



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room - 2nd Floor Norbert Hill Center

July 1, 2026

9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. June 17, 2026 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Boards, Committees, and Commissions Law Amendments (pg. 4)
2. Pardon and Forgiveness Law Amendments (pg. 72)
3. Code of Ethics Amendments (pg. 109)
4. Eviction and Termination Law Amendments (pg. 153)
5. Petition: G. Powless-Buenrostro – Amend Judiciary Law #2026-01 (pg. 208)

IV. New Submissions

1. Minors Trust GWA Emergency Law (pg. 208)
2. Election Law Emergency Amendments (pg. 210)

V. Additions

1. Hunting, Fishing, and Trapping Law Administrative Rulemaking Update (pg. 252)

VI. Administrative Updates

1. Certification of Higher Education Grant Law Rule No. 1 – Student Eligibility Requirements and Administration (pg. 254)

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
June 17, 2026
9:01 a.m.

Present: Jennifer Webster, Jonas Hill, Kirby Metoxen

Excused: Jameson Wilson

Unexcused: Marlon Skenandore

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

Others Present on Microsoft Teams: Sarah Miller, Rhiannon Metoxen, Fawn Cottrell, Melissa Alvarado, Sarah White, Fawn Billie, David Jordan, Eric Boulanger, Ralinda Ninham-Lamberies, Peggy Helm-Quest, Jessalyn Harvath, Leyne Orosco, Ashley Blaker, Mkedemkokwe Montgomery, Martin Prevost, Rae Skenandore, Eddy Horkman, Ronald Van Schyndel, Taryn Webster.

I. Call to Order and Approval of the Agenda

Kirby Metoxen called the June 17, 2026, Legislative Operating Committee meeting to order at 9:01 a.m.

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

II. Minutes to be Approved

1. June 03, 2026 LOC Meeting Minutes

Motion by Jonas Hill to approve the June 03, 2026, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Vendor Licensing Law Amendments. Motion by Jennifer Webster to approve the draft, legislative analysis, and public meeting packet, and direct a public meeting to be held on August 13, 2026, seconded by Jonas Hill; motion carried unanimously.

2. Code of Ethics Amendments. Motion by Jennifer Webster to accept the public comments and the public comment review memorandum for the proposed amendments to the Code of Ethics and defer to a work meeting for further consideration; seconded by Jonas Hill. Motion carried unanimously.

3. Elder Protection Law. Motion by Jennifer Webster to approve the adoption packet for the Elder Protection law and forward to the Oneida Business Committee for consideration; seconded by Jonas Hill. Motion carried unanimously.



IV. New Submissions

1. Whistleblower Protection Law Amendments. Motion by Jonas Hill to add the Whistleblower Protection law to the Active Files List with Jennifer Webster as the sponsor, seconded by Jennifer Webster; motion carried unanimously.

V. Additions

VI. Administrative Updates

VII. Executive Session

VIII. Adjourn

Motion by Jennifer Webster to adjourn at 09:24 a.m.; seconded by Jonas Hill. Motion carried unanimously.



Legislative Operating Committee
July 1, 2026

Boards, Committees, and Commissions Law Amendments

Submission Date: 2/7/2024	Public Meeting: 6/11/2026
LOC Sponsor: Kirby Metoxen	Emergency Enacted: N/A

Summary: *This item was added to the Active Files List on February 7, 2024. On January 10, 2024, the Oneida Business Committee adopted a motion to defer the Board, Committees, Commissions law to the Legislative Operating Committee for a revision of the eligibility on the Board, Committees, Commissions law for any and all veterans to serve on any and all veteran related committees and to have open eligibility with no exclusions.*

1/10/24 OBC: Motion by Lawrence Barton to defer the Board, Committees, Commissions law to the Legislative Operating Committee for a revision of the eligibility on the Board, Committees, Commissions law for any and all veterans to serve on any and all veterans related committees to have open eligibility with no exclusions, seconded by Jennifer Webster. Motion carried.

2/7/24 LOC: Motion by Jennifer Webster to add the Boards, Committees, and Commissions law amendments to the Active Files List with Kirby Metoxen as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

2/20/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen Clorissa Leeman, Grace Elliott, Lisa Summers, Shannon Davis, Kristal Hill, Maureen Perkins, Fawn Billie. The purpose of this work meeting was for the LOC to review the Boards, Committees, and Commissions law with the Government Administrative Office and discuss potential amendments to be made to the law.

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 what topics should be included on the December 2024 LOC community meeting. Ultimately, the LOC decided to include the topics of the Marijuana law, Short Term Rental law, and Boards, Committees, and Commissions law amendments.

11/6/24 LOC: Motion by Kirby Metoxen to approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on December 4, 2024; seconded by Marlon Skenandore. Motion carried unanimously.

- 11/14/24:** *Work Meeting.* Present: Lisa Summers, Brooke Doxtator, Shannon Davis, Amber Martinez, Jameson Wilson, Jonas Hill, Jennifer Webster, Marlon Skenandore, Kristal Hill, Maureen Perkins, Fawn Cottrell, Fawn Billie, Carolyn Salutz. The purpose of this work meeting was to start fresh with reviewing this law for amendments, so we started from the beginning with a line-by-line review. We reviewed the law up to section 105.11. Jenny suggested for the next meeting, we schedule 1.5 hours; we did go over one hour, and this is a lengthy law.
- 12/4/24:** *Community Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Maureen Perkins, Kristal Hill. A community meeting was held from 5:30-7:30p.m. in the cafeteria of the Norbert Hill Center, this law was one of three laws presented for community input.
- 2/7/25:** *Work Meeting.* Present: Mark Powless, Brooke Doxtator, Shannon Davis, Amber Martinez, Krystal John, Jameson Wilson, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Jennifer Webster, Carolyn Salutz. The purpose of this work meeting was to finish a line-by-line review of the law, starting where we finished at the last work meeting. We started at Section 105.11 and were able to finish a line-by-line review of the entire law.
- 5/21/25:** *Work Meeting.* Present: Mark Powless, Brooke Doxtator, Shannon Davis, Amber Martinez, Krystal John, Lisa Summers, Jameson Wilson, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Fawn Cottrell. The purpose of this work meeting was to continue reviewing for potential amendments by doing another read-through. We did a line-by-line read through, stopping at section 105.15.
- 9/12/25:** *Work Meeting.* Present; Jennifer Webster, Kirby Metoxen, Lisa Summers, Brooke Doxtator, Shannon Davis, Amber Martinez, Krystal John, Fawn Billie, Fawn Cottrell, Grace Elliott, Carolyn Salutz. The purpose of this meeting was to continue reviewing edits. Group did not do a read-through, instead we stopped and discussed specific sections. Lisa said she and her team were meeting to discuss what we currently have as section 105.10 Other Responsibilities. Krystal mentioned that I should double check the draft of Sanctions and Penalties to cross reference penalties for noncompliance.
- 10/27/25:** *Work Meeting.* Present: Lisa Summers, Brooke Doxtator, Rhiannon Metoxen, Kristal Hill, Fawn Cottrell, Carolyn Salutz. The purpose of this work meeting was to discuss section 205.10 Other Responsibilities. Lisa Summers wrote suggested language in the chat. Lisa and Brooke had a few other changes – things we changed during the meeting.
- 2/3/26:** *Work Meeting.* Present: Brooke Doxtator, Krystal John, Grace Elliott, Kirby Metoxen, Jameson Wilson, Jennifer Webster, Jonas Hill, Shannon Davis, Mark Powless. The purpose of this work meeting was to review the newest amendments; the amendments now incorporate reference to Standards of Conduct, standards that are currently found in the Code of Ethics law, but on 1/29/26 the LOC made a policy decision to remove BCCs from the Code of Ethics law and in response, those behavioral expectations will need to be found in this law.

2/26/26: *Work Meeting.* Present: Brooke Doxtator, Krystal John, Grace Elliott, Kirby Metoxen, Jameson Wilson, Shannon Davis, Fawn Cottrell, Fawn Billie, Bonnie Pigman. The purpose of this work meeting was to review the newest amendments. The group spent majority of the work meeting discussing enforcement.

3/13/26: *Work Meeting.* Present: Brooke Doxtator, Shannon Davis, Kirby Metoxen, Jennifer Webster, Jonas Hill, Grace Elliott, Carolyn Salutz. LOC members present approved amendments.

3/18/26 LOC: Motion by Jennifer Webster to accept the draft and direct a legislative analysis be completed, seconded by Kirby Metoxen; motion carried unanimously.

4/15/26 LOC: Motion by Jennifer Webster to approve the draft and the legislative analysis, seconded by Jonas Hill; motion carried unanimously.

5/06/26 LOC: Motion by Jennifer Webster to approve the public meeting packet and schedule a public meeting to be held on June 11, 2026, seconded by Jonas Hill; motion carried unanimously.

6/11/26: *Public Meeting Held.* Three (3) individuals provided oral comments during the public meeting.

6/18/26: *Public Comment Period Closed.* No individuals provided written comments during the public comment period.

Next Steps:

- Accept the public comment memorandum and defer to a work meeting for further consideration.

TO: Legislative Operating Committee (LOC)
 FROM: Carolyn Salutz, Legislative Reference Office, Staff Attorney
 DATE: July 1, 2026
 RE: Boards, Committees, and Commissions Law
 Amendments: Public Comment Review

/s/ Carolyn Salutz

On June 11, 2026, a public meeting was held regarding the proposed amendments to the Boards, Committees, and Commissions law. Three (3) comments were made during the public meeting. The public comment period was then held open until June 18, 2026. No written comments were submitted during the comment period. This memorandum is submitted as a review of the comments received during the public meeting and public comment period. The public meeting draft and public meeting transcript received are attached to this memorandum for review.

Comment 1 – Selection of applicants

105.7. Appointment to an Entity

105.7-1. *Appointment Selection.* The following procedures shall be used to determine how the applicant for an appointed position is selected:

(a) Within eight (8) business days after the posted deadline for submitting an application, or within twenty-one (21) business days of the posted deadline if the entity requires a background investigation to be completed as part of the application process, the BCC Department shall:

- (1) deliver all applications, along with a summary of qualifications to hold office, and the results of the background investigation if required, to each member of the Oneida Business Committee as well as the entity's Chairperson; and
- (2) place the appointment for the entity on the next executive session portion of the agenda of a regular or special Oneida Business Committee meeting in which the appointment is intended to be made; or
- (3) if delays in compiling the applications, summary of qualifications, or results of any investigations exist, request additional time from the Oneida Business Committee to complete requirements of section 105.7-1(a)(1)-(2).

(b) Each member of the Oneida Business Committee shall review the application materials prior to executive session and be prepared to discuss and select an applicant for appointment.

(1) The entity's Chairperson may review the application materials and submit a recommendation to the BCC Department to include in the application materials to be reviewed by the Oneida Business Committee.

(A) The recommendation shall be submitted to the BCC Department in accordance with the submission deadlines for the Oneida Business Committee meeting in which the appointment is intended to be made.

Sandra Skenandore (oral): My name is Sandra Skenandore and I'm the vice chairperson for the Oneida Nation Commission on Aging. And the section I want to comment on is 105.7, appointment to an entity on the boards, committees and commissions law. And it would be line. Add it to like line 241. And my recommendation is to add each member of the entity shall review the applications and prepare to discuss and select an applicant. And the entity's chairperson shall forward the recommendation to the Oneida Business Committee. And the reason I, the reason I want to change it to shall, I know at one point it was the chairperson shall review, it was changed to May. And the reason I put shall is because on the Oneida Nation Commission on Aging, we have nine members. And on our board, there's different needs. Like currently we have a need for representatives to attend like state meetings and our bylaws and funding laws for the federal funds that go to the state, they are required to get tribal input. And so for example, as my responsibility, I am on the Brown County Aging and Disability Board. And I had to submit an application and reviewed it, my qualifications. I was, they made a recommendation, it went to the county board. Now, as part of my responsibilities on that board, we have to sign, we sign up for different responsibilities and some of them can be testifying before the state. New representatives, and the one I chose is to help with different activities going on at the center, so what we're looking at, I think the needs, the current needs of our board, I don't know that the business committee is aware of them. We have, right now we have two positions that we're looking for members to fill on our board and they're to be on like statewide boards. And some of the responsibilities we have is like to the Alzheimer's board. I'm on another board and we meet with the like we've already met with the program, the Alzheimer's program. And so we have responsibilities. They asked us for input and to give and we have, you know, letters. Now we're looking for grants because the state funding is gone. The university that the funding was cut by 60% for research. So there's responsibilities like you have to have writing skills, computer skills, meet with, they want you to meet with state representatives. We meet with the chancellor. The chancellor came here last week. They asked us to provide input on, you know, certain type of research. And we have a variety of groups. So our current needs on this board, I'm not, you know, is something that is unique to us and each board is different. So when we look at the applications, we're looking at who was able to meet these responsibilities and and meet, you know, be on these state boards. It's different for each board. And I think as shall is that we could have all of the members review the applications, we'd set up our qualifications. We need somebody that can write, work on the strategic plan, work on the bylaws, review the laws, represent us at with the serve as a representative with the University of Wisconsin, with state representatives. And those are the type of things that we'd be looking at to meet our current need. And I think our needs change, like, and then we also meet with the elders in the community. So each one of our members serves a different purpose. And so I just feel that this would be the best way to meet the current needs of the board by having the boards review them, look at the criteria, set up criteria, review the applications and make the recommendation.

Thank you.

Response

Commenter recommends that every member of a board, committee, or commission should be required to review all applications, discuss the current needs of the board, committee, or commission, and select an applicant; which the Chairperson will then be required to forward to the Oneida Business Committee. Commenter also mentions it is the board, committee, or commission that is most aware of its current needs and the needs of each board, committee, or commission is

different; and furthermore, each board, committee, or commission should be able to establish its own requirements for applicants.

The law does require each entity to establish membership requirements in its bylaws. This requirement is not a proposed amendment – it is currently in the law. Presumably, the law’s requirement for the entity to establish its own requirements for membership necessarily includes application requirements, applications to be appointed to serve on, and be a member of, a board, committee, or commission.

The law also allows the Chairperson to review the application materials and allows the Chairperson to submit a recommendation to the Oneida Business Committee. The law could be changed to require the entire entity, rather than just the Chairperson, to review the applicants and require the entire entity, rather than just the Chairperson, to submit a recommendation. Currently, the law allows the Chairperson to review applicants and make a recommendation. The LOC could decide to make reviewing applicant and submitting a recommendation, or both, done by the entire entity and either, or both, could become obligations rather than options.

It is a policy determination for the LOC to make:

- Option 1: does the LOC want to require the entire entity, all members making up quorum, rather than only the Chairperson, to review applicants and submit a recommendation.
- Option 2: does the LOC want to require the entire entity, all members making up quorum, rather than only the Chairperson, to review applicants, and allow the entire entity, all members making up quorum, rather than only the Chairperson, to submit a recommendation.
- Option 3: does the LOC want to keep the proposed amendments as is and only change the option of reviewing and recommending applicants from something the Chairperson is allowed to do to something the entire entity is allowed to do.
- Option 4: does the LOC want to keep the proposed amendments as is and not make any changes, in which case the Chairperson will be allowed to review applicants and allowed to submit a recommendation.

If the LOC determines option 1 is the best policy choice, language could look like:

The entity’s ~~Chairperson may~~ shall review the application materials and shall submit a recommendation to the BCC Department to include in the application materials to be reviewed by Business Committee Support Office a recommendation to the Oneida Business Committee. ~~of an applicant for appointment.~~ [1 O.C. 105.7-1(b)(1)].

If the LOC determines option 2 is the best policy choice, language could look like:

The entity’s ~~Chairperson may~~ shall review the application materials and may submit a recommendation to the BCC Department to include in the application materials to be reviewed by Business Committee Support Office a recommendation to the Oneida Business Committee. ~~of an applicant for appointment.~~ [1 O.C. 105.7-1(b)(1)].

If the LOC determines option 3 is the best policy choice, language could look like:

The entity's ~~Chairperson~~ may review the application materials and submit a recommendation to the BCC Department to include in the application materials to be reviewed by ~~to the Business Committee Support Office a recommendation to~~ the Oneida Business Committee ~~of an applicant for appointment~~. [1 O.C. 105.7-1(b)(1)].

If the LOC determines option 4 is the best choice, language could look like:

The entity's Chairperson may review the application materials and submit a recommendation to the BCC Department to include in the application materials to be reviewed by ~~to the Business Committee Support Office a recommendation to~~ the Oneida Business Committee ~~of an applicant for appointment~~. [1 O.C. 105.7-1(b)(1)].

The LRO's suggested revision, based on this comment, is option 2, to require all entities to review applicants and to allow all entities to make a recommendation. It is likely a good requirement to have the entire entity, rather than just the Chairperson, review applicants. However, it may be better to allow the entity to submit a recommendation rather than make it a requirement. If we create a legal requirement, we also need to create repercussions if that requirement is not followed. Therefore, the recommended change is to make reviewing applications a requirement of the entire entity, and not just the Chairperson, and submitting a recommendation to the Oneida Business Committee, from the entire entity, and not just the Chairperson, an option. The LRO recommends the amended language of option 2.

LOC Consideration

Comment 2 – Selection of applicants

105.6. Vacancies

105.6-1. The manner by which an individual fills a vacancy, either through appointment or election, shall determine that member's status as an appointed or elected official, despite the entity's classification as an appointed or elected entity pursuant to the entity's bylaws.

105.6-2. A position on an entity shall be considered vacant in the following situations:

(a) *End of Term.* A vacancy is effective as of 4:30 p.m. on the last day of the month in which the term ends.

(1) Although a position is considered vacant once the term ends, the member of the entity may remain in office until the member's successor has been sworn in by the Oneida Business Committee, provided that the position may not be held by the predecessor for longer than sixty (60) business days, in an effort to prevent a discontinuation of business or a loss of quorum for the entity.

(b) *Removal.* Removal is effective, pursuant to any law or policy of the Nation regarding removal.

(c) *Termination of Appointment.* A termination is effective upon a two-thirds (2/3) majority vote of the Oneida Business Committee in favor of a member's termination of appointment.

(d) *Resignation.* A resignation is effective upon:

- (1)** deliverance of a letter to the BCC Department and to the Chairperson of the entity, or designee; or
- (2)** acceptance by motion of the entity of a verbal resignation; and
- (3)** certification and acceptance by the Secretary.

(e) *New Positions.* Vacancies on new entities are effective upon adoption of bylaws.

105.6-3. An entity shall notify the BCC Department as soon as the entity learns that a position has or will become vacant. All notices of vacancy shall be sent to the entities for clarification or confirmation prior to notification to the Oneida Business Committee.

105.6-4. The BCC Department shall forward the notice of vacancy to the Secretary. The Secretary shall request and receive approval from the Oneida Business Committee to post the notice of vacancy. The BCC Department shall post notice of vacancies at the following times:

(a) *End of Term.* Automatically sixty (60) days prior to completion of the term.

(b) *Removal.* No later than the next Oneida Business Committee meeting following the effective date of the removal.

(c) *Resignation.* No later than the next Oneida Business Committee meeting following the BCC Department's receipt of notice of an effective resignation from the entity.

(d) *New Positions.* Upon one of the following conditions:

- (1)** if not specified, immediately upon the creation of an entity or the adoption of bylaws, whichever is later; or
- (2)** upon the date specified when creating the entity.

(e) *Termination of appointment.* No later than the next Oneida Business Committee meeting following the effective date of the termination.

105.6-5. Notice of vacancies shall be posted by the BCC Department in all official media outlets of the Nation, as determined by the Oneida Business Committee, as well as any other location deemed appropriate by the Secretary.

105.7. Appointment to an Entity

105.7-1. *Appointment Selection.* The following procedures shall be used to determine how the applicant for an appointed position is selected:

(a) Within eight (8) business days after the posted deadline for submitting an application, or within twenty-one (21) business days of the posted deadline if the entity requires a background investigation to be completed as part of the application process, the BCC Department shall:

- (1)** deliver all applications, along with a summary of qualifications to hold office, and the results of the background investigation if required, to each member of the Oneida Business Committee as well as the entity's Chairperson; and
- (2)** place the appointment for the entity on the next executive session portion of the agenda of a regular or special Oneida Business Committee meeting in which the appointment is intended to be made; or
- (3)** if delays in compiling the applications, summary of qualifications, or results of any investigations exist, request additional time from the Oneida Business Committee to complete requirements of section 105.7-1(a)(1)-(2).

(b) Each member of the Oneida Business Committee shall review the application materials prior to executive session and be prepared to discuss and select an applicant for appointment.

(1) The entity's Chairperson may review the application materials and submit a recommendation to the BCC Department to include in the application materials to be reviewed by the Oneida Business Committee.

(A) The recommendation shall be submitted to the BCC Department in accordance with the submission deadlines for the Oneida Business Committee meeting in which the appointment is intended to be made.

(c) The Oneida Business Committee shall have a full and complete discussion of the merits and qualifications of the potential applicants and any recommendations made by the Chairperson of the entity during executive session. After completing a thorough discussion the Oneida Business Committee shall:

(1) select an applicant for appointment; or

(2) ask the Secretary to re-notice the vacancy because of ineligible, unqualified, or under qualified applicants.

(d) All appointments shall be made by the Oneida Business Committee during the open session of a regular or special Oneida Business Committee meeting. The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws.

(e) During the open session of the regular or special Oneida Business Committee meeting, a member of the Oneida Business Committee may make a motion to appoint an individual. Oneida Business Committee members may:

(1) accept the selected applicant and vote to appoint the individual to the vacant position; or

(2) reject the selected applicant and vote to oppose the appointment.

(f) If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting where another applicant may be recommended by the Oneida Business Committee or the Oneida Business Committee may direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all applications from the first posting shall be considered to have been filed within the deadline period.

105.7-2. Notification of Appointment. Once an individual is selected for appointment at an Oneida Business Committee meeting, the Secretary shall notify all applicants of the final status of their application.

(a) The Secretary shall include on the notice to the applicant selected for appointment the following paragraph: "The Oneida Nation reports all income paid by the Oneida Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."

105.7-3. Declination of Appointment. An individual who has been selected for appointment to an entity by the Oneida Business Committee may decline the appointment.

(a) An individual may decline an appointment to an entity in the following ways:

- (1) delivery of a letter to the BCC Department stating that the individual wishes to decline the appointment; or**
- (2) failure to take the oath of office within thirty (30) days or within two (2) regularly scheduled Oneida Business Committee meetings of being selected for appointment by the Oneida Business Committee.**

(b) The BCC Department shall notify the Oneida Business Committee if an individual declines an appointment to an entity. The Oneida Business Committee shall then use the original pool of applications for the vacancy posting and the process outlined in section 105.7-1 to select another applicant for appointment.

Mary Loeffler (oral): I guess my comment is when I was reading over, oh, my name is Mary Loeffler. I'm on the ONCOA board. I was reading under Line number 269. Page 7. 105.7 appointment to an entity. Okay, so I underlined. If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting, where another applicant may be recommended by the Oneida Business Committee, or the Oneida Business Committee may direct the vacancy to be reposted. Well, that wasn't done. I mean, under recent events. When a vacancy is reposted, all applications from the first posting shall be considered to have been filed within the deadline period. Notification, and it goes on to say. Other things about that, but I am just curious. Did we agree to repost? Is sending the matter to the election board considered a reposting? Well, because you, when it's going to the election board, right, to be voted on by General Tribal Council at some point. But, according to... Line 268 and 69, the United Business Committee may direct the vacancy to be reposted. But... is someone else?

OK, so that was my question about making a decision, us making a decision whether we were going to postpone it to the next, after the election, right, the new board. But according to this, and according to the beginning, where it says, you must adhere to all to be consistent and have standard procedures for choosing and appointing or electing the most qualified individuals. If they meet the requirements for the appointment, which you did say, right, is that okay if I use our recent as an example?

Jonas: I believe that was executive session, so that is confidential.

Mary: Okay. So, script all that, right? Okay, so all my question is... if the Oneida Business Committee may direct the vacancy to be reposted, and it isn't reposted, but instead an alternative option is given. What has to be the reason for going against the reposting? I'm assuming the reposting means that they will all come up for election after July. Is that is that correct?

OK, so I guess that I'm just bringing that to the forefront as one of my concerns about the way this is written. So, I guess like to help you assist you a little bit is like how can there be a consistent process followed that the business committee follows or a procedure in when it comes to selecting qualified applicants? Yes, if I hear you right. That would be yes. Okay. That's what I'm trying to say. Thank you.

Response

Commenter questions the Oneida Business Committee's process for determining and reposting a vacancy when, for example, the Oneida Business Committee has been presented with applicants and a recommendation for an applicant's appointment to a board, committee, or commission, but does not select the applicant and instead determines to repost the position as a vacancy but the vacancy is not reposted properly. Commenter also believes there should be a consistent process and procedure for the Oneida Business Committee to follow when selecting qualified applicants.

No reason for or against the selection of applicants is required to be made or be made publicly available by the Oneida Business Committee. The law allows the Oneida Business Committee's discussion and selection to be done in executive session, only the actual, formal appointment is required to be done during the open session of an Oneida Business Committee meeting.

Currently, the law mandates that the Oneida Business Committee shall not select an applicant that fails to meet the requirements of that entity, as established in the entity's bylaws. [105.7-1(d)]. The exact provision reads: "The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws." [Id].

Currently, the law does mandate a consistent process and procedure for the Oneida Business Committee to follow when rejecting applicants. The law and the proposed amendments do not contain a process and procedure for the Oneida Business Committee to follow when selecting an applicant.

Because the discussion and selection of applicants is done in executive session, it may not be appropriate to include procedures in the law regarding how the Oneida Business Committee is required to review, discuss, and ultimately select an applicant or decide to repost for a vacancy. The processes and procedures for the Oneida Business Committee to follow when selecting and appointing an applicant are internal and done in executive session; the Oneida Business Committee is currently required to reject any applicant who fails to meet the requirements of the board, committee, or commission as established in that board, committee, or commission's bylaws; therefore, there is no recommended revision to the proposed amendments to the Law based on this comment. If the LOC decides they are in favor of having more formalized, solidified requirements, the most appropriate option may be including a requirement in the adopting resolution for the Oneida Business Committee to adopt an internal standard operating procedure regarding the discussion and selection or rejection of applicants to serve on a board, committee, or commission of the Nation.

Regarding vacancies, the proposed amendments do contain a process and procedure for the Oneida Business Committee to follow when it determines a vacancy. Currently, the proposed amendments require an entity to notify the Boards, Committees, and Commissions Department as soon as the entity learns that a position has or will become vacant. The Boards, Committees, and Commissions Department is required to forward notice of the vacancy to the Secretary. Then, the Secretary requests approval from the entire Oneida Business Committee to direct the Boards, Committees, and Commissions Department to post the vacancy and the law identifies specific times when the notice of vacancy must be posted. Additionally, the proposed amendments contain five instances where a vacancy must be found and posted.

The law does not have a process or procedure to challenge any supposed failure of the Oneida Business Committee to repost a vacancy or a supposed failure to direct that a vacancy be reposted. If anyone wishes to discuss or challenge the Oneida Business Committee's supposed failure to determine and direct the reposting of a vacancy, the best and most appropriate option may be to contact the Boards, Committees, and Commissions Department. There is no recommended revision to the law based on this comment.

LOC consideration

Comment 3 – Selection of applicants

105.6. Vacancies

105.6-1. The manner by which an individual fills a vacancy, either through appointment or election, shall determine that member's status as an appointed or elected official, despite the entity's classification as an appointed or elected entity pursuant to the entity's bylaws.

105.6-2. A position on an entity shall be considered vacant in the following situations:

(a) *End of Term.* A vacancy is effective as of 4:30 p.m. on the last day of the month in which the term ends.

(1) Although a position is considered vacant once the term ends, the member of the entity may remain in office until the member's successor has been sworn in by the Oneida Business Committee, provided that the position may not be held by the predecessor for longer than sixty (60) business days, in an effort to prevent a discontinuation of business or a loss of quorum for the entity.

(b) *Removal.* Removal is effective, pursuant to any law or policy of the Nation regarding removal.

(c) *Termination of Appointment.* A termination is effective upon a two-thirds (2/3) majority vote of the Oneida Business Committee in favor of a member's termination of appointment.

(d) *Resignation.* A resignation is effective upon:

(1) deliverance of a letter to the BCC Department and to the Chairperson of the entity, or designee; or

(2) acceptance by motion of the entity of a verbal resignation; and

(3) certification and acceptance by the Secretary.

(e) *New Positions.* Vacancies on new entities are effective upon adoption of bylaws.

105.6-3. An entity shall notify the BCC Department as soon as the entity learns that a position has or will become vacant. All notices of vacancy shall be sent to the entities for clarification or confirmation prior to notification to the Oneida Business Committee.

105.6-4. The BCC Department shall forward the notice of vacancy to the Secretary. The Secretary shall request and receive approval from the Oneida Business Committee to post the notice of vacancy. The BCC Department shall post notice of vacancies at the following times:

(a) *End of Term.* Automatically sixty (60) days prior to completion of the term.

(b) *Removal.* No later than the next Oneida Business Committee meeting following the effective date of the removal.

(c) **Resignation.** No later than the next Oneida Business Committee meeting following the BCC Department's receipt of notice of an effective resignation from the entity.

(d) **New Positions.** Upon one of the following conditions:

- (1) if not specified, immediately upon the creation of an entity or the adoption of bylaws, whichever is later; or
- (2) upon the date specified when creating the entity.

(e) **Termination of appointment.** No later than the next Oneida Business Committee meeting following the effective date of the termination.

105.6-5. Notice of vacancies shall be posted by the BCC Department in all official media outlets of the Nation, as determined by the Oneida Business Committee, as well as any other location deemed appropriate by the Secretary.

105.7. Appointment to an Entity

105.7-1. Appointment Selection. The following procedures shall be used to determine how the applicant for an appointed position is selected:

(a) Within eight (8) business days after the posted deadline for submitting an application, or within twenty-one (21) business days of the posted deadline if the entity requires a background investigation to be completed as part of the application process, the BCC Department shall:

- (1) deliver all applications, along with a summary of qualifications to hold office, and the results of the background investigation if required, to each member of the Oneida Business Committee as well as the entity's Chairperson; and
- (2) place the appointment for the entity on the next executive session portion of the agenda of a regular or special Oneida Business Committee meeting in which the appointment is intended to be made; or
- (3) if delays in compiling the applications, summary of qualifications, or results of any investigations exist, request additional time from the Oneida Business Committee to complete requirements of section 105.7-1(a)(1)-(2).

(b) Each member of the Oneida Business Committee shall review the application materials prior to executive session and be prepared to discuss and select an applicant for appointment.

(1) The entity's Chairperson may review the application materials and submit a recommendation to the BCC Department to include in the application materials to be reviewed by the Oneida Business Committee.

(A) The recommendation shall be submitted to the BCC Department in accordance with the submission deadlines for the Oneida Business Committee meeting in which the appointment is intended to be made.

(c) The Oneida Business Committee shall have a full and complete discussion of the merits and qualifications of the potential applicants and any recommendations made by the Chairperson of the entity during executive session. After completing a thorough discussion the Oneida Business Committee shall:

- (1) select an applicant for appointment; or
- (2) ask the Secretary to re-notice the vacancy because of ineligible, unqualified, or under qualified applicants.

(d) All appointments shall be made by the Oneida Business Committee during the open session of a regular or special Oneida Business Committee meeting. The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws.

(e) During the open session of the regular or special Oneida Business Committee meeting, a member of the Oneida Business Committee may make a motion to appoint an individual. Oneida Business Committee members may:

(1) accept the selected applicant and vote to appoint the individual to the vacant position; or

(2) reject the selected applicant and vote to oppose the appointment.

(f) If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting where another applicant may be recommended by the Oneida Business Committee or the Oneida Business Committee may direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all applications from the first posting shall be considered to have been filed within the deadline period.

105.7-2. Notification of Appointment. Once an individual is selected for appointment at an Oneida Business Committee meeting, the Secretary shall notify all applicants of the final status of their application.

(a) The Secretary shall include on the notice to the applicant selected for appointment the following paragraph: "The Oneida Nation reports all income paid by the Oneida Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."

105.7-3. Declination of Appointment. An individual who has been selected for appointment to an entity by the Oneida Business Committee may decline the appointment.

(a) An individual may decline an appointment to an entity in the following ways:

(1) delivery of a letter to the BCC Department stating that the individual wishes to decline the appointment; or

(2) failure to take the oath of office within thirty (30) days or within two (2) regularly scheduled Oneida Business Committee meetings of being selected for appointment by the Oneida Business Committee.

(b) The BCC Department shall notify the Oneida Business Committee if an individual declines an appointment to an entity. The Oneida Business Committee shall then use the original pool of applications for the vacancy posting and the process outlined in section 105.7-1 to select another applicant for appointment.

Sidney J. White (oral): Okay, sure. Thanks. My name is Sid White. I am the chair currently for the Oneida Land Commission. I'll be wrapping up my second term. I think if we're looking at the boards, committees and commission laws, I do agree that we probably could maybe clarify filling vacancies a little bit more, a little bit better. We've had vacancies that we've had to fill. I did read the law and we did follow the law. I think for me, I do appreciate when I was in the role of a commissioner, being able to provide feedback to the applicants. I've seen it like a couple

different ways. And, you know, I think when I'm the chair is what I do is I bring the applicants and discuss it in executive session with our commissioners to get a consensus of what our recommendation is. I've also experienced where the chairperson just goes ahead and makes the recommendation without discussing to the existing commissioners. I think the other thing that I had is, you know, I understand that it's up to the business committee. to, you know, ensure they pick who they want, I guess, for the boards, committees and commissioners. I did have some concerns in that when I did forward a recommendation in discussions, a person indicated that they didn't receive the recommendation. So, I think for me, you know, I appreciate like the input of having, you know, of all the people that are available. I don't think I would change the law to say that all of them there, but maybe whoever is present at that meeting in a quorum, because if, you know, we have like one or two or three people missing, you know, I don't want to say we're going to hold this up because, you know, they didn't provide their input. So that's just my comments is I would like to see a little bit consistency. As far as the boards, committees and commissions, I understand the guidelines that the chair makes, the chairperson makes the recommendation. I would like to ensure that the chairperson also receives input for whoever's serving in those roles with them. And that's something that I ensure we do as a current chairperson. It's not to say that the next chairperson will have a different method of just saying, well, I'll make the decision or the recommendation for it along. Thank you for considering. Appreciate it.

Response

The commenter would like to see the law have a clearer process for filling vacancies. Commenter also believes the entity should review and discuss applicants at a meeting of the entity, where at least quorum is met, in order for members of the entity to provide the Chairperson with input on applicants.

Regarding vacancies, currently, the proposed amendments require an entity to notify the BCC Department as soon as the entity learns that a position has or will become vacant. The BCC Department is required to forward notice of the vacancy to the Secretary. Then, the Secretary requests approval from the entire Oneida Business Committee to post the vacancy and the law identifies specific times when the notice of vacancy must be posted. Currently, the law also requires all entities, to establish in their bylaws, a requirement for how vacancies of that entity will be filled. The law already contains a process and procedure for filling vacancies and a requirement for all entities, in their bylaws, to establish requirements for how vacancies will be filled; therefore, there is no recommended revision to the law based on that comment.

Commenter goes on to discuss reviewing applicants, in general, in a way that seems to indicate the commenter's concerns regarding vacancies are about discussing applicants and filling positions. In which case, the LOC may decide to amend the law to require the entire entity to meet and review applicants; the law could be amended like it was suggested to be amended after the first comment. Because the comment regarding filling vacancies and discussing and recommending applicants seems to indicate a revision similar to the suggested revision in the first comment, there is no further recommended revision to the law based on this comment; the law could be amended as it was recommended by the LRO following the first comment; amended as follows:

The entity's ~~Chairperson may~~ shall review the application materials and may submit a recommendation to the BCC Department to be included in the application materials to be reviewed by to the Business Committee Support Office a recommendation to the Oneida Business Committee of an applicant for appointment. [1 O.C. 105.7-1(b)(1)].

LOC consideration



LEGISLATIVE OPERATING COMMITTEE PUBLIC MEETING

Ten day Notice Policy Amendments

Boards, Committees, and Commissions Law Amendments

Norbert Hill Center Business Committee Conference Room and Microsoft Teams

June 11, 2026

12:15 p.m.

Present: Jonas Hill, Carolyn Salutz, Sandra Skenandore, Mary Loeffler

Present on Microsoft Teams: Sidney White, Peggy Helm-Quest, Nathan Maufort, Ralinda Ninham-Lamberies, Melanie Burkhart, Jean Olson, Rae Skenandore, Jason Martinez, Brooke Doxtator, Terri Schiltz, Mkedemkokwe Montgomery, Sarah White, Sharon Mousseau

Jonas: Good afternoon. The time is 12:16 p.m. And today's date is Thursday, June 11th, 2026. I will now call to order the public meeting for the following two pieces of proposed legislation: 10 day notice policy amendments, boards, committees and commissions law amendments.

