through Parades, Races, Walks, or Marches.* No person shall drive a vehicle between the vehicles or persons comprising a parade, race, walk, or march when such vehicles or persons are in motion and are conspicuously designated as participating in such an event.

2.7-4. *Parking On Parade, Race, Walk, or March Route.* The Chief of Police may prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade, race, walk, or march. The Chief of Police shall post signs to such effect, and no person shall park or leave unattended any vehicle in violation thereof.

## **2.8. Land Use License Fees**

2.8-1. The Oneida Land Commission may implement Land Use License fees by adopting a Land Use License Fee Schedule by Oneida Land Commission Resolution. If there is no Land Use License Fee Schedule adopted by Oneida Land Commission, no fees may be charged for being granted a Land Use License. If/when a Land Use License Fee Schedule is adopted, it shall be provided to the Oneida Legislative Reference Office to be posted on the Oneida Register along with this Rule.

## **2.9. On-Site Land Use License Enforcement**

2.9-1. *Ability to Modify or Revoke the Land Use License On-Site.* If an Oneida Police Officer, Zoning Office, and/or the Fire Marshall, collectively Oneida Authorities, believes an event may be becoming unsafe to the public health and safety of the community, Oneida Authorities may, regardless of compliance with applicable Land Use License terms and conditions use their discretion to:

- (a) Add additional health and safety requirements to a Land Use License on the scene of the event that must be complied with in order to avoid revoking the Land Use License;

186 and/or  
187 (b) Revoke the Land Use License, provided that, Oneida authorities shall work with  
188 licensees to avoid revoking a Land Use License to the extent possible. If Oneida  
189 Authorities revoke a Land Use License, there will be no reimbursement of Land Use  
190 License fees.

191  
192 *End.*  
193

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194 Original Effective Date:

## Environmental, Land, &amp; Agricultural Division



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

**MEMORANDUM**

**TO:** Eric McLester, Environmental, Land, and Agriculture Division  
**FROM:** Nicole Rommel, Deputy Director – Land Management  
**DATE:** January 02, 2025  
**SUBJECT:** Director Approval of Rule No. 2 – Land Use Licenses

The Land Management Area of the Environmental, Land and Agricultural Division and the Land Commission, as defined in the Real Property Law, is exercising its rulemaking authority to further define sections of Title 6, Chapter 601, Real Property Law.

This rule is newly drafted; this rule is not amendment to an existing rule.

Attached is the most recent DRAFT of the Rule. To send this to the LOC for certification, the Division Directors approval is needed.

Please review the document and sign below with your approval.

I approve Real Property Law Rule No. 2 – Land Use Licenses

Eric McLester, Director – Environmental, Land and Agriculture Division

1-7-25

Date



# Oneida Land Commission

**Regular Meeting**  
**5:00 p.m. Monday, August 12, 2024**  
**Little Bear Conference Room & Microsoft Teams**

## Minutes

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**Present:** Vice Chair Sidney White, Secretary Sherrole Benton, Commissioners: Patricia Cornelius, Donald McLester, Frederick Muscavitch

**Arrived at:** N/A

**Excused:** Chair John Danforth

**Others Present:** Matthew Denny, Brooke Doxtator, Victoria Flowers, Lauren Hartman, Michelle Hill, Krystal John, Wes Johnson, Eric McLester, Frank Noble, Troy Parr, Mariah Rauschenbach, Nicole Rommel;

### I. CALL TO ORDER AND ROLL CALL

*Meeting called to order by Vice Chair Sidney White at 5:01 p.m.*

### II. ADOPT THE AGENDA

Motion by Frederick Muscavitch to adopt the agenda with two (2) additions [1] IX.B. Approve the Right for First Refusal for 4890 County Line Rd, 2) IX.C. Neighbor Letters, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

*Item VII.A. addressed next.*

### III. TASK LIST

- A. Right of First Refusal – Legal Opinion
- B. New York Land
  - 1. Hunting
  - 2. Imminent Domain
- C. Realtor Backup
- D. Building Naming
- E. Developer Agreement

### IV. READING OF MINUTES

#### A. Approve the July 22, 2024, regular Oneida Land Commission meeting minutes

Sponsor: Sherrole Benton

Motion by Frederick Muscavitch to approve the July 22, 2024, regular Oneida Land Commission meeting minutes, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