The legislative operating committee is hosting this public meeting to gather feedback from the community regarding these legislative proposals. The public meeting is not a question-and-answer period. The LOC will review and consider all comments received during the public comment period. The LOC will respond to all comments received in a memorandum, which will be submitted in the meeting materials of a future LOC meeting. All persons who wish to present oral testimony in person need to register on the sign in sheet. Individuals who wish to present oral testimony on Microsoft Teams, please raise your hand and you will be called on. If you leave an email address on the sign-in sheet, we can ensure you receive a copy of the public comment review memorandum. Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person by U.S. mail, interoffice mail, email, or fax as provided on the public meeting notice. These comments must be received by the close of business on Thursday, June 18th, 2026. In attendance from the LOC is myself, Jonas Hill. The LOC may impose a time limit for all speakers pursuant to Section 109.8-3C of the Legislative Procedures Act. As the presiding LOC member, I am imposing a time limit of 5 minutes per person. This time limit shall be applied equally to all persons. We will now begin today's public meeting for the two proposed legislative items.

First, we will be accepting comments on the 10-day notice policy amendments. The purpose of the 10-day notice policy is to provide how, when, and what types of items require notice to General Tribal Council. The 10-day notice policy amendments will redefine what it means to provide notice to membership of a scheduled General Tribal Council meeting. Require the nation to mail all eligible members notice of every General Tribal Council meeting. The mailed notice will contain information regarding the upcoming meeting such as the agenda, location, date, and time. Require the Nation's Trust and Enrollments Department to mail all eligible members or all members who will be eligible on or after the anticipated dates of the annual and semi-annual

meetings. Instructions for that matter, member, to follow regarding how that member prefers to receive media materials for the next year. Require all eligible members to select to receive General Tribal Council media materials by either online access through the Members Only portal on the Nation's website or by selecting to receive in-mail a mailed paper packet. Require the meeting materials to be posted online as soon as they are approved by the Business Committee, but no later than 30 days before a General Tribal Council meeting. Require a member who has selected to receive a paper packet in the mail to receive the packet at least 15 days before. for a General Tribal Council meeting. Require the Business Committee to post any new information it receives that the General Tribal Council must consider. Require that any presentation shall only be based on information included in the meeting materials or any new information that was properly posted and make other drafting changes to the law.

We will also be accepting comments on the boards, committees, and commissions law amendments. The purpose of the boards, committees, and commissions law is to govern boards, committees, and commissions of the nation, including the procedures regarding the appointment and election of individuals to boards, committees, and commissions, creation of bylaws, maintenance of official records, compensation to establish clear standards of conduct, and other items related to boards, committees, and commissions. The boards, committees, and commissions law amendments will clarify it is the policy of the nation that appointed and elected individuals serving on a board committee or commission of the Nation carry themselves in a way that brings honor to the Oneida people and government. Clarify the Oneida Business Committee or designee shall be responsible for drafting the initial bylaws and the Oneida Business Committee will approve the initial bylaws. Clarify the responsibilities of the boards, committees, commissions, department including responsibilities once managed by the Business Committee Support Office and managing off-boarding procedures for when a member leaves an entity. Clarify all entities must be in compliance with the nation's travel policies. Clarify all entities must address conflict resolution and leaves of absence in their bylaws. Clarify all entities must include a procedure for withholding a member stipend in their bylaws. Clarify standards of conduct such as good mind, cultural accountability, prohibited conduct, attendance and meeting conduct, nepotism, gifts and honorarium, and fair dealing and impartiality. Clarify how the Nation will manage actual or implied conflicts of interest, including the creation and maintenance of annual and as needed disclosure forms. Add a requirement that all members shall submit disclosure forms annually and within a reasonable time frame time after a conflict arises or becomes known. Clarify all entities may develop an internal conflict of interest mitigation plan for eligible and consultation with the Oneida Law Office, the Nation's Human Resources Department, and other departments of the nation as needed. Clarify which positions may not be eligible to serve on an appointed or elected board because of the potential or an actual or implied conflict of interest. Clarify that members have been ongoing duty to disclose and shall promptly disclose and comply with the requirements of a conflict of interest mitigation plan, clarify enforcement provisions, include appeal rights, if applicable, a member shall have the right to appeal an enforcement action pursuant to the requirements and procedures regarding appeals of the law of the law under which the member received a sanction or penalty, various grammatical changes, and other minor changes throughout the law.

Those who wish to speak, please raise your hand, please state your name when making a comment, and which law you were commenting on.

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



First up to speak is...

And then please just state your name for the record.

Sandra Skenandore: My name is Sandra Skenandore and I'm the vice chairperson for the United Nation Commission on Aging. And the section I want to comment on is 105.7, appointment to an entity on the boards, committees and commissions law. And it would be line. Add it to like line 241. And my recommendation is to add each member of the entity shall review the applications and prepare to discuss and select an applicant. And the entity's chairperson shall forward the recommendation to the Oneida Business Committee. And the reason I, the reason I want to change it to shall, I know at one point it was the chairperson shall review, it was changed to May. And the reason I put shall is because on the United Nation Commission on Asia, we have nine members. And on our board, there's different needs. Like currently we have a need for representatives to attend like state meetings and our bylaws and funding laws for the federal funds that go to the state, they are required to get tribal input. And so for example, as my responsibility, I am on the Brown County Aging and Disability Board. And I had to submit an application and reviewed it, my qualifications. I was, they made a recommendation, it went to the county board. Now, as part of my responsibilities on that board, we have to sign, we sign up for different responsibilities and some of them can be testifying before the state. New representatives, and the one I chose is to help with different activities going on at the center, so what we're looking at, I think the needs, the current needs of our board, I don't know that the business committee is aware of them. We have, right now we have two positions that we're looking for members to fill on our board and they're to be on like statewide boards. And some of the responsibilities we have is like to the Alzheimer's board. I'm on another board and we meet with the like we've already met with the program, the Alzheimer's program. And so we have responsibilities. They asked us for input and to give and we have, you know, letters. Now we're looking for grants because the state funding is gone. The university that the funding was cut by 60% for research. So there's responsibilities like you have to have writing skills, computer skills, meet with, they want you to meet with state representatives. We meet with the chancellor. The chancellor came here last week. They asked us to provide input on, you know, certain type of research. And we have a variety of groups. So our current needs on this board, I'm not, you know, is something that is unique to us and each board is different. So when we look at the applications, we're looking at who was able to meet these responsibilities and and meet, you know, be on these state boards. It's different for each board. And I think as Shell is that we could have all of the members review the applications, we'd set up our qualifications. We need somebody that can write, work on the strategic plan, work on the bylaws, review the laws, represent us at with the serve as a representative with the University of Wisconsin, with state representatives. And those are the type of things that we'd be looking at to meet our current need. And I think... Our needs change, like, and then we also meet with the elders in the community. So each one of our members serves a different purpose. And so I just feel that this would be the best way to meet the current needs of the board by having the boards review them, look at the criteria, set up criteria, review the applications and make the recommendation. Thank you.

Jonas: Thank you.

Mary Loeffler: I guess my comment is. When I was reading over... oh, my name is Mary Loeffler. I'm on the ONCOA board. I was reading under Line number 269. Page 7. 105.7 appointment to an entity. OK, so I underlined. If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting, where another applicant may be recommended by the Oneida Business Committee, or the Oneida Business Committee may direct the vacancy to be reposted. Well, that wasn't done. I mean, under recent events. When a vacancy is reposted, all applications from the first posting shall be considered to have been filed within the deadline period. Notification, and it goes on to say. Other things about that, but I am just curious. Did we agree to repost is sending? The matter to the election board considered a reposting. Well, because you, when it's going to the election board, right, to be voted on by General Tribal Council at some point. But, according to line 268 and 69, the United Business Committee may direct the vacancy to be reposted. But... is someone else?

Ralinda: It was just told to come up in, so I can't hear me.

Jonas: I do, but this is a public meeting. Can anybody online hear us?

Sidney J. White: Councilman, I can hear you. Thank you.

Jonas: Yeah. All right, let's see what I can do. Have these guys fix it. Apologies. Right, so wait, so, Sid you can hear us? All right, could everybody, did everybody hear me read the opening dialogue? Okay. So everybody heard the public comment then as well. Okay. Must just be Ralinda. Okay, thank you. Yes. I called you. I apologize. Okay, sounds like everybody was heard that opening, so it must be that it must be your computer. It must be your computer because it sounds like everybody heard. Yeah.

Mary: OK, so that was my question about making a decision, us making a decision whether we were going to postpone it to the next, after the election, right, the new board. But according to this, and according to the beginning, where it says, you must adhere to all to be consistent and have standard procedures for choosing and appointing or electing the most qualified individuals. If they meet the requirements for the appointment, which you did say, right, is that okay if I use our recent as an example? I believe that was executive session, so that is confidential. Okay. So, script all that, right? Okay, so all my question is if the United Business Committee may direct the vacancy to be reposted, and it isn't reposted, but instead. An alternative option is given. What has to be the reason for going against the reposting? I'm assuming the reposting means that they will all come up for election after July. Is that is that correct?

Jonas: And just to remind you that these public comment listening sessions are more of a listening session. It's not a like I can't. OK, so it's not a question. I can't answer.

Mary: OK, so I guess that I'm just bringing that to the forefront as one of my concerns about the way this is written. So, I guess like to help you assist you a little bit is like how can there be a consistent process followed that the business committee follows or a procedure in when it comes to selecting qualified applicants? Yes, if I hear you right. That would be yes. Okay. That's what I'm trying to say. Thank you.

Jonas: Thank you, Mary.
Doctor White online.

Sidney J. White: Hello, I was just, can you hear me? I just want to make sure. If you're able to hear me, I know you're having issues.

Jonas: Yeah, just one second here. We don't have volume in the room. Chris, are you upstairs? Can you hear that? We don't have volume in the room. All right; I will reach back out to the guys. So, we got our computers on loudy phone. You, you want to say them out loud? We can hear it.

Sidney J. White: Okay, sure. Thanks. My name is Sid White. I am the chair currently for the Oneida Land Commission. I'll be wrapping up my second term. I think if we're looking at the boards, committees and commission laws, I do agree that we probably could maybe clarify filling vacancies a little bit more, a little bit better. We've had vacancies that we've had to fill. I did read the law and we did follow the law. I think for me, I do appreciate when I was in the role of a commissioner, being able to provide feedback to the applicants. I've seen it like a couple different ways. And, you know, I think when I'm the chair is what I do is I bring the applicants and discuss it in executive session with our commissioners to get a consensus of of what our recommendation is. I've also experienced where the chairperson just goes ahead and makes the recommendation without discussing to the existing commissioners. I think the other thing that I had is, you know, I understand that it's up to the business committee. to, you know, ensure they pick who they want, I guess, for the boards, committees and commissioners. I did have some concerns in that when I did forward a recommendation in discussions, a person indicated that they didn't receive the recommendation. So, I think for me, you know, I appreciate like the input of having, you know, of all the people that are available. I don't think I would change the law to say that all of them there, but maybe whoever is present at that meeting in a quorum, because if, you know, we have like one or two or three people missing, you know, I don't want to say we're going to hold this up because, you know, they didn't. provide their input. So that's just my comments is I would like to see a little bit consistency. As far as the boards, committees and commissions, I understand the guidelines that the chair makes, the chairperson makes the recommendation. I would like to ensure that the chairperson also receives input for whoever's serving in those roles with them. And that's something that I ensure we do as a current chairperson. It's not to say that the next chairperson will have a different method of just saying, well, I'll make the decision or the recommendation for it along. Thank you for considering. Appreciate it.

Jonas:
Thank you, Dr. White.

Is there anyone else online that would like to make a comment?

Last call.

With there being no more speakers, the public comment or public meeting for the proposed 10-

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



day notice policy amendments and the board's committees and commissions law amendments is now closed at 12:40 p.m.

Written comments may be submitted until close of business on Thursday, June 18th, 2026.

Thank you for everyone for your participation. Have a great day. Thank you.

-End of Transcript-

Title 1. Government and Finances – Chapter 105
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Their laws of the groups we have
BOARDS, COMMITTEES, AND COMMISSIONS

105.1. Purpose and Policy
 105.2. Adoption, Amendment, Repeal
 105.3. Definitions
 105.4. Creation of an Entity
 105.5. Applications
 105.6. Vacancies
 105.7. Appointment to an Entity
 105.8. Election to an Entity
 105.9. Oath of Office

105.10. ~~Other Responsibilities~~
 105.11. Bylaws
 105.12. ~~Electronic Polling~~
 105.13. ~~Reporting Requirements~~
 105.14. ~~Stipends, Reimbursement and Compensation~~
 105.15. ~~Official Oneida Nation Email Address~~
 105.16. ~~Standards of Conduct~~
 Confidential Information
 105.15. ~~Conflicts of Interest~~
 105.17. ~~Use of the Nation's Assets~~
 105.18. ~~Dissolution of an Entity~~
 105.19. ~~Enforcement~~

105.1. Purpose and Policy

105.1-1. Purpose. It is the purpose of this law to govern boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of individuals ~~persons~~ to boards, committees, and commissions, creation of bylaws, maintenance of official records, compensation, to establish clear standards of conduct, and other items related to boards, committees, and commissions.

(a) This law shall not apply to the Oneida Business Committee, or standing committees of the Oneida Business Committee.

(b) This law does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.

105.1-2. Policy. It is the policy of the Nation to have consistent and standard procedures for choosing and appointing or electing the most qualified individuals ~~persons~~ to boards, committees, and commissions, for creation of bylaws governing boards, committees, and commissions, and for the maintenance of information created by, and for, boards, committees, and commissions.

(a) It is further the policy of the Nation that appointed and elected individuals serving on a board, committee, or commission of the Nation carry themselves in a way that brings honor to the Oneida people and government. They shall walk with integrity, follow the laws of the Nation, and uphold the highest standards of ethical conduct in all their duties. All appointed and elected individuals shall strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by On<yote>a=ka, which includes:

(a) Kahletsyal&sla. The heartfelt encouragement of the best in each of us.

(b) Kanolukhw@sla. Compassion, caring, identity, and joy of being.

(c) Ka>nikuhli=y%. The openness of the good spirit and mind.

(d) Ka>tshatst^sla. The strength of belief and vision as a People.

(e) Kalihwi=y%. The use of the good words about ourselves, our Nation, and our future.

(f) Twahwahts\$lay<. All of us are family.

(g) Yukwats\$stay<. Our fire, our spirit within each one of us.

105.2. Adoption, Amendment, Repeal

105.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, BC-09-26-18-C, ~~and BC-08-12-20-B,~~ and BC- - - - -.

105.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

105.2-3. 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.

105.2-4. 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.

105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

105.3. Definitions

105.3-1. 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) "Application" means the form by which a person seeks to be appointed to fill a vacancy on an entity.

(b) "Appointment" means the process by which a person is chosen to fill a vacancy on an entity by the Oneida Business Committee.

(c) "BCC Department" means the Boards, Committees, and Commissions Department.

(d) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Nation.

(~~e~~) "Bylaws" means a document which provides a framework for the operation and management of a board, committee, or commission of the Nation chiefly for the government of its members and the regulation of its affairs.

(~~f~~) "Conference" means any training, seminar, meeting, or other assembly of individuals ~~persons~~ which is not an assembly of the entity.

(~~g~~) "Confidential information" means all information or data, whether printed, written, or oral, concerning business or customers of the Nation, disclosed to, acquired by, or generated by a member of an entity in confidence at any time during their appointed or elected ~~elected or appointed~~ term or during their employment.

(~~h~~) "Conflict of interest" means any financial, personal, or political interest, actual or implied ~~real or apparent, whether it be personal, financial, political, or otherwise,~~ in which an appointed or elected member or any member of their immediate family ~~official, officer, political appointee, employee, contractor, or appointed or elected member, or their immediate family members, friends or associates, or any other person with whom they have contact,~~ has ~~ve~~ that conflicts with any right of the Nation to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Nation or to any transaction between the Nation and an outside party. ~~In addition, conflict of interest also means any financial or familial interest an elected official, officer, political appointee, employee, contractor, or appointed or elected member or their immediate family members may have in any transaction between the Nation and an outside party.~~

(~~h~~) "Direct report" means a position which requires direct contact and supervision by the Oneida Business Committee because of the position, the duties, or the services provided. Direct reports shall be identified by the Oneida Business Committee through resolution.

(~~j~~) "Entity" means a board, committee or commission created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee or elected by the Nation's membership.

(~~k~~) "E-poll" means an electronic poll, which is the act of delivering an e-mail to all ~~officials~~ ~~members~~ of an entity, in order to seek a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the entity.

(~~l~~) "Fiscal year" means the one (1) year period each year from October 1st to September 30th.

(~~m~~) "Joint meeting" means a meeting with the Oneida Business Committee.

(~~n~~) "Letter" means a written or printed message addressed to a specific person or organization; for the purposes of this law, a letter can be on paper or sent electronically.

(~~o~~) "Member" means all individuals who are appointed or elected to serve on a board, committee, or commission created by the Oneida Business Committee or the Oneida General Tribal Council.

(~~p~~) "Nation" means the Oneida Nation.

(~~q~~) "~~Per diem~~" means the payment made by the Nation to offset the costs of being on travel on behalf of the ~~Oneida~~ Nation.

(~~n~~) "~~Political appointee" means a person appointed by a member of the Oneida Business Committee to provide assistance with the Oneida Business Committee member's daily activities and operations.~~

(~~re~~) "Political appointee" means a person who assists an elected member of the Oneida Business Committee in their daily activities and operations.

(~~s~~) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance included in Schedules I through V, as defined by Section 812 of Title 21 of the United States Code. This also includes prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.

(~~p~~)(~~t~~) "Secretary" means the person elected and serving as the Nation's Secretary; an officer position of the Oneida Business Committee.

(~~u~~) "Stipend" means the amount paid by the ~~Oneida~~ Nation to a person serving on a board, committee, or commission of the Nation in order to compensate the individual for ~~his or her~~ ~~their~~ contribution of time, effort, and work for ~~his or her~~ ~~their~~ board, committee, or commission for the betterment of the Nation.

(~~v~~) "Subcommittee" means a subgroup of an entity; which is comprised of fewer than all members of the entity; which is designated one (1) or more specific responsibilities on behalf of the entity.

(~~w~~) "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

(~~x~~) "Task Force or Ad Hoc" means a group of ~~individuals~~ ~~persons~~ gathered to pursue a single goal, the accomplishment of which means the disbanding of the group. The goal is generally accomplished in a short time period, i.e. less than one year, but the goal itself may be long term.

(y) "Vacancy" means any position on any board, committee, or commission caused by resignation, end of term, removal, termination, or creation of a new position.

105.4. Creation of an Entity

105.4-1. An entity of the Nation shall be created by a resolution or law adopted by the Oneida Business Committee or General Tribal Council.

105.4-2. The law or resolution establishing the entity shall state the purpose of the entity and all powers and responsibilities delegated to the entity.

105.4-3. The Oneida Business Committee or designee shall be responsible for drafting the initial bylaws of the entity.

105.4-4. The Oneida Business Committee shall be responsible for approving ~~drafting~~ the initial bylaws of the entity.

105.5. Applications

105.5-1. The BCC Department ~~Oneida Business Committee~~ shall approve all applications to serve on an entity of the Nation. All application materials shall be available in ~~the Business Committee Support Office~~ any location identified by, or in the offices of, the BCC Department and any other location specified by the Business Committee Support Office.

(a) All applications shall include:

(1) a statement explaining the attendance-reporting requirements of section 105.132-3; and

(2) a section regarding disclosures of conflicts of interest.

(b) An additional application form shall be required for those entities that require a background investigation. This background investigation application shall include the applicant's social security number and any other information required for a background investigation. The background investigation application shall be solely used for the background investigation and not included in the application materials that are then shared with the Oneida Business Committee, entity, and/or the Election Board.

105.5-2. Applications shall be filed with the ~~Business Committee Support Office~~ BCC Department by 4:30 p.m. of the deadline date.

105.5-3. Within eight (8) business days after the posted deadline for filing applications, the ~~Business Committee Support Office~~ BCC Department shall notify all individuals ~~persons~~ who have filed an application of the date his or her ~~their~~ application was received and if his or her ~~their~~ application met the deadline to be considered for the election or appointment.

105.5-4. Applications for elected positions shall be verified according to the Nation's laws, bylaws, and/or policies governing elections. Applications for appointed positions shall be verified by the ~~Business Committee Support Office~~ BCC Department as needed or as required in the bylaws of the entity.

105.5-5. *Insufficient Applicants.* In the event that there are an insufficient number of applicants after the deadline date has passed for appointed positions, the ~~Business Committee Support Office~~ BCC Department may repost for an additional time period.

(a) If the number of applicants is equal to or less than the number of vacancies then it shall be determined to be an insufficient number of applicants.

(b) The ~~Business Committee Support Office~~ BCC Department shall notify the Oneida Business Committee if a position will be reposted for an additional time period.

(c) In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.

(d) The Oneida Business Committee may ~~elect to~~ consider ~~include~~ late applicants. ~~within the pool of appointed persons late applications.~~

~~The manner by which an individual fills a vacancy, either through election or appointment, shall determine that member's status as an appointed or official, despite the entity's classification as an appointed or elected entity pursuant to the entity's bylaws.~~

105.6. Vacancies

105.6-1. The manner by which an individual fills a vacancy, either through appointment or ~~election, or appointment,~~ shall determine that member's status as an appointed or elected official, despite the entity's classification as an appointed or elected entity pursuant to the entity's bylaws.

105.6-2. A position on an entity shall be considered vacant in the following situations:

(a) *End of Term.* A vacancy is effective as of 4:30 p.m. of the last day of the month in which the term ends.

(1) Although a position is considered vacant once the term ends, the member of the entity may remain in office until the member's successor has been sworn in by the Oneida Business Committee, provided that the position may not be held by the predecessor for longer than sixty (60) business days, in an effort to prevent a discontinuation of business or a loss of quorum for the entity.

(b) *Removal.* Removal is effective, pursuant to any law ~~and~~ or policy of the Nation regarding removal.

(c) *Termination of Appointment.* A termination is effective upon a two-thirds (2/3) majority vote of the Oneida Business Committee in favor of a member's termination of appointment.

(d) *Resignation.* A resignation is effective upon:

(1) ~~D~~delivery of a letter to the ~~Business Committee Support Office~~ BCC Department and to the Chairperson of the entity, or designee; or

(2) ~~A~~acceptance by motion of the entity of a verbal resignation; and

(3) certification and acceptance by the Secretary.

(e) *New Positions.* Vacancies on new entities are effective upon adoption of bylaws.

105.6-3. An entity shall notify the ~~Business Committee Support Office~~ BCC Department as soon as the entity learns that a position has or will become vacant. All notices of vacancy shall be sent to the entities for clarification or confirmation prior to notification to the Oneida Business Committee.

105.6-4. The ~~Business Committee Support Office~~ BCC Department shall forward the notice of vacancy to the Secretary. The Secretary shall request and receive approval from the Oneida Business Committee to post the notice of vacancy. The ~~Business Committee Support Office~~ BCC Department shall post notice of vacancies at the following times:

(a) *End of Term.* Automatically sixty (60) days prior to completion of the term.

(b) *Removal.* No later than the next Oneida Business Committee meeting following the effective date of the removal.

(c) *Resignation.* No later than the next Oneida Business Committee meeting following the ~~Business Committee Support Office~~ BCC Department's receipt of notice of an effective resignation from the entity.

(d) *New Positions*. Upon one of the following conditions:

(1) if not specified, immediately upon the creation of an entity or the adoption of bylaws, whichever is later, or

(2) upon the date specified when creating the entity.

(e) *Termination of appointment*. No later than the next Oneida Business Committee meeting following the effective date of the termination.

105.6-5. Notice of vacancies shall be posted by the ~~Business Committee Support Office~~BCC Department in all official media outlets of the Nation, as determined by the Oneida Business Committee, as well as any other location deemed appropriate by the Secretary.

105.7. Appointment to an Entity

105.7-1. *Appointment Selection*. The following procedures shall be used to determine how the applicant for an appointed position is selected:

(a) Within eight (8) business days after the posted deadline for submitting an application, or within twenty-one (21) business days of the posted deadline if the entity requires a background investigation to be completed as part of the application process, the ~~Business Committee Support Office~~BCC Department shall:

(1) deliver all applications, along with a summary of qualifications to hold office, and the results of the background investigation if required, to each member of the Oneida Business Committee as well as the entity's Chairperson; and

(2) place the appointment for the entity on the next executive session portion of the agenda of a regular or special Oneida Business Committee meeting in which the appointment is intended to be made; or

(3) if delays in compiling the applications, summary of qualifications, or results of any investigations exist, request additional time from the Oneida Business Committee to complete requirements of section 105.7-1(a)(1)-(2).

(b) Each member of the Oneida Business Committee shall review the application materials prior to executive session and be prepared to discuss and select an applicant for appointment.

(1) The entity's Chairperson may review the application materials and submit a recommendation to the ~~Business Committee Support Office~~BCC Department to include in the application materials to be reviewed by ~~a recommendation to~~ the Oneida Business Committee, ~~of an applicant for appointment.~~

(A) The recommendation shall be submitted to the ~~Business Committee Support Office~~BCC Department in accordance with the submission deadlines for the Oneida Business Committee meeting in which the appointment is intended to be made.

(c) The Oneida Business Committee shall have a full and complete discussion of the merits and qualifications of the potential applicants, and any recommendations made by the Chairperson of the entity, during executive session. After completing a thorough discussion, the Oneida Business Committee shall:

(1) select an applicant for appointment; or

(2) ask the ~~Oneida Nation's~~ Secretary to re-notice the vacancy because of ineligible, unqualified, or under qualified applicants.

(d) All appointments shall be made by the Oneida Business Committee during the open session of a regular or special Oneida Business Committee meeting. The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws.

(e) During the open session of the regular or special Oneida Business Committee meeting, a member of the Oneida Business Committee may make a motion to appoint an individual. Oneida Business Committee members may:

(1) accept the selected applicant and vote to appoint the individual to the vacant position; or

(2) reject the selected applicant and vote to oppose the appointment ~~of the individual.~~

(f) If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting where another applicant may be recommended by the Oneida Business Committee; or the Oneida Business Committee may direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all applications from the first posting shall be considered to have been filed within the deadline period.

105.7-2. *Notification of Appointment.* Once an individual is selected for appointment at an Oneida Business Committee meeting, the ~~Nation's~~ Secretary shall notify all applicants of the final status of their application.

~~(a) The Nation's Chairperson shall forward a list of all applicants to the Nation's Secretary and the final decision regarding the selection after the procedures for selection of an applicant described in section 105.7-1 are completed.~~

~~(a)~~ The ~~Nation's~~ Secretary shall include on the notice to the applicant selected for appointment the following paragraph: "The Oneida Nation reports all income paid by the Oneida Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."

105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to an entity by the Oneida Business Committee may decline the appointment.

(a) An individual may decline an appointment to an entity in the following ways:

(1) delivery of a letter to the BCC Department stating that the individual wishes to decline the appointment ~~to the Business Committee Support Office~~; or

(2) failure to take the oath of office within thirty (30) days or within two (2) regularly scheduled Oneida Business Committee meetings of being selected for appointment by the Oneida Business Committee.

(b) The ~~Business Committee Support Office~~ BCC Department shall notify the Oneida Business Committee if an individual declines an appointment to an entity. The Oneida Business Committee shall then use the original pool of applications for the vacancy posting and the process outlined in section 105.7-1 to select another applicant for appointment.

105.7-4. *Termination of Appointment.* An appointed member of an entity serves at the discretion of the Oneida Business Committee. Upon the recommendation of a member of the Oneida

Business Committee or the entity, a member of an appointed entity may have ~~his or her~~their appointment terminated by the Oneida Business Committee.

(a) A two-thirds majority vote of the Oneida Business Committee shall be required in order to terminate the appointment of an individual.

(b) The Oneida Business Committee's decision to terminate an appointment is final and not subject to appeal.

105.8. Election to an Entity

105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election Board, or apply for ballot placement, in accordance with the Nation's laws ~~and~~/or policies governing elections, except where an entity's bylaws allow for a vacancy to be filled by appointment.

(a) When the Election Board notifies an applicant or nominee that ~~they are he or she is~~ eligible to be placed on the ballot, the following paragraph shall be included: "The Oneida Nation reports all income paid by the Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."

105.8-2. All other processes for the election of a member of an entity shall be ~~pursuant to as directed by~~ the Nation's laws ~~and~~/or policies governing elections.

105.9. Oath of Office

105.9-1. All appointed and elected positions are official upon taking an oath during a regular or special Oneida Business Committee meeting, or at an alternative time and location as determined by the Secretary. All rights and delegated authorities of membership in the entity shall vest upon taking the oath. The ~~Nation's~~ Secretary shall notify the chosen ~~individuals~~ ~~persons~~ when they shall appear for taking the oath.

(a) When taking an oath, the appointed or elected member shall appear in person to take ~~his or her~~their oath, except if granted permission by the 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.

105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of oaths shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept on file by the ~~Business Committee Support Office~~BCC Department.

105.9-3. Originals of the signed oath, or electronic copies of the originals of the signed oath, shall be maintained by the ~~Business Committee Support Office~~BCC Department. Copies of the oath shall be forwarded to the new member of the entity and the entity.

105.9-4. The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee: "I, [name], hereby promise to uphold the laws and regulations of the Oneida Nation, the General Tribal Council, and the Oneida Nation Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and will strictly maintain confidential

information. I will carry out the duties and responsibilities as a member of the [entity name], and all recommendations shall be made in the best interest of the Oneida Nation as a whole.”

105.9-5. All oaths shall be sufficient to make the appointed or elected member of an entity aware of their duty to the Nation and as members of the entity.

105.10. Other Responsibilities

105.10-1. Onboarding. Before a new member begins performing their duties and in addition to taking the oath of office, the new member must complete the entity’s onboarding requirements in accordance with an approved standard operating procedure. This procedure shall include, but is not limited to the following:

(a) Conflict of Interest.

(b) Confidentiality Agreement.

(c) Training:

(1) Regarding the Nation and the State of the Nation, in general. Such training may include, but will not be limited to, the Nation’s Economic Impact Statement, organizational chart, and government goals and vision.

(2) Regarding the training required by the specific entity’s bylaws.

(3) Regarding human resources as determined by the Nation’s Human Resources Department to the extent that entity directly supervises employees of the Nation.

105.10-2. Offboarding. When a member leaves an entity that member and the BCC Department or the Government Administrative Office shall be responsible for ensuring the member completes offboarding in accordance with an approved standard operating procedure. The offboarding procedure may include, but is not limited to:

(a) Transition of assigned duties and responsibilities.

(b) Return of equipment.

(c) De-activation of email, identification card, and access card.

(d) Exit interview or survey.

105.11. Bylaws

105.11-1. All entities of the Nation shall have bylaws that conform to the requirements of this law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless where General Tribal Council approval is additionally required.

(a) All existing entities shall comply with this format and present bylaws for adoption within a reasonable time after creation of the entity, or within a reasonable time after adoption or amendment of this law.

(b) Bylaws shall contain at least the minimum information required by law, although more information is not prohibited.

(c) Exception. Task Forces and Ad Hoc Committees are excepted from the requirement to have bylaws. However, these entities shall have, at minimum, mission or goal statements for completion of the task.

105.11-2. Articles. Bylaws shall contain, at a minimum, the following Articles:

(a) Article I. Authority.

(b) Article II. Officers.

(c) Article III. Meetings.

(d) Article IV. Expectations.

(e) Article V. Stipends and Compensation.

(f) Article VI. Records and Reporting.

(g) Article VII. Amendments.

105.10-3. *Sections*. Articles shall be divided into the following "Sections"~~as set out~~.

(a) "Article I. Authority" shall consist of the following:

(1) *Name*. The full name of the entity shall be stated, along with any short name that will be officially used.

(2) *Establishment*. This section shall state the citation and name, if any, of the creation document.

(3) *Authority*. This section shall state the purpose for which the entity was created and what, if any, authority the entity is delegated.

(4) *Office*. There shall be listed the official office or post box of the entity.

(5) *Membership*. The following information shall be in this section:

(A) Number of members on the entity;

(B) If members on the entity are appointed or elected~~or appointed~~, and how a member is appointed or elected~~or appointed~~;

(C) How vacancies are filled; and

(D) Qualifications for membership on the entity.

(i) In order to qualify for membership on an entity, a person shall meet the minimum age requirements set forth for status as a qualified voter of the Nation, unless a law, policy, or directive sets forth a minimum age requirement.

(6) *Termination or Removal*. This section shall identify causes for termination or removal, if any, in addition to those already identified in laws ~~and/or~~ policies of the Nation.

(7) *Trainings and Conferences*. This section shall address travel for training and conferences. Travel for training and conferences is allowable in accordance with the Nation's travel policies. All entities shall be in compliance with the Nation's travel policies. ~~describe any trainings and/or conferences that the entity deems necessary for members to responsibly serve the entity, if any.~~

(b) "Article II. Officers" shall consist of the following:

(1) *Chairperson and Vice-Chairperson*. This section creates the ~~e~~Chairperson and ~~v~~Vice-~~e~~Chairperson positions of the entity. Other officer positions may also be created here.

(2) *Responsibilities of the Chairperson*. Because of the importance of this position, all duties and responsibilities of the ~~e~~Chairperson, as well as limitations of the ~~e~~Chairperson shall be specifically listed here.

(3) *Responsibilities of the Vice-Chairperson*. Because of the importance of this position, all duties and responsibilities of the ~~v~~Vice-~~e~~Chairperson, as well as limitations of the ~~v~~Vice-~~e~~Chairperson shall be specifically listed here.

(4) *Responsibilities of Additional Officers*. There may be additional sections as needed for every officer position created in subsection one (1) above. These sections shall state all duties and responsibilities of the officer, as well as any limitations of the officer.

(5) *Selection of Officers*. This section shall identify how a member of the entity shall be selected for an official officer position in the entity.

(6) *Purchases and Travel*. This section shall identify how the entity shall approve purchases or travel on behalf of the entity.

(A) An entity shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(B) Upon formal approval of a purchase by an entity, the ~~Business Committee Support Office~~ BCC Department shall have official budgetary sign off authority for the entity.

(C) An entity shall approve a member's request to travel on behalf of the entity by majority vote at a regular or emergency meeting of the entity.

(7) *Personnel*. This section shall state the entity's authority for hiring personnel, if any, and the duties of such personnel.

(c) "Article III. Meetings" shall consist of the following:

(1) *Regular meetings*. This section shall identify when and where regular meetings shall be held, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(2) *Emergency meetings*. This section shall identify what constitutes an emergency meeting, how emergency meetings shall be called, and how the entity shall provide notice of the emergency meeting.

(A) All bylaws shall include a provision requiring that within seventy-two (72) hours after an emergency meeting, the entity shall provide the ~~Nation's~~ Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting.

(3) *Joint Meetings*. This section shall identify if joint meetings shall be held, the frequency and location of joint meetings, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(4) *Quorum*. This section shall identify how many members of an entity create a quorum.

(5) *Order of Business*. This section sets out how the agenda will be set up.

(6) *Voting*. This section shall identify voting requirements, such as, but not limited to:

(A) the percentages that shall be needed to pass different items;

(B) if, and when, the ~~e~~Chairperson is allowed to vote;

(C) if the use of an e-poll is permissible; and

(D) if the use of an ~~e~~ e-poll is permissible, who will serve as the Chairperson's designee for the responsibility of conducting an e-poll, if a designee is utilized.

(d) "Article IV. Expectations" shall consist of the following information:

(1) *Behavior of Members*. This section shall identify the behavioral expectations and requirements of a member of the entity required by this law and any additional expectations and requirements specific to the entity, and identify how the entity shall enforce these behavioral expectations.

(2) *Prohibition of Violence.* This section shall prohibit any violent, intentional act committed by a member of the entity that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, and set forth any further expectations regarding the prohibition of violence.

(3) *Drug and Alcohol Use.* This section shall prohibit the use of alcohol and prohibited drugs for a member of an entity when acting in their official capacity, and set forth any further expectations regarding the use of prohibited drugs and alcohol.

(4) *Social Media.* This section shall identify expectations for the use of social media ~~regarding in regards to~~ official business of the entity.

(5) *Conflict of Interest.* This section shall state any standards and expectations additional to those required by ~~this law of the Nation~~ ~~regarding in regards to~~ conflicts of interest and how they are handled, as well as requirements related to prohibited activities resulting from disclosed conflicts of interest, and means by which a party can alleviate or mitigate the conflict of interest.

(6) *Conflict Resolution.* This section shall address how the entity will handle conflict resolution. At a minimum, the entity's procedures and requirements for conflict resolution shall conform to any policy of the Nation's Human Resources Department.

(7) *Leave of Absence.* This section shall address leave of absence, at a minimum, as it is allowed to employees of the Nation pursuant to policies of the Nation's Human Resources Department.

(e) "Article V. Stipends and Compensation" shall consist of the following information:

(1) *Stipends.* This section shall include a comprehensive list of all stipends members are eligible to receive and the requirements for collecting each stipend, if any, in addition to those contained in this law. This section shall also include the procedure to withhold a member's stipend if a member does not meet the identified requirements needed to collect each stipend.

(2) *Compensation.* This section shall include details regarding all other forms of compensation members are eligible to receive and the requirements for collecting such compensation, if any, in addition to those contained in this law.

(f) "Article VI. Records and Reporting" shall consist of the following information:

(1) *Agenda Items.* Agenda items shall be maintained in a consistent format as identified by this section.

(2) *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity. This may include a summary of action taken by the entity. This section shall identify the format for minutes, and a reasonable timeframe by which minutes shall be submitted to the ~~Business Committee Support Office~~ BCC Department.

(3) *Attachments.* Handouts, reports, memoranda, or other relevant documents and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented. This section shall identify how records of attachments shall be kept.

(4) *Oneida Business Committee Liaison.* Entities shall regularly communicate with the Oneida Business Committee member who is their designated liaison.

This section shall identify a format and frequency for communication which may be as the liaison and entity agree to, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council. The ~~purpose of the liaison~~ shall act relationship is to uphold the ability of the liaison to act as a support to that entity.

(5) *Audio Recordings*. An entity shall audio record all meetings. This section shall state how the entity shall audio record meetings; and how the entity shall maintain the audio records.

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

(g) "Article VII. Amendments" consists of:

(1) *Amendments to Bylaws*. This section shall describe how amendments to the bylaws are made. Any amendments to bylaws shall conform to the requirements of this law and any other policy of the Nation. Amendments to bylaws shall be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation.

105.12~~1~~1. Electronic Polling

105.12~~1~~1-1. An entity may utilize an e-poll when approval of an action may be required before the next available meeting agenda of the entity.

105.12~~1~~1-2. *Conducting an E-Poll*. The Chairperson of the entity, or designee, shall e-mail the e-poll to all members of the entity. Requests for an e-poll shall be sent only from an official e-mail address of the entity. The e-poll's message shall include the following information:

~~(a) The e-mail subject line shall begin with "E-poll Request;" and include a short title describing the purpose of the request.~~

~~(b) The body of the e-poll shall contain the following elements:~~

~~(a1)~~ (a) An ~~executive~~ a-summary of the reason for the request and why the request cannot be presented at the next available meeting of the entity; and

~~(2) A proposed motion which shall be in bold and identified in a separate paragraph by the words "Requested Action;"~~

~~(3) All attachments in *.pdf format, which are necessary to understand the request being made; and~~

~~(b4)~~ (b4) a deadline date for a response. ~~to be returned regarding the results of the electronic poll which shall be in bold and identified in a separate paragraph by the words "Deadline for Response."~~

~~(1A)~~ E-poll requests shall be open for response not less than one (1) hour and no more than twenty-four (24) hours.

~~(2B)~~ The Chairperson of the entity, or designee, is responsible for creating a time frame for responses ~~shall be determined by the Secretary of the entity, or designee;~~ based on urgency, scheduling, and any other pertinent factors.

105.12~~1~~1-3. *Response to an E-Poll*. Only the member of an entity shall respond to an e-poll. A response from a member of an entity shall be valid if received from an official e-mail address of the entity. No responses from unknown e-mails or personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of members of the entity in order to be an official vote.

(a) E-polls that receive at least a majority of supporting votes by the deadline are considered to be approved.

(b) E-polls for which insufficient responses were received by the deadline are considered to have failed to receive support, and result in a denied request.

(c) E-polls that result in a denied request may be reconsidered by the entity at the next available meeting.

(d) The Chairperson, or designee, shall monitor all responses and deadline dates for responses.

105.12-4. *Entering an E-Poll in the Record*. Both approved and denied e-poll requests shall be placed on the next meeting agenda of the entity to be entered into the record. The agenda item shall contain the following information:

(a) Original e-poll request and all supporting documentation;

(b) A summary of the e-poll results identifying each member of the entity and ~~his or her~~their response; and

(c) A copy of any comment by a member of the entity if comments are made beyond a vote.

105.132. Reporting Requirements

105.132-1. *Minutes*. All minutes shall be submitted to the ~~Business Committee Support Office~~BCC Department within a reasonable time after approval by the entity, as identified in the entity's bylaws.

(a) Actions taken by an entity are valid upon approval of the action by vote, unless the bylaws of the entity otherwise require minutes to be approved by the entity before the actions are valid.

(b) Minutes shall be filed according to this section, and any specific directions within approved bylaws.

(c) No action or approval of minutes is required by the Oneida Business Committee on minutes submitted by an entity unless specifically required by the bylaws of that entity.

105.132-2. *Standard Operating Procedures*. All standard operating procedures established by an entity shall be submitted to the ~~Business Committee Support Office~~BCC Department, where they shall be kept on file.

105.132-3. ~~Quarterly~~ *Reports to the Oneida Business Committee*. ~~Every fiscal year~~Entities shall provide ~~quarterly~~at least two reports to the Oneida Business Committee in accordance with the ~~quarterly~~ reporting schedule approved by the Oneida Business Committee. ~~All quarterly~~The reports shall be approved by official entity action before they are submitted. The ~~quarterly~~ reports shall not contain any information that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the entity shall attend the Oneida Business Committee meeting where the ~~quarterly~~ report is an agenda item. ~~Quarterly~~Reports shall follow a format prescribed by the Oneida Business Committee and contain the following information:

(a) *Contact Information*. The name of the entity, the member submitting the report, the Oneida Business Committee liaison; and a list of the members and their titles, term expiration dates, and contact information.

(b) *Meetings*. When and how often the entity is holding meetings and whether any emergency meetings have been held.

(1) If emergency meetings were held, the report shall indicate the basis of the emergency for each meeting.

(c) *Accomplishments*. Details of what the entity has accomplished since the last report~~that quarter~~, including any special events held during the reporting period and any travel by the members ~~and/or~~ staff.

(d) *Goals*. Details of both the entity's long-term goals, the entity's goals for the next quarter reporting period, and projected ~~quarterly~~ activities during the next reporting period.

(e) *Budget*. The amount of the entity's budget, the status of the budget ~~at that quarter~~, the amount of each stipend a member may be eligible to receive, how the budget is being utilized by the entity, and projected budgetary uses for the next quarter reporting period.

(f) *Requests*. Details of any requests to the Oneida Business Committee.

(g) *Other*. And any other information deemed appropriate by the entity, as well as any other information required by a law or policy of the Nation.

105.1~~32~~-4. *Annual and Semi-Annual Reports to the General Tribal Council*. Entities shall provide annual reports to the Oneida General Tribal Council based on their activities during the previous fiscal year, and semi-annual reports based on their activities during the current fiscal year. All annual and semi-annual reports shall follow a format prescribed by the Oneida Business Committee.

(a) Annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

(b) Each entity with oversight of a department shall also submit annual and semi-annual reports for each department the entity oversees.

105.1~~32~~-5. Any failure to comply with the reporting requirements may result in the Oneida Business Committee placing a hold on the release of a stipend payment.

105.1~~43~~3. Stipends, Reimbursement and Compensation

105.1~~43~~-1. Stipends and reimbursement for expenses shall follow the procedures as set out in this section and according to procedures for payment as set out by the Nation, unless otherwise declined by the entity through its bylaws, or declined by a member.

105.1~~43~~-2. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida Business Committee shall periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending the resolution. Stipends are paid in the form of cash or cash equivalent, ~~which may include, but is not limited to, gift cards~~.

105.1~~43~~-3. *Meeting Stipends*. A member of an entity shall only receive a meeting stipend for a regular or emergency meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is present for the entire meeting. Meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications.

(a) *Meeting Stipends for an Appointed Entity*. An individual serving on an appointed entity shall be paid no more than twelve (12) meeting stipends per fiscal year.

(b) *Meeting Stipends for an Elected Entity*. An individual serving on an elected entity shall be paid no more than twenty-four (24) meeting stipends per fiscal year.

(c) *Demonstrating Presence During a Meeting.* An entity shall demonstrate the presence of its members during a meeting by taking roll call on the record at both the beginning and conclusion of a meeting.

(d) *Technological Issues Affecting Presence During a Meeting.* If a member of an entity experiences a technological issue during a regular or emergency meeting held by telephone, through videoconferencing, or through other telecommunications, and the technological issue disrupts the member's presence during the meeting, the member shall notify the entity of the technological issue as soon as possible.

(1) An exemption to the stipend eligibility requirement to be present for the entire meeting may be granted if the entity certifies by a majority vote that the member was present for a majority of the meeting despite the technological issue which disrupted the member's presence during the meeting.

105.143-4. *Joint Meeting Stipends.* A member of an entity shall only receive a stipend for a joint meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is present for the entire meeting. Joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications.

(a) An individual shall receive a stipend for ~~his or her~~their attendance at a duly called joint meeting.

(1) A joint meeting stipend does not count towards the limitation on meeting stipends as provided for in section 105.143-3(a)-(b).

(b) *Demonstrating Presence During a Joint Meeting.* An entity shall demonstrate the presence of its members during a joint meeting by taking roll call on the record at both the beginning and conclusion of a joint meeting.

(c) *Technological Issues Affecting Presence During a Joint Meeting.* If a member of an entity experiences a technological issue during a joint meeting held by telephone, through videoconferencing, or through other telecommunications, and the technological issue disrupts the member's presence during the joint meeting, the member shall notify the entity of the technological issue as soon as possible.

(1) An exemption to the stipend eligibility requirement to be present for the entire joint meeting may be granted if the entity certifies by a majority vote that the member was present for a majority of the joint meeting despite the technological issue which disrupted the member's presence during the joint meeting.

105.143-5. *Oneida Judiciary Hearings.* A member of an entity shall receive a Judiciary hearing stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

105.143-6. *Hearings of an Entity.* A member of an entity that maintains hearing authority may obtain ~~one~~a hearing stipend for conducting ~~a~~hearings administered by the entity. A hearing consists of all functions related to the resolution of the matter ~~notwithstanding the amount of time it takes to resolve the matter~~, including, but not limited to, ~~any continuations of the hearing and~~ decision drafting. A member may receive additional stipends for any continuation if a continuation is necessary to resolve the matter.

105.143-7. *Other Stipends.* The Oneida Business Committee shall determine if, and when, any other stipends are appropriate to compensate members of entities for their official actions. All possible stipends shall be included in the Oneida Business Committee resolution which sets stipend amounts.

105.14-8. Virtual Meetings. The entity may hold a virtual meeting pursuant to any requirements established by the Oneida Business Committee and pursuant to any additional requirements established by the entity. At a minimum those requirements for members shall be:

(a) The Chairperson shall open the meeting with an explanation for the record as to why the meeting is being held virtually.

(b) The Chairperson shall take roll call at both the beginning and end of the virtual meeting.

(c) All members shall keep their video camera on during the entire meeting.

(d) The Chairperson shall poll each individual member to vocalize their support, opposition, or abstention to any motion.

105.143-98. ~~Conferences and Training~~ *Conferences, Training, and Travel*. An appointed or elected member of any entity, ~~elected or appointed~~, shall be reimbursed in accordance with the Nation's policy for travel and per diem, for attending a conference or training. ~~P~~ provided that:

(a) All entities shall be in compliance with the Nation's travel policies.

(b) A member shall be eligible for a stipend for attending a conference or training, when attendance at the conference or training is required by law, bylaw, or resolution.

(1) The amount of the stipend a member is eligible to receive for attendance at a conference or training shall be dependent on whether the member attended up to four (4) hours of a conference or training, or more than four (4) hours of a conference or training.

(c) A member shall not be eligible for a conference and training stipend if that training is not required by law, bylaw, or resolution.

(d) No stipend payments shall be made for those days spent traveling to and from the conference or training.

(e) The board, committee, or commission approves reimbursement for the member.

105.143-109. Business Expenses. All members of entities shall be eligible for reimbursement for normal business expenses naturally related to membership in the entity.

(a) Before a member is eligible for reimbursement of normal business expenses, the board, committee, or commission must approve such expenses.

105.143-110. Task Force and Ad Hoc Subcommittees. Members of task force, ad hoc committees and subcommittees shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

105.15. Official Oneida Nation E-mail Address.

105.15-1. Each member of an entity shall be provided with an official Oneida e-mail address upon election or appointment for the purpose of conducting business of the entity electronically.

(a) If a member is also an employee of the Nation, they shall receive a separate email address from their regular work e-mail address.

(b) A member of an entity shall have thirty (30) days after appointment or election to activate their official e-mail address.

(c) An individual who holds a position as an ad hoc or alternate member of an entity shall be exempt from the requirement to be provided with an official e-mail address, unless determined that an e-mail address is necessary for the role and responsibilities of the ad hoc or alternate member.

(d) A member of an entity shall sign an acknowledgment form provided by the Secretary indicating notice of the Nation's applicable computer and media related laws, policies, and rules. The Secretary shall maintain a record of all such acknowledgment forms.

(e) A member of an entity shall exclusively use their official e-mail address to electronically conduct any business of the entity.

(f) Immediately upon receipt of notice of a vacancy, the Secretary shall instruct the Digital Technology Services department to disable the e-mail address for the member having vacated the position.

105.164. Standards of Conduct

105.16-1. *Good Mind*. All members shall serve with a Good Mind guided by wisdom, compassion, and responsibility and shall avoid actions or situations that give rise to the appearance of impropriety, undue influence, or favoritism.

105.16-2. *Cultural Accountability*. Members are reminded that their conduct reflects not only on themselves but on the Nation as a whole. They are expected to uphold the teachings of the Good Mind, protect the well-being of the community, and serve with humility, honor, and respect.

105.16-3. *Prohibited Conduct*. Members are expected to walk with the Good Mind, honoring the trust of the people and the teachings of the Great Law of Peace. The following conduct is prohibited as it undermines the integrity of governance, the dignity of the Nation, and the responsibilities entrusted to those who serve. No member shall:

(a) Use their position for personal gain, financial benefit, or advancement of family, friends, or associates.

(b) Engage in any form of bribery, coercion, or undue influence in the performance of their duties.

(c) Misuse or misappropriate Nation resources, including funds, property, or confidential information.

(d) Discriminate against or harass any individual based on race, gender, age, religion, tribal affiliation, or any other protected status.

(e) Retaliate against any person who reports unethical behavior, misconduct, or violations of this law.

(f) Falsify records, reports, or communications related to their official duties.

(g) Accept gifts, gratuities, or honoraria in violation of Section 105.16-10.

(h) Participate in decisions where a conflict of interest exists, as defined in Section 105.16-8.

(i) Engage in nepotism or favoritism in hiring, supervision, or contracting, as prohibited in Section 105.16-9.

(k) Act in a manner that brings dishonor to the Oneida people or undermines the public's trust in the Nation's government.

105.16-4. *Attendance and Meeting Conduct*. Members shall honor their responsibility to participate fully and professionally in the governance of the Nation. Attendance and conduct during meetings reflect the integrity of leadership and the trust placed in members by the Oneida people. Accordingly:

(a) *Commitment to Presence and Preparedness*. Members shall attend all scheduled meetings unless excused or prevented by circumstances beyond their control. Absences should be communicated promptly and with respect for the entity's ability to conduct

business. Members are expected to arrive prepared, having reviewed all materials necessary for informed decision making.

(b) *Engagement and Respectful Dialogue*. Meetings shall be conducted in a manner that upholds the Good Mind and fosters constructive dialogue. Members shall:

(1) Actively and thoughtfully participate.

(2) Contribute to deliberations with clarity and respect.

(3) Listen attentively to others, avoid interruptions, and ensure that all voices are heard.

(4) Refrain from conduct that disrupts proceedings or diminishes the dignity of the office.

(c) *Professionalism and Integrity in Deliberation*. Decisions shall be made based on merits, facts, and the collective good of the Nation. Members shall:

(1) Avoid side conversations, electronic distractions, or any behavior that signals disengagement.

(2) Maintain confidentiality of closed-session discussions and sensitive information.

(3) Conduct themselves in a manner that reflects honor, impartiality, and accountability.

(d) *Responsibility for Governance Continuity*. Attendance and participation are essential to the functioning of the Nation's government. Persistent failure to meet these expectations may constitute a breach of trust and be subject to review under enforcement provisions.

105.16-5. *Fair Dealing and Impartiality*. Members shall carry out their duties with fairness, honesty, and impartiality, honoring the trust placed in them by the Oneida people. Members shall:

(a) Refrain from granting special treatment beyond what is available to others under the law.

(b) Make decisions based solely on merit, facts, and the well-being of the Nation, free from bias, favoritism, or personal interest.

(c) Avoid conduct that creates the appearance of impropriety or undermines community trust.

(d) Treat all individuals with respect and dignity, and foster an environment of equity, justice, and inclusion in governmental dealings.

105.16-6. *Accountability and Transparency*. Public service is a sacred responsibility. Members are entrusted by the Oneida people to act with integrity, humility, and accountability. Their actions shall reflect the values of the Nation and honor the trust placed in them by the community.

(a) *Duty to be Accountable*: Members shall be answerable to the Oneida people for their decisions, conduct, and use of authority; explain their actions, accept responsibility for mistakes, and take corrective steps when necessary. Accountability is not only a legal obligation, but also a cultural duty rooted in respect for the people and the teachings of the Good Mind.

(b) *Transparency in Governance*. Transparency is essential to maintaining the good mind and the confidence of the people. Members shall:

(1) conduct public business in a manner that is open, honest, and accessible to the community;

(2) provide timely and accurate information about decisions, policies, and the use of Nation resources; and

(3) ensure that records, reports, and proceedings are maintained and made available in accordance with the laws and customs of the Nation.

(c) *Community Engagement.* Members shall actively seek the voices of the people, respecting the wisdom of elders, the concerns of families, and the guidance of traditional knowledge. Decisions shall reflect the collective good and be made with the understanding that leadership is a service to the Nation, not a privilege.

105.16-7. ~~Confidentiality Information.~~ ~~105.14-1.~~ All members of an entity shall maintain in a confidential manner all information obtained through their position on the entity. The Nation requires that all members of an entity who have access to the Nation's confidential information be subject to specific limitations in order to protect the interest of the Nation and ensure that no individuals persons engaged in by the Nation, nor their relatives or associates, benefit from the use of confidential information.

(a) Confidential information shall be considered and kept as the private and privileged records of the Nation and will not be divulged to any person, firm, corporation, or other entity except by direct written authorization of the Oneida Business Committee.

(b) A member of an entity will continue to treat as private and privileged any confidential information, and will not release any such information to any person, firm, corporation, or other entity, either by statement, deposition, or as a witness, except upon direct written authority of Oneida Business Committee, and the Nation shall be entitled to an injunction by any competent court to enjoin and restrain the unauthorized disclosure of such information. Such restriction continues after termination of the relationship with the Nation and the entity.

(c) Upon completion or termination of ~~his or her~~ their appointed or elected ~~or appointed~~ term of membership in an entity, for any cause ~~whatsoever~~, the member of the entity will surrender to the Nation, in good condition, all records kept by the member of the entity.

(d) No member of an entity shall disclose confidential information acquired by reason of ~~his~~ their other relationship or status with the Nation ~~for his or her~~ their personal advantage, gain, or profit, or for the advantage, gain, or profit of a relative or associate.

(e) If a member does intentionally disclose confidential information, that member will be subject to fines or penalties set forth in a fine and penalty schedule adopted by the Oneida Business Committee.

~~105.14-8.~~ (f) Any records created or obtained while serving as a ~~member~~ official of an entity are the property of the Nation and shall only be removed or destroyed by approval from a majority vote of the entity at a duly called meeting. All removal or destruction of documents shall be made in accordance with the Nation's laws and policies governing open records and open meetings.

~~105.14-3. Official Oneida Nation E-mail Address. Each member of an entity shall be provided an official Oneida e-mail address upon election or appointment for the purpose of conducting business of the entity electronically.~~

~~(a) If a member is also an employee of the Nation, he or she shall receive a separate email address from his or her regular work e-mail address.~~

~~(b) A member of an entity shall have thirty (30) days upon election or appointment to an entity to activate his or her e-mail address.~~

~~(c) An individual who holds a position as an ad hoc or alternate member of an entity shall be exempt from the requirement to be provided an official e-mail address, unless~~

determined that an e-mail address is necessary for the role and responsibilities of the ad hoc or alternate member.

(d) A member of an entity shall sign an acknowledgment form provided by the Nation's Secretary indicating notice of the Nation's applicable computer and media related laws, policies and rules. The Nation's Secretary shall maintain a record of all such acknowledgment forms.

(e) A member of an entity shall exclusively use his or her official e-mail address to electronically conduct any business of the entity, and shall not use a personal or work e-mail address to electronically conduct any business of the entity.

(f) Immediately upon receipt of notice of an entity vacancy, the Nation's Secretary shall instruct the Management Information Systems department to disable the e-mail address for the member having vacated the position.

105.16-8. *Conflicts of Interest.* 05.15-1. All members of an entity are required to adhere to the Nation's laws and policies governing conflicts of interest. 105.15-2. A mMembers of an entity shall disclose a conflict of interest in writing to the Nation's Secretary as soon as the conflict arises and update a conflict of interest disclosure form with the Nation's Secretary on an annual basis.

(a) Disclosure Forms.

(1) The Oneida Law Office shall create both annual and as-needed disclosure forms.

(2) The Office of the Oneida Nation Secretary shall distribute, collect, and maintain these disclosure forms.

(3) All members shall submit disclosure forms annually and within a reasonable time after a conflict arises or becomes known.

(b) Upon receiving information of a potential conflict of interest, the Nation's Secretary shall request a determination from the Oneida Law Office whether further action shall be taken by the Nation regarding the status of the official.

(1) Entities may develop an internal conflict of interest mitigation plan for eligible conflicts in consultation with the Oneida Law Office, the Nation's Human Resources Department, and other departments of the Nation as needed.

105.15-3. (c) Ineligibility Due to Conflicts of Interest. Due to the potential for an actual or implied a real or perceived conflict of interest to exist, the following individuals shall may not be eligible to serve on an appointed or elected entity unless they obtain approval from their immediate supervisor; the individual may also be required to complete a conflict mitigation plan:

(1a) political appointees;

(2b) an employee of the Nation's Internal Audit Department, Finance Administration, Oneida Law Office, Business Committee Support Office BCC Department, Government Administrative Office, or Intergovernmental Affairs and Communications; and

(3e) an employee who serves as a direct report to the Oneida Business Committee or the Chief Executive Officer of Nation Services. General Manager.

(d) Ongoing Duty to Disclose. Members who become aware of a conflict of interest shall promptly disclose and comply with the requirements of the conflict of interest mitigation plan.

926 105.16-9. *Nepotism Prohibited.* The Oneida people expect their leaders to act with integrity and
927 impartiality. Avoiding nepotism is essential to maintaining the trust between the government and
928 the community, and to ensuring that all Oneida people have equal opportunity to serve and
929 contribute to the Nation.

930 (a) *Commitment to Fairness.* Members shall be guided by fairness, respect, and the Good
931 Mind. Favoring family members in employment, appointments, or decision-making
932 undermines the trust of the people and disrupts the balance that is essential to good
933 governance.

934 (b) *Preferential Treatment Prohibited.* No member shall use their position to secure
935 employment, advancement, contracts, or other benefits for immediate family members or
936 close relatives. All decisions shall be made based on merit, qualifications, and the best
937 interests of the Nation.

938 (c) *Employment and Oversight Restrictions.* No member shall supervise, evaluate, or
939 participate in employment decisions involving a family member. The Nation shall
940 implement procedures to ensure that hiring and promotion processes are free from undue
941 influence and favoritism.

942 105.16-10. *Gifts and Honorarium.*

943 (a) *Prohibition on Gifts for Business Privilege.* No member shall accept any gift, gratuity,
944 or honorarium of any value in exchange for, or as a condition of, doing business with the
945 Nation.

946 (b) *Reporting Requirements.* Members shall report any gift, honorarium, or sponsored
947 event with a fair market value of one thousand dollars (\$1000) or more that is given in
948 connection with activities organized by or participated in on behalf of the Nation.

949 (1) Sponsored events not paid for or reimbursed by the Nation or another
950 government entity for official duties, including fundraisers, social events,
951 recreational events, or entertainment events and any associated travel costs must be
952 recorded as a gift.

953 (2) Travel provided or reimbursed by a federal, state, or tribal government entity
954 for the purpose of carrying out official government functions, such as tribal
955 consultations, meetings, or trainings, is considered official business and is not
956 reportable under this section.

957 (c) *Gift Disclosure Form and Public Record.* Gifts or gratuities meeting the criteria in
958 105.15-10(a) shall be documented using the Gift Disclosure Form and submitted to the
959 Office of the Nation's Secretary within ten (10) business days of receipt.

960 (1) The Office of the Secretary shall maintain a public record of all reported gifts
961 and honoraria; and

962 (2) The Oneida Law Office shall maintain and update the Gift Disclosure Form and
963 related procedures.

964 (d) *Gifts below the Reporting Threshold.* Gifts or honoraria valued at nine hundred ninety
965 nice dollars (\$999) or less are not required to be reported on the Gift Disclosure Form.

966 (e) *Cultural and Ceremonial Gifts.* Gifts given in the context of traditional, ceremonial, or
967 cultural exchange may be exempt from reporting requirements, provided they are not of
968 significant monetary value and do not create a conflict of interest. Members are encouraged
969 to consult with the Oneida Law Office when in doubt.

105.176. Use of the Nation's Assets

105.176-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the ~~Oneida~~ Nation. Bank accounts will be reflected on the ~~Oneida~~ Nation's books in accordance with Generally Accepted Accounting Principles.

105.176-2. Each member of an entity shall comply with the system of internal accounting controls sufficient to provide assurances that:

- (a) all transactions are executed in accordance with management's authorization; and
- (b) access to assets is permitted only in accordance with management's authorization; and
- (c) all transactions are recorded to permit preparation of financial statements in conformity with Generally Accepted Accounting Principles or other applicable criteria.

105.176-3. Any evidence of noncompliance with any policy regarding the use of ~~the Nation's tribal~~ assets shall be immediately reported to the Internal Audit department. If the Internal Audit ~~d~~department finds evidence of noncompliance, they shall notify the Oneida Law Office, who will then provide a recommendation to the Government Administrative Office on how to proceed. ~~make a determination of further action to be taken, if any.~~

105.187. Dissolution of an Entity

105.187-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a task force or ad hoc committee shall be forwarded to the ~~Business Committee Support Office~~ BCC Department for proper disposal within ~~two-four~~ (24) weeks of the dissolution.

105.187-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by motion of the Oneida General Tribal Council or the Oneida Business Committee.

105.187-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal Council or the Oneida Business Committee taking official action to dissolve an entity, the Oneida Business Committee shall provide the entity written notice of the dissolution.

105.187-4. *Management of Records and Materials.* All Chairpersons and Secretaries of dissolved entities shall be responsible for ~~finalizing closing out~~ open business of the entity and forwarding all materials and records to the ~~Business Committee Support Office~~ BCC Department for proper storage and disposal within ~~two-four~~ (24) weeks of dissolution. The entity shall not alter or destroy any records. The ~~Business Committee Support Office~~ BCC Department may utilize the assistance of the Records Management Department ~~and/or~~ any other appropriate department for the storage and disposal of the records and materials.

- (a) The entity may request the Oneida Business Committee to grant ~~an one (1) week~~ extension of the time allowed to close out open business of the entity and forward all materials and records to the ~~Business Committee Support Office~~ BCC Department.

105.198. Enforcement

105.198-1. Any appointed member of an entity found to be in violation of this law may be subject to:

- (a) termination of appointment by the Oneida Business Committee;
- (b) loss of stipend;

(1) when an appointed member's stipend is withheld, the Secretary shall submit written notices to the member, the entity's Chairperson or Vice-Chairperson, as applicable, and the BCC Department; or

(c) Any other penalty identified by the entity in the entity's bylaws.

105.19-2. Any elected member of an entity found to be in violation of this law may be subject to:

(a) loss of stipend or any other sanctions and penalty~~ies~~ in accordance with any laws or policies of the Nation governing sanctions and~~or~~ penalties;

(b) removal pursuant to any laws or policies of the Nation~~'s~~ governing removal; or

(c) any other penalty identified by the entity in the entity's bylaws.

~~, if the individual is a member of an elected entity; or~~

~~(e) termination of appointment by the Oneida Business Committee, if the individual is a member of an appointed entity.~~

105.19-3. All entities shall identify in their bylaws the procedures for withholding a member's stipend and any other sanctions or penalties identified by that entity as long as those sanctions or penalties meet the requirements of this law and all other laws, policies, and rules of the Nation.

105.19-4. Appeal. If applicable, a member shall have the right to appeal an enforcement action pursuant to the requirements and procedures regarding appeals of the law under which the member received a sanction or penalty.

End.

Adopted - BC-08-02-95-A

Amended - BC-05-14-97-F

Emergency Amended - BC-04-12-06-JJ Amended - BC-09-27-06-E (permanent adoption of emergency amendments)

Amended – BC-09-22-10-C

Amended – BC-09-26-18-C

Emergency Amended – BC-03-11-20-B

Emergency Amended – BC-03-17-20-C

Amended – BC-08-12-20-B

Title 1. Government and Finances – Chapter 105
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BOARDS, COMMITTEES, AND COMMISSIONS

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105.1. Purpose and Policy

105.1-1. *Purpose*. It is the purpose of this law to govern boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of individuals to boards, committees, and commissions, creation of bylaws, maintenance of official records, compensation, to establish clear standards of conduct, and other items related to boards, committees, and commissions.

(a) This law shall not apply to the Oneida Business Committee or standing committees of the Oneida Business Committee.

(b) This law does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.

105.1-2. *Policy*. It is the policy of the Nation to have consistent and standard procedures for choosing and appointing or electing the most qualified individuals to boards, committees, and commissions, for creation of bylaws governing boards, committees, and commissions, and for the maintenance of information created by, and for, boards, committees, and commissions.

(a) It is further the policy of the Nation that appointed and elected individuals serving on a board, committee, or commission of the Nation carry themselves in a way that brings honor to the Oneida people and government. They shall walk with integrity, follow the laws of the Nation, and uphold the highest standards of ethical conduct in all their duties. All appointed and elected individuals shall strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by On<yote>a=ka, which includes:

(a) Kahletsyal&sla. The heartfelt encouragement of the best in each of us.

(b) Kanolukhw@sla. Compassion, caring, identity, and joy of being.

(c) Ka>nikuhli=y%. The openness of the good spirit and mind.

(d) Ka>tshatst^sla. The strength of belief and vision as a People.

(e) Kalihwi=y%. The use of the good words about ourselves, our Nation, and our future.

(f) Twahwahts\$lay<. All of us are family.

(g) Yukwats\$stay<. Our fire, our spirit within each one of us.

105.2. Adoption, Amendment, Repeal

105.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, BC-09-26-18-C, BC-08-12-20-B, and BC-__-__-__-__.

105.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

105.2-3. 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.

105.2-4. 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.

105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

105.3. Definitions

105.3-1. 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) "Application" means the form by which a person seeks to be appointed to fill a vacancy on an entity.

(b) "Appointment" means the process by which a person is chosen to fill a vacancy on an entity by the Oneida Business Committee.

(c) "BCC Department" means the Boards, Committees, and Commissions Department.

(d) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Nation.

(e) "Bylaws" means a document which provides a framework for the operation and management of a board, committee, or commission of the Nation chiefly for the government of its members and the regulation of its affairs.

(f) "Conference" means any training, seminar, meeting, or other assembly of individuals which is not an assembly of the entity.

(g) "Confidential information" means all information or data, whether printed, written, or oral, concerning business or customers of the Nation, disclosed to, acquired by, or generated by a member of an entity in confidence at any time during their appointed or elected term or during their employment.

(h) "Conflict of interest" means any financial, personal, or political interest, actual or implied = in which an appointed or elected member or any member of their immediate family, has that conflicts with any right of the Nation to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Nation or to any transaction between the Nation and an outside party.

(i) "Direct report" means a position which requires direct contact and supervision by the Oneida Business Committee because of the position, the duties, or the services provided. Direct reports shall be identified by the Oneida Business Committee through resolution.

(j) "Entity" means a board, committee or commission created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee or elected by the Nation's membership.

(k) "E-poll" means an electronic poll, which is the act of delivering an e-mail to all officials of an entity, in order to seek a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the entity.

(l) "Fiscal year" means the one (1) year period each year from October 1st to September 30th.

(m) "Joint meeting" means a meeting with the Oneida Business Committee.

(n) "Letter" means a written or printed message addressed to a specific person or organization; for the purposes of this law, a letter can be on paper or sent electronically.

(o) "Member" means all individuals who are appointed or elected to serve on a board, committee, or commission created by the Oneida Business Committee or the Oneida General Tribal Council.

(p) "Nation" means the Oneida Nation.

(q) "Per diem" means the payment made by the Nation to offset the costs of being on travel on behalf of the Nation.

(r) "Political appointee" means a person who assists an elected member of the Oneida Business Committee in their daily activities and operations.

(s) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance included in Schedules I through V, as defined by Section 812 of Title 21 of the United States Code. This also includes prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.

(t) "Secretary" means the person elected and serving as the Nation's Secretary; an officer position of the Oneida Business Committee.

(u) "Stipend" means the amount paid by the Nation to a person serving on a board, committee, or commission of the Nation in order to compensate the individual for their contribution of time, effort, and work for their board, committee, or commission for the betterment of the Nation.

(v) "Subcommittee" means a subgroup of an entity; which is comprised of fewer than all members of the entity; which is designated one (1) or more specific responsibilities on behalf of the entity.

(w) "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

(x) "Task Force or Ad Hoc" means a group of individuals gathered to pursue a single goal, the accomplishment of which means the disbanding of the group. The goal is generally accomplished in a short time period, i.e. less than one year, but the goal itself may be long term.

(y) "Vacancy" means any position on any board, committee, or commission caused by resignation, end of term, removal, termination, or creation of a new position.

105.4. Creation of an Entity

105.4-1. An entity of the Nation shall be created by a resolution or law adopted by the Oneida Business Committee or General Tribal Council.

105.4-2. The law or resolution establishing the entity shall state the purpose of the entity and all powers and responsibilities delegated to the entity.

105.4-3. The Oneida Business Committee or designee shall be responsible for drafting the initial bylaws of the entity.

105.4-4. The Oneida Business Committee shall be responsible for approving the initial bylaws of the entity.

105.5. Applications

105.5-1. The BCC Department shall approve all applications to serve on an entity of the Nation. All application materials shall be available in any location identified by, or in the offices of, the BCC Department

(a) All applications shall include:

(1) a statement explaining the reporting requirements of section 105.13-3; and

(2) a section regarding disclosures of conflicts of interest.

(b) An additional application form shall be required for those entities that require a background investigation. This background investigation application shall include the applicant's social security number and any other information required for a background investigation. The background investigation application shall be solely used for the background investigation and not included in the application materials that are then shared with the Oneida Business Committee, entity, or the Election Board.

105.5-2. Applications shall be filed with the BCC Department by 4:30 p.m. of the deadline date.

105.5-3. Within eight (8) business days after the posted deadline for filing applications, the BCC Department shall notify all individuals who have filed an application of the date their application was received and if their application met the deadline to be considered for the election or appointment.

105.5-4. Applications for elected positions shall be verified according to the Nation's laws, bylaws, or policies governing elections. Applications for appointed positions shall be verified by the BCC Department as needed or as required in the bylaws of the entity.

105.5-5. *Insufficient Applicants*. In the event that there are an insufficient number of applicants after the deadline has passed for appointed positions, the BCC Department may repost.

(a) If the number of applicants is equal to or less than the number of vacancies then it shall be determined to be an insufficient number of applicants.

(b) The BCC Department shall notify the Oneida Business Committee if a position will be reposted.

(c) In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.

(d) The Oneida Business Committee may consider late applicants.

105.6. Vacancies

105.6-1. The manner by which an individual fills a vacancy, either through appointment or election, shall determine that member's status as an appointed or elected official, despite the entity's classification as an appointed or elected entity pursuant to the entity's bylaws.