## V. TABLED BUSINESS

## VI. OLD BUSINESS

### A. Review and approve the revised Land Acquisition through Land Management for Residential Leasing (HIP) standard operating procedure

Sponsor: Nicole Rommel

Motion by Sherrole Benton to approve the revised Land Acquisition through Land Management for Residential Leasing Homeownership by Independent Purchase (HIP) standard operating procedure with all the recommended changes, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester  
Opposed: Frederick Muscavitch

Motion by Frederick Muscavitch to request a written legal opinion on section 5.2 on the accuracy, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### B. Review and approve the Land Use License Rule and forward through the Rule Making process

Sponsor: Nicole Rommel

Motion by Donald McLester to approve the draft Land Use License Rule, to forward through the Rule Making process that includes a public hearing and allow staff to use the rule during the rule making process and no fees will be charges until rule making is complete, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch  
Abstained: Frederick Muscavitch

*For the Record: Frederick Muscavitch abstained because he didn't have a chance to read.*

### C. Review Naming Standard Operating Procedure and determine next steps (no submission)

Sponsor: Nicole Rommel

EXCERPT FROM July 8, 2024: Motion by Frederick Muscavitch to defer to the August 12, 2024, meeting, seconded by Donald McLester. Motion carried:

Motion by Donald McLester to defer to the first meeting in September, seconded by Patricia Cornelius.

Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

*Item VII.B. addressed next.*

## **VII. NEW BUSINESS**

### **A. Approve request to install a six (6) foot fence at 1329 Onu U Sla Way**

Sponsor: Mariah Rauschenbach

Motion by Donald McLester to deny the request, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

*For the Record: Sherrole Benton stated this is temporary denial as member will need to finish going through process before it can come back to the Land Commission for consideration.*

*Item IV.A. addressed next.*

### **B. Approve letter to Treasure Larry Barton regarding training**

Sponsor: Frederick Muscavitch

Motion by Frederick Muscavitch to request Brooke to revise the letter with reference to the bylaws section regarding training, add to letterhead, get signed by John and forward to the Treasurer as soon as possible, seconded by Donald McLester. Motion carried:

Ayes: Patricia Cornelius, Donald McLester, Frederick Muscavitch  
Abstained: Sherrole Benton

*For the Record: Sherrole Benton abstained because she thinks the timing might be a problem.*

### **C. Discuss inviting the Forester to a meeting**

Sponsor: Frederick Muscavitch

Motion by Frederick Muscavitch to invite the Forester to meet with the Land Commission at the first meeting in September, seconded by Patricia Cornelius. Motion carried:

Ayes: Patricia Cornelius, Donald McLester, Frederick Muscavitch  
Opposed: Sherrole Benton

*For the Record: Sherrole Benton is opposed because it is not in our authority to call individual staff members to question them about their work or the successes or failures of their work.*

### **D. Discuss installing a fence at Parcel # 170222901**

Sponsor: Frederick Muscavitch

Motion by Frederick Muscavitch to request the EHSLA Director work with Zoning to put up an appropriate visual or physical barrier, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### **E. Approve the FY-2025 Oneida Land Commission meeting schedule**

Sponsor: Brooke Doxtator

Motion by Frederick Muscavitch to approve the FY-2025 Oneida Land Commission meeting schedule, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch



**F. Approve the FY-2025 Oneida Land Commission hearing schedule**

Sponsor: Brooke Doxtator

Motion by Frederick Muscavitch to approve the FY-2025 Oneida Land Commission hearing schedule, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

**G. Approve the Building Demolition standard operating procedure**

Sponsor: Nicole Rommel

Motion by Frederick Muscavitch to approve the Building Demolition standard operating procedure with recommended changes, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

**H. Approve the Home Building Opportunities (HBO) Site Preparation standard operating procedure**

Sponsor: Nicole Rommel

Motion by Sherrole Benton to approve the Home Building Opportunity (HBO) Site Preparation standard operating procedure with acronyms spelled out, and a definition added for Landbac, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