105.6-2. A position on an entity shall be considered vacant in the following situations:

(a) *End of Term*. A vacancy is effective as of 4:30 p.m. of the last day of the month in which the term ends.

(1) Although a position is considered vacant once the term ends, the member of the entity may remain in office until the member's successor has been sworn in by

- the Oneida Business Committee, provided that the position may not be held by the predecessor for longer than sixty (60) business days, in an effort to prevent a discontinuation of business or a loss of quorum for the entity.
- (b) *Removal*. Removal is effective, pursuant to any law or policy of the Nation regarding removal.
- (c) *Termination of Appointment*. A termination is effective upon a two-thirds (2/3) majority vote of the Oneida Business Committee in favor of a member's termination of appointment.
- (d) *Resignation*. A resignation is effective upon:
- (1) deliverance of a letter to the BCC Department and to the Chairperson of the entity, or designee; or
 - (2) acceptance by motion of the entity of a verbal resignation; and
 - (3) certification and acceptance by the Secretary.
- (e) *New Positions*. Vacancies on new entities are effective upon adoption of bylaws.
- 105.6-3. An entity shall notify the BCC Department as soon as the entity learns that a position has or will become vacant. All notices of vacancy shall be sent to the entities for clarification or confirmation prior to notification to the Oneida Business Committee.
- 105.6-4. The BCC Department shall forward the notice of vacancy to the Secretary. The Secretary shall request and receive approval from the Oneida Business Committee to post the notice of vacancy. The BCC Department shall post notice of vacancies at the following times:
- (a) *End of Term*. Automatically sixty (60) days prior to completion of the term.
 - (b) *Removal*. No later than the next Oneida Business Committee meeting following the effective date of the removal.
 - (c) *Resignation*. No later than the next Oneida Business Committee meeting following the BCC Department's receipt of notice of an effective resignation from the entity.
 - (d) *New Positions*. Upon one of the following conditions:
 - (1) if not specified, immediately upon the creation of an entity or the adoption of bylaws, whichever is later, or
 - (2) upon the date specified when creating the entity.
 - (e) *Termination of appointment*. No later than the next Oneida Business Committee meeting following the effective date of the termination.
- 105.6-5. Notice of vacancies shall be posted by the BCC Department in all official media outlets of the Nation, as determined by the Oneida Business Committee, as well as any other location deemed appropriate by the Secretary.

105.7. Appointment to an Entity

105.7-1. *Appointment Selection*. The following procedures shall be used to determine how the applicant for an appointed position is selected:

- (a) Within eight (8) business days after the posted deadline for submitting an application, or within twenty-one (21) business days of the posted deadline if the entity requires a background investigation to be completed as part of the application process, the BCC Department shall:
 - (1) deliver all applications, along with a summary of qualifications to hold office, and the results of the background investigation if required, to each member of the Oneida Business Committee as well as the entity's Chairperson; and

- (2) place the appointment for the entity on the next executive session portion of the agenda of a regular or special Oneida Business Committee meeting in which the appointment is intended to be made; or
- (3) if delays in compiling the applications, summary of qualifications, or results of any investigations exist, request additional time from the Oneida Business Committee to complete requirements of section 105.7-1(a)(1)-(2).
- (b) Each member of the Oneida Business Committee shall review the application materials prior to executive session and be prepared to discuss and select an applicant for appointment.
- (1) The entity's Chairperson may review the application materials and submit a recommendation to the BCC Department to include in the application materials to be reviewed by the Oneida Business Committee.
- (A) The recommendation shall be submitted to the BCC Department in accordance with the submission deadlines for the Oneida Business Committee meeting in which the appointment is intended to be made.
- (c) The Oneida Business Committee shall have a full and complete discussion of the merits and qualifications of the potential applicants and any recommendations made by the Chairperson of the entity during executive session. After completing a thorough discussion the Oneida Business Committee shall:
- (1) select an applicant for appointment; or
- (2) ask the Secretary to re-notice the vacancy because of ineligible, unqualified, or under qualified applicants.
- (d) All appointments shall be made by the Oneida Business Committee during the open session of a regular or special Oneida Business Committee meeting. The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws.
- (e) During the open session of the regular or special Oneida Business Committee meeting, a member of the Oneida Business Committee may make a motion to appoint an individual. Oneida Business Committee members may:
- (1) accept the selected applicant and vote to appoint the individual to the vacant position; or
- (2) reject the selected applicant and vote to oppose the appointment.
- (f) If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting where another applicant may be recommended by the Oneida Business Committee or the Oneida Business Committee may direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all applications from the first posting shall be considered to have been filed within the deadline period.
- 105.7-2. *Notification of Appointment.* Once an individual is selected for appointment at an Oneida Business Committee meeting, the Secretary shall notify all applicants of the final status of their application.
- (a) The Secretary shall include on the notice to the applicant selected for appointment the following paragraph: "The Oneida Nation reports all income paid by the Oneida Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be

offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income.”

105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to an entity by the Oneida Business Committee may decline the appointment.

(a) An individual may decline an appointment to an entity in the following ways:

(1) delivery of a letter to the BCC Department stating that the individual wishes to decline the appointment; or

(2) failure to take the oath of office within thirty (30) days or within two (2) regularly scheduled Oneida Business Committee meetings of being selected for appointment by the Oneida Business Committee.

(b) The BCC Department shall notify the Oneida Business Committee if an individual declines an appointment to an entity. The Oneida Business Committee shall then use the original pool of applications for the vacancy posting and the process outlined in section 105.7-1 to select another applicant for appointment.

105.7-4. *Termination of Appointment.* An appointed member of an entity serves at the discretion of the Oneida Business Committee. Upon the recommendation of a member of the Oneida Business Committee or the entity, a member of an appointed entity may have their appointment terminated by the Oneida Business Committee.

(a) A two-thirds majority vote of the Oneida Business Committee shall be required in order to terminate the appointment of an individual.

(b) The Oneida Business Committee’s decision to terminate an appointment is final and not subject to appeal.

105.8. Election to an Entity

105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election Board, or apply for ballot placement, in accordance with the Nation’s laws or policies governing elections, except where an entity’s bylaws allow for a vacancy to be filled by appointment.

(a) When the Election Board notifies an applicant or nominee that they are eligible to be placed on the ballot, the following paragraph shall be included: “The Oneida Nation reports all income paid by the Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income.”

105.8-2. All other processes for the election of a member of an entity shall be pursuant to the Nation’s laws or policies governing elections.

105.9. Oath of Office

105.9-1. All appointed and elected positions are official upon taking an oath during a regular or special Oneida Business Committee meeting or at an alternative time and location as determined by the Secretary. All rights and delegated authorities of membership in the entity shall vest upon taking the oath. The Secretary shall notify the chosen individuals when they shall appear for taking the oath.

(a) When taking an oath, the appointed or elected member shall appear in person to take their oath, except if granted permission by the 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.

105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of oaths shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept on file by the BCC Department.

105.9-3. Originals of the signed oath, or electronic copies of the originals of the signed oath, shall be maintained by the BCC Department. Copies of the oath shall be forwarded to the new member of the entity and the entity.

105.9-4. The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee: "I, [name], hereby promise to uphold the laws and regulations of the Oneida Nation, the General Tribal Council, and the Oneida Nation Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and will strictly maintain confidential information. I will carry out the duties and responsibilities as a member of the [entity name], and all recommendations shall be made in the best interest of the Oneida Nation as a whole."

105.9-5. All oaths shall be sufficient to make the appointed or elected member of an entity aware of their duty to the Nation and as members of the entity.

105.10. Other Responsibilities

105.10-1. *Onboarding*. Before a new member begins performing their duties and in addition to taking the oath of office, the new member must complete the entity's onboarding requirements in accordance with an approved standard operating procedure. This procedure shall include, but is not limited to the following:

(a) Conflict of Interest.

(b) Confidentiality Agreement.

(c) Training:

(1) Regarding the Nation and the State of the Nation, in general. Such training may include, but will not be limited to, the Nation's Economic Impact Statement, organizational chart, and government goals and vision.

(2) Regarding the training required by the specific entity's bylaws.

(3) Regarding human resources as determined by the Nation's Human Resources Department to the extent that entity directly supervises employees of the Nation.

105.10-2. *Offboarding*. When a member leaves an entity that member and the BCC Department or the Government Administrative Office shall be responsible for ensuring the member completes offboarding in accordance with an approved standard operating procedure. The offboarding procedure may include, but is not limited to:

(a) Transition of assigned duties and responsibilities.

(b) Return of equipment.

(c) De-activation of email, identification card, and access card.

(d) Exit interview or survey.

105.11. Bylaws

105.11-1. All entities of the Nation shall have bylaws that conform to the requirements of this law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless General Tribal Council approval is additionally required. (a) All existing entities shall comply with this format and present bylaws for adoption within a reasonable time after creation of the entity, or within a reasonable time after adoption or amendment of this law.

(b) Bylaws shall contain at least the minimum information required by law, although more information is not prohibited.

(c) *Exception.* Task Forces and Ad Hoc Committees are exempted from the requirement to have bylaws. However, these entities shall have, at minimum, mission or goal statements for completion of the task.

105.11-2. *Articles.* Bylaws shall contain, at a minimum, the following Articles:

(a) Article I. Authority.

(b) Article II. Officers.

(c) Article III. Meetings.

(d) Article IV. Expectations.

(e) Article V. Stipends and Compensation.

(f) Article VI. Records and Reporting.

(g) Article VII. Amendments.

105.11-3. *Sections.* Articles shall be divided into the following Sections.

(a) "Article I. Authority" shall consist of the following:

(1) *Name.* The full name of the entity shall be stated, along with any short name that will be officially used.

(2) *Establishment.* This section shall state the citation and name, if any, of the creation document.

(3) *Authority.* This section shall state the purpose for which the entity was created and what, if any, authority the entity is delegated.

(4) *Office.* There shall be listed the official office or post box of the entity.

(5) *Membership.* The following information shall be in this section:

(A) number of members on the entity;

(B) if members on the entity are appointed or elected, and how a member is appointed or elected;

(C) how vacancies are filled; and

(D) qualifications for membership on the entity.

(i) In order to qualify for membership on an entity, a person shall meet the minimum age requirements set forth for status as a qualified voter of the Nation, unless a law, policy, or directive sets forth a minimum age requirement.

(6) *Termination or Removal.* This section shall identify causes for termination or removal, if any, in addition to those already identified in laws or policies of the Nation.

(7) *Trainings and Conferences.* This section shall address travel for training and conferences. Travel for training and conferences is allowable in accordance with the Nation's travel policies. All entities shall be in compliance with the Nation's travel policies.

(b) "Article II. Officers" shall consist of the following:

(1) *Chairperson and Vice-Chairperson*. This section creates the Chairperson and Vice-Chairperson positions of the entity. Other officer positions may also be created here.

(2) *Responsibilities of the Chairperson*. Because of the importance of this position, all duties and responsibilities of the Chairperson, as well as limitations of the Chairperson shall be specifically listed here.

(3) *Responsibilities of the Vice-Chairperson*. Because of the importance of this position, all duties and responsibilities of the Vice-Chairperson, as well as limitations of the Vice-Chairperson shall be specifically listed here.

(4) *Responsibilities of Additional Officers*. There may be additional sections as needed for every officer position created in subsection one (1) above. These sections shall state all duties and responsibilities of the officer, as well as any limitations of the officer.

(5) *Selection of Officers*. This section shall identify how a member of the entity shall be selected for an official officer position in the entity.

(6) *Purchases and Travel*. This section shall identify how the entity shall approve purchases or travel on behalf of the entity.

(A) An entity shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(B) Upon formal approval of a purchase by an entity, the BCC Department shall have official budgetary sign off authority for the entity.

(C) An entity shall approve a member's request to travel on behalf of the entity by majority vote at a regular or emergency meeting of the entity.

(7) *Personnel*. This section shall state the entity's authority for hiring personnel, if any, and the duties of such personnel.

(c) "Article III. Meetings" shall consist of the following:

(1) *Regular meetings*. This section shall identify when and where regular meetings shall be held, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(2) *Emergency meetings*. This section shall identify what constitutes an emergency meeting, how emergency meetings shall be called, and how the entity shall provide notice of the emergency meeting.

(A) All bylaws shall include a provision requiring that within seventy-two (72) hours after an emergency meeting, the entity shall provide the Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting.

(3) *Joint Meetings*. This section shall identify if joint meetings shall be held, the frequency and location of joint meetings, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(4) *Quorum*. This section shall identify how many members of an entity create a quorum.

(5) *Order of Business*. This section sets out how the agenda will be set up.

(6) *Voting*. This section shall identify voting requirements, such as, but not limited to:

- 434 (A) the percentages that shall be needed to pass different items;
435 (B) if, and when, the Chairperson is allowed to vote;
436 (C) if the use of an e-poll is permissible; and
437 (D) if the use of an e-poll is permissible, who will serve as the
438 Chairperson's designee for the responsibility of conducting an e-poll, if a
439 designee is utilized.
- 440 (d) "Article IV. Expectations" shall consist of the following information:
441 (1) *Behavior of Members*. This section shall identify the behavioral expectations
442 and requirements of a member of the entity required by this law and any
443 additional expectations and requirements specific to the entity and identify how
444 the entity shall enforce these behavioral expectations.
445 (2) *Prohibition of Violence*. This section shall prohibit any violent, intentional act
446 committed by a member of the entity that inflicts, attempts to inflict, or threatens
447 to inflict emotional or bodily harm on another person, or damage to property, and
448 set forth any further expectations regarding the prohibition of violence.
449 (3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and
450 prohibited drugs for a member of an entity when acting in their official capacity
451 and set forth any further expectations regarding the use of prohibited drugs and
452 alcohol.
453 (4) *Social Media*. This section shall identify expectations for the use of social
454 media regarding official business of the entity.
455 (5) *Conflict of Interest*. This section shall state any standards and expectations
456 additional to those required by this law regarding conflicts of interest and how
457 they are handled, as well as requirements related to prohibited activities resulting
458 from disclosed conflicts of interest and means by which a party can alleviate or
459 mitigate the conflict of interest.
460 (6) *Conflict Resolution*. This section shall address how the entity will handle
461 conflict resolution. At a minimum, the entity's procedures and requirements for
462 conflict resolution shall conform to any policy of the Nation's Human Resources
463 Department.
464 (7) *Leave of Absence*. This section shall address leave of absence, at a minimum,
465 as it is allowed to employees of the Nation pursuant to policies of the Nation's
466 Human Resources Department.
- 467 (e) "Article V. Stipends and Compensation" shall consist of the following information:
468 (1) *Stipends*. This section shall include a comprehensive list of all stipends
469 members are eligible to receive and the requirements for collecting each stipend,
470 if any, in addition to those contained in this law. This section shall also include the
471 procedure to withhold a member's stipend if a member does not meet the
472 identified requirements needed to collect each stipend.
473 (2) *Compensation*. This section shall include details regarding all other forms of
474 compensation members are eligible to receive and the requirements for collecting
475 such compensation, if any, in addition to those contained in this law.
- 476 (f) "Article VI. Records and Reporting" shall consist of the following information:
477 (1) *Agenda Items*. Agenda items shall be maintained in a consistent format as
478 identified by this section.

(2) *Minutes*. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity. This may include a summary of action taken by the entity. This section shall identify the format for minutes, and a reasonable timeframe by which minutes shall be submitted to the BCC Department.

(3) *Attachments*. Handouts, reports, memoranda, or other relevant documents may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented. This section shall identify how records of attachments shall be kept.

(4) *Oneida Business Committee Liaison*. Entities shall regularly communicate with the Oneida Business Committee member who is their designated liaison. This section shall identify a format and frequency for communication which may be as the liaison and entity agree to, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council. The liaison shall act as a support to that entity.

(5) *Audio Recordings*. An entity shall audio record all meetings. This section shall state how the entity shall audio record meetings and how the entity shall maintain the audio records.

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

(g) "Article VII. Amendments" consists of:

(1) *Amendments to Bylaws*. This section shall describe how amendments to the bylaws are made. Any amendments to bylaws shall conform to the requirements of this law and any other policy of the Nation. Amendments to bylaws shall be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation.

105.12. Electronic Polling

105.12-1. An entity may utilize an e-poll when approval of an action may be required before the next available meeting agenda of the entity.

105.12-2. *Conducting an E-Poll*. The Chairperson of the entity, or designee, shall e-mail the e-poll to all members of the entity. Requests for an e-poll shall be sent only from an official e-mail address of the entity. The e-poll's message shall include the following information:

(a) a summary of the reason for the request and why the request cannot be presented at the next available meeting of the entity; and

(b) a deadline date for a response.

(1) E-poll requests shall be open for response not less than one (1) hour and no more than twenty-four (24) hours.

(2) The Chairperson of the entity, or designee, is responsible for creating a time frame for responses based on urgency, scheduling, and any other pertinent factors.

105.12-3. *Response to an E-Poll*. Only the member of an entity shall respond to an e-poll. A response from a member of an entity shall be valid if received from an official e-mail address of the entity. No responses from unknown e-mails or personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of members of the entity in order to be an official vote.

(a) E-polls that receive at least a majority of supporting votes by the deadline are considered to be approved.

(b) E-polls for which insufficient responses were received by the deadline are considered to have failed to receive support, and result in a denied request.

(c) E-polls that result in a denied request may be reconsidered by the entity at the next available meeting.

(d) The Chairperson, or designee, shall monitor all responses and deadline dates for responses.

105.12-4. *Entering an E-Poll in the Record*. Both approved and denied e-poll requests shall be placed on the next meeting agenda of the entity to be entered into the record. The agenda item shall contain the following information:

(a) Original e-poll request and all supporting documentation;

(b) A summary of the e-poll results identifying each member of the entity and their response; and

(c) A copy of any comment by a member of the entity if comments are made beyond a vote.

105.13. Reporting Requirements

105.13-1. *Minutes*. All minutes shall be submitted to the BCC Department within a reasonable time after approval by the entity, as identified in the entity's bylaws.

(a) Actions taken by an entity are valid upon approval of the action by vote, unless the bylaws of the entity otherwise require minutes to be approved by the entity before the actions are valid.

(b) Minutes shall be filed according to this section, and any specific directions within approved bylaws.

(c) No action or approval of minutes is required by the Oneida Business Committee on minutes submitted by an entity unless specifically required by the bylaws of that entity.

105.13-2. *Standard Operating Procedures*. All standard operating procedures established by an entity shall be submitted to the BCC Department where they shall be kept on file.

105.13-3. *Reports to the Oneida Business Committee*. Every fiscal year entities shall provide at least two reports to the Oneida Business Committee in accordance with the reporting schedule approved by the Oneida Business Committee. The reports shall be approved by official entity action before they are submitted. The reports shall not contain any information that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the entity shall attend the Oneida Business Committee meeting where the report is an agenda item. Reports shall follow a format prescribed by the Oneida Business Committee and contain the following information:

(a) *Contact Information*. The name of the entity, the member submitting the report, the Oneida Business Committee liaison; and a list of the members and their titles, term expiration dates, and contact information.

(b) *Meetings*. When and how often the entity is holding meetings and whether any emergency meetings have been held.

(1) If emergency meetings were held, the report shall indicate the basis of the emergency for each meeting.

(c) *Accomplishments*. Details of what the entity has accomplished since the last report, including any special events held during the reporting period and any travel by the members or staff.

(d) *Goals*. Details of both the entity's long-term goals, the entity's goals for the next reporting period, and projected activities during the next reporting period.

(e) *Budget*. The amount of the entity's budget, the status of the budget, the amount of each stipend a member may be eligible to receive, how the budget is being utilized by the entity, and projected budgetary uses for the next reporting period.

(f) *Requests*. Details of any requests to the Oneida Business Committee.

(g) *Other*. And any other information deemed appropriate by the entity, as well as any other information required by a law or policy of the Nation.

105.13-4. *Annual and Semi-Annual Reports to the General Tribal Council*. Entities shall provide annual reports to the Oneida General Tribal Council based on their activities during the previous fiscal year and semi-annual reports based on their activities during the current fiscal year. All annual and semi-annual reports shall follow a format prescribed by the Oneida Business Committee.

(a) Annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

(b) Each entity with oversight of a department shall also submit annual and semi-annual reports for each department the entity oversees.

105.13-5. Any failure to comply with the reporting requirements may result in the Oneida Business Committee placing a hold on the release of a stipend payment.

105.14. Stipends, Reimbursement, and Compensation

105.14-1. Stipends and reimbursement for expenses shall follow the procedures as set out in this section and according to procedures for payment as set out by the Nation, unless otherwise declined by the entity through its bylaws, or declined by a member.

105.14-2. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida Business Committee shall periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending the resolution. Stipends are paid in the form of cash or cash equivalent.

105.14-3. *Meeting Stipends*. A member of an entity shall only receive a meeting stipend for a regular or emergency meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is present for the entire meeting. Meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications.

(a) *Meeting Stipends for an Appointed Entity*. An individual serving on an appointed entity shall be paid no more than twelve (12) meeting stipends per fiscal year.

(b) *Meeting Stipends for an Elected Entity*. An individual serving on an elected entity shall be paid no more than twenty-four (24) meeting stipends per fiscal year.

(c) *Demonstrating Presence During a Meeting*. An entity shall demonstrate the presence of its members during a meeting by taking roll call on the record at both the beginning and conclusion of a meeting.

(d) *Technological Issues Affecting Presence During a Meeting*. If a member of an entity experiences a technological issue during a regular or emergency meeting held by

612 telephone, through videoconferencing, or through other telecommunications, and the
613 technological issue disrupts the member's presence during the meeting, the member shall
614 notify the entity of the technological issue as soon as possible.

615 (1) An exemption to the stipend eligibility requirement to be present for the entire
616 meeting may be granted if the entity certifies by a majority vote that the member
617 was present for a majority of the meeting despite the technological issue which
618 disrupted the member's presence during the meeting.

619 105.14-4. *Joint Meeting Stipends*. A member of an entity shall only receive a stipend for a joint
620 meeting where a quorum has been established in accordance with the duly adopted bylaws of
621 that entity, that lasts for at least one (1) hour, and the member collecting the stipend is present for
622 the entire meeting. Joint meetings can occur in person, by telephone, through videoconferencing,
623 or through other telecommunications.

624 (a) An individual shall receive a stipend for their attendance at a duly called joint
625 meeting.

626 (1) A joint meeting stipend does not count towards the limitation on meeting
627 stipends as provided for in section 105.14-3(a)-(b).

628 (b) *Demonstrating Presence During a Joint Meeting*. An entity shall demonstrate the
629 presence of its members during a joint meeting by taking roll call on the record at both
630 the beginning and conclusion of a joint meeting.

631 (c) *Technological Issues Affecting Presence During a Joint Meeting*. If a member of an
632 entity experiences a technological issue during a joint meeting held by telephone, through
633 videoconferencing, or through other telecommunications, and the technological issue
634 disrupts the member's presence during the joint meeting, the member shall notify the
635 entity of the technological issue as soon as possible.

636 (1) An exemption to the stipend eligibility requirement to be present for the entire
637 joint meeting may be granted if the entity certifies by a majority vote that the
638 member was present for a majority of the joint meeting despite the technological
639 issue which disrupted the member's presence during the joint meeting.

640 105.14-5. *Oneida Judiciary Hearings*. A member of an entity shall receive a Judiciary hearing
641 stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

642 105.14-6. *Hearings of an Entity*. A member of an entity that maintains hearing authority may
643 obtain one hearing stipend for conducting a hearing administered by the entity. A hearing
644 consists of all functions related to the resolution of the matter, including, but not limited to,
645 decision drafting. A member may receive additional stipends for any continuation if a
646 continuation is necessary to resolve the matter.

647 105.14-7. *Other Stipends*. The Oneida Business Committee shall determine if, and when, any
648 other stipends are appropriate to compensate members of entities for their official actions. All
649 possible stipends shall be included in the Oneida Business Committee resolution which sets
650 stipend amounts.

651 105.14-8. *Virtual Meetings*. The entity may hold a virtual meeting pursuant to any requirements
652 established by the Oneida Business Committee and pursuant to any additional requirements
653 established by the entity. At a minimum those requirements for members shall be:

654 (a) The Chairperson shall open the meeting with an explanation for the record as to why
655 the meeting is being held virtually.

(b) The Chairperson shall take roll call at both the beginning and end of the virtual meeting.

(c) All members shall keep their video camera on during the entire meeting.

(d) The Chairperson shall poll each individual member to vocalize their support, opposition, or abstention to any motion.

105.14-9. *Conferences, Training, and Travel*. An appointed or elected member of any entity shall be reimbursed in accordance with the Nation's policy for travel and per diem, for attending a conference or training provided that:

(a) All entities shall be in compliance with the Nation's travel policies.

(b) A member shall be eligible for a stipend for attending a conference or training, when attendance at the conference or training is required by law, bylaw, or resolution.

(1) The amount of the stipend a member is eligible to receive for attendance at a conference or training shall be dependent on whether the member attended up to four (4) hours of a conference or training, or more than four (4) hours of a conference or training.

(c) A member shall not be eligible for a conference and training stipend if that training is not required by law, bylaw, or resolution.

(d) No stipend payments shall be made for those days spent traveling to and from the conference or training.

(e) The board, committee, or commission approves reimbursement for the member.

105.14-10. *Business Expenses*. All members of entities shall be eligible for reimbursement for normal business expenses naturally related to membership in the entity.

(a) Before a member is eligible for reimbursement of normal business expenses, the board, committee, or commission must approve such expenses.

105.14-11. *Task Force and Ad Hoc Subcommittees*. Members of task force, ad hoc committees and subcommittees shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

105.15. Official Oneida Nation E-mail Address

105.15-1. Each member of an entity shall be provided with an official Oneida e-mail address upon election or appointment for the purpose of conducting business of the entity electronically.

(a) If a member is also an employee of the Nation, they shall receive a separate email address from their regular work e-mail address.

(b) A member of an entity shall have thirty (30) days after appointment or election to activate their official e-mail address.

(c) An individual who holds a position as an ad hoc or alternate member of an entity shall be exempt from the requirement to be provided with an official e-mail address, unless determined that an e-mail address is necessary for the role and responsibilities of the ad hoc or alternate member.

(d) A member of an entity shall sign an acknowledgment form provided by the Secretary indicating notice of the Nation's applicable computer and media related laws, policies, and rules. The Secretary shall maintain a record of all such acknowledgment forms.

(e) A member of an entity shall exclusively use their official e-mail address to electronically conduct any business of the entity.

(f) Immediately upon receipt of notice of a vacancy, the Secretary shall instruct the Digital Technology Services department to disable the e-mail address for the member having vacated the position.

105.16. Standards of Conduct

105.16-1. *Good Mind*. All members shall serve with a Good Mind guided by wisdom, compassion, and responsibility and shall avoid actions or situations that give rise to the appearance of impropriety, undue influence, or favoritism.

105.16-2. *Cultural Accountability*. Members are reminded that their conduct reflects not only on themselves but on the Nation as a whole. They are expected to uphold the teachings of the Good Mind, protect the well-being of the community, and serve with humility, honor, and respect.

105.16-3. *Prohibited Conduct*. Members are expected to walk with the Good Mind, honoring the trust of the people and the teachings of the Great Law of Peace. The following conduct is prohibited as it undermines the integrity of governance, the dignity of the Nation, and the responsibilities entrusted to those who serve. No member shall:

- (a) Use their position for personal gain, financial benefit, or advancement of family, friends, or associates.
- (b) Engage in any form of bribery, coercion, or undue influence in the performance of their duties.
- (c) Misuse or misappropriate Nation resources, including funds, property, or confidential information.
- (d) Discriminate against or harass any individual based on race, gender, age, religion, tribal affiliation, or any other protected status.
- (e) Retaliate against any person who reports unethical behavior, misconduct, or violations of this law.
- (f) Falsify records, reports, or communications related to their official duties.
- (g) Accept gifts, gratuities, or honoraria in violation of Section 105.16-10.
- (h) Participate in decisions where a conflict of interest exists, as defined in Section 105.16-8.
- (j) Engage in nepotism or favoritism in hiring, supervision, or contracting, as prohibited in Section 105.16-9.
- (k) Act in a manner that brings dishonor to the Oneida people or undermines the public's trust in the Nation's government.

105.16-4. *Attendance and Meeting Conduct*. Members shall honor their responsibility to participate fully and professionally in the governance of the Nation. Attendance and conduct during meetings reflect the integrity of leadership and the trust placed in members by the Oneida people. Accordingly:

- (a) *Commitment to Presence and Preparedness*. Members shall attend all scheduled meetings unless excused or prevented by circumstances beyond their control. Absences should be communicated promptly and with respect for the entity's ability to conduct business. Members are expected to arrive prepared, having reviewed all materials necessary for informed decision making.
- (b) *Engagement and Respectful Dialogue*. Meetings shall be conducted in a manner that upholds the Good Mind and fosters constructive dialogue. Members shall:
 - (1) Actively and thoughtfully participate.

- 745 (2) Contribute to deliberations with clarity and respect.
 746 (3) Listen attentively to others, avoid interruptions, and ensure that all voices are
 747 heard.
 748 (4) Refrain from conduct that disrupts proceedings or diminishes the dignity of the
 749 office.
- 750 (c) *Professionalism and Integrity in Deliberation.* Decisions shall be made based on merits,
 751 facts, and the collective good of the Nation. Members shall:
 752 (1) Avoid side conversations, electronic distractions, or any behavior that signals
 753 disengagement.
 754 (2) Maintain confidentiality of closed-session discussions and sensitive
 755 information.
 756 (3) Conduct themselves in a manner that reflects honor, impartiality, and
 757 accountability.
- 758 (d) *Responsibility for Governance Continuity.* Attendance and participation are essential to
 759 the functioning of the Nation's government. Persistent failure to meet these expectations
 760 may constitute a breach of trust and be subject to review under enforcement provisions.
- 761 105.16-5. *Fair Dealing and Impartiality.* Members shall carry out their duties with fairness,
 762 honesty, and impartiality, honoring the trust placed in them by the Oneida people. Members shall:
 763 (a) Refrain from granting special treatment beyond what is available to others under the
 764 law.
 765 (b) Make decisions based solely on merit, facts, and the well-being of the Nation, free from
 766 bias, favoritism, or personal interest.
 767 (c) Avoid conduct that creates the appearance of impropriety or undermines community
 768 trust.
 769 (d) Treat all individuals with respect and dignity, and foster an environment of equity,
 770 justice, and inclusion in governmental dealings.
- 771 105.16-6. *Accountability and Transparency.* Public service is a sacred responsibility. Members are
 772 entrusted by the Oneida people to act with integrity, humility, and accountability. Their actions
 773 shall reflect the values of the Nation and honor the trust placed in them by the community.
 774 (a) *Duty to be Accountable:* Members shall be answerable to the Oneida people for their
 775 decisions, conduct, and use of authority; explain their actions, accept responsibility for
 776 mistakes, and take corrective steps when necessary. Accountability is not only a legal
 777 obligation, but also a cultural duty rooted in respect for the people and the teachings of the
 778 Good Mind.
 779 (b) *Transparency in Governance.* Transparency is essential to maintaining the good mind
 780 and the confidence of the people. Members shall:
 781 (1) conduct public business in a manner that is open, honest, and accessible to the
 782 community;
 783 (2) provide timely and accurate information about decisions, policies, and the use
 784 of Nation resources; and
 785 (3) ensure that records, reports, and proceedings are maintained and made available
 786 in accordance with the laws and customs of the Nation.
 787 (c) *Community Engagement.* Members shall actively seek the voices of the people,
 788 respecting the wisdom of elders, the concerns of families, and the guidance of traditional

789 knowledge. Decisions shall reflect the collective good and be made with the understanding
790 that leadership is a service to the Nation, not a privilege.

791 105.16-7. *Confidentiality*. All members of an entity shall maintain in a confidential manner all
792 information obtained through their position on the entity. The Nation requires that all members of
793 an entity who have access to the Nation's confidential information be subject to specific
794 limitations in order to protect the interest of the Nation and ensure that no individuals engaged by
795 the Nation, nor their relatives or associates, benefit from the use of confidential information.

796 (a) Confidential information shall be considered and kept as the private and privileged
797 records of the Nation and will not be divulged to any person, firm, corporation, or other
798 entity except by direct written authorization of the Oneida Business Committee.

799 (b) A member of an entity will continue to treat as private and privileged any confidential
800 information, and will not release any such information to any person, firm, corporation,
801 or other entity, either by statement, deposition, or as a witness, except upon direct written
802 authority of Oneida Business Committee, and the Nation shall be entitled to an injunction
803 by any competent court to enjoin and restrain the unauthorized disclosure of such
804 information. Such restriction continues after termination of the relationship with the
805 Nation and the entity.

806 (c) Upon completion or termination of their appointed or elected term of membership in
807 an entity, for any cause, the member of the entity will surrender to the Nation, in good
808 condition, all records kept by the member of the entity.

809 (d) No member of an entity shall disclose confidential information acquired by reason of
810 their other relationship or status with the Nation for their personal advantage, gain, or
811 profit, or for the advantage, gain, or profit of a relative or associate

812 (e) If a member does intentionally disclose confidential information, that member will be
813 subject to fines or penalties set forth in a fine and penalty schedule adopted by the Oneida
814 Business Committee. (f) Any records created or obtained while serving as a member of
815 an entity are the property of the Nation and shall only be removed or destroyed by
816 approval from a majority vote of the entity at a duly called meeting. All removal or
817 destruction of documents shall be made in accordance with the Nation's laws and policies
818 governing open records and open meetings.

819 105.16-8. *Conflicts of Interest*. Members of an entity shall disclose a conflict of interest in
820 writing to the Secretary as soon as the conflict arises and update a conflict of interest disclosure
821 form with the Secretary on an annual basis.

822 (a) *Disclosure Forms*.

823 (1) The Oneida Law Office shall create both annual and as-needed disclosure
824 forms.

825 (2) The Office of the Oneida Nation Secretary shall distribute, collect, and
826 maintain these disclosure forms.

827 (3) All members shall submit disclosure forms annually and within a reasonable
828 time after a conflict arises or becomes known.

829 (b) Upon receiving information of a potential conflict of interest, the Secretary shall
830 request a determination from the Oneida Law Office whether further action shall be taken
831 by the Nation regarding the status of the official. (1) Entities may develop an internal
832 conflict of interest mitigation plan for eligible conflicts in consultation with the Oneida

833 Law Office, the Nation's Human Resources Department, and other departments of the
834 Nation as needed.

835 (c) *Ineligibility Due to Conflicts of Interest*. Due to the potential for an actual or implied
836 conflict of interest, the following individuals may not be eligible to serve on an appointed
837 or elected entity unless they obtain approval from their immediate supervisor; the
838 individual may also be required to complete a conflict mitigation plan:

839 (1) political appointees;

840 (2) an employee of the Nation's Internal Audit Department, Finance
841 Administration, Oneida Law Office, BCC Department, Government
842 Administrative Office, or Intergovernmental Affairs; and

843 (3) an employee who serves as a direct report to the Oneida Business Committee
844 or the Chief Executive Officer of Nation Services.

845 (d) *Ongoing Duty to Disclose*. Members who become aware of a conflict of interest shall
846 promptly disclose and comply with the requirements of the conflict of interest mitigation
847 plan.

848 105.16-9. *Nepotism Prohibited*. The Oneida people expect their leaders to act with integrity and
849 impartiality. Avoiding nepotism is essential to maintaining the trust between the government and
850 the community, and to ensuring that all Oneida people have equal opportunity to serve and
851 contribute to the Nation.

852 (a) *Commitment to Fairness*. Members shall be guided by fairness, respect, and the Good
853 Mind. Favoring family members in employment, appointments, or decision-making
854 undermines the trust of the people and disrupts the balance that is essential to good
855 governance.

856 (b) *Preferential Treatment Prohibited*. No member shall use their position to secure
857 employment, advancement, contracts, or other benefits for immediate family members or
858 close relatives. All decisions shall be made based on merit, qualifications, and the best
859 interests of the Nation.

860 (c) *Employment and Oversight Restrictions*. No member shall supervise, evaluate, or
861 participate in employment decisions involving a family member. The Nation shall
862 implement procedures to ensure that hiring and promotion processes are free from undue
863 influence and favoritism.

864 105.16-10. *Gifts and Honorarium*.

865 (a) *Prohibition on Gifts for Business Privilege*. No member shall accept any gift, gratuity,
866 or honorarium of any value in exchange for, or as a condition of, doing business with the
867 Nation.

868 (b) *Reporting Requirements*. Members shall report any gift, honorarium, or sponsored
869 event with a fair market value of one thousand dollars (\$1000) or more that is given in
870 connection with activities organized by or participated in on behalf of the Nation.

871 (1) Sponsored events not paid for or reimbursed by the Nation or another
872 government entity for official duties, including fundraisers, social events,
873 recreational events, or entertainment events and any associated travel costs must be
874 recorded as a gift.

875 (2) Travel provided or reimbursed by a federal, state, or tribal government entity
876 for the purpose of carrying out official government functions, such as tribal

consultations, meetings, or trainings, is considered official business and is not reportable under this section.

(c) *Gift Disclosure Form and Public Record.* Gifts or gratuities meeting the criteria in 105.15-10(a) shall be documented using the Gift Disclosure Form and submitted to the Office of the Nation's Secretary within ten (10) business days of receipt.

(1) The Office of the Secretary shall maintain a public record of all reported gifts and honoraria; and

(2) The Oneida Law Office shall maintain and update the Gift Disclosure Form and related procedures.

(d) *Gifts below the Reporting Threshold.* Gifts or honoraria valued at nine hundred ninety nine dollars (\$999) or less are not required to be reported on the Gift Disclosure Form.

(e) *Cultural and Ceremonial Gifts.* Gifts given in the context of traditional, ceremonial, or cultural exchange may be exempt from reporting requirements, provided they are not of significant monetary value and do not create a conflict of interest. Members are encouraged to consult with the Oneida Law Office when in doubt.

105.17. Use of the Nation's Assets

105.17-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the Nation. Bank accounts will be reflected on the Nation's books in accordance with Generally Accepted Accounting Principles.

105.17-2. Each member of an entity shall comply with the system of internal accounting controls sufficient to provide assurances that:

(a) all transactions are executed in accordance with management's authorization; and

(b) access to assets is permitted only in accordance with management's authorization; and

(c) all transactions are recorded to permit preparation of financial statements in conformity with Generally Accepted Accounting Principles or other applicable criteria.

105.17-3. Any evidence of noncompliance with any policy regarding the use of the Nation's assets shall be immediately reported to the Internal Audit department. If the Internal Audit department finds evidence of noncompliance, they shall notify the Oneida Law Office, who will then provide a recommendation to the Government Administrative Office on how to proceed.

105.18. Dissolution of an Entity

105.18-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a task force or ad hoc committee shall be forwarded to the BCC Department for proper disposal within four (4) weeks of the dissolution.

105.18-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by motion of the Oneida General Tribal Council or the Oneida Business Committee.

105.18-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal Council or the Oneida Business Committee taking official action to dissolve an entity, the Oneida Business Committee shall provide the entity written notice of the dissolution.

105.18-4. *Management of Records and Materials.* All Chairpersons and Secretaries of dissolved entities shall be responsible for finalizing open business of the entity and forwarding all materials and records to the BCC Department for proper storage and disposal within four (4) weeks of dissolution. The entity shall not alter or destroy any records. The BCC Department may utilize

the assistance of the Records Management Department or any other appropriate department for the storage and disposal of the records and materials.

(a) The entity may request the Oneida Business Committee to grant an extension of the time allowed to close out open business of the entity and forward all materials and records to the BCC Department.

105.19. Enforcement

105.19-1. Any appointed member of an entity found to be in violation of this law may be subject to:

(a) termination of appointment by the Oneida Business Committee;

(b) loss of stipend;

(1) when an appointed member's stipend is withheld, the Secretary shall submit written notices to the member, the entity's Chairperson or Vice-Chairperson, as applicable, and the BCC Department; or

(c) Any other penalty identified by the entity in the entity's bylaws.

105.19-2. Any elected member of an entity found to be in violation of this law may be subject to:

(a) loss of stipend or any other sanction and penalty in accordance with any laws or policies of the Nation governing sanctions and penalties;

(b) removal pursuant to any laws or policies of the Nation governing removal; or

(c) any other penalty identified by the entity in the entity's bylaws.

105.19-3. All entities shall identify in their bylaws the procedures for withholding a member's stipend and any other sanctions or penalties identified by that entity as long as those sanctions or penalties meet the requirements of this law and all other laws, policies, and rules of the Nation.

105.19-4. *Appeal*. If applicable, a member shall have the right to appeal an enforcement action pursuant to the requirements and procedures regarding appeals of the law under which the member received a sanction or penalty.

End.

Adopted - BC-08-02-95-A

Amended - BC-05-14-97-F

Emergency Amended - BC-04-12-06-JJ Amended - BC-09-27-06-E (permanent adoption of emergency amendments)

Amended – BC-09-22-10-C

Amended – BC-09-26-18-C

Emergency Amended – BC-03-11-20-B

Emergency Amended – BC-03-17-20-C

Amended – BC-08-12-20-B



Legislative Operating Committee
July 01, 2026

Pardon and Forgiveness Law Amendments

Submission Date: 2/5/26	Public Meeting: N/A
LOC Sponsor: Jonas Hill	Emergency Enacted: N/A

Summary: *This item was added to the Active Files List on February 18, 2026 at the request of the Oneida Business Committee to allow flexibility in pardon eligibility when fines prevent payment.*

2/18/26 LOC: Motion by Jennifer Webster to add the Pardon and Forgiveness Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

2/25/26: *Work Meeting.* Present: Kelly McAndrews, Grace Elliott. The purpose of this meeting was to review attorney McAndrew's comments on the proposed amendments to the Pardon and Forgiveness law.

2/27/26: *Work Meeting.* Present: Grace Elliott, Peggy VanGheem. The purpose of this meeting was to review attorney VanGheem's comments on the proposed amendments to the Pardon and Forgiveness law.

3/4/26: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Kristal Hill, Fawn Billie, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to provide an update and complete a read through of the amendments for LOC review and initial approval to move forward through the legislative process.

5/14/26: *Public Meeting Held.* No individuals provided comment during the public comment meeting.

5/21/26: *Public Comment Closed.* No individuals provided written comments.

6/3/26 LOC: Motion by Jonas Hill to approve the public comment review memorandum, updated legislative analysis, and final draft of the proposed amendments to the Pardon and Forgiveness law, seconded by Jennifer Webster; motion carried unanimously.

Motion by Jonas Hill to approve the fiscal impact statement request memorandum and direct the Finance Department to provide the LOC with a fiscal impact statement

of the proposed Pardon and Forgiveness law by June 25, 2026, seconded by Jennifer Webster; motion carried unanimously.

Next Steps:

- Approve the adoption packet for the Pardon and Forgiveness law amendments and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee
FROM: Jameson Wilson, LOC Chairperson 
DATE: July 08, 2026
RE: Adoption of Amendments to the Pardon and Forgiveness Law

Please find the following attached backup documentation for your consideration of the adoption of amendments to the Pardon and Forgiveness Law:

1. Resolution: Amendments to the Pardon and Forgiveness Law
2. Statement of Effect: Amendments to the Pardon and Forgiveness Law
3. Pardon and Forgiveness Law Amendments Legislative Analysis
4. Pardon and Forgiveness Law Amendments Draft (Redline)
5. Pardon and Forgiveness Law Amendments Draft (Clean)
6. Pardon and Forgiveness Law Amendments Fiscal Impact Statement

Overview

The purpose of the Pardon and Forgiveness Law is to establish a fair, efficient, and formal process through which individuals may seek relief from certain barriers created by past actions. [1 O.C. 126.1-1]. Amendments to the Pardon and Forgiveness Law are being sought to:

- Create an exception allowing applicants with outstanding penalties/fines to proceed only if the application is for employment purposes and the applicant meets the requirements for a conditional waiver under 126.6-3. [1 O.C. 126.6-2(d)].
- Establish the full conditional waiver framework, including:
 - waiver applies only to employment eligibility;
 - outstanding penalties/fines remain fully enforceable;
 - mandatory payment agreement (18 months or extended to 3 years if >\$5,000);
 - requirements for Pardon and Forgiveness Committee recommendation;
 - good-cause exception for missed payments;
 - grounds for rescission for non-payment. [1 O.C. 126.6-3].
- Allow an applicant proceeding under the conditional waiver (employment-only) to submit proof of a Pardon and Forgiveness Committee-approved payment agreement instead of proof of full payment. [1 O.C. 126.6-4(a)(12); 126.6-4(b)(11)].
- Clarify that a pardon or forgiveness does not affect restrictions imposed under the Nation's Safe Neighborhoods law, in addition to existing sex-offender requirements. [1 O.C. 126.9-1(c)].
- Require the Oneida Secretary's Office to monitor payment-related conditions and provide quarterly reports to the Pardon and Forgiveness Committee; and clarify that monitoring is solely for eligibility enforcement, not decision-making. [1 O.C. 126.9-4].
- Authorize the OBC to rescind a pardon/forgiveness when a person fails to meet a payment condition under 126.6-3, with notice and a 30-day cure period; reinstates all prior ineligibilities. Includes subsections specifying:

- rescission is an eligibility action, not an employment action;
- notice must be issued per 126.10-4. *[1 O.C. 126.10-7]*.

The Legislative Operating Committee developed the proposed amendments to the Pardon and Forgiveness Law through collaboration with representatives from the Oneida Law Office. The Legislative Operating Committee held three (3) work meetings on the development of the amendments to the Pardon and Forgiveness Law.

The development of the amendments to the Pardon and Forgiveness Law complies with all processes and procedures required by the Legislative Procedures Act, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. *[1 O.C. 109.6, 109.7, 109.8]*.

The Legislative Operating Committee held a public meeting on the proposed amendments to the Pardon and Forgiveness Law on May 14, 2026. No individuals provided public comments during this public meeting. The public comment period was then held open until May 21, 2026. No individuals provided written comments during the public comment period.

The amendments to the Pardon and Forgiveness Law will become effective, August 03, 2026.

Requested Action

Adopt the Resolution: Amendments to the Pardon and Forgiveness Law.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Amendments to the Pardon and Forgiveness Law

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Pardon and Forgiveness Law ("the Law") was adopted by the Oneida Business Committee through resolution BC-05-25-11-A and amended by Resolution BC-01-22-14-B; and
- WHEREAS,** the purpose of this Law is to establish a fair, efficient, and formal process through which individuals may seek relief from certain barriers created by past actions; and
- WHEREAS,** the amendments to the Law create an exception allowing applicants with outstanding penalties/fines to proceed only if the application is for employment purposes and the applicant meets the requirements for a conditional waiver under 126.6-3; and
- WHEREAS,** the amendments to the Law establish the full conditional waiver framework, including:
- waiver applies only to employment eligibility;
 - outstanding penalties/fines remain fully enforceable;
 - mandatory payment agreement (18 months or extended to 3 years if >\$5,000);
 - requirements for Pardon and Forgiveness Committee recommendation;
 - good-cause exception for missed payments;
 - grounds for rescission for non-payment; and
- WHEREAS,** the amendments to the Law allow an applicant proceeding under the conditional waiver (employment-only) to submit proof of a Pardon and Forgiveness Committee-approved payment agreement instead of proof of full payment; and
- WHEREAS,** the amendments to the Law clarify that a pardon or forgiveness does not affect restrictions imposed under the Nation's Safe Neighborhoods law, in addition to existing sex-offender requirements; and
- WHEREAS,** the amendments to the Law require the Oneida Secretary's Office to monitor payment-related conditions and provide quarterly reports to the Pardon and Forgiveness Committee; and clarify that monitoring is solely for eligibility enforcement, not decision-making; and
- WHEREAS,** the amendments to the Law authorize the OBC to rescind a pardon/forgiveness when a person fails to meet a payment condition under 126.6-3, with notice and a 30-day cure period; reinstates all prior ineligibilities. Includes subsections specifying:

- rescission is an eligibility action, not an employment action;
- notice must be issued per 126.10-4; and

WHEREAS, the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Oneida Law Office; and

WHEREAS, in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the proposed amendments to the Law; and

WHEREAS, the Legislative Operating Committee held a public meeting on the proposed amendments to the Law on May 14, 2026, with no individuals providing oral comments, and the public comment period for the amendments to this Law was held open until May 21, 2026, with no individuals providing written comments; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts the amendments to the Pardon and Forgiveness Law, which shall become effective on August 03, 2026.



Statement of Effect

Amendments to the Pardon and Forgiveness Law

Summary

This resolution adopts amendments to the Pardon and Forgiveness Law.

Submitted by: Grace L. Elliott, Staff Attorney, Legislative Reference Office

Date: July 01, 2026

Analysis by the Legislative Reference Office

This resolution adopts amendments to the Pardon and Forgiveness Law. The purpose of the Pardon and Forgiveness Law is to establish a fair, efficient, and formal process through which individuals may seek relief from certain barriers created by past actions. [1 O.C. 126.1-1]. Amendments to the Pardon and Forgiveness Law are being sought to:

- Create an exception allowing applicants with outstanding penalties/fines to proceed only if the application is for employment purposes and the applicant meets the requirements for a conditional waiver under 126.6-3. [1 O.C. 126.6-2(d)].
- Establish the full conditional waiver framework, including:
 - waiver applies only to employment eligibility;
 - outstanding penalties/fines remain fully enforceable;
 - mandatory payment agreement (18 months or extended to 3 years if >\$5,000);
 - requirements for Pardon and Forgiveness Committee recommendation;
 - good-cause exception for missed payments;
 - grounds for rescission for non-payment. [1 O.C. 126.6-3].
- Allow an applicant proceeding under the conditional waiver (employment-only) to submit proof of a Pardon and Forgiveness Committee-approved payment agreement instead of proof of full payment. [1 O.C. 126.6-4(a)(12); 126.6-4(b)(11)].
- Clarify that a pardon or forgiveness does not affect restrictions imposed under the Nation's Safe Neighborhoods law, in addition to existing sex-offender requirements. [1 O.C. 126.9-1(c)].
- Require the Oneida Secretary's Office to monitor payment-related conditions and provide quarterly reports to the Pardon and Forgiveness Committee; and clarify that monitoring is solely for eligibility enforcement, not decision-making. [1 O.C. 126.9-4].
- Authorize the OBC to rescind a pardon/forgiveness when a person fails to meet a payment condition under 126.6-3, with notice and a 30-day cure period; reinstates all prior ineligibilities. Includes subsections specifying:
 - rescission is an eligibility action, not an employment action;
 - notice must be issued per 126.10-4. [1 O.C. 126.10-7].

Adoption of any legislation is required to comply with the Legislative Procedures Act (“the LPA”), which was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a standardized process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. The Pardon and Forgiveness Law amendments complied with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Legislative Operating Committee held a public meeting on the proposed amendments to the Pardon and Forgiveness Law on May 14, 2026. No individuals provided public comments during this public meeting. The public comment period was then held open until May 21, 2026. No individuals provided written comments during the public comment period.

The amendments to the Pardon and Forgiveness Law will become effective on August 03, 2026.

Conclusion

Adoption of this resolution would not conflict with any of the Nation’s laws.



PARDON AND FORGIVENESS LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Legislation or Amendments	▪ Create an exception allowing applicants with outstanding penalties/fines to proceed only if the application is for employment purposes and the applicant meets the requirements for a conditional waiver under 126.6-3. [1 O.C. 126.6-2(d)]. ▪ Establish the full conditional waiver framework, including: ▪ waiver applies only to employment eligibility; ▪ outstanding penalties/fines remain fully enforceable; ▪ mandatory payment agreement (18 months or extended to 3 years if >\$5,000); ▪ requirements for Pardon and Forgiveness Committee recommendation; ▪ good-cause exception for missed payments; ▪ grounds for rescission for non-payment. [1 O.C. 126.6-3]. ▪ Allow an applicant proceeding under the conditional waiver (employment-only) to submit proof of a Pardon and Forgiveness Committee-approved payment agreement instead of proof of full payment. [1 O.C. 126.6-4(a)(12; 126.6-4(b)(11)]. ▪ Clarify that a pardon or forgiveness does not affect restrictions imposed under the Nation's Safe Neighborhoods law, in addition to existing sex-offender requirements. [1 O.C. 126.9-1(c)]. ▪ Require the Oneida Secretary's Office to monitor payment-related conditions and provide quarterly reports to the Pardon and Forgiveness Committee; and clarify that monitoring is solely for eligibility enforcement, not decision-making. [1 O.C. 126.9-4]. ▪ Authorize the OBC to rescind a pardon/forgiveness when a person fails to meet a payment condition under 126.6-3, with notice and a 30-day cure period; reinstates all prior ineligibilities. Includes subsections specifying: ▪ rescission is an eligibility action, not an employment action; ▪ notice must be issued per 126.10-4. [1 O.C. 126.10-7].
Purpose	The purpose of this law is to establish a fair, efficient, and formal process through which individuals may seek relief from certain barriers created by past actions. Specifically, the Law provides a process for: ▪ Tribal members to receive pardons for criminal convictions; ▪ Tribal members to receive forgiveness for acts that make them ineligible for Tribal housing or other Tribal benefits; and ▪ Tribal and non-Tribal individuals to receive forgiveness for acts that make them ineligible for Tribal employment, occupational licenses, certifications, permits, housing, or other Tribal benefits [1 O.C. 126.1-1(a)].

	The Law further aims to ensure that decisions on pardons and forgiveness are made based on demonstrated rehabilitation, trustworthiness, and commitment to lawful behavior. It clarifies that a pardon or forgiveness does not override obligations imposed by other jurisdictions and does not permit employment in occupations where individuals are legally disqualified <i>[1 O.C. 126.1-2]</i> .
Affected Entities	Oneida Business Committee; Office of the Oneida Secretary (records); Pardon and Forgiveness Committee, Oneida community members.
Related Legislation	Personnel, Policies, and Procedures; Safe Neighborhoods.
Enforcement	▪ Individuals may be automatically ineligible if they are under investigation, appealing a termination, incarcerated, or have outstanding penalties/fines, unless they qualify for the employment-only conditional waiver under 126.6-3 <i>[1 O.C. 126.6-2]</i>. ▪ Applications may be denied, returned, or removed if incomplete, and misrepresentation can result in denial or later rescission of a granted pardon or forgiveness <i>[1 O.C. 126.6-5-6]</i>. ▪ Failure to appear at a hearing allows the Committee to postpone action or recommend denial if documentation is not provided within ten (10) days <i>[1 O.C. 126.8-3]</i>. ▪ After relief is granted, the OBC or Committee may impose conditions (e.g., restitution, community service) and restrictions on employment or other benefits, and applicants must comply to retain restored eligibilities <i>[1 O.C. 126.9-2-3]</i>. ▪ The Secretary's Office must monitor compliance with payment conditions and submit quarterly reports under the new monitoring requirement <i>[1 O.C. 126.9-4]</i>. ▪ The OBC may rescind a pardon, forgiveness, or conditional waiver for failure to meet payment obligations, reinstating all prior ineligibilities after notice and a 30-day cure period <i>[1 O.C. 126.10-7]</i>.
Due Process	The Pardon and Forgiveness Law provides several due process protections to ensure that applicants receive fair treatment throughout the pardon or forgiveness process. Applicants have the right to a public hearing with at least thirty (30) days' notice sent by certified mail and posted in prominent locations, giving them adequate time to prepare <i>[1 O.C. 126.8-1]</i> . They also have the ability to request alternate arrangements, such as appearing by video conference, when residing outside Wisconsin or when attendance is otherwise impractical—thus ensuring access to participation even when physical presence is difficult <i>[1 O.C. 126.8-2]</i> . During the hearing, applicants may provide oral testimony, submit documents, and respond to questions; victims and witnesses may also participate directly or through notarized statements, supporting transparency and full consideration of relevant information <i>[1 O.C. 126.8-4]</i> . Due process is also reinforced by allowing applicants ten (10) days to provide documentation if they miss a hearing for legitimate reasons, preventing automatic denial without an opportunity to be heard <i>[1 O.C. 126.8-3]</i> . After the hearing, due process continues through structured, accountable decision-making requirements. The Committee must deliberate in executive session and issue a formal written recommendation explaining the reasons for approval or denial, which is forwarded to the Oneida Business Committee (OBC) with all supporting materials <i>[1 O.C. 126.8-5]</i> . The OBC must then make the final decision by resolution in open session, including the reasons for the decision and a listing of the specific crimes pardoned or acts forgiven, ensuring a clear and reviewable record <i>[1 O.C. 126.10-3]</i> . Applicants must receive written notice of the final

	decision within ten (10) business days [1 O.C. 126.10-4]. Even in rescission proceedings—added through these proposed amendments—individuals are entitled to notice and thirty (30) days to provide proof of compliance before the OBC may revoke a pardon, forgiveness, or conditional waiver, preserving fundamental fairness before any loss of eligibility occurs [1 O.C. 126.10-7]. Collectively, these provisions embed procedural fairness at each stage and ensure that decisions affecting rights and opportunities are made transparently, with meaningful opportunities for participation.
Public Meeting	A public meeting was held on May 14, 2026. No individuals provided comments during the meeting. The public comment period closed on May 21, 2026 and no individuals submitted written comments.
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act was provided by Finance Administration on June 22, 2026.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Pardon and Forgiveness law was previously adopted and amended as follows: Resolution BC-05-25-11- A and amended by Resolution BC-01-22-14-B.
- B. **Request for Amendments.** The Pardon and Forgiveness law was added to the Active Files List on February 18, 2026 at the request of the Oneida Business Committee.

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:
 - Pardon and Forgiveness Committee and
 - Oneida Law Office;
- The following laws of the Nation were reviewed in the drafting of this analysis:
 - Personnel, Policies, and Procedures, and
 - Safe Neighborhoods.

SECTION 4. PROCESS

- A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.
- On February 18, 2026, the Legislative Operating Committee added this Law to its Active Files List for amendments.
 - May 14, 2026: Public comment meeting held. No individuals provided comments.
 - May 21, 2026: Public comment period closed with no individuals providing written comments.
 - June 3, 2026: The LOC approved the public comment review memorandum, updated legislative analysis, and final draft of the proposed amendments to the Pardon and Forgiveness law.
 - June 3, 2026: The LOC approved the fiscal impact statement request memorandum and directed the Finance Department to provide the LOC with a fiscal impact statement of the proposed Pardon and Forgiveness law by June 25, 2026.

- 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:
- February 25, 2026: LRO work session with Oneida Law Office.
 - February 27, 2026: LRO work session with Oneida Law Office.
 - March 4, 2026: LOC work session.
 - Additionally, several email communications with the Pardon and Forgiveness Committee occurred between February 23, 2026 and February 26, 2026.

SECTION 5. CONTENTS OF THE LEGISLATION

- **Definitions.** The proposed amendments add and expand several definitions to support the new conditional-waiver and rescission procedures. Definitions are added or amended for the following terms: Conditional Waiver [1 O.C. 126.3-1(d)], Employment Purposes [1 O.C. 126.3-1(j)], Outstanding Penalties, Fines, or Other Debts (expanded) [1 O.C. 126.3-1(o)] and Rescind [1 O.C. 126.3-1(r)].
 - *Effect.* Updating and expanding these definitions clarifies key concepts governing eligibility, outstanding debts, employment-only applications, and rescission. These changes enhance clarity in the Law, reduce ambiguity, and ensure consistent interpretation. They also support the new conditional-waiver process by clearly defining the terms used to determine when an applicant may be considered despite outstanding financial obligations. Definitions strengthen procedural transparency and ensure parties understand the meaning and implications of new mechanisms introduced in later sections.
- **Good mind and Sacred Trust Framework.** The proposed amendments incorporate the Good Mind teachings directly into the ethical foundation of the law. These teachings — including Kahletsyallésła (encouraging the best in each other), Kanolukhwát[^]sla (compassion and identity), Kaʔnikuhli.yo (openness of spirit), Kaʔtshatst[^]sla (strength of vision), Kalihwi.yo (good words), Twahwahtsilayá (we are all family), and Yukwatsistayá (the fire within) — are identified as core expectations for OBC members. [1 O.C. 126.1-2].
 - *Effect.* This change re-roots the Code in Oneida cultural teachings, reinforcing that ethical leadership is not merely procedural but spiritual, relational, and reflective of ancestral values. It supports community understanding that leaders are called to uphold balance, compassion, truth, and unity when carrying out their responsibilities.
- **Eligibility Exception for Employment-Only Applications.** The proposed amendments create a narrow eligibility exception allowing applicants with outstanding penalties or fines to proceed when the application is made solely for employment purposes and the individual qualifies for a conditional waiver. [1 O.C. 126.6-2(d)].
 - *Effect.* This amendment allows individuals whose only barrier to employment eligibility is unpaid financial obligations to have their applications considered, provided they enter an approved payment plan under Section 126.6-3. This improves fairness by recognizing that individuals may be employable even if they have outstanding debts, while still requiring accountability for repayment. The effect is not to forgive any fines but to allow the employment review to proceed under structured conditions.
- **Creation of Conditional Waiver Framework.** The proposed amendments to the Law create A new section—Conditional Waiver—is created to establish detailed requirements for when the Committee

may recommend an exception to ineligibility. This section includes: criteria for eligibility; required written payment agreements; standard and extended repayment timelines; mandatory conditions under Section 126.9-3; a good-cause exception for missed payments; and provisions linking non-payment to rescission under Section 126.10-7. [1 O.C. 126.6-3].

- *Effect.* The new Conditional Waiver provides an avenue for employment eligibility without altering or forgiving unpaid penalties or fines. It creates a structured, accountability-focused mechanism to allow hiring while requiring applicants to demonstrate good-faith repayment efforts. The framework strengthens the Law by promoting economic stability and rehabilitation, while maintaining the integrity of outstanding obligations. The effect is to balance individual opportunity with responsibility through a regulated and enforceable process.
- ***Application Documentation Modified.*** The proposed amendments to the Law allow applicants proceeding under the Conditional Waiver to submit proof of a Committee-approved payment agreement in place of proof of full payment of penalties or fines. [1 O.C. 126.6-4(a)(12)], [1 O.C. 126.6-4(b)(11)].
 - *Effect.* These amendments align application requirements with the new Conditional Waiver process, ensuring applicants are not excluded solely because they have not yet completed repayment. This supports accessibility and ensures consistency in how employment-only applications are processed under the amended eligibility structure.
- ***Sex-Offender Restrictions Clarified.*** The proposed amendments to the Law specify that a Tribal pardon does not affect registration, tracking, or other restrictions, including those imposed under the Nation's Safe Neighborhoods law. [1 O.C. 126.9-1(c)].
 - *Effect.* This change reinforces public-safety protections by ensuring that pardons do not override legal obligations associated with sex-offender status. It clarifies the continuing applicability of safety-related restrictions and prevents misinterpretation regarding the impact of a Tribal pardon.
- ***Monitoring Requirements Added.*** The proposed amendments to the Law require the Tribal Secretary's Office to monitor compliance with payment-related conditions and provide quarterly reports to the Committee. [1 O.C. 126.9-4].
 - *Effect.* This amendment institutionalizes oversight of repayment obligations associated with conditional waivers. By assigning an office to track compliance, the Law ensures consistent enforcement, enhances accountability, and supports the OBC's ability to determine when rescission is warranted.
- ***Rescission for Non-Payment Codified.*** The proposed amendments to the Law authorizes the OBC to rescind a pardon or forgiveness when an individual fails to meet payment conditions imposed under 126.6-3, after notice and a 30-day opportunity to cure. [1 O.C. 126.10-7].
 - *Effect.* This amendment establishes a clear legal mechanism for restoring prior ineligibilities when an individual does not comply with repayment requirements. It ensures the Conditional Waiver system is enforceable, protects the integrity of eligibility standards, and prevents misuse of the waiver process. It also clarifies that rescission is an eligibility action, not an employment disciplinary action.

SECTION 6. EXISTING LEGISLATION

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

- ***Personnel, Policies and Procedures.*** The purpose of the Personnel, Policies and Procedures law is to provide employees with a ready source of information about employee related Oneida Nation policies and procedures. The law addresses recruiting, selection policy, compensation and benefits, employee relations, safety and health, program/enterprise rules and regulations, recordkeeping, and privacy and confidentiality of employee records.
 - The proposed amendments to the Pardon and Forgiveness law establish a narrow eligibility exception for applications made solely for employment purposes, allowing individuals with outstanding fines or penalties to proceed if they qualify for a conditional waiver under [1 O.C. 126.6(2)(d)]. This change applies only where unpaid financial obligations are the individual's sole barrier to employment and requires participation in an approved payment plan pursuant to [1 O.C. 126.6(3)]. The amendments do not forgive or eliminate any fines or penalties; rather, they allow employment-related applications to move forward under structured conditions that maintain accountability while preventing financial barriers from permanently excluding otherwise qualified individuals from employment.
- ***Safe Neighborhoods law.*** The purpose of the Safe Neighborhoods law is not to impose a criminal penalty but rather to serve the Nation's compelling interest to promote, protect, and improve the health, safety, and welfare of the reservation population by prohibiting sex offenders from loitering or residing in specified areas around locations where vulnerable populations, including children, regularly congregate. This law recognizes the right of sex offenders to reenter the community. Therefore, through this law the Nation balances its responsibility to sex offenders with its responsibility to protect the surrounding community by promoting regulatory measures which provide protections for the community that do not wholly prohibit sex offenders from being part of this community. [3 O.C. 310.1-1]. It is the underlying policy of the law that due to the high rate of recidivism for sex offenders, the Nation declares that sex offenders are a serious threat to the public safety of vulnerable populations, including children, if regulatory measures are not in place that protect the community by reducing opportunity and temptation by prohibiting sex offenders from being present on or residing in specified areas designated as places where vulnerable populations commonly congregate. [3 O.C. 310.1-2].
 - The proposed amendments to the Pardon and Forgiveness law are narrowly tailored and apply solely to employment-related purposes. These amendments do not alter, limit, or affect the Safe Neighborhoods law in any way. All protections and provisions of the Safe Neighborhoods law remain fully in effect.

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- The Pardon and Forgiveness Law enforces compliance through a combination of eligibility controls, application requirements, hearing enforcement, and post-relief oversight. Individuals may be deemed automatically ineligible if they are under investigation, appealing a termination, incarcerated, or have outstanding penalties or fines, unless they qualify for the employment-only conditional waiver under 126.6-3 [1 O.C. 126.6-2]. Applicants who fail to provide complete information or who misrepresent facts may have their applications denied, returned, or removed from consideration, and misrepresentation discovered after a pardon is granted may result in rescission [1 O.C. 126.6-5–6]. Hearing attendance is enforced by authorizing the Committee to postpone a

determination or recommend denial if the applicant does not appear and does not provide valid documentation within ten days [1 O.C. 126.8-3].

- Once a pardon, forgiveness, or conditional waiver is granted, the Law enforces continued compliance through conditions, restrictions, monitoring, and rescission. The Oneida Business Committee or the Screening Committee may impose restrictions on employment or other Tribal benefits, or conditions such as restitution or community service, and applicants must comply with these terms to retain their restored eligibilities [1 O.C. 126.9-2–3]. Under the newly added monitoring requirement, the Tribal Secretary’s Office must track compliance with payment-related conditions and provide quarterly reports to the Committee [1 O.C. 126.9-4]. The Law’s strongest enforcement tool is the rescission authority, which allows the OBC to revoke a conditional waiver, pardon, or forgiveness if an individual fails to meet payment conditions, reinstating all prior ineligibilities after proper notice and opportunity to cure [1 O.C. 126.10-7].

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 received the fiscal impact statement from the Finance Administration for the proposed amendments to the Pardon and Forgiveness Law on June 22, 2026.

Draft 1 (Redline)
2026 07 01

Title 1. Government and Finances - Chapter 126

PARDON AND FORGIVENESS

Tsiʔnáhte ʔhutatwani·yóne Olihwá·ke

of what they will be free of matter

126.1. Purpose and Policy	126.6. Pardon and Forgiveness Eligibility and Application
126.2. Adoption, Amendment, Conflicts	126.7. Fees
126.3. Definitions	126.8. Hearings
126.4. Pardon and Forgiveness Screening Committee Responsibilities	126.9. Conditions and Restrictions
126.5. Tribal Secretary's Office Responsibilities	126.10. Oneida Business Committee

126.1. Purpose and Policy

126.1-1. Purpose.

- (a) The purpose of this Law is to provide a fair, efficient and formal process by which:
- (1) a Tribal member may receive a pardon for the conviction of a crime(s); or
 - (2) a Tribal member may receive forgiveness for acts that render him or her ineligible for housing with the Tribe or other Tribal benefits.
 - (3) a Tribal member or non-Tribal member may receive forgiveness for acts that render him or her ineligible for Tribal employment; an occupational license, certification or permit issued by the Tribe; housing through the Tribe; or other Tribal benefit.
- (b) This Law defines the duties and responsibilities of the Oneida Pardon and Forgiveness Screening Committee, Oneida Business Committee, Oneida Tribal Secretary's Office, and other persons involved in the granting or denial of pardons and forgiveness.

126.1-2. *Policy.* It is the policy of the Oneida Tribe of Indians of Wisconsin to grant pardons or forgiveness to individuals upon demonstration of full rehabilitation, trustworthiness and/or commitment to lawful behavior. Nothing contained herein shall be construed as permitting the employment of individuals who are otherwise disqualified for employment from certain occupations under Tribal, State or Federal Law. Receipt of a pardon or forgiveness does not affect obligations imposed as part of a sentence or conviction in another jurisdiction.

In carrying out this policy, the Nation upholds and reflects the core values of The Good Mind as expressed by Onʔyoteʔa·ka, which includes:

- (a) Kahletsyalúsla. The heartfelt encouragement of the best in each of us.
- (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.
- (c) Kaʔnikuhli·yó. The openness of the good spirit and mind.
- (d) Kaʔtshatstásla. The strength of belief and vision as a People.
- (e) Kalihwi·yó. The use of the good words about ourselves, our Nation, and our future.
- (f) Twahwahtsílaway. All of us are family.
- (g) Yukwatsístay. Our fire, our spirit within each one of us.

126.2. Adoption, Amendment, Conflicts

126.2-1. This Law was adopted by the Oneida Business Committee by Resolution BC-05-25-11-A and amended by ~~Resolution~~ Resolutions BC-01-22-14-B, and BC-XX-XX-XX-X.

126.2-2. This Law may be amended pursuant to the procedures set out in Tribal law by the Oneida

Business Committee or the Oneida General Tribal Council.

126.2-3. 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.

126.2-4. In the event of a conflict between a provision of this Law and a provision of another law, ordinance, policy, regulation, rule, resolution, or motion, the provisions of this Law shall control. Provided that, this Law repeals Resolution BC-7-31-02-A: Resolution Adopting a New Oneida Pardon Ordinance.

126.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

126.3. Definitions

126.3-1. 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) "Applicant" ~~shall mean~~ means an individual who is applying for a pardon or forgiveness from the Tribe.

(b) "Certified mail" ~~shall mean~~ means mail sent through either the United States Postal Service or the Tribal Inter-Office Certified system that provides proof of delivery and receipt.

(c) "Committee" ~~shall mean~~ means the Pardon and Forgiveness Screening Committee.

(d) "Conditional Waiver" means a temporary exception to the ineligibility criteria under section 126.6-2(d) for employment-related application; it does not constitute a pardon or forgiveness and does not alter, waive, or satisfy any outstanding monetary obligation.

(e) "Conditions" ~~shall mean~~ means a requirement or prerequisite event or activity.

(f) "Conflict of interest" ~~shall mean~~ means a conflict between the private interests and the official responsibilities of the committee member.

(g) "Conviction" ~~shall mean~~ means an individual was either found guilty or entered a plea of guilty or no contest to charges of a crime in any court of competent jurisdiction.

(h) "Court of competent jurisdiction" ~~shall mean~~ means any court or forum that has the power and authority to properly exercise jurisdiction over a dispute or interpret and/or enforce laws.

(i) "Crime" ~~shall mean~~ means any act, default, or conduct punishable as a felony or a misdemeanor.

~~(j)~~ "(j) 'Employment purposes' means seeking eligibility for employment with the Nation or to remove a bar to continued employment with the Nation, including positions subject to background eligibility determinations.

(k) "Forgiveness" ~~shall mean~~ means the formal and public act of acknowledging or excusing an individual's actions or behavior that makes him or her ineligible for Tribal employment, an occupational license, certification or permit issued by the Tribe, housing through the Tribe or other Tribal benefit

(l) "Hearing" ~~shall mean~~ means a public hearing, a noticed public forum in which an applicant has an opportunity to present a case for obtaining a pardon or forgiveness from the Tribe.

(m) "Individual" ~~shall mean~~ means a Tribal member seeking a pardon for a conviction of a crime, a Tribal member seeking forgiveness for an act(s) that makes him or her ineligible for housing with the Tribe or other Tribal benefit(s) or anyone seeking forgiveness for an act(s) that renders him or her ineligible for employment, an occupational license, certification or permit issued by the Tribe.