**I. Approve the Landbac Rule and forward through the Rule Making process**

Sponsor: Nicole Rommel

Motion by Frederick Muscavitch to approve the draft Landbac Rule, forward through the Rule Making process which includes a Public hearing and approve the staff to use the Rule while in the Rule making process, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

**J. Approve the Easement Rule and forward through the Rule Making process**

Sponsor: Nicole Rommel

Motion by Frederick Muscavitch to defer the draft Easement Rule for consideration of implementation until next month and approve for it to go to public hearing, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

## **VIII. REPORTS (FY-24 DEADLINES Q1-FEB 6, SEMI-ANNUAL-APR, Q2-APR 30, Q3-AUG 6, ANNUAL-OCT, Q4-NOV 5)**

### **A. Enter the e-poll results into the record regarding the approval of the Oneida Land Commission FY-2024 3<sup>rd</sup> quarter report**

Sponsor: Sherrole Benton

Motion by Patricia Cornelius to enter the e-poll results into the record regarding the approval of the Oneida Land Commission FY-2024 3<sup>rd</sup> quarter report, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

Motion by Patricia Cornelius to go into executive session at 6:11 p.m., seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

Motion by Patricia Cornelius to come out of executive session at 6:55 p.m., seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

## **IX. EXECUTIVE SESSION**

### **A. OLD/TABLED BUSINESS**

#### **1. Determine next steps regarding File # 06202402V (no submission)**

Sponsor: Lauren Hartman

*EXCERPT FROM June 24, 2024: Motion by Sherrole Benton to defer File #06202402V to the July 8, 2024, meeting with information regarding the covenants, seconded by Donald McLester. Motion carried:*

*EXCERPT FROM July 8, 2024: Motion by Patricia Cornelius to table File # 06202402V, seconded by Donald McLester. Motion carried:*

*For the record: No action taken on this item.*

#### **2. Real Estate Tools – Rights of First Offer, Rights of First Refusal and Options to Purchase, Waiving Contingencies; and other tools (no submission)**

Motion by Donald McLester to approve developing training for rights of first offer, rights of first refusal, options of purchase, waiving contingencies, other tools along with reviewing the standard operating procedures for defects, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### 3. Determine next steps regarding File # 07202402C

Sponsor: Sidney White

Motion by Sherrole Benton to allow the Oneida Nation Entities to view the facilities for File # 07202402C and Parcel # 6H-1083-1, seconded by Patricia Cornelius. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### B. Approve the Right for First Refusal for 4890 County Line Rd

Sponsor: Nicole Rommel

Motion by Patricia Cornelius to approve satisfying the mortgage for 4890 County Line Rd to avoid an assignment of lease for loan number xxx9253, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### C. Neighbor Letters

Sponsor: Frederick Muscavitch

Motion by Frederick Muscavitch to approve sending the letter to the three (3) landowners listed on the handout and authorizing offers up to [REDACTED] should she be contacted by them, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

Motion by Patricia Cornelius to go into executive session at 7:01 p.m., seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

Motion by Donald McLester to come out of executive session at 7:04 p.m., seconded Frederick Muscavitch. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

Motion by Patricia Cornelius to add Old Seymour property to the agenda, seconded by Donald McLester. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

### D. Old Seymour Property

Sponsor: Eric McLester

Motion by Patricia Cornelius to approve increasing the offer up to [REDACTED] per acre for the property on Old Seymour Road with no hunting privileges, seconded by Frederick Muscavitch. Motion carried:

Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick Muscavitch

**X. ADJOURNMENT**

Motion by Donald McLester to adjourn at 7:05 p.m., seconded by Sherrole Benton. Motion carried:  
Ayes: Sherrole Benton, Patricia Cornelius, Donald McLester, Frederick  
Muscavitch

*Roll call for the record:*

*Present: Vice Chair Sidney White, Secretary Sherrole Benton, Commissioners: Patricia Cornelius,  
Donald McLester, Frederick Muscavitch*

Minutes prepared by Brooke Doxtator, Boards, Committees, and Commissions Supervisor.  
Minutes approved as presented August 26, 2024.