(~~h~~) “Family member” ~~shall mean~~ means a spouse, child sibling, parent, grandparent, grandchild, step-parent, step-child, in-law or legal guardian.

(~~m~~) “Pardon” ~~shall mean~~ (o) “Outstanding penalties, fines, or other debts” means any unpaid monetary obligations owed to the Nation or arising from any Tribal, State, Federal, or Municipal court order, judgement, stipulation, or payment requirement, including but not limited to penalties, fines, fees, repayment obligations, or court-ordered financial conditions that are due and payable.

(~~p~~) “Pardon” means the formal and public act of acknowledging or excusing a Tribal member’s criminal conviction that makes him or her ineligible for Tribal employment, an occupational license, a certification or permit issued by the Tribe, housing through the Tribe, or other Tribal benefit.

(~~n~~) “Prominent locations” shall include, but not be limited to, the following: the Tribal newspaper; at least one (1) local newspaper with regular distribution within the Reservation boundaries; one (1) regional Indian newspaper; and the Tribe’s official website.

(~~er~~) “Rescind” means to formally revoke, cancel, or withdraw a previously granted pardon or forgiveness through Oneida Business Committee resolution, thereby restoring all prior ineligibilities and returning the applicant to the status that existed before the pardon or forgiveness was granted.

(~~s~~) “Restriction” ~~shall mean~~ means a limitation or constraint imposed.

(~~pt~~) “Tribal” or “Tribe” ~~shall mean~~ means the Oneida Tribe of Indians of Wisconsin.

(~~qu~~) “Victim” ~~shall mean~~ means a person or entity against whom an offense, either civil or criminal, has been committed.

126.4. Pardon and Forgiveness Screening Committee Responsibilities

126.4-1. A Committee is hereby created for the purpose of carrying out the provisions of this Law.

126.4-2. *Authority.* The Committee shall:

- (a) promulgate internal standard operating procedures necessary to govern its proceedings;
- (b) review and process applications for a pardon or forgiveness in an orderly and expeditious manner;
- (c) review an applicant’s background investigation report received from the Oneida Human Resources Department;
- (d) conduct and preside over hearings;
- (e) provide formal, written recommendations to the Oneida Business Committee to approve or deny a pardon or forgiveness application; and
- (f) take other actions reasonably related to the purpose of the Committee.

126.5. Tribal Secretary’s Office Responsibilities

126.5-1. The Tribal Secretary’s Office shall assist the Committee with carrying out the provisions of this Law and assist individuals in applying for a pardon or forgiveness. The Tribal Secretary’s Office shall:

- (a) create and implement procedures necessary to process pardon and forgiveness applications.
- (b) accept pardon and forgiveness applications.
- (c) submit and track requests for a background investigation.
- (d) forward pardon and forgiveness applications to the Committee when the background investigations are complete.
- (e) maintain a record of all pardon and forgiveness applications filed, every pardon and forgiveness request granted or denied, and the reasons for each action.

(f) maintain a complete and accurate record of all proceedings, including all correspondence, transcripts, documents, evidence, and appearances made in connection with the applications.

(g) perform other duties in connection with matters under this Law as may be requested by the Committee.

126.6. Pardon and Forgiveness Eligibility and Application

126.6-1. *Eligibility.* A Tribal member may receive a pardon for any criminal conviction(s), or a forgiveness for an act(s) that renders the Tribal member ineligible for housing with the Tribe or other Tribal benefit(s); and any individual may receive forgiveness for an act(s) that renders the individual ineligible for Tribal employment, an occupational license, certification or permit issued by the Tribe.

(a) Upon completion of incarceration, parole, probation and/or deferred prosecution, Tribal members shall be eligible to apply for a pardon.

(b) One (1) year after an act is committed, or affirmed through the conclusion of any appeal process, an individual shall be eligible to apply for pardon or forgiveness.

126.6-2. *Ineligibility.* An individual is ineligible for a pardon or forgiveness if he or she is:

(a) being investigated for an act and if found to have committed such act, would be ineligible for the benefit he or she is seeking; or

(b) appealing a termination and the termination makes him or her ineligible for the benefit he or she is seeking; or

(c) currently incarcerated, on parole, probation, and/or under a deferred prosecution agreement; or

(d) has any outstanding penalties or fines; however, this paragraph does not apply to an application made solely for employment purposes under Section 126.1-1(a)(3) when outstanding penalties or fines are the only unmet eligibility requirement and the applicant qualifies for a conditional waiver under Section 126.6-3.

126.6-3. *Conditional Waiver.* A conditional waiver is not a pardon or forgiveness and does not waive or reduce any penalties, fines, or debts owed to the Nation or any other government. It temporarily lifts the employment-related ineligibility under Section 126.6-2(d) solely for the purpose of allowing an applicant to be considered for employment with the Nation. The conditional waiver exists only within the Committee's authority to recommend an exception to eligibility requirements; it does not authorize the Nation to negotiate, modify, or forgive financial obligations imposed by any court or governmental body.

(a) The Committee may recommend approval despite Section 126.6-2(d) only when:

(i) the application is solely for employment purposes as defined in Section 126.3-1(j);

(ii) outstanding penalties or fines are the sole basis for ineligibility; and

(iii) the applicant enters a written payment agreement with the Pardon and Forgiveness Committee requiring full payment within eighteen (18) months from the OBC resolution date. A payment agreement under this section may consist of any documentation demonstrating how the applicant will satisfy the outstanding obligation and does not require negotiation, approval, or participation from any Tribal, State, Federal, or Municipal government. The payment agreement functions solely as evidence that the applicant is actively addressing the eligibility condition and is not an agreement between the Nation and any outside jurisdiction.

(b) Any recommendation under this section shall include a mandatory condition under Section 126.9-3(a) requiring full payment within eighteen (18) months and compliance

with an approved installment plan.

(c) Failure to comply with the payment agreement constitutes grounds for rescission under Section 126.10-7 and immediate reinstatement of prior ineligibility.

(d) Nothing in this section authorizes the Committee to forgive, modify, reduce, or negotiate penalties or fines imposed by any government; the waiver pertains only to employment eligibility with the Nation.

(e) *Exception for Larger Outstanding Obligations.* Notwithstanding Section 126.6-3(a)(iii) and 126.6-3(b), the Committee may recommend a conditional waiver under the following extended timeframes, based on the total amount of outstanding penalties or fines:

i. *Obligations of five thousand dollars (\$5,000) or less.* The applicant may be granted up to eighteen (18) months from the OBC resolution date to satisfy the outstanding obligation, provided all other requirements of this section are met.

ii. *Obligations greater than five thousand dollars (\$5,000).* The applicant may be granted up to three (3) years from the OBC resolution date to satisfy the outstanding obligation provided:

(A) the applicant submits a written payment plan demonstrating the ability to complete payment within the extended period;

(B) the Committee determines that the extended timeframe is necessary to prevent unreasonable hardship; and

(C) the applicant remains in full compliance with the approved installment plan.

(f) *Good-Cause Exception for Missed Payment.* A missed payment under an approved repayment plan may be excused upon a finding of good cause, provided that:

i. The applicant submits a written explanation within thirty (30) days of the missed payment;

ii. The Committee determines that the missed payment resulted from good cause, which may include but is not limited to unforeseen medical emergencies, loss of income, or other significant and verifiable circumstances; and

iii. The applicant resumes payment under a revised schedule approved by the Committee within thirty (30) days of the good-cause determination.

126.6-3. *Initiating an Application.* Applications for a pardon or forgiveness may be obtained from the Tribal Secretary's Office or on the Tribal website. Completed applications shall be filed with the Tribal Secretary's Office in person, during normal Tribal business hours, or sent by certified mail to the Tribal Secretary at P.O. Box 365, Oneida, WI 54155.

126.6-4. *Required Application Information.* Each applicant is responsible for submitting all required materials and authorizations.

(a) A completed pardon application shall include the following:

(1) a copy of the applicant's Tribal enrollment card.

(2) a copy or copies of any discharge papers from incarceration or jail.

(3) official verification of any successful completion date of the probation, parole or deferred prosecution.

(4) any necessary releases for investigations and/or background checks.

(5) any authorizations from a probation officer to release information.

(6) the required non-refundable fee as specified under 126.6.

(7) a personal written statement, including the reason(s) for requesting a pardon and a description and documentation of the applicant's efforts towards self-improvement.

(8) information regarding the conviction(s) for which the applicant is seeking a

pardon, including:

- (A) date(s) upon which the crime(s) occurred;
- (B) location(s) where the crime(s) occurred;
- (C) date(s) of conviction(s); and
- (D) jurisdiction(s) which imposed the sentence(s).

(9) verification of attendance or successful completion of any counseling, therapy, or rehabilitative programs such as anger management or coping skills classes.

(10) letters of reference or support from people well-regarded in the community. Such letters shall detail the applicant's accomplishments or contributions to the community or attest to the applicant's rehabilitation and trustworthiness. These may include, but are not limited to:

- (A) clergy or other spiritual leaders.
- (B) employers and/or community members.
- (C) teachers.
- (D) organizers of support groups the applicant attends or has attended.

(11) any other information relevant to the applicant's conviction(s) or rehabilitation efforts.

(12) proof of payment of all penalties and fines. For application proceeding under Section 126.6-3, proof of a Committee-approved payment agreement satisfies the requirement to document outstanding penalties or fines.

(b) A completed forgiveness application shall include the following:

- (1) a copy of the applicant's Tribal enrollment card, if applicable.
- (2) the applicant's employment record prior to the act, if applicable.
- (3) the applicant's background records.
- (4) the act that triggered the applicant's ineligibility.
- (5) the impact of the act on the Tribe.
- (6) the length of time since the act.
- (7) a written statement from the applicant demonstrating remorse for the violation.
- (8) two (2) letters of recommendation, with no more than one (1) recommendation coming from a person who is a family member of the applicant.
- (9) the required non-refundable fee as specified under 126.6.
- (10) any additional credible and relevant information.
- (11) proof of payment of all penalties and fines. For application proceeding under Section 126.6-3, proof of a Committee-approved payment agreement satisfies the requirement to document outstanding penalties or fines.

126.6-5. Failure of the applicant to provide a complete application, or any of the required information and/or materials may result in:

- (a) the application being returned with a request for more information; or
- (b) the application being removed from consideration; or
- (c) denial of a pardon or forgiveness.

126.6-6. *Applicant Misrepresentations.* Any applicant who misrepresents, omits, or falsifies any information on the application or during the pardon process shall be denied a pardon. If a pardon is granted and it is later determined that there is misrepresented or false information, or pertinent information was purposefully omitted, the Oneida Business Committee shall have the right to rescind the pardon.

126.7. Fees

126.7-1. Each application shall be accompanied by a non-refundable fee as set by the Oneida

Business Committee in a resolution. Said payment shall be made payable to the Oneida Tribe in the form of a:

- (a) money order; or
- (b) cashier's check; or
- (c) intra-tribal purchase document, if a Tribal department or program, such as Social Services, will be providing the funds for the application fee.

126.8. Hearings

126.8-1. *Notice of the Hearing.* The Committee shall conduct quarterly hearings and provide official notice to the applicant by certified mail, including the date, time and location of the hearing, at least thirty (30) calendar days prior to the hearing. Notice shall also be posted in prominent locations at least thirty (30) calendar days prior to the hearing. If alternate arrangements have been made under 126.8-2, notice shall be posted in prominent locations with as much advance notice as possible and as time permits.

- (a) Notice of the hearings scheduled for the year shall be posted on the Tribal website and periodically in the Tribal newspaper.
- (b) Hearings shall take place at a regularly scheduled time and location to be determined by the Committee and shall be open to the public.

126.8-2. *Alternate Hearing Arrangements.* Applicants who reside out of the State of Wisconsin who are unable to attend a hearing may submit a written request by certified mail to the Tribal Secretary's Office for alternate arrangements to appear by video conference and/or to reschedule the hearing date. If alternate arrangements are unavailable, the applicant may withdraw the application up to three (3) business days prior to the hearing without penalty, and may re-apply for a pardon at any time.

126.8-3. *Failure of Applicant to Attend Hearing.* Failure of the applicant to appear at the hearing may result in the Committee postponing making a determination on the application or recommending the Oneida Business Committee deny the application.

- (a) Applicants with a legitimate reason for failing to appear for a hearing shall have ten (10) calendar days from the date of the missed hearing to provide documentation to the Committee. Such documentation may include, but is not limited to; a Doctor's excuse, accident/police report, or funeral notice.

126.8-4. *Testimony and Notarized Statements.* The Committee shall obtain oral testimony at the hearing from the applicant, and any victims, witnesses or other persons supporting or opposing the pardon or forgiveness.

- (a) Victims, witnesses, and other persons unavailable for a scheduled hearing may submit a notarized statement for consideration.

(b) The Committee may institute recesses and postponements as they see fit.

(c) The Committee may ask questions at any time during the hearing.

(d) The Committee may require the applicant to provide further documentation.

(1) Within five (5) business days of the hearing, the Committee shall send a written request by certified mail to the applicant for the additional documentation.

(2) The applicant shall submit the documentation to the Tribal Secretary's Office within thirty (30) calendar days after receiving the request for the documentation. Failure of the applicant to provide any of the required documentation may result in:

- (A) the application being removed from consideration; or
- (B) denial of the application.

126.8-5. *Deliberations and Recommendation.* After the hearing, the Committee shall go into executive session for deliberations.

(a) The Committee shall consider all information gathered from the hearing, the application, the background investigation, and any testimony or notarized statements when determining whether to recommend that the application be approved or denied.

(1) The Committee shall be responsible for weighing the appropriateness of granting a pardon or forgiveness.

(b) *Recommendation.* After considering the factors provided, the Committee shall make a decision and compose a formal, written recommendation for each application, including reasons to approve or deny the application within sixty (60) days after the pardon or forgiveness hearing. The recommendation, including any dissenting opinions issued by the Committee shall be forwarded to the Oneida Business Committee within thirty (30) calendar days after making a decision, along with the following materials for review:

(1) All information from the application and the background investigation;

(2) Any notarized statements submitted;

(3) A proposed draft resolution; and

(4) An audio recording of the hearing, upon request by an Oneida Business Committee member.

126.9. Conditions and Restrictions

126.9-1. *Pardons.* Certain convictions may affect a Tribal member's rights under state or federal law, or result in restrictions being placed on a Tribal member, regardless of whether a Tribal pardon has been granted.

(a) *Civil Rights.* A pardon by the Tribe does not guarantee the restoration of all civil rights, and each recipient of a Tribal pardon is responsible for determining whether the pardon affects any non-Tribal restrictions or limitations that may be applicable pursuant to the conviction.

(b) *Employment.* Individuals convicted of a crime that is "substantially related" to the care of another person or animal may be subject to extended or permanent restrictions on licensing or professional credentials in fields relating to such caretaking. A Tribal pardon shall not affect these restrictions.

(c) *Sex Offender Registry.* Receipt of a Tribal pardon shall in no way affect registration, tracking or other restrictions or obligations imposed upon sex offenders, including any restrictions imposed through the Nation's Safe Neighborhoods law.

(d) *Voting Rights.* Each state, and the federal government are empowered to determine whether felons may vote in elections, caucuses, referendums or any other venue dependent on the votes of citizenry. The granting of a Tribal pardon shall not supersede the rights of these jurisdictions to determine the eligibility of voters.

126.9-2. *Other Restrictions.* The Committee's written recommendation to the Oneida Business Committee to approve an applicant's request for a pardon or forgiveness may also recommend the Oneida Business Committee impose restrictions on the applicant. If the Committee does not recommend a restriction, the Oneida Business Committee shall have the authority to place restrictions on the applicant before approving the pardon or forgiveness request. Restrictions shall specify the time lines attached to them, which may expand over a period of months, years, or indefinitely.

(a) Restrictions shall be clearly defined and may include the following:

(1) The applicant is ineligible for a transfer, promotion or job reassignment.

(2) The applicant may be prohibited from:

(A) Handling cash and/or merchandise.

(B) Having Tribal property sign-off authority.

(C) Supervising staff.

(D) Supervising or caring for children or the elderly.

(E) Any other restrictions the Oneida Business Committee determines as appropriate.

(b) When restrictions are imposed for a period of greater than five (5) years, the applicant may, after five (5) years, apply to have the restrictions modified or lifted. The request to modify or lift restrictions will follow the same process required to request a pardon.

(c) The applicant shall sign a written statement describing each restriction, and time period of such restriction prior to becoming employed by the Tribe.

126.9-3. *Conditions.* The Committee may also recommend that an applicant requesting a pardon or forgiveness be required to complete conditions before the applicant is granted the pardon or forgiveness. If the Committee does not recommend a condition, the Oneida Business Committee shall have the authority to place conditions on the applicant before approving the pardon or forgiveness request.

(a) Conditions shall be clearly defined and may include the following:

(1) perform community service hours within a Tribal Department.

(2) payment of restitution to the Tribe.

_____ (3) any other conditions the Oneida Business Committee determines as ___ appropriate.

126.9-4. *Monitoring.* The Tribal Secretary's Office shall monitor compliance with all payment-related conditions and provide quarterly status reports to the Committee until those conditions have been fully satisfied. Monitoring payment conditions is an integral component of enforcing eligibility requirements and does not constitute a ministerial or administrative processing function of the Secretary's Office. The Secretary's Office conducts this monitoring solely to determine whether the required eligibility conditions have been met and does not exercise decision-making authority regarding eligibility determinations or the continuation of any conditional waiver.

126.10. Oneida Business Committee

126.10-1. The Oneida Business Committee shall consider all of the information received by the Committee prior to making a determination on whether to issue or deny a pardon or forgiveness application. The Oneida Business Committee may accept, reject or modify the Committee's recommendation.

126.10-2. *Deliberations.* Deliberations by the Oneida Business Committee shall take place in executive session. The Oneida Business Committee may request, by written notice, that the applicant be present during the deliberations to provide oral testimony or to answer questions. The notice shall be provided to the applicant thirty (30) days prior to the deliberations and shall contain the time, place and date of the deliberations.

126.10-3. *Final Decision.* The Oneida Business Committee shall issue or deny the pardon or forgiveness in open session, by resolution, including the reasons therefor and shall include for the record a clear indication of any decision and shall list the specific crimes to be pardoned or acts to be forgiven. This decision is final and cannot be appealed. Applicants may be eligible to re-apply for a pardon or forgiveness one (1) year from the date of the most recent denial of a pardon or forgiveness.

126.10-4. *Notification.* Notification of the final decision shall be sent to the applicant from the Tribal Secretary's office by certified mail or personally served within ten (10) business days following the decision. Applicants have a right to documentation of the final decision along with the resolution, and the reason(s) for the final decision.

126.10-5. *Resolution.* To grant or deny a pardon or forgiveness, a majority vote of the Oneida Business Committee is required.

126.10-6. *Eligibilities.* Unless otherwise directed by the Oneida Business Committee, a pardon or forgiveness may fully or partially restore some Tribal eligibilities lost as a result of a conviction or act including:

- (a) employment; and/or
- (b) an occupational license, certificate or permit; and/or
- (c) housing; and/or
- (d) other Tribal benefit.

126.10-7. *Rescission for non-payment.* If an individual does not satisfy a payment condition imposed under Section 126.6-3, the OBC may rescind the pardon or forgiveness by resolution. Before rescission occurs, the individual shall receive notice and be given thirty (30) days from the date of that notice to provide proof of payment or otherwise demonstrate compliance. If the individual does not provide such proof within the thirty-day period, the OBC may proceed with rescission. Upon rescission, all prior ineligibilities are reinstated.

(a) For the purposes of this section, "individual" means a person who has been granted a conditional waiver under Section 126.6-3.

(b) Rescission is a determination of eligibility status under this Law and is not an employment action. Any employment related consequences are processed separately under applicable personnel policies.

(c) Notification of rescission shall be issued to the individual by the Secretary's Office in accordance with Section 126.10-4.

End.

Adopted – BC-2-19-93-I

Adopted – BC-11-13-93-B (Oneida Pardon Procedures Policy)

Adopted – BC-11-24-93-B (Temporary Pardons)

Adopted – BC-7-31-02-A

Adopted – BC-05-25-11-A

Adopted – BC-01-22-14-B

Emergency Adoption – BC-04-28-21-A

Emergency Extended – BC-10-27-21-A (Emergency Expired)

Amended – BC-XX-XX-XX-X

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Title 1. Government and Finances - Chapter 126
PARDON AND FORGIVENESS
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126.1. Purpose and Policy
126.2 Adoption, Amendment, Conflicts
126.3. Definitions
126.4. Pardon and Forgiveness Screening Committee Responsibilities
126.5. Tribal Secretary's Office Responsibilities

126.6. Pardon and Forgiveness Eligibility and Application
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126.8. Hearings
126.9. Conditions and Restrictions
126.10. Oneida Business Committee

126.1. Purpose and Policy

126.1-1. Purpose.

- (a) The purpose of this Law is to provide a fair, efficient and formal process by which:
- (1) a Tribal member may receive a pardon for the conviction of a crime(s); or
 - (2) a Tribal member may receive forgiveness for acts that render him or her ineligible for housing with the Tribe or other Tribal benefits.
 - (3) a Tribal member or non-Tribal member may receive forgiveness for acts that render him or her ineligible for Tribal employment; an occupational license, certification or permit issued by the Tribe; housing through the Tribe; or other Tribal benefit.
- (b) This Law defines the duties and responsibilities of the Oneida Pardon and Forgiveness Screening Committee, Oneida Business Committee, Oneida Tribal Secretary's Office, and other persons involved in the granting or denial of pardons and forgiveness.

126.1-2. Policy. It is the policy of the Oneida Tribe of Indians of Wisconsin to grant pardons or forgiveness to individuals upon demonstration of full rehabilitation, trustworthiness and/or commitment to lawful behavior. Nothing contained herein shall be construed as permitting the employment of individuals who are otherwise disqualified for employment from certain occupations under Tribal, State or Federal Law. Receipt of a pardon or forgiveness does not affect obligations imposed as part of a sentence or conviction in another jurisdiction. In carrying out this policy, the Nation upholds and reflects the core values of The Good Mind as expressed by Onʌyoteʔa·ka, which includes:

- (a) Kahletsyalúsla. The heartfelt encouragement of the best in each of us.
- (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.
- (c) Kaʔnikuhli·yó. The openness of the good spirit and mind.
- (d) Kaʔtshatstásla. The strength of belief and vision as a People.
- (e) Kalihwi·yó. The use of the good words about ourselves, our Nation, and our future.
- (f) Twahwahtsílawayʌ. All of us are family.
- (g) Yukwatsístayʌ. Our fire, our spirit within each one of us.

126.2. Adoption, Amendment, Conflicts

126.2-1. This Law was adopted by the Oneida Business Committee by Resolution BC-05-25-11-A and amended by Resolutions BC-01-22-14-B, and BC-XX-XX-XX-X.

126.2-2. This Law may be amended pursuant to the procedures set out in Tribal law by the Oneida

Business Committee or the Oneida General Tribal Council.

126.2-3. 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.

126.2-4. In the event of a conflict between a provision of this Law and a provision of another law, ordinance, policy, regulation, rule, resolution, or motion, the provisions of this Law shall control. Provided that, this Law repeals Resolution BC-7-31-02-A: Resolution Adopting a New Oneida Pardon Ordinance.

126.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

126.3. Definitions

126.3-1. 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) "Applicant" means an individual who is applying for a pardon or forgiveness from the Tribe.

(b) "Certified mail" means mail sent through either the United States Postal Service or the Tribal Inter-Office Certified system that provides proof of delivery and receipt.

(c) "Committee" means the Pardon and Forgiveness Screening Committee.

(d) "Conditional Waiver" means a temporary exception to the ineligibility criteria under section 126.6-2(d) for employment-related application; it does not constitute a pardon or forgiveness and does not alter, waive, or satisfy any outstanding monetary obligation.

(e) "Conditions" means a requirement or prerequisite event or activity.

(f) "Conflict of interest" means a conflict between the private interests and the official responsibilities of the committee member.

(g) "Conviction" means an individual was either found guilty or entered a plea of guilty or no contest to charges of a crime in any court of competent jurisdiction.

(h) "Court of competent jurisdiction" means any court or forum that has the power and authority to properly exercise jurisdiction over a dispute or interpret and/or enforce laws.

(i) "Crime" means any act, default, or conduct punishable as a felony or a misdemeanor.

(j) "Employment purposes" means seeking eligibility for employment with the Nation or to remove a bar to continued employment with the Nation, including positions subject to background eligibility determinations.

(k) "Forgiveness" means the formal and public act of acknowledging or excusing an individual's actions or behavior that makes him or her ineligible for Tribal employment, an occupational license, certification or permit issued by the Tribe, housing through the Tribe or other Tribal benefit

(l) "Hearing" means a public hearing, a noticed public forum in which an applicant has an opportunity to present a case for obtaining a pardon or forgiveness from the Tribe.

(m) "Individual" means a Tribal member seeking a pardon for a conviction of a crime, a Tribal member seeking forgiveness for an act(s) that makes him or her ineligible for housing with the Tribe or other Tribal benefit(s) or anyone seeking forgiveness for an act(s) that renders him or her ineligible for employment, an occupational license, certification or permit issued by the Tribe.

(n) "Family member" means a spouse, child sibling, parent, grandparent, grandchild, step-parent, step-child, in-law or legal guardian.

(o) "Outstanding penalties, fines, or other debts" means any unpaid monetary obligations owed to the Nation or arising from any Tribal, State, Federal, or Municipal court order,

judgement, stipulation, or payment requirement, including but not limited to penalties, fines, fees, repayment obligations, or court-ordered financial conditions that are due and payable.

(p) “Pardon” means the formal and public act of acknowledging or excusing a Tribal member’s criminal conviction that makes him or her ineligible for Tribal employment, an occupational license, a certification or permit issued by the Tribe, housing through the Tribe, or other Tribal benefit.

(q) “Prominent locations” shall include, but not be limited to, the following: the Tribal newspaper; at least one (1) local newspaper with regular distribution within the Reservation boundaries; one (1) regional Indian newspaper; and the Tribe’s official website.

(r) “Rescind” means to formally revoke, cancel, or withdraw a previously granted pardon or forgiveness through Oneida Business Committee resolution, thereby restoring all prior ineligibilities and returning the applicant to the status that existed before the pardon or forgiveness was granted.

(s) “Restriction” means a limitation or constraint imposed.

(t) “Tribal” or “Tribe” means the Oneida Tribe of Indians of Wisconsin.

(u) “Victim” means a person or entity against whom an offense, either civil or criminal, has been committed.

126.4. Pardon and Forgiveness Screening Committee Responsibilities

126.4-1. A Committee is hereby created for the purpose of carrying out the provisions of this Law.

126.4-2. *Authority.* The Committee shall:

- (a) promulgate internal standard operating procedures necessary to govern its proceedings;
- (b) review and process applications for a pardon or forgiveness in an orderly and expeditious manner;
- (c) review an applicant’s background investigation report received from the Oneida Human Resources Department;
- (d) conduct and preside over hearings;
- (e) provide formal, written recommendations to the Oneida Business Committee to approve or deny a pardon or forgiveness application; and
- (f) take other actions reasonably related to the purpose of the Committee.

126.5. Tribal Secretary’s Office Responsibilities

126.5-1. The Tribal Secretary’s Office shall assist the Committee with carrying out the provisions of this Law and assist individuals in applying for a pardon or forgiveness. The Tribal Secretary’s Office shall:

- (a) create and implement procedures necessary to process pardon and forgiveness applications.
- (b) accept pardon and forgiveness applications.
- (c) submit and track requests for a background investigation.
- (d) forward pardon and forgiveness applications to the Committee when the background investigations are complete.
- (e) maintain a record of all pardon and forgiveness applications filed, every pardon and forgiveness request granted or denied, and the reasons for each action.
- (f) maintain a complete and accurate record of all proceedings, including all correspondence, transcripts, documents, evidence, and appearances made in connection with the applications.
- (g) perform other duties in connection with matters under this Law as may be requested

by the Committee.

126.6. Pardon and Forgiveness Eligibility and Application

126.6-1. *Eligibility.* A Tribal member may receive a pardon for any criminal conviction(s), or a forgiveness for an act(s) that renders the Tribal member ineligible for housing with the Tribe or other Tribal benefit(s); and any individual may receive forgiveness for an act(s) that renders the individual ineligible for Tribal employment, an occupational license, certification or permit issued by the Tribe.

(a) Upon completion of incarceration, parole, probation and/or deferred prosecution, Tribal members shall be eligible to apply for a pardon.

(b) One (1) year after an act is committed, or affirmed through the conclusion of any appeal process, an individual shall be eligible to apply for pardon or forgiveness.

126.6-2. *Ineligibility.* An individual is ineligible for a pardon or forgiveness if he or she is:

(a) being investigated for an act and if found to have committed such act, would be ineligible for the benefit he or she is seeking; or

(b) appealing a termination and the termination makes him or her ineligible for the benefit he or she is seeking; or

(c) currently incarcerated, on parole, probation, and/or under a deferred prosecution agreement; or

(d) has any outstanding penalties or fines; however, this paragraph does not apply to an application made solely for employment purposes under Section 126.1-1(a)(3) when outstanding penalties or fines are the only unmet eligibility requirement and the applicant qualifies for a conditional waiver under Section 126.6-3.

126.6-3. *Conditional Waiver.* A conditional waiver is not a pardon or forgiveness and does not waive or reduce any penalties, fines, or debts owed to the Nation or any other government. It temporarily lifts the employment-related ineligibility under Section 126.6-2(d) solely for the purpose of allowing an applicant to be considered for employment with the Nation. The conditional waiver exists only within the Committee's authority to recommend an exception to eligibility requirements; it does not authorize the Nation to negotiate, modify, or forgive financial obligations imposed by any court or governmental body.

(a) The Committee may recommend approval despite Section 126.6-2(d) only when:

(i) the application is solely for employment purposes as defined in Section 126.3-1(j);

(ii) outstanding penalties or fines are the sole basis for ineligibility; and

(iii) the applicant enters a written payment agreement with the Pardon and Forgiveness Committee requiring full payment within eighteen (18) months from the OBC resolution date. A payment agreement under this section may consist of any documentation demonstrating how the applicant will satisfy the outstanding obligation and does not require negotiation, approval, or participation from any Tribal, State, Federal, or Municipal government. The payment agreement functions solely as evidence that the applicant is actively addressing the eligibility condition and is not an agreement between the Nation and any outside jurisdiction.

(b) Any recommendation under this section shall include a mandatory condition under Section 126.9-3(a) requiring full payment within eighteen (18) months and compliance with an approved installment plan.

(c) Failure to comply with the payment agreement constitutes grounds for rescission under Section 126.10-7 and immediate reinstatement of prior ineligibility.

(d) Nothing in this section authorizes the Committee to forgive, modify, reduce, or

negotiate penalties or fines imposed by any government; the waiver pertains only to employment eligibility with the Nation.

(e) *Exception for Larger Outstanding Obligations.* Notwithstanding Section 126.6-3(a)(iii) and 126.6-3(b), the Committee may recommend a conditional waiver under the following extended timeframes, based on the total amount of outstanding penalties or fines:

i. *Obligations of five thousand dollars (\$5,000) or less.* The applicant may be granted up to eighteen (18) months from the OBC resolution date to satisfy the outstanding obligation, provided all other requirements of this section are met.

ii. *Obligations greater than five thousand dollars (\$5,000).* The applicant may be granted up to three (3) years from the OBC resolution date to satisfy the outstanding obligation provided:

(A) the applicant submits a written payment plan demonstrating the ability to complete payment within the extended period;

(B) the Committee determines that the extended timeframe is necessary to prevent unreasonable hardship; and

(C) the applicant remains in full compliance with the approved installment plan.

(f) *Good-Cause Exception for Missed Payment.* A missed payment under an approved repayment plan may be excused upon a finding of good cause, provided that:

i. The applicant submits a written explanation within thirty (30) days of the missed payment;

ii. The Committee determines that the missed payment resulted from good cause, which may include but is not limited to unforeseen medical emergencies, loss of income, or other significant and verifiable circumstances; and

iii. The applicant resumes payment under a revised schedule approved by the Committee within thirty (30) days of the good-cause determination.

126.6-3. *Initiating an Application.* Applications for a pardon or forgiveness may be obtained from the Tribal Secretary's Office or on the Tribal website. Completed applications shall be filed with the Tribal Secretary's Office in person, during normal Tribal business hours, or sent by certified mail to the Tribal Secretary at P.O. Box 365, Oneida, WI 54155.

126.6-4. *Required Application Information.* Each applicant is responsible for submitting all required materials and authorizations.

(a) A completed pardon application shall include the following:

(1) a copy of the applicant's Tribal enrollment card.

(2) a copy or copies of any discharge papers from incarceration or jail.

(3) official verification of any successful completion date of the probation, parole or deferred prosecution.

(4) any necessary releases for investigations and/or background checks.

(5) any authorizations from a probation officer to release information.

(6) the required non-refundable fee as specified under 126.6.

(7) a personal written statement, including the reason(s) for requesting a pardon and a description and documentation of the applicant's efforts towards self-improvement.

(8) information regarding the conviction(s) for which the applicant is seeking a pardon, including:

(A) date(s) upon which the crime(s) occurred;

(B) location(s) where the crime(s) occurred;

(C) date(s) of conviction(s); and

- (D) jurisdiction(s) which imposed the sentence(s).
- (9) verification of attendance or successful completion of any counseling, therapy, or rehabilitative programs such as anger management or coping skills classes.
- (10) letters of reference or support from people well-regarded in the community. Such letters shall detail the applicant's accomplishments or contributions to the community or attest to the applicant's rehabilitation and trustworthiness. These may include, but are not limited to:
- (A) clergy or other spiritual leaders.
 - (B) employers and/or community members.
 - (C) teachers.
 - (D) organizers of support groups the applicant attends or has attended.
- (11) any other information relevant to the applicant's conviction(s) or rehabilitation efforts.
- (12) proof of payment of all penalties and fines. For application proceeding under Section 126.6-3, proof of a Committee-approved payment agreement satisfies the requirement to document outstanding penalties or fines.
- (b) A completed forgiveness application shall include the following:
- (1) a copy of the applicant's Tribal enrollment card, if applicable.
 - (2) the applicant's employment record prior to the act, if applicable.
 - (3) the applicant's background records.
 - (4) the act that triggered the applicant's ineligibility.
 - (5) the impact of the act on the Tribe.
 - (6) the length of time since the act.
 - (7) a written statement from the applicant demonstrating remorse for the violation.
 - (8) two (2) letters of recommendation, with no more than one (1) recommendation coming from a person who is a family member of the applicant.
 - (9) the required non-refundable fee as specified under 126.6.
 - (10) any additional credible and relevant information.
 - (11) proof of payment of all penalties and fines. For application proceeding under Section 126.6-3, proof of a Committee-approved payment agreement satisfies the requirement to document outstanding penalties or fines.
- 126.6-5. Failure of the applicant to provide a complete application, or any of the required information and/or materials may result in:
- (a) the application being returned with a request for more information; or
 - (b) the application being removed from consideration; or
 - (c) denial of a pardon or forgiveness.

126.6-6. *Applicant Misrepresentations.* Any applicant who misrepresents, omits, or falsifies any information on the application or during the pardon process shall be denied a pardon. If a pardon is granted and it is later determined that there is misrepresented or false information, or pertinent information was purposefully omitted, the Oneida Business Committee shall have the right to rescind the pardon.

126.7. Fees

126.7-1. Each application shall be accompanied by a non-refundable fee as set by the Oneida Business Committee in a resolution. Said payment shall be made payable to the Oneida Tribe in the form of a:

- (a) money order; or
- (b) cashier's check; or

(c) intra-tribal purchase document, if a Tribal department or program, such as Social Services, will be providing the funds for the application fee.

126.8. Hearings

126.8-1. *Notice of the Hearing.* The Committee shall conduct quarterly hearings and provide official notice to the applicant by certified mail, including the date, time and location of the hearing, at least thirty (30) calendar days prior to the hearing. Notice shall also be posted in prominent locations at least thirty (30) calendar days prior to the hearing. If alternate arrangements have been made under 126.8-2, notice shall be posted in prominent locations with as much advance notice as possible and as time permits.

(a) Notice of the hearings scheduled for the year shall be posted on the Tribal website and periodically in the Tribal newspaper.

(b) Hearings shall take place at a regularly scheduled time and location to be determined by the Committee and shall be open to the public.

126.8-2. *Alternate Hearing Arrangements.* Applicants who reside out of the State of Wisconsin who are unable to attend a hearing may submit a written request by certified mail to the Tribal Secretary's Office for alternate arrangements to appear by video conference and/or to reschedule the hearing date. If alternate arrangements are unavailable, the applicant may withdraw the application up to three (3) business days prior to the hearing without penalty, and may re-apply for a pardon at any time.

126.8-3. *Failure of Applicant to Attend Hearing.* Failure of the applicant to appear at the hearing may result in the Committee postponing making a determination on the application or recommending the Oneida Business Committee deny the application.

(a) Applicants with a legitimate reason for failing to appear for a hearing shall have ten (10) calendar days from the date of the missed hearing to provide documentation to the Committee. Such documentation may include, but is not limited to; a Doctor's excuse, accident/police report, or funeral notice.

126.8-4. *Testimony and Notarized Statements.* The Committee shall obtain oral testimony at the hearing from the applicant, and any victims, witnesses or other persons supporting or opposing the pardon or forgiveness.

(a) Victims, witnesses, and other persons unavailable for a scheduled hearing may submit a notarized statement for consideration.

(b) The Committee may institute recesses and postponements as they see fit.

(c) The Committee may ask questions at any time during the hearing.

(d) The Committee may require the applicant to provide further documentation.

(1) Within five (5) business days of the hearing, the Committee shall send a written request by certified mail to the applicant for the additional documentation.

(2) The applicant shall submit the documentation to the Tribal Secretary's Office within thirty (30) calendar days after receiving the request for the documentation.

Failure of the applicant to provide any of the required documentation may result in:

(A) the application being removed from consideration; or

(B) denial of the application.

126.8-5. *Deliberations and Recommendation.* After the hearing, the Committee shall go into executive session for deliberations.

(a) The Committee shall consider all information gathered from the hearing, the application, the background investigation, and any testimony or notarized statements when determining whether to recommend that the application be approved or denied.

(1) The Committee shall be responsible for weighing the appropriateness of

granting a pardon or forgiveness.

(b) *Recommendation.* After considering the factors provided, the Committee shall make a decision and compose a formal, written recommendation for each application, including reasons to approve or deny the application within sixty (60) days after the pardon or forgiveness hearing. The recommendation, including any dissenting opinions issued by the Committee shall be forwarded to the Oneida Business Committee within thirty (30) calendar days after making a decision, along with the following materials for review:

- (1) All information from the application and the background investigation;
- (2) Any notarized statements submitted;
- (3) A proposed draft resolution; and
- (4) An audio recording of the hearing, upon request by an Oneida Business Committee member.

126.9. Conditions and Restrictions

126.9-1. *Pardons.* Certain convictions may affect a Tribal member's rights under state or federal law, or result in restrictions being placed on a Tribal member, regardless of whether a Tribal pardon has been granted.

(a) *Civil Rights.* A pardon by the Tribe does not guarantee the restoration of all civil rights, and each recipient of a Tribal pardon is responsible for determining whether the pardon affects any non-Tribal restrictions or limitations that may be applicable pursuant to the conviction.

(b) *Employment.* Individuals convicted of a crime that is "substantially related" to the care of another person or animal may be subject to extended or permanent restrictions on licensing or professional credentials in fields relating to such caretaking. A Tribal pardon shall not affect these restrictions.

(c) *Sex Offender Registry.* Receipt of a Tribal pardon shall in no way affect registration, tracking or other restrictions or obligations imposed upon sex offenders, including any restrictions imposed through the Nation's Safe Neighborhoods law.

(d) *Voting Rights.* Each state, and the federal government are empowered to determine whether felons may vote in elections, caucuses, referendums or any other venue dependent on the votes of citizenry. The granting of a Tribal pardon shall not supersede the rights of these jurisdictions to determine the eligibility of voters.

126.9-2. *Other Restrictions.* The Committee's written recommendation to the Oneida Business Committee to approve an applicant's request for a pardon or forgiveness may also recommend the Oneida Business Committee impose restrictions on the applicant. If the Committee does not recommend a restriction, the Oneida Business Committee shall have the authority to place restrictions on the applicant before approving the pardon or forgiveness request. Restrictions shall specify the time lines attached to them, which may expand over a period of months, years, or indefinitely.

(a) Restrictions shall be clearly defined and may include the following:

- (1) The applicant is ineligible for a transfer, promotion or job reassignment.
- (2) The applicant may be prohibited from:
 - (A) Handling cash and/or merchandise.
 - (B) Having Tribal property sign-off authority.
 - (C) Supervising staff.
 - (D) Supervising or caring for children or the elderly.
 - (E) Any other restrictions the Oneida Business Committee determines as appropriate.

(b) When restrictions are imposed for a period of greater than five (5) years, the applicant may, after five (5) years, apply to have the restrictions modified or lifted. The request to modify or lift restrictions will follow the same process required to request a pardon.

(c) The applicant shall sign a written statement describing each restriction, and time period of such restriction prior to becoming employed by the Tribe.

126.9-3. *Conditions.* The Committee may also recommend that an applicant requesting a pardon or forgiveness be required to complete conditions before the applicant is granted the pardon or forgiveness. If the Committee does not recommend a condition, the Oneida Business Committee shall have the authority to place conditions on the applicant before approving the pardon or forgiveness request.

(a) Conditions shall be clearly defined and may include the following:

(1) perform community service hours within a Tribal Department.

(2) payment of restitution to the Tribe.

(3) any other conditions the Oneida Business Committee determines as appropriate.

126.9-4. *Monitoring.* The Tribal Secretary's Office shall monitor compliance with all payment-related conditions and provide quarterly status reports to the Committee until those conditions have been fully satisfied. Monitoring payment conditions is an integral component of enforcing eligibility requirements and does not constitute a ministerial or administrative processing function of the Secretary's Office. The Secretary's Office conducts this monitoring solely to determine whether the required eligibility conditions have been met and does not exercise decision-making authority regarding eligibility determinations or the continuation of any conditional waiver.

126.10. Oneida Business Committee

126.10-1. The Oneida Business Committee shall consider all of the information received by the Committee prior to making a determination on whether to issue or deny a pardon or forgiveness application. The Oneida Business Committee may accept, reject or modify the Committee's recommendation.

126.10-2. *Deliberations.* Deliberations by the Oneida Business Committee shall take place in executive session. The Oneida Business Committee may request, by written notice, that the applicant be present during the deliberations to provide oral testimony or to answer questions. The notice shall be provided to the applicant thirty (30) days prior to the deliberations and shall contain the time, place and date of the deliberations.

126.10-3. *Final Decision.* The Oneida Business Committee shall issue or deny the pardon or forgiveness in open session, by resolution, including the reasons therefor and shall include for the record a clear indication of any decision and shall list the specific crimes to be pardoned or acts to be forgiven. This decision is final and cannot be appealed. Applicants may be eligible to re-apply for a pardon or forgiveness one (1) year from the date of the most recent denial of a pardon or forgiveness.

126.10-4. *Notification.* Notification of the final decision shall be sent to the applicant from the Tribal Secretary's office by certified mail or personally served within ten (10) business days following the decision. Applicants have a right to documentation of the final decision along with the resolution, and the reason(s) for the final decision.

126.10-5. *Resolution.* To grant or deny a pardon or forgiveness, a majority vote of the Oneida Business Committee is required.

126.10-6. *Eligibilities.* Unless otherwise directed by the Oneida Business Committee, a pardon or forgiveness may fully or partially restore some Tribal eligibilities lost as a result of a conviction

or act including:

- (a) employment; and/or
- (b) an occupational license, certificate or permit; and/or
- (c) housing; and/or
- (d) other Tribal benefit.

126.10-7. *Rescission for non-payment*. If an individual does not satisfy a payment condition imposed under Section 126.6-3, the OBC may rescind the pardon or forgiveness by resolution. Before rescission occurs, the individual shall receive notice and be given thirty (30) days from the date of that notice to provide proof of payment or otherwise demonstrate compliance. If the individual does not provide such proof within the thirty-day period, the OBC may proceed with rescission. Upon rescission, all prior ineligibilities are reinstated.

(a) For the purposes of this section, “individual” means a person who has been granted a conditional waiver under Section 126.6-3.

(b) Rescission is a determination of eligibility status under this Law and is not an employment action. Any employment related consequences are processed separately under applicable personnel policies.

(c) Notification of rescission shall be issued to the individual by the Secretary’s Office in accordance with Section 126.10-4.

End.

Adopted – BC-2-19-93-I
 Adopted – BC-11-13-93-B (Oneida Pardon Procedures Policy)
 Adopted – BC-11-24-93-B (Temporary Pardons)
 Adopted – BC-7-31-02-A
 Adopted – BC-05-25-11-A
 Adopted – BC-01-22-14-B
 Emergency Adoption – BC-04-28-21-A
 Emergency Extended – BC-10-27-21-A (Emergency Expired)
 Amended – BC-XX-XX-XX-X

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: RaLinda Ninham-Lamberies, Chief Financial Officer
 FROM: Rae Skenandore, Sr. Analyst/Budget Coordinator
 DATE: June 22, 2026
 RE: Fiscal Impact of the Amendments to the Pardon and Forgiveness Law

I. Estimated Fiscal Impact Summary

Fiscal Impact of the Amendments to the Pardon and Forgiveness Law		
Implementing Agency	Oneida Business Committee Office of the Oneida Secretary Pardon and Forgiveness Committee	
Estimated Impact	Year One (1)	Five (5) Year Estimate
Total Estimated Fiscal Impact	\$ 0	\$ 0

II. Background

The Pardon and Forgiveness Law was adopted in May of 2011 through BC Resolution 05-25-11 and amended by BC-01-22-14-B. It was added to the active files in February of 2026. The purpose of this law is to establish a fair, efficient, and formal process through which individuals may seek relief from certain barriers created by past actions. Specifically, the Law provides a process for:

- Tribal members to receive pardons for criminal convictions.
- Tribal members to receive forgiveness for acts that make them ineligible for Tribal housing or other Tribal benefits.
- Tribal and non-Tribal individuals to receive forgiveness for acts that make them ineligible for Tribal employment, occupational licenses, certifications, permits, housing, or other Tribal benefits.

The amendments to the Law contain the following:

- Adds, updates, and expands definitions for clarity.
- Adds a section which creates a conditional waiver to allow for exceptions to ineligibility.
 - Criteria for eligibility
 - Payment agreements
 - Repayment timelines
 - Other mandatory conditions
 - Good-cause exceptions
 - Conditions for rescission.

- Allows for waivers for employment eligibility.
- Retains outstanding penalties/fines to remain fully enforceable.
- Requires a mandatory payment agreement (18 months or extended to 3 years if >\$5,000).
- Require a Pardon and Forgiveness Committee recommendation.
- Allows for a good-cause exception for missed payments.
- States that non-payment is grounds for rescission.
- Allows for a payment agreement instead of proof of full payment.
- Clarifies that pardons under this Law do not override legal obligations associated with sex-offender status and does not affect restrictions imposed under the Nation's Safe Neighborhoods law.
- Requires the Oneida Secretary's Office to monitor payment-related conditions and provide quarterly reports to the Pardon and Forgiveness Committee.
- Authorizes the OBC to rescind a pardon/forgiveness when a person fails to meet a payment conditions.
- Makes other drafting and organizational changes.

III. Methodology and Assumptions

A "Fiscal Impact Statement" means an estimate of the total identifiable fiscal year financial effects associated with a petition or legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

IV. Findings

Implementing the amendments appears to fall within existing operational responsibilities.

V. Financial Impact

No fiscal impact identified.

VI. Recommendation

Finance does not make a recommendation about a course of action in this matter. Rather, the purpose of a Fiscal Impact Statement is to disclose the potential fiscal impact of the action so that the Oneida Business Committee and General Tribal Council have the information with which to render a decision.



Legislative Operating Committee
July 01, 2026

Code of Ethics Law Amendments

Submission Date: 10/26/22	Public Meeting: N/A
LOC Sponsor: Jennifer Webster	Emergency Enacted: N/A

Summary: *This item was carried over from last four (4) terms. Amendments to the Code of Ethics are being sought to strengthen accountability of employees, elected officials, and appointed officials. On October 26, 2022, the Oneida Business Committee adopted a motion to request the Legislative Operating Committee to consider deletion of section 103.7 from the Code of Ethics.*

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

4/1/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Fawn Cottrell, Kristal Hill, Grace Elliott. The purpose of this meeting was to begin the initial review of the Code of Ethics. The history of the Code of Ethics and related laws were considered prior to reading through the law.

5/5/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Fawn Billie, Fawn Cottrell, Kristal Hill, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to review potential reporting processes and a draft reporting form.

5/13/25: *Work Meeting.* Present: Matthew Denny, Rita Reiter, Laura Laitinen-Warren, Grace Elliott. The purpose of this meeting was to hear initial thoughts from the Human Resource Department on the Code of Ethics.

6/6/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Kristal Hill, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to review feedback from the Nation's human resource, law enforcement, and gaming divisions in relation to the Nation's Code of Ethics. The LOC determined to eliminate the program and enterprise sections from the law as they are addressed in the Nation's personnel, policies, and procedures, and to focus on expanding the government official ethics sections.

7/28/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Carolyn Salutz, Fawn Billie, Fawn Cottrell, Kristal Hill, Grace Elliott. The purpose of this meeting was to review the overlap in conflict of interest regulation in the Conflict of Interest law and the Code of Ethics. The LOC

determined that all government official conflict of interest subject matter should be aggregated and addressed within the Code of Ethics law exclusively.

- 10/17/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Fawn Cottrell, Kristal Hill, Rhiannon Metoxen, Laura Laitinen-Warren, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to review the section of the draft addressing a potential prohibition on elected officials applying for positions within the Nation while in office.
- 11/14/25:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Fawn Cottrell, Rhiannon Metoxen, Grace Elliott, Kristal Hill. The purpose of this meeting was to review the revised employment application section, alternate definitions, tone and language adjustments, gifts and honorarium section, enforcement and restorative justice sections, and identify next steps.
- 11/19/25:** *Work Meeting.* Present: Grace Elliott, Peggy VanGheem. The purpose of this meeting was to collaborate with the Law Office, receive questions or concerns, and identify suggestions that may be incorporated into the draft or flagged for further group discussion.
- 1/9/26:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Laura Laitinen-Warren, Carolyn Salutz, Clorissa Leeman, Grace Elliott, Peggy VanGheem, Kristal Hill, Fawn Cottrell, Rhiannon Metoxen. The purpose of this meeting was to review the draft amendments against the checklist to ensure that the latest edits met expectations.
- 1/15/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Laura Laitinen-Warren, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to review documentation related to the decision to focus the Code of Ethics on the OBC. Consensus was to continue on this path.
- 1/29/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Clorissa Leeman, Grace Elliott. The purpose of this meeting was for the LOC to reconsider the scope of the Code of Ethics. LOC determined that the Code of Ethics be limited to Oneida Business Committee based on information provided that employees are effectively regulated by the Personnel, Policies and Procedures and Conflict of Interest laws, BCCs are effectively regulated under the BCC, Conflict of Interest, and Removal laws—in addition to the fact that the BCC and Conflict of Interest laws are both currently open on the Active Files list and may be amended as necessary to enhance already present protections. Additionally, the LOC has accepted several requests for stand alone laws to address OBC ethics related matters that can be most efficiently and effectively addressed under the Code of Ethics.
- 2/4/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was for the LOC to review various sections of the draft law. Decision was made to remove any references to enforcement provisions.

- 2/16/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Grace Elliott. The purpose of this meeting was review the entire draft for potential LOC approval and to specifically review the reporting processes for gift and conflict of interest disclosures. The LOC requested definitions for “sacred trust” and information on federal standards for meeting conduct and acceptance of gifts. Follow-up is scheduled for 2/18/26.
- 2/18/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Kristal Hill, Fawn Billie, Grace Elliott. The purpose of this meeting was to review definitions of sacred trust language and review federal standards for employees and elected officials’ acceptance of gifts. The LOC chose to incorporate all six definitions of sacred trust within the law, and determined to set the gift reporting threshold at one thousand dollars to address the request for reporting lavish gifts.
- 2/23/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Kristal Hill, Fawn Billie, Grace Elliott. The purpose of this meeting was to review sacred trust language placement within the law and refine language.
- 3/4/26:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Kristal Hill, Fawn Billie, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to complete a read through of the entire law for LOC review and initial approval to move forward through the legislative process.
- 3/18/26 LOC:** Motion by Jennifer Webster to approve the Code of Ethics law amendments draft, legislative analysis and the public meeting packet for the Code of Ethics law amendments and schedule a public meeting to be held on May 14, 2026; seconded by Kirby Metoxen. Motion carried unanimously.
- 5/14/26:** *Public Meeting Held.* No individuals provided comment during the public comment meeting.
- 5/21/26:** *Public Comment Closed.* One individual provided written comments.
- 6/17/26 LOC:** Motion by Jennifer Webster to accept the public comments and the public comment review memorandum for the proposed amendments to the Code of Ethics and defer to a work meeting for further consideration; seconded by Jonas Hill. Motion carried unanimously.
- 6/17/26:** *Work meeting.* Present: Jennifer Webster, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was for the LOC to consider comments provided on the proposed amendments to the Code of Ethics and provide responses for the public comment memorandum.

Next Steps:

- Approve the updated public comment memorandum with LOC consideration, updated legislative analysis, and updated draft for the proposed amendments to the Code of Ethics.
- Approve the Fiscal Impact Statement Request Memorandum for the proposed amendments to the Code of Ethics, and direct the Finance Department to provide the LOC with a fiscal impact statement by July, 17, 2026



TO: Legislative Operating Committee (LOC)
 FROM: Grace Elliott, Legislative Reference Office, Staff Attorney *Grace Elliott*
 DATE: July 1, 2026
 RE: Code of Ethics: Public Comment Review

On May 14, 2026, a public meeting was held regarding the proposed Elder Protection law. No individuals provided comments during the public meeting. The public comment period was then held open until May 21, 2026. One (1) individual submitted comments during the comment period. This memorandum is submitted as a review of the comments received during the public comment period. The public meeting draft, public meeting transcript, and written comments received are attached to this memorandum for review.

Comment 1 – Gift and Gratuity Reporting Threshold:

Audit Committee (written):

To: Legislative Reference Office
 From: Lisa Liggins, Audit Committee Chairwoman
 Date: May 20, 2026
 Re: Code of Ethics Law Amendments

Introduction

The Audit Committee appreciates the opportunity to provide comments on the proposed amendments to the Code of Ethics. As part of its oversight responsibilities, the Committee is dedicated to promoting strong governance, transparency, and accountability across all operations, including governmental, enterprise, and programmatic functions.

The Committee respectfully submits the following perspective regarding:

1. The reporting threshold for gifts and gratuities.
2. The removal of applicability of the Code of Ethics to employees, programs, and enterprise operations.

1. Gift/Gratuity Threshold and Reporting

The proposed increase in the reporting threshold from \$50 to \$1,000, combined with limiting applicability to Oneida Business Committee members, raises significant concerns.

The prior Code established an organization-wide control structure that included:

- Prohibition of gifts for business privilege
- Mandatory reporting at established thresholds
- Formal documentation
- Centralized tracking

The revised Code:

- Applies only to elected officials.
- Eliminates reporting for items under \$1,000.
- Removes requirements for employees and enterprise personnel.

As a result, employees engaged in purchasing, vendor management, and enterprise operations are no longer subject to defined requirements regarding gifts or vendor incentives.

From an audit perspective, this:

- Reduces preventive and detective controls.
- Decreases transparency in vendor relationships.
- Creates significant risk of unmonitored conflicts of interest.
- Increases public perception of conflicts of interest.

Recent Audit Committee discussion of a hotline matter highlighted vendor incentives tied to organizational spending. No consistent reporting mechanism was in place. Under the revised Code, such activity would remain largely undetected, unreported, and unmonitored.

The Committee respectfully recommends:

- Reconsideration of the reporting threshold for gifts and gratuities.
- Retention or re-establishment of enforceable ethical standards applicable across all operational areas, including employees, programs, and enterprise activities.

Cc: Audit Committee members
Loucinda Conway, Internal Audit Manager

Response

Commenter expresses concerns that increasing the reporting threshold for gifts and gratuities to \$1,000 may reduce transparency, weaken monitoring, and allow vendor-related incentives to go unreported. These concerns are acknowledged; however, they reflect a distinction between *reporting requirements* and *underlying prohibited conduct*.

The \$1,000 threshold applies only to reporting obligations for Oneida Business Committee (“OBC”) members and does not determine what conduct is permissible. The Code of Ethics continues to prohibit gifts intended to influence decision-making regardless of value. Accordingly, the threshold functions as an administrative tool to focus disclosure on items of material significance for governance transparency, rather than a relaxation of ethical standards.

The conduct underlying the commenter’s concern - particularly vendor incentives and undisclosed benefits - is regulated through broader, enforceable frameworks that apply across the Nation. The Conflict of Interest law governs financial interests and vendor relationships and requires disclosure of conflicts both annually and as they arise [2 O.C. 217.4-3(a)]. It restricts participation in procurement and contracting decisions where a conflict exists [2 O.C. 217.5-2; 217.7-1] and provides enforceable penalties, including termination for failure to disclose substantiated conflicts [2 O.C. 217.6-1]. These provisions apply regardless of the dollar value of the benefit and directly address the risks identified in the comment.

The Conflict of Interest law is also advancing through the legislative process, with proposed amendments which further strengthen these protections. They expand restrictions on participation in contracting decisions beyond current limitations and enhance procedural safeguards by integrating conflict of interest disclosures from employees, contractors, and vendors into coordinated oversight processes involving Human Resources, Purchasing, and the Law Office.

[proposed amendments 2 O.C. 217.10-1; 217.5-1; 217.5-2]. These enhancements improve consistency in disclosure, review, and enforcement and provide a more robust framework for identifying and managing conflicts across all operational areas.

In addition, the Nation's Personnel Policies and Procedures prohibit employees from accepting gifts or gratuities for personal gain in the course of official duties [*Personnel Policies & Procedures V.D.2.c(4)(h)*] and subject violations to disciplinary action, up to and including termination [*Personnel Policies & Procedures V.D.*]. This prohibition applies across all departments, programs, and enterprise operations without reliance on a reporting threshold. Taken together, these frameworks ensure that improper influence is prohibited, vendor-related conflicts are disclosed and managed, and violations are enforceable. The adjustment to the reporting threshold refines administrative disclosure requirements for elected officials while preserving comprehensive regulation of the underlying conduct.

The Personnel Policies and the Conflict of Interest law together establish a comprehensive and enforceable system that prohibits employees from accepting anything of value that could influence decision-making, requires disclosure of conflicts on both an annual and ongoing basis, restricts participation in conflicted transactions, and imposes disciplinary action up to and including termination for violations, including failure to disclose conflicts. [*Personnel Policies V.D.*; 2 O.C. 217.4-3(a); 217.5-2; 217.6-1].

Accordingly, the increase in the reporting threshold does not reduce ethical protections, and no changes are recommended in response to this comment.

LOC Consideration

The Legislative Operating Committee appreciates the comment and agrees with the underlying concern regarding transparency and effective reporting of gifts and gratuities. Consistent with the reasoning set forth in the attorney response, the LOC recognizes that the proposed framework already maintains strong prohibitions on improper influence and vendor-related conduct through existing laws and policies. However, the LOC also agrees that increasing the reporting threshold to \$1,000 may be higher than necessary to ensure effective transparency and use of the disclosure process. Accordingly, the LOC directs that law be amended to lower the reporting threshold to \$500, which better balances administrative efficiency with the goal of capturing relevant disclosures without creating undue burden. With this modification, and in consideration of existing safeguards, including the Conflict of Interest law, the Personnel Policies and Procedures, and the Whistleblower Protection law, which protects employees who report fraud or unethical conduct [2 O.C. 211.1-1; 211.4-2] the LOC finds that the ethical framework remains comprehensive and enforceable, and no further amendments are necessary.

Comment 2 – Scope of Applicability and Organizational Ethical Framework:

103.1. Purpose and Policy

103.1-1. *Purpose.* The purpose of this law is to establish clear standards of conduct rooted in the values of the Oneida people, to guide the Oneida Business Committee in serving the Nation with honor and responsibility. These standards reflect the sacred trust between the government and the people, and are intended to promote integrity, uphold the will of the

Nation, and preserve the confidence of the Oneida people. In a government founded upon the consent of the people, it is the right of the Oneida to expect loyalty, honesty, and accountability from those who serve.

103.1-2. Policy. It is the policy of the Nation that Oneida Business Committee members shall carry themselves in a way that brings honor to the Oneida people and government. They shall walk with integrity, follow the laws of the Nation, and uphold the highest standards of ethical conduct in all their duties. All Oneida Business Committee members strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by Onayote'a'ka, which includes:

- (a) **Kahletsyalúsla.** The heartfelt encouragement of the best in each of us.
- (b) **Kanolukhwásla.** Compassion, caring, identity, and joy of being.
- (c) **Ka'nikuhli'yó.** The openness of the good spirit and mind.
- (d) **Ka'tshatstásla.** The strength of belief and vision as a People.
- (e) **Kalihwi'yó.** The use of the good words about ourselves, our Nation, and our future.
- (f) **Twahwahtsílawayá.** All of us are family.
- (g) **Yukwatsístayá.** Our fire, our spirit within each one of us.

Audit Committee (Written):

2. Removal of Applicability to Employees, Programs, and Enterprises

The Committee notes the proposed revisions fundamentally alter the scope of the Code of Ethics.

The prior Code applied to:

- Government officials
- Administrative staff
- Program employees
- Enterprise personnel

The revised Code applies exclusively to the Oneida Business Committee.

While the revised Code establishes expectations for elected leaders, it does not include comparable and enforceable standards for employees, programs, or enterprise operations.

This creates:

- A fragmented ethical framework.
- Inconsistent expectations across the Nation.
- Increased exposure where financial and vendor-related risks are most prevalent.

B. Removal of Operational Ethical Controls

The Committee further notes prior provisions governing enterprise employees included:

- Restrictions on accepting gifts or incentives.
- Requirements to report vendor-provided items.
- Expectations to avoid conflicts in vendor relationships.
- Requirements to return (or properly dispose of) gifts. These provisions have been removed.

As a result:

- Vendor interactions within enterprise operations are no longer governed by defined ethical standards.
- There is no consistent requirement for reporting or review.

- Oversight of high-risk operational activities is significantly reduced.

C. Elimination of Disclosure and Monitoring Mechanisms

The revised Code introduces structured disclosure processes for Oneida Business Committee members; however, no comparable framework exists for employees or enterprise personnel.

Without disclosure mechanisms:

- There is no centralized visibility into conflicts of interest.
- No consistent or standardized documentation.
- Limited ability to monitor, track, or identify emerging risks.

D. Removal of Enforcement and Reporting Frameworks

The Committee observes enforcement provisions previously applicable to employees have been removed.

Additionally, prior expectations requiring employees to report violations, along with protections against retaliation, are no longer present.

This may:

- Weaken the internal reporting environment.
- Reduce effectiveness of hotline and whistleblower processes.
- Limit the organization's ability to respond to and address misconduct!

Conclusion

While the Committee supports efforts to modernize and culturally align the Code of Ethics, the proposed revisions represent a significant shift away from an organization-wide ethical control framework. Value-based guidance should be supported by clearly defined, enforceable standards applicable across all levels of the organization.

The removal of applicability to employees, programs, and enterprise operations, combined with the reduction of reporting and enforcement mechanisms, creates gaps in oversight and increases organizational risk. Maintaining a consistent, transparent, and enforceable ethical framework is essential to safeguarding the Nation's resources, reputation, and public trust.

The Committee respectfully recommends:

- Reconsideration of the reporting threshold for gifts and gratuities.
- Retention or re-establishment of enforceable ethical standards applicable across all operational areas, including employees, programs, and enterprise activities.

Cc: Audit Committee members

Loucinda Conway, Internal Audit Manager

Response

The commenter further asserts that removing employees and enterprise operations from the scope of the Code of Ethics creates fragmentation, reduces oversight, and eliminates ethical standards, reporting, and enforcement mechanisms. These concerns are acknowledged; however, the proposed amendments reflect a structural alignment of responsibilities rather than a reduction in ethical controls.

The amended Code of Ethics is intentionally limited to OBC members in order to define ethical obligations specific to elected leadership, grounded in fiduciary responsibilities and the "Sacred

Trust” owed to the Oneida people. This reflects the distinction between governance and operations: elected officials operate within a policy-making framework, while employees and enterprise personnel operate within employment and operational systems governed by separate laws and policies. Aligning ethical expectations with these systems improves clarity, ensures accountability is matched to authority, and strengthens enforceability.

Employee and enterprise conduct continues to be governed through the Nation’s Personnel Policies and Procedures, which apply to all employees and extend to program and enterprise operations [*Personnel Policies & Procedures I; VII*]. While these policies do not explicitly frame their provisions as an “ethics code,” the prohibited and required behaviors they establish functionally serve that role by defining standards of integrity, accountability, and professional responsibility. These policies establish enforceable behavioral standards applicable to day-to-day operations, including prohibitions on falsifying records, misuse of Nation resources, theft or fraud, and acceptance of gifts or gratuities for personal gain [*Personnel Policies & Procedures V.D; V.D.2.c(1)(c)–(e); V.D.2.c(3); V.D.2.c(4)(h)*]. Employees are also required to exercise proper judgment and maintain professional conduct in their interactions [*Personnel Policies & Procedures V.D.2.c(4)(b), (j), (k)*].

The Personnel Policies further provide structured mechanisms for addressing misconduct. Employees may raise concerns through supervisory channels, where complaints are investigated and resolved, with escalation available when necessary [*Personnel Policies & Procedures V.D.1(a)–(c)*]. Supervisors are responsible for enforcing compliance and administering discipline, supported by a grievance framework designed to ensure consistent review and resolution of conduct-related issues [*Personnel Policies & Procedures V.D; HR Interpretation (2-4-13); HR Interpretation (1-29-14)*].

In parallel, the Conflict of Interest law establishes a centralized, organization-wide framework governing conflicts, vendor relationships, and financial decision-making. It requires disclosure of conflicts [*2 O.C. 217.4-3(a)*], restricts participation in procurement and contracting where conflicts exist [*2 O.C. 217.5-2; 217.7-1*], and provides enforceable penalties, including termination [*2 O.C. 217.6-1*]. These provisions directly address the high-risk operational areas identified in the comment.

Together, these frameworks provide continuous oversight through disclosure, supervisory review, and enforceable accountability across all departments, programs, and enterprise operations. The amendments therefore do not eliminate ethical controls, disclosure mechanisms, or enforcement authority, but instead eliminate duplication and clarify how those controls are administered. The prior Code of Ethics overlapped with existing laws and policies; the revised structure assigns each category of conduct to the most appropriate governing authority, improving clarity and strengthening enforceability.

Consistent with this approach, the Legislative Operating Committee engaged with Human Resources and conducted targeted consultation with operational entities, including Gaming and the Oneida Police Department, to confirm that the proposed amendments would not diminish or adversely affect ethical expectations applicable to employees.

To the extent concerns remain regarding consistency of reporting or centralized tracking, those issues are matters of implementation rather than deficiencies in the governing legal framework, which already establishes clear obligations and enforcement mechanisms.

Accordingly, the framework is not fragmented but functionally integrated and aligned with roles, risks, and enforcement authority across the Nation. The concerns raised are fully addressed within the existing and proposed framework, and no changes are recommended in response to this comment.

LOC Consideration

The Legislative Operating Committee appreciates the comment and carefully considered the concerns regarding the removal of employees, programs, and enterprise personnel from the scope of the Code of Ethics. The LOC agrees with the attorney response that the amendments improve clarity and enforceability by narrowing the Code of Ethics to OBC members and aligning employee conduct with existing employment and operational frameworks. While the current Code of Ethics is broadly applicable and largely aspirational, employee conduct is enforced through the Personnel Policies and Procedures, which provide specific and enforceable standards. The amendments eliminate this overlap by placing employee conduct within the appropriate supervisory and disciplinary system, while the Conflict of Interest law continues to govern financial interests, vendor relationships, and disclosure obligations.

The LOC further recognizes that employees who report fraud, unethical conduct, or other harmful activity are protected from retaliation under the Nation's Whistleblower Protection law [2 O.C. 211.1-1; 211.4-2], ensuring that concerns may be raised and addressed through established processes. Additionally, the LOC affirms that the Nation's Re-Affirmation of Core Values BC Resolution 11-12-14-B encourages all employees, officials, and community members to exhibit behaviors consistent with The Good Mind and to uphold principles of integrity, accountability, and respect in all roles.

In light of these existing legal, policy, and cultural frameworks, the LOC finds that expanding the Code of Ethics to include employees is unnecessary and would reintroduce duplication without improving enforcement. Accordingly, no amendments are required in response to this comment.



CODE OF ETHICS LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Legislation or Amendments	- Update the Code of Ethics so it clearly focuses on the Oneida Business Committee, bringing all expectations for how leaders should conduct themselves into one easy-to-understand law. [1 O.C. 103.1–103.4]. - Integrate the Great Law of Peace into the ethical foundation, affirming decision-making grounded in peace, unity, and thoughtful deliberation as cultural mandates for governance. [1 O.C. 103.3-1(c)]. - Ground the ethical framework in the Good Mind teachings, infusing leadership obligations with humility, compassion, clarity, and community-centered thinking. [1 O.C. 103.1-2]. - Articulate the concept of Sacred Trust, emphasizing leadership as a duty held on behalf of past, present, and future generations rather than an individual entitlement. [1 O.C. 103.4-1(c)]. - Clarify the definition of “Conflict of Interest” to encompass financial, personal, and political interests affecting leaders and their immediate families, reinforcing impartial stewardship. [1 O.C. 103.3-1(a)]. - Mandate transparent disclosure of conflicts, ensuring ethical clarity consistent with the Good Mind’s call for honesty and openness in governance. [1 O.C. 103.4-2(a)]. - Require OBC members to recuse themselves from matters in which conflicts exist, upholding the Great Law of Peace’s expectation that leaders avoid self-interest. [1 O.C. 103.4-2]. - Implement structured annual and as-needed conflict-of-interest filings, creating accountability mechanisms that reinforce responsible leadership. [1 O.C. 103.4-2(c)(1)–(3)]. - Modernize gift and honoraria reporting by increasing financial thresholds and updating reporting processes to better reflect contemporary governance realities including public disclosure. [1 O.C. 103.4-9(b)]. - Prohibit acceptance of gifts tied to influence or business advantage, protecting the Nation’s decision-making from external pressure and maintaining community trust. [1 O.C. 103.4-9(a)]. - Regulate OBC members’ applications for positions that report directly to the Committee, preventing conflicts before they arise and strengthening procedural fairness. [1 O.C. 103.4-8]. - Safeguard confidential information by restricting its use for personal, financial, or political benefit, aligning with the Haudenosaunee value of responsible and respectful speech. [1 O.C. 103.4-3]. - Promote fairness and impartiality in leadership actions, ensuring decisions are made through unbiased judgment grounded in the Good Mind and collective well-being. [1 O.C. 103.4-5].

	- Prohibit nepotism in hiring, supervision, and resource decisions, maintaining equitable access and protecting the legitimacy of OBC leadership. <i>[1 O.C. 103.4-7]</i>. - Reinforce accountability and transparency as essential qualities of public office, affirming that OBC authority flows from the people and must remain answerable to them. <i>[1 O.C. 103.4-6]</i>. - Elevate cultural accountability by requiring OBC members to conduct themselves in ways that honor Oneida identity, teachings, and responsibilities. <i>[1 O.C. 103.4-11]</i>. - Strengthen expectations for meeting attendance, preparation, and professional engagement, acknowledging that presence and participation are integral to carrying the Sacred Trust. <i>[1 O.C. 103.4-12]</i>. - Codify a comprehensive list of prohibited behaviors—including retaliation, discrimination, misuse of office, and corruption—to uphold dignity and protect community confidence in leadership. <i>[1 O.C. 103.4-10]</i>. - Align enforcement with broader Nation laws to provide consistency, due process, and integrity in the handling of ethical violations. <i>[1 O.C. 103.5]</i>.
Purpose	The purpose of this law is to establish clear standards of conduct rooted in the values of the Oneida people, to guide those entrusted with authority in serving the Nation with honor and responsibility. These standards reflect the sacred trust between the government and the people, and are intended to promote integrity, uphold the will of the Nation, and preserve the confidence of the Oneida people. In a government founded upon the consent of the people, it is the right of the Oneida to expect loyalty, honesty, and accountability from those who serve. <i>[1 O.C. 103.1-1]</i> .
Affected Entities	Oneida Business Committee; Office of the Nation Secretary; Oneida Law Office; Elected Officials; Appointed Officials; Employees of the Nation and its enterprises.
Related Legislation	Boards, Committees, and Commissions law; Conflict of Interest law; Removal law.
Enforcement	Enforcement of this law shall be conducted in accordance with all applicable laws and regulations of the Nation. <i>[1 O.C. 103.5]</i>
Due Process	The Code of Ethics law incorporates core due process protections by clearly defining prohibited conduct and ethical obligations in advance, thereby providing notice to Oneida Business Committee members of the standards governing their conduct <i>[1 O.C. 103.4, 103.4-10]</i> . It establishes mandatory conflict-of-interest disclosure and recusal procedures to provide impartial decision-making and prevent biased participation <i>[1 O.C. 103.4-2(a)–(c)]</i> and expressly prohibits retaliation against individuals who report unethical behavior, safeguarding fair enforcement and participation in accountability processes <i>[1 O.C. 103.4-10(e)]</i> . The law further reinforces due process through transparency and public accountability requirements, including open governance practices, public records, and disclosure of gifts and honoraria <i>[1 O.C. 103.4-6(b), 103.4-9(b)–(c)]</i> . Finally, enforcement is constrained by a requirement that all actions be taken in accordance with applicable Oneida laws, preventing arbitrary or ad hoc application <i>[1 O.C. 103.5]</i> .
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Code of Ethics was previously adopted and amended as follows: minutes 10-21-91; resolution BC-11-23-94-A; emergency amendment BC-04-12-06-JJ; amended BC-09-27-06-E.
- B. **Request for Amendments.** The Code of Ethics was carried over from last four (4) terms. Amendments to the Code of Ethics are being sought to strengthen accountability of employees, elected officials, and appointed officials. On October 26, 2022, the Oneida Business Committee adopted a motion to request the Legislative Operating Committee to consider deletion of section 103.7 from the Code of Ethics.