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Sherrole Benton, Secretary  
Oneida Land Commission

## NOTICE OF

# PUBLIC MEETING

To be held on

**Tuesday, October 8, 2024****10:00 a.m.**

In the

**Little Bear Development Center Conference Room  
N7332 Water Circle Place, Oneida, WI 54155**

In accordance with the Administrative Rulemaking Law, the Environmental, Health, Safety, Land and Agricultural Division, the General Manager and Oneida Land Commission are hosting this Public Meeting to gather feedback regarding the following new proposed rules:

**Real Property Rule #1— Land Assessments for the Nation's Decisionmaker's to Build an Autonomous Community (LANDBAC)**

- ◆ Replaces the former Land Use Technical Unit (LUTU) process as the Nation's process for assessing land uses to prioritize greatest and best use by the Nation to provide for the community;
- ◆ The process distinguishes between offerings to the Nation's internal entities and requests from external parties to use the Nation's land wherein all possible available uses are governed by separate rules (see various leasing rules, Land Use License Rule, and Easements Rule).

**Real Property Rule #2— Land Use Licenses**

- ◆ Formalizes a former general practice and SOP into an administrative rule while expanding the scope to apply to large gatherings (75 people or more) on land owned by tribal members.

**Real property Rule #3—Easements**

- ◆ Formalizes a former SOP into an administrative rule which applies to third party requests to use/access the Nation's land and individual trust land owners requests for easement processing through the Bureau of Indian Affairs (BIA) on their land.

To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

## PUBLIC COMMENT PERIOD

**OPEN UNTIL Wednesday, October  
16, 2024**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to Land Management by U.S. mail, interoffice mail, e-mail or fax.

**Land Management  
PO Box 365, Oneida, WI 54155  
Email: [nrommel@oneidanation.org](mailto:nrommel@oneidanation.org)  
Phone: 920-869-6505**

**Summary Report for:**

Land Management

**Original Effective Date:** N/A

**Amendment Effective Date:** 08/12/2024

**Name of Rule:** Land Use Licenses

**Name Law being Interpreted:** Real Property Law

**Rule #:** 2

**Other Laws or Rules that may be affected:** N/A

**Brief Summary of the proposed rule:**

- ◆ Formalizes a former general practice and SOP into an administrative rule while expanding the scope to apply to large gatherings (75 people or more) on land owned by tribal members.

**State of Effect:****Financial Analysis:**

Note: In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.

**Financial Analysis for: Land Use License Rule**

<b><u>Type of Cost</u></b>	<b><u>Description/Comment</u></b>	<b><u>Dollar Amount</u></b>
Start Up Costs	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation Costs	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation		Immediate
Other, please explain	N/A	N/A
Total	Annual Net Revenue	\$0.00



## Statement of Effect

### *Real Property Law Rule No. 2 – Land Use Licenses*

#### *Summary*

The Real Property Law Rule No. 2 – Land Use Licenses creates a process for accepting, reviewing, and approving or denying land use license application requests where the Oneida Land Commission is the decision maker while the Land Management staff are the application processors.

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

*Date: September 20, 2024*

#### *Analysis by the Legislative Reference Office*

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]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation's laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 O.C. 106.3-1(i)]. An authorized agency is defined as "any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority." [1 O.C. 106.3-1(a)].

The Real Property law provides regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions. [6 O.C. 601.1-1]. It is the policy of the Nation to set out the responsibilities and expectations for persons purchasing and/or managing real property on behalf of the Nation and/or within the Reservation and to provide real property holder's rights and responsibilities. [6 O.C. 601.1-1].

The Real Property law delegates joint administrative rulemaking authority to the Oneida Land Commission and Land Management to jointly develop rules regarding easements and land use licenses. [6 O.C. 601.12-3(a)]. The Real Property law provides that the Oneida Land Commission is responsible for approving or denying all easements or land use licenses. [6 O.C. 601.12-2(b)].



The purpose of the Real Property Law Rule No. 2 – Land Use Licenses <sup>1</sup>(“the Rule”) is to create a process for accepting, reviewing, and approving or denying land use license application requests where the Oneida Land Commission is the decision maker while the Land Management staff are the application processors. [Rule 2.1-1]. The Rule addresses:

- Prohibited uses of land use licenses [Rule 2.4];
- Land use license applicants, including when a land use license is required, land use license exceptions, and the requirement of a land use permit [Rule 2.5];
- Land use license review process, including information on the evaluating team, team feedback, Land Management recommendation, Oneida Land Commission approval or denial, appealing a denial, when a land use license includes a land permit, and notice to the evaluating team [Rule 2.5<sup>2</sup>];
- Licensee’s duties [Rule 2.6];
- Public conduct during events, including conduct, driving, and parking during parades, races, walks, or marches [Rule 2.7];
- Land use license fees [Rule 2.8]; and
- On-site land use license enforcement, including the ability to modify or revoke the land use license on-site [Rule 2.9].

### ***Conclusion***

There are no legal bars to adopting the Real Property Law Rule No. 2 – Land Use Licenses.

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<sup>1</sup> Real Property Law Rule No. 2 – Comprehensive Housing Division Residential Sales already exists, and it is believed the intention of this new rule is not to replace the existing rule, so therefore this Real Property Law Rule No. 2 – Land Use Licenses will need to be renumbered.

<sup>2</sup> There are two sections 2.5 included in this Rule currently.

### Setting Time and Notice to Interested Parties

The following estates are being prepared  
for probate by the Oneida Nation, Land  
Commission Hearing Body.

To attend a scheduled hearing virtually contact  
Cindy Lecker, Land, Title & Trust Specialist,  
Oneida Nation, Land Management, • 470 Airport Dr.  
PO Box 365, • Oneida, WI 54155, • 920-869-6610  
CLecker@oneidanation.org

#### In the Matter of the Estate of Leo W Sundquist, Case No. 2024 LCP 0006

1. An application for probate was filed.
2. The decedent with a date of birth of 09/13/1951 and date of death 01/04/2024, was an Oneida Nation member, domiciled off the Oneida Reservation at 2449 West Point Rd., Green Bay, WI 54304
3. **The deadline to submit claims is 11/01/2024.**
4. All interested persons are hereby noticed.

## ONEIDA JUDICIARY

Tsi nu téshakotiya<sup>?</sup>tolétha / Trial Court

Payment can be made either in person at the Oneida Trial Court located at 2630 West Mason Street, Green Bay, WI 54303; or by mailing said payment to Oneida Trial Court P.O. Box 19, Oneida, WI 54155

### Oneida entities owed a debt: ONEIDA TRIAL COURT



#### NOTICE OF INTENT TO GARNISH

Debtor's Names:

- ◆ Terry Lee Cooper Blackowl
- ◆ Kimberly R. Batiste

First published notice 9/24

### NOTICE OF PUBLIC MEETING TO BE HELD

**Tuesday, October 8, 2024 at 10:00am**  
**Little Bear Development Center Conference Room**  
**N7332 Water Circle Place, Oneida, WI 54155**

In accordance with the Administrative Rule-making Law, the Comprehensive Housing Division and the Oneida Land Commission are hosting this Public Meeting to gather feedback from the community regarding pro-posed amendments to the following rule:

#### Real Property Rule #1— Land Assessments for the Nation's Decisionmaker's to Build an Autonomous Community (LANDBAC)

- ◆ Replaces the former Land Use Technical Unit (LUTU) process as the Nation's process for assessing land uses to prioritize greatest and best use by the Nation to provide for the community;
- ◆ The process distinguishes between offerings to the Nation's internal entities and requests from external parties to use the Nation's land wherein all possible available uses are governed by separate rules (see various leasing rules, Land Use License Rule, and Easements Rule).

#### Real Property Rule #2— Land Use Licenses

- ◆ Formalizes a former general practice and SOP into an administrative rule while expanding the scope to apply to large gatherings (75 people or more) on land owned by tribal members.

#### Real property Rule #3—Easements

- ◆ Formalizes a former SOP into an administrative rule which applies to third party requests to use/access the Nation's land and individual trust land owners requests for easement processing through the Bureau of Indian Affairs (BIA) on their land.

To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

#### PUBLIC COMMENT PERIOD OPEN UNTIL Wednesday, October 16, 2024

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to The Comprehensive Housing Division by U.S. mail, interoffice mail, e-mail or fax.

Comprehensive Housing Division  
2913 Commissioner Street, Oneida, WI 54155  
nrommel@oneidanation.org  
Phone: 920-869-6505

**Land Management**

**Public Meeting**

**Rule #1 – Land Assessment for the Nation’s Decisionmaker’s to Build an Autonomous Community (LANDBAC)**

**Rule #2 – Land Use License**

**Rule #3 - Easements**

Little Bear Development Center Conference Room

N7332 Water Circle Place, Oneida, WI 54155

October 8, 2024 @ 10:00 a.m.

**Present:** Diane Wilson in person, Lauren Hartman on Teams, Krystal John on Teams, Mark Powless on Teams, Eric McLester in person, Nicole Rommel in person

**Nicole Rommel:** So we’re here to have the public meeting on Tuesday, October 8, 2024 at Little Bear on three rules that are going through the rule making process which is Real Property Rule #1, Land Assessment for the Nation’s Decisionmaker’s to Build an Autonomous Community which is LANDBAC, Real Property #2 which is Land Use Licenses, and Real Property Rule #3 which is Easements. At this time, which is 10:02 there isn’t anyone from the public here to make comments. Ummm.....

**Krystal John:** You can state that you’ll leave, umm that you’ll wait 15 minutes and then you’ll close the public meeting.

**Nicole Rommel:** OK and we’ll wait 15 minutes until 10:15, then we’ll close the meeting.

**Krystal John:** OK now stop your recording and then turn it back on at 10:15

**Nicole Rommel:** Thank you.

**Nicole Rommel:** Started the recording, we didn’t have any community come umm to give verbal comment, the public period is open until Wednesday, October 16, 2024, those written comments can be made to Land Management, PO Box 365, Oneida, WI 54155 or they can be emailed to [nrommel@oneidanation.org](mailto:nrommel@oneidanation.org) or the phone number is 920-869-6505 for any questions. At this time I’m going to stop the public hearing, thank you.

# February 2025

February 2025

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March 2025

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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<b>Feb 3</b> 10:30am One Year Review: Drug and Alcohol Free Workplace Law 11:30am LOC Community Meeting Topics (Microsoft Teams Meeting) - Clorissa N. Leeman 1:30pm Vendor Licensing - work meeting (Microsoft Teams)	<b>4</b> 11:00am Check In - Jameson J. Wilson 1:30pm Short Term Rental Law Work Meeting (Microsoft Teams Meeting) - Clorissa N. Leeman	<b>5</b> 8:30am LOC Prep Meeting (Microsoft Teams Meeting) - Clorissa N. Leeman 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting; 1:30pm LOC Work Session (Microsoft Teams Meeting;	<b>6</b>	<b>7</b> 10:00am Boards, Committees, and Commissions amendments -work meeting (Microsoft Teams Meeting; BC_Exec_Conf_Room) - 1:30pm Higher Education Grant law/rule (BC_Exec_Conf_Room) - Grace L. Elliott
<b>10</b> 1:30pm Energy Law Work Meeting (Microsoft Teams Meeting) - Clorissa N. Leeman	<b>11</b>	<b>12</b> 8:30am Regular BC Meeting (BC_Conf_Room and Microsoft Teams) - Secretary	<b>13</b>	<b>14</b> 9:00am Hunting, Fishing, and Trapping Law Amendments Work Meeting (Microsoft 1:30pm Workplace Violence amendments work meeting (Microsoft Teams 2:30pm Strategic Planning - Communication Plan Meeting (Microsoft
<b>17</b> 10:30am Public Use of Tribal Land Law Amendments Work Meeting (Microsoft Teams Meeting) - Clorissa N. Leeman	<b>18</b>	<b>19</b> 8:30am LOC Prep Meeting (Microsoft Teams Meeting; BC_Conf_Room) - 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting; 1:30pm LOC Work Session (BC_Exec_Conf_Room) -	<b>20</b> 8:30am Nation Building (BC_Conf_Room) - Secretary	<b>21</b> 1:30pm Strategic Planning (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Clorissa N. Leeman
<b>24</b> 10:00am Legislative and Legal Update Meeting (Microsoft Teams Meeting) - Clorissa N. Leeman	<b>25</b>	<b>26</b> 8:30am Regular BC Meeting (BC_Conf_Room and Microsoft Teams) - Secretary	<b>27</b>	<b>28</b>