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:
 - Oneida Human Resources;
 - Oneida Gaming;
 - Oneida Police Department; and
 - Oneida Law Office;
- The following laws of the Nation were reviewed in the drafting of this analysis:
 - Conflict of Interest law
 - Removal law; and
 - Boards, Committees, and Commissions law.

SECTION 4. PROCESS

- A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.
- On October 4, 2023, the Legislative Operating Committee added this Law to its Active Files List for amendments.
- 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:
- April 1, 2025: LOC work session.
 - May 5, 2025: LOC work session.
 - May 14, 2025: LOC work session with Human Resources.
 - June 6, 2025: LOC work session.
 - July 28, 2025: LOC work session.
 - October 17, 2025. LOC work session
 - November 19, 2025. LRO work session with the Oneida Law Office.
 - January 9, 2026: LOC work session with Human Resources and Oneida Law Office.
 - January 15, 2026: LOC work session Human Resources.
 - January 29, 2026: LOC work session.
 - February 4, 2026: LOC work session.
 - February 16, 2026: LOC work session.
 - February 18, 2026: LOC work session.
 - March 4, 2026: LOC work session.

SECTION 5. CONTENTS OF THE LEGISLATION

- **Definitions.** The proposed amendments to the Law remove definitions for terms that are no longer used in the law, including the following: Government Official [1 O.C. 103.2(a)], Administrative Staff [1 O.C. 103.2(b)], Program [1 O.C. 103.2(c)], Program personnel [1 O.C. 103.2(d)], Enterprise [1 O.C. 103.2(e)], Enterprise employees [1 O.C. 103.2(f)]. Definitions are added or amended for the following terms: Administrative Staff [1 O.C. 103.3-1(a)], Conflict of Interest (expanded) [1 O.C. 103.3-1(b)], Family Member [1 O.C. 103.3-1(e)], Nation [1 O.C. 103.3-1(f)], Oneida people [1 O.C. 103.3-1(g)].
 - *Effect.* Updating the definitions to incorporate new terms, remove obsolete ones, and revise existing terms to reflect current practices enhances clarity and precision within the Law. These updates reduce ambiguity by clearly specifying the meaning of each term in context, thereby minimizing the risk of misinterpretation and legal disputes, and improving accessibility for all readers. Definitions clarify the scope and parties subject to the Code, and broadens conflict coverage to include real/apparent interests and immediate family relationships. These changes also affirm Oneida identity by defining the community explicitly, ensuring the law reflects relational accountability and cultural belonging. The expanded Conflict of Interest definition strengthens ethical protections by including family and political interests, not just financial ones.
- **Good mind and Sacred Trust Framework.** The proposed amendments incorporate the Good Mind teachings directly into the ethical foundation of the law. These teachings — including Kahletsyallésła (encouraging the best in each other), Kanolukhwát^sla (compassion and identity), Kaʔnikuhli.yo (openness of spirit), Kaʔtshatst^sla (strength of vision), Kalihwi.yo (good words), Twahwahtsilayá (we are all family), and Yukwatsistayá (the fire within) — are identified as core expectations for OBC members. [1 O.C. 103.1-2].
 - *Effect.* This change re-roots the Code in Oneida cultural teachings, reinforcing that ethical leadership is not merely procedural but spiritual, relational, and reflective of ancestral values. It supports community understanding that leaders are called to uphold balance, compassion, truth, and unity when carrying out their responsibilities.
- **Great Law of Peace Integration.** The proposed amendments incorporate the Great Law of Peace into the definitions section as a guiding principle for leadership conduct and ethical deliberation. [1 O.C. 103.3-1(c)].
 - *Effect.* Incorporating the Great Law of Peace into the Code of Ethics reaffirms that OBC members must carry themselves with calm deliberation, peace, and a sense of collective responsibility. It places Haudenosaunee governance principles at the center of modern legislative expectations, strengthening continuity between ancient teachings and contemporary leadership.
- **Scope of Law Clarified.** The proposed amendments revise the scope of application of the Code of Ethics to apply exclusively to Oneida Business Committee, removing prior references to government officials, program personnel, and employees. [1 O.C. 103.1-1].
 - *Effect.* This clarification distinguishes the ethical frameworks applicable to different groups serving the Nation. Under the amended structure, ethical standards for Oneida Business Committee members are consolidated within the Code of Ethics, reflecting the unique authority and responsibilities of elected leadership. Ethical standards applicable to Nation employees continue to be governed through the Personnel Policies and Procedures, the Conflict of Interest

law, and related employment laws and policies. Ethical standards for boards, committees, and commissions are governed through the Boards, Committees, and Commissions Law and entity bylaws, which are designed to address the distinct roles and governance structures of those bodies.

This approach aligns ethical standards with the appropriate governing framework for each group, ensuring that expectations remain defined, enforceable, and tailored to function. By clarifying scope in this manner, the amendments do not remove ethical obligations but instead organize them within the systems where they are most effectively implemented and enforced, supporting consistency, transparency, and accountability across the Nation's governance and employment structures.

- ***Unified Standards of Conduct.*** The proposed amendments to the Law consolidate all ethical expectations into a single Standards of Conduct section. While the Scope section clarifies *who* the Code applies to, this structural change clarifies *where* the expectations are found. By bringing all standards into one location, the Code becomes easier for the community to understand and for elected leaders to follow, replacing the former multi-section format that applied differently to government officials, program personnel, and enterprise employees.
 - *Effect.* A unified Standards of Conduct section makes the Code more accessible to the public by collecting all expectations in one place. Community members no longer need to navigate multiple sections to understand what is expected from elected leadership. This change also reflects a shift in responsibility: OBC members hold the authority to act on behalf of the Nation, and it is appropriate that the ethical standards be tailored directly to their roles. The unified structure supports transparency and easier public engagement.
- ***Conflicts of Interest Procedures Strengthened.*** The proposed amendments to the Law introduce more detailed procedures for identifying, disclosing, and addressing conflicts of interest, including required annual and situational disclosure forms, agenda placement, and mandatory abstention when conflicts arise. [1 O.C. 103.4-2(a)–(c)].
 - *Effect.* These updates require that decisions affecting the Nation are made fairly and without personal interests affecting outcomes. By shifting to a structured, proactive approach, the amendments reduce the likelihood of hidden conflicts or confusion about disclosure obligations. For the community, this means increased confidence that OBC members act with clarity of purpose and integrity consistent with Good Mind teachings.
- ***Employment Application by OBC Members.*** The proposed amendments to the Law regulate when and how a member of the Oneida Business Committee may apply for a position within the Nation while still in office. The amendment requires an OBC member to provide written notice to the full Committee before applying for any position that reports directly to the OBC. The notice must identify the position sought and the hiring authority. The provision also requires the member to refrain from participating in any hiring-related decisions, discussions, or processes for that position. [1 O.C. 103.4-8(a)–(c)].
 - *Effect.* This update increases fairness and transparency in internal hiring by ensuring that OBC members do not use their elected position to gain an advantage when applying for Tribal employment. It helps the community understand that while OBC members may apply for positions, they must do so in a way that respects boundaries, avoids the appearance of influence, and maintains integrity in the hiring process. By clearly defining the required notice and prohibiting participation in hiring decisions, the law supports consistent procedures, protects

- against conflicts of interest, and strengthens community trust in the Nation's employment practices.
- ***Gift, Honoraria & Sponsored Event Reporting.*** The proposed amendments to the Law raises the gift-reporting threshold to \$500 and creates a new OBC Gift Disclosure Form, while assigning responsibility for public records to the Office of the Nation Secretary. [1 O.C. 103.4-9(a)–(e)]. They also strengthen transparency by requiring OBC members to formally report any gift, honorarium, or sponsored event meeting the reporting threshold, and to submit this information for OBC acceptance as an agenda item. The amendments also require the Office of the Nation Secretary to maintain these disclosures as public records, ensuring community access to this information. [1 O.C. 103.4-9(b)–(c)].
 - *Effect.* These updates help the community clearly see what gifts elected leaders receive and how they are handled. Requiring OBC action prevents individual members from deciding privately whether gifts are appropriate, and placing disclosures in the public record provides openness and accountability. This builds trust by making sure that gifts cannot influence decisions without community awareness and oversight, and reinforces the expectation that OBC members act in service of the Nation rather than personal benefit. This process provides a clear, workable system for determining when gifts are acceptable and when they must be reported. Centralizing recordkeeping strengthens public oversight and supports trust in the fairness and independence of governmental decisions.
 - ***Attendance, Preparedness, and Meeting Decorum Requirements.*** The proposed amendments to the Law add a new set of expectations governing an OBC member's participation in official meetings. These updates require OBC members to attend all scheduled meetings unless excused, to arrive prepared after reviewing agenda materials, and to participate professionally and respectfully throughout the proceedings. The section emphasizes that OBC members must avoid disruptive behaviors, refrain from side conversations or distractions, respect the voices of others, and uphold confidentiality in closed-session matters. [1 O.C. 103.4-12(a)–(d)].
 - *Effect.* These additions remind both leaders and the community that the ability of the Nation's government to function effectively depends on the consistent presence and preparedness of its elected officials. By clearly outlining expectations around attendance, respectful engagement, and responsible conduct, the amendments reinforce that serving on the OBC is a serious commitment requiring focus, reliability, and discipline. This supports smoother decision-making, strengthens internal professionalism, and demonstrates to the community that OBC members understand the importance of showing up, staying engaged, and honoring their roles in carrying out the Nation's business. This aligns with Haudenosaunee values of collective deliberation and responsible service.
 - ***Other amendments.*** Overall, additional 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:
- ***Boards, Committees, and Commissions Law.*** The purpose of the Boards, Committees, and Commissions law is to govern 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]. The underlying policy is to have consistent and standard procedures for choosing and appointing or electing the most qualified persons to boards, committees and commissions, for creation of bylaws governing boards committees and commissions, and for the maintenance of information created by and for boards, committees and commissions. [1 O.C. 105.1-2].

- The Boards, Committees, and Commissions Law requires each entity to establish (ethical) behavior standards through its bylaws, including expectations for member conduct and enforcement mechanisms [1 O.C. 105.10-1(d)]. Current bylaws demonstrate that these standards are in place and applied in practice. Pending amendments strengthen this framework by establishing baseline ethical standards at the law level. They preserve the requirement for entity-specific standards through bylaws, creating a consistent and flexible governance structure.
- **Conflict of Interest law.** The purpose of the Conflict of Interest law is for the Nation to ensure that all employees, contractors, elected officials, officers, political appointees, appointed and elected members and all others who may have access to information or materials that are confidential or may be used by competitors of the Nation's enterprises or interests be subject to specific limitations to which such information and materials may be used in order to protect the interests of the Nation. [2 O.C. 217.1-1]. Its underlying policy is to assert its proprietary rights to client lists, trade secrets and any other confidential data generated, developed or commissioned for the Nation in the course of an employee's duties and responsibilities and that all employees, and prospective employees, be made aware of their obligation to uphold such rights. The Nation asserts that no persons who work for the Nation or are responsible for safeguarding its interests nor their relatives, associates, partners, or anyone connected with such persons should in any way benefit against or in competition with the Nation's interests without full and complete prior disclosure to the Nation. [2 O.C. 217.1-2].
 - Under the proposed amendments conflict of interest requirements for Oneida Business Committee members are addressed within the Code of Ethics. Conflict of interest requirements for boards, committees, and commissions are addressed through the Boards, Committees, and Commissions Law and entity bylaws. Conflict of interest requirements for employees are governed through the Conflict of Interest law and Personnel Policies. This structure provides continued application of conflict standards across all individuals serving the Nation
- **Removal Law.** The purpose of the Removal law is to govern the removal of persons elected to serve on boards, committees and commissions of the Oneida Tribe of Indians of Wisconsin. [1 O.C. 104.1-1]. It is the policy of the Oneida Tribe of Indians of Wisconsin to provide an orderly and fair process for the removal of persons elected to serve on boards, committees and commissions. [1 O.C. 104.1-2].
 - Under the proposed amendments to the Code of Ethics the Oneida Business Committee remains subject to the Removal law. [1 O.C. 103.5].
- **Personnel Policies and Procedures.** The Personnel Policies provide detailed standards governing employee conduct, including expectations for work performance and accountability, requirements for confidentiality and the proper use of Nation information and resources, and prohibitions on misconduct such as fraud, dishonesty, harassment, and misuse of property. These standards are reflected in provisions governing employee discipline and performance expectations, including

rules addressing work performance, use of property, personal conduct, and prohibited behaviors [Section V – Employee Relations, Disciplinary Actions], as well as requirements for maintaining the confidentiality of employee records and information [Section IX – Privacy and Confidentiality of Employee Records]. The policies further establish workplace behavior expectations such as professionalism, safety, and respectful conduct in interactions with co-workers and the public [Section V – Employee Relations].

In addition, the Personnel Policies establish formal enforcement mechanisms governing the application of these standards. These mechanisms include supervisor-led investigations and corrective action, progressive discipline up to and including termination, and documented disciplinary procedures [Section V.D – Complaints, Disciplinary Actions, and Grievances]. The policies also provide due process protections through structured complaint and grievance procedures, including multi-level review by management and the Personnel Commission [Section V.D – Grievance Procedures].

- These policies operate as the primary system governing employee ethical conduct, providing clearly defined standards, consistent application, and enforcement through established employment processes.
- **Whistleblower Protection Law.** The Whistleblower Protection Law is intended to protect the Nation from fraud, theft, and other detrimental conduct by providing protections to employees who report wrongdoing [2 O.C. 211.1-1; 211.1-2]. This law establishes:
 - A mechanism for employees to disclose misconduct, including fraud, theft, misuse of funds, unethical conduct, and violations of Nation law or policy [2 O.C. 211.4-1].
 - Protection from retaliation for individuals who make such disclosures [2 O.C. 211.4-2].
 - Investigation authority through Internal Audit and referral to appropriate enforcement bodies, including management, law enforcement, or governing entities [2 O.C. 211.4-5].
 - Disciplinary consequences for individuals found to have engaged in retaliation or underlying misconduct, including termination, sanctions, or removal from office [2 O.C. 211.5-3].

The Whistleblower Law applies broadly to employees and officials and serves as a cross-cutting accountability mechanism, reinforcing ethical standards by ensuring that misconduct can be reported, investigated, and addressed without fear of retaliation.

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- The Oneida Business Committee remains subject to all applicable laws and policies of the Nation including the Removal law. [1 O.C. 103.5].

SECTION 8. OTHER CONSIDERATIONS

Pending Amendments. The Boards, Committees, and Commissions Law and the Conflict of Interest law are undergoing amendments to further clarify and strengthen ethical requirements for both BCC members and Nation employees. While existing laws and policies already provide comprehensive ethical coverage, these parallel efforts reinforce accountability, provide consistency across governance systems, and enhance transparency for the Nation.

- *Conclusion.* The proposed amendments reflect an alignment of law with established governance practices and ongoing legislative development, rather than a reduction in ethical expectations or accountability.

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.

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Title 1. Government and Finances - Chapter 103

~~CODE OF ETHICS~~

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matters that will be followed

CODE OF ETHICS

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103.1. Purpose and Policy

~~103.1-1. It is the policy of the Oneida Tribe of Indians of Wisconsin to promote the highest ethical conduct in all of its elected and appointed officials, and employees. This Code of Ethics represents a beginning, it is the very minimum standard of conduct which is expected. This Code is intended to create a base from which all persons are expected to work upwards and strive to work toward improving the health, safety and welfare of the Oneida Nation, citizens of the Nation, employees of the Tribe, and persons living in and around the jurisdiction of the Oneida Tribe if Indians of Wisconsin.~~

103.2. Definitions

~~(a) Government Official. A "government official" includes all persons who are elected or appointed to serve on the Oneida Business Committee and any board, committee, or commission created by the~~ 103.1-1. Purpose. The purpose of this law is to establish clear standards of conduct rooted in the values of the Oneida people, to guide the Oneida Business Committee in serving the Nation with honor and responsibility. These standards reflect the sacred trust between the government and the people, and are intended to promote integrity, uphold the will of the Nation, and preserve the confidence of the Oneida people. In a government founded upon the consent of

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the people, it is the right of the Oneida to expect loyalty, honesty, and accountability from those who serve.

103.1-2. Policy. It is the policy of the Nation that Oneida Business Committee ~~or Oneida General Tribal Council.~~

~~(b) Administrative Staff.~~ "Administrative Staff" includes all personnel employed and involved in the functioning of the government.

~~(c) Program.~~ A "program" includes all activities of the Oneida Tribe of Indians of Wisconsin not expected to create revenue for the Tribe or those activities not expected to make a profit at any time. Further, this includes those persons that are employees of the Tribe working in these areas. Examples of, but are not limited to, governmental services include the Tribal School, Health Works, Maintenance, Multi Purpose Center, Oneida Community Library.

~~(d) Program personnel.~~ "Program Personnel" are those persons who work in Programs of the Oneida Tribe of Indians of Wisconsin.

~~(e) Enterprise.~~ An "enterprise" includes all activities of the Oneida Tribe of Indians of Wisconsin that are engaged in for the business of profit. Examples of, but not limited to, enterprises are Oneida Printing, Oneida Construction, Oneida Promotions.

~~(f) Enterprise employees.~~ "Enterprise Employees" are those persons employed in an Oneida Enterprise.

103.3. Government

~~103.3-1. All government officials shall be subject to the Code of Ethics as set forth herein and to the intent of the code as set forth above.~~

~~103.3-2. The Code of Ethics shall be as set out below, recognizing that the concept of ethical conduct encompasses action as well as inaction, and represents an area of self regulation. Provided further, that it is the policy of government officials to demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities in order to inspire public confidence and trust in the governmental officials of the Oneida Tribe of Indians of Wisconsin.~~

~~103.3-3. The following shall govern the interaction between government officials and their constituents, co-officials, and employees:~~

~~(a) A government official shall create and maintain an independent and honorable political system, and shall observe high standards of conduct toward achieving this goal, including, but not limited to~~

~~(1) encouraging separation between departments or entities of tribal government, and should avoid contact or duty that violates such a separation.~~

~~(2) avoid participation in action or decision making (except where participation is in accordance with the traditions of the Tribe) that would present an appearance of conflict of interest or an actual conflict of interest.~~

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~~(b) A government official should respect and comply with the law and tradition of the Tribe and should at all times act in a manner that promotes public confidence in the honesty and impartiality of government officials, including but not limited to~~

- ~~(1) influence of family, social or other personal relationships influencing conduct~~
- ~~(2) using prestige of the office to advance private interests of others~~
- ~~(3) conveying use of special influence or being specially influenced.~~

~~(c) A government official should use the following standards in relation to the duties of office~~

- ~~(1) adhere to the laws, customs, and traditions of the Tribe~~
- ~~(2) be patient, dignified and courteous to constituents, co-officials, and others with whom the official deals in an official capacity, and should require similar conduct of others in official proceedings and those personnel subject to the official's discretion and control.~~
- ~~(3) give to every person who is interested in an action time to be heard~~
- ~~(4) not comment to non-tribal members on any proceeding, session, or action unless directed to do so by an official action of the Oneida General Tribal Council, Oneida Business Committee, or their delegates.~~

~~(d) Government officials and their administrative staff shall protect the privileged information to which they have access in the course of official duties, and be prudent in the use of information acquired in the course of their duties. Further, they should not use confidential information for any personal gain, or in a manner which would be detrimental to the welfare of the employer.~~

~~103.3-4. Administrative responsibilities include, but are not limited to, work product and conduct of staff as set out herein~~

- ~~(a) prohibiting staff from making statements on behalf of the Tribe or agency of the Tribe without permission~~
- ~~(b) require staff to observe high standards of honesty and diligence~~
- ~~(c) initiate appropriate disciplinary measures against professional staff for unprofessional conduct which the official may become aware of.~~

~~103.3-5. A government official should disqualify~~ shall carry ~~themselves when their action or inaction might reasonably be questioned, including, but not limited to~~

- ~~(a) personal bias~~
- ~~(b) knowledge that individually or any member of their family or spouse's immediate family, or anyone residing in their household has a financial interest in the subject matter of a proceeding or action, or has any other interest that could be substantially affected~~

~~provided however, that an official disqualified by the above may, instead of withdrawing, disclose on the record the basis of their disqualification. Provided further that the government agency, based on such disclosure, agree unanimously that the government official's participation is not prejudicial or that the financial interest is unsubstantial, the official is no longer disqualified and may participate in the proceeding or action. The agreement or disagreement shall be incorporated in the record of the proceeding or action.~~in

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~~103.3 6. A government official shall regulate their extra governmental activities to minimize the risk of conflict with duties of their office.~~

~~103.3 7. A government official should maintain a distance in financial dealings that would tend to reflect an influence for personal gain, including, but not limited to~~

~~(a) dealings that tend to reflect on their impartiality, interference with performance of governmental duties, or exploit the governmental office~~

~~(b) involvement in businesses that have financial impact or other influence on tribal businesses or actions.~~

~~(c) exceptions are allowed for laws and policies that directly allow the participation of a governmental official, or where the traditions of the Tribe allow participation.~~

~~(d) granting, giving, or influencing the gift, bequest or loan of tribal services, property or monies outside of normal and traditional procedures.~~

~~103.3 8. An official may participate in civic and charitable activities that do not detract from the dignity of the office or interfere with the performance of official duties.~~

103.4. Program

~~103.4 1. The Code of Ethics set forth in this section shall govern the management and employees involved in Tribal Programs.~~

~~103.4 2. This section sets out the minimum ethical standards required of program personnel. However, program personnel are encouraged to keep the community informed on program affairs; encourage communication between citizens and all program personnel; emphasize and practice friendly and courteous service to the public; and seek to improve the quality and image of public service.~~

~~103.4 3. Program personnel shall serve in such a way that they will not realize personal gain from~~**brings honor to** ~~the performance of official duties, including, but not limited to~~

~~(a) seeking favor, personal aggrandizement or profit~~

~~(b) accepting a fee or gift from a fellow employee, a client, a customer, or a business associate of their employer without the knowledge~~**Oncida people** ~~and consent of the senior manager~~

~~(c) exercising discretionary authority to their own benefit.~~

~~103.4 4. Program personnel~~**government. They** ~~shall demonstrate the highest possible standards of personal~~**walk with** ~~integrity, truthfulness, honesty and fortitude in all public activities in order to inspire public confidence and trust in public institutions, including, but not limited to~~

~~(a) dedication to the highest ideals of honor and integrity in all public and personal relationships~~

~~(b) affirm the dignity and worth of the services rendered by the government and maintain constructive, creative, and practical attitude toward community affairs and a deep sense of social responsibility as a trusted public servant.~~

~~103.4 5. Program personnel will avoid any interest or activity that is in conflict with the conduct of official duties, including, but not limited to~~

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~~(a) entering into any activity which may be in conflict with the interest of the Oneida Tribe of Indians of Wisconsin, or which would prejudice the ability to carry out objectively their duties and responsibilities~~

~~(b) eliminating all forms of illegal discrimination, fraud, and mismanagement of public funds, and support colleagues if they are in difficulty because of responsible efforts to correct such discrimination, fraud, mismanagement or abuse~~

~~(c) refrain from participation in the election of members of the employing legislative body, and from all partisan political activities which would impair performance as program personnel.~~

~~103.4 6. Program personnel with hiring, termination, transfer authority should support, implement and promote merit employment and programs of affirmative actions to assure equal employment opportunity by recruitment, selection, and advancement of qualified persons from all elements of society, including, but not limited to~~

~~(a) handling all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions and discipline~~

~~(b) strive for personal professional excellence and encourage the professional development of associates~~

~~(c) accept as a personal duty the responsibility to keep up to date on emerging issues and to administer with professional competence, fairness, impartiality, efficiency and effectiveness~~

~~(d) respect, support, study, and when necessary, work to improve the laws, policies and other regulations which define relationships among public agencies, employees, clients and all citizens~~

~~103.4 7. Program personnel should approach organization and operational duties with a positive attitude and constructively support open communication, creativity, dedication and compassion, including, but not limited to~~

~~(a) submitting policy proposals to supervisors and elected officials; providing them with facts and advice on matters of policy as a basis for making decisions and setting community goals~~

~~(b) upholding and implementing policies adopted by officials.~~

103.4-8. ~~Program personnel shall protect the privileged information to which they have access in the course of official duties and be prudent in the use of information acquired in the course of their duties. Further, they should not use confidential information for any personal gain or in a manner which would be detrimental to the welfare of the employer.~~

~~103.5. Enterprise~~

103.5-1. ~~The enterprises of the Oneida Tribe of Indians of Wisconsin shall follow the Code of Ethics as listed in this section.~~ laws of the Nation, and uphold the highest standards of ethical conduct in all their duties. All Oneida Business Committee members strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by Onayote'a'ka, which includes:

- (a) Kahletsyalúsla. The heartfelt encouragement of the best in each of us.
- (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.
- (c) Ka'nikuhli-yó. The openness of the good spirit and mind.
- (d) Ka'tshatstásla. The strength of belief and vision as a People.
- (e) Kalihwi-yó. The use of the good words about ourselves, our Nation, and our future.
- (f) TwahwahtsíláyΛ. All of us are family.
- (g) YukwatsístayΛ. Our fire, our spirit within each one of us.

103.2. Adoption, Amendment, Repeal

103.2-1. This law was adopted by the Oneida Business Committee members by resolution BC-11-23-94-A, and amended by resolution BC-04-12-06-JJ, BC-09-27-06-E, and BC-XX-XX-XX-X.

103.2-2. This law may be amended or repealed by the Oneida Business Committee members or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

103.2-3. 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.

103.2-4. In the event of a conflict between a provision of this law and a provision of another policy, the provisions of this policy shall control.

103.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

103.3. Definitions

103.3-1. 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) "Conflict of Interest" means any financial, personal, or political interest, real or apparent, that could impair an elected official's impartiality or create an appearance of impropriety in performing Oneida Business Committee members duties, including interests held by immediate family members. This includes any financial or familial interest an Oneida Business Committee member or their immediate family members may have in any transaction between the Nation and an outside party.

- (b) “Great Law of Peace” means the Haudenosaunee principles given by the Peacemaker and carried through Hiawatha that brought peace to the original nations by teaching people to use a Good Mind grounded in reason, compassion, unity, and the restoration of balance among all relations. It guides how the people are to live together in peace and mutual respect, using consensus and shared responsibility to maintain harmony in the community.
- (c) “Immediate Family Member” means an individual’s spouse, parent, child, grandparent, grandchild, great-grandparent, great-grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law or sister-in-law, including relationships attained through legal adoption, consistent with Oneida Human Resource Department standards.
- (d) “Nation” means the Oneida Nation.
- (e) “Oneida people” means enrolled members of the Oneida Nation, individuals eligible for enrollment with the Oneida Nation, and descendants of the Oneida Nation.

103.4. Standards of Conduct

103.4-1. *Good Mind and Sacred Trust.* All Oneida Business Committee members shall serve with a Good Mind (see Section 103.1-2) guided by wisdom, compassion, and responsibility and shall avoid actions or situations that give rise to the appearance of impropriety, undue influence, or favoritism. The principles that follow expand on the obligations of Good Mind and Sacred Trust and set forth the foundational duties that guide the conduct of all Oneida Business Committee members.

- (a) *Seventh Generation Stewardship.* Oneida leaders act as temporary stewards on behalf of past generations and the seven generations yet to come, making decisions with deliberate regard for long-term impacts on the Nation’s people, lands, resources, and institutions.
- (b) *People as the Source of Authority.* Authority derives from the Oneida people, not from the office itself. Oneida leaders shall act in the people’s best interests, speak truthfully, manage the Nation’s resources with integrity, and relinquish authority through established processes when the people’s confidence is lost.
- (c) *Haudenosaunee Governance & Sacred Trust.* Guided by the Great Law of Peace, Oneida leaders shall maintain a heart of peace and goodwill, a mind committed to the people’s welfare, and actions shaped by calm and thoughtful deliberation. “Sacred Trust” means the duty to safeguard the Nation’s wellbeing as something held in care, not possession.
- (d) *Land, Sovereignty, and Cultural Continuity.* Oneida leaders shall protect and strengthen the Nation’s sovereignty, lands, language, and cultural ways—an inheritance preserved through generations of sacrifice—so that these gifts remain whole and vibrant for future generations.
- (e) *Accountability and Conflicts of Interest.* Public office exists solely to serve the Oneida people. Using one’s position for personal, financial, or political gain violates this trust. Oneida leaders shall disclose conflicts, avoid improper influence, refrain from participation where a conflict exists, and recognize that the Nation’s resources and reputation belong to the Oneida people, not to officeholders.

(f) *Ethical Covenant.* This covenant binds Oneida leaders to govern with honesty and transparency; to honor ancestral teachings; to protect sovereignty and lands; and to make decisions worthy of the children who will inherit the Nation. This trust is sacred because it carries the lives of the living, the memory of those who came before, and the future of those yet unborn.

103.4-2. *Conflicts of Interest.* No Oneida Business Committee member shall take part in decisions or activities where they or an immediate family member hold a direct financial, personal, or political interest, as such actions compromise the integrity of service to the Nation.

(a) *Duty to Disclose.* Members of the Oneida Business Committee shall disclose any potential or actual conflict of interest using the OBC Conflict of Interest Disclosure Form, which shall be submitted for inclusion on an OBC meeting agenda. The disclosure shall be presented for OBC acceptance, and the member shall refrain from participating in any related discussions or decision-making, when appropriate, to uphold the integrity of governance.

(b) *Ongoing Duty to Disclose.* Oneida Business Committee members who become aware of a conflict of interest shall promptly disclose its nature and avoid participation in the matter.

(c) *Disclosure Forms.*

(1) The Oneida Law Office shall create both annual and as-needed conflict disclosure forms.

(2) The Office of the Oneida Nation Secretary shall distribute, collect, and maintain these forms.

(3) All Oneida Business Committee members shall submit disclosure forms annually and within a reasonable time after a conflict arises or becomes known.

103.4-3. *Stewardship of Confidential Information.* Oneida Business Committee members shall treat confidential information as sacred, using it only for the benefit of the Nation and never for personal gain or harm. No Oneida Business Committee member shall use confidential information obtained through their position to:

(a) Acquire a financial interest in any property, transaction, or enterprise that may be affected by such information;

(b) Speculate or wager;

(c) Harm another's reputation;

(d) Advance personal or political interests; or

(e) Assist another in doing any of the above.

103.4-4. *Use of Nation Resources.* Oneida Business Committee members are entrusted with the resources of the Nation and shall act as responsible stewards. Misuse, misappropriation, or any form of impropriety in handling the Nation's funds or property is a violation of this sacred trust.

103.4-5. *Fair Dealing and Impartiality.* Oneida Business Committee members shall carry out their duties with fairness, honesty, and impartiality, honoring the trust placed in them by the Oneida people. Oneida Business Committee members shall:

- (a) Refrain from granting special treatment beyond what is available to others under the law;
- (b) Make decisions based solely on merit, facts, and the well-being of the Nation, free from bias, favoritism, or personal interest;
- (c) Avoid conduct that creates the appearance of impropriety or undermines community trust.
- (d) Treat all individuals with respect and dignity, and foster an environment of equity, justice, and inclusion in governmental dealings.

103.4-6. *Accountability and Transparency.* Public service is a sacred responsibility. Oneida Business Committee members are entrusted by the Oneida people to act with integrity, humility, and accountability. Their actions shall reflect the values of the Nation and honor the trust placed in them by the community.

(a) *Duty to be Accountable:* Oneida Business Committee members shall be answerable to the Oneida people for their decisions, conduct, and use of authority; explain their actions, accept responsibility for mistakes, and take corrective steps when necessary. Accountability is not only a legal obligation, it is a cultural duty rooted in respect for the people and the teachings of the Good Mind (see Section 103.1-2).

(b) *Transparency in Governance.* Transparency is essential to maintaining the good mind and the confidence of the people. Oneida Business Committee members shall:

- (1) Conduct public business in a manner that is open, honest, and accessible to the community;
- (2) Provide timely and accurate information about decisions, policies, and the use of Nation resources; and
- (3) Ensure that records, reports, and proceedings are maintained and made available in accordance with the laws and customs of the Nation.

(c) *Community Engagement.* Oneida Business Committee members shall actively seek the voices of the people, respecting the wisdom of elders, the concerns of families, and the guidance of traditional knowledge. Decisions shall reflect the collective good and be made with the understanding that leadership is a service to the Nation, not a privilege.

103.4-7. *Nepotism Prohibited.* The Oneida people expect their leaders to act with integrity and impartiality. Avoiding nepotism is essential to maintaining sacred trust between the government and the community, and to ensuring that all Oneida people have equal opportunity to serve and contribute to the Nation.

(a) *Commitment to Fairness.* Leadership shall be guided by fairness, respect, and the Good Mind (see Section 103.1-2). Favoring family members in employment, appointments, or decision-making undermines the trust of the people and disrupts the balance that is essential to good governance.

(b) *Preferential Treatment Prohibited.* No Oneida Business Committee member shall use their position to secure employment, advancement, contracts, or other benefits for immediate family members or close relatives. All decisions shall be made based on merit, qualifications, and the best interests of the Nation.

(c) *Employment and Oversight Restrictions.* No Oneida Business Committee member shall supervise, evaluate, or participate in employment decisions involving a family member. The Nation shall implement procedures to ensure that hiring and promotion processes are free from undue influence and favoritism.

103.4-8. *Employment Applications by Oneida Business Committee Members.* Employment Application for Direct Report Positions.

(a) Oneida Business Committee service is a sacred duty that requires attention and impartiality, Oneida Business Committee members who intend to apply for employment in positions that report directly to the Oneida Business Committee shall provide written notice to the Oneida Business Committee prior to applying.

(a) *Notice of Intent.* Written notice shall identify the position sought and the hiring authority. The notice is information and does not require formal approval.

(b) *Hiring Process Participation.* Oneida Business Committee members shall not participate in hiring decisions or processes for positions they seek.

(c) *Scope.* This section applies only to positions that are direct reports to the Oneida Business Committee.

103.4-9. *Gifts and Honorarium.*

(a) *Prohibition on Gifts for Business Privilege.* No Oneida Business Committee member shall accept any gift, gratuity, or honorarium of any value in exchange for, or as a condition of, doing business with the Nation.

(b) *Reporting Requirements.* Oneida Business Committee members shall report any gift, honorarium, or sponsored event with a fair market value of five hundred dollars (\$500) or more that is given in connection with activities organized by or participated in on behalf of the Nation. Such disclosures shall be made using the OBC Gift Disclosure Form and submitted for inclusion on an OBC meeting agenda. The disclosure shall be presented for Oneida Business Committee acceptance, and the member shall refrain from participating in any related discussions or decision-making, when appropriate, to uphold the integrity of governance.

(1) Sponsored events not paid for or reimbursed by the Nation or another government, such as social, recreational, or entertainment events must be reported as gifts.

(2) Events paid for or reimbursed by another government for official duties, such as consultations, meetings, or training, are official business and not reportable under this section.

(c) *Gift Disclosure Form and Public Record.* Gifts or gratuities meeting the criteria in 103.4-9(b) shall be documented using the Gift Disclosure Form and submitted to the Office of the Nation's Secretary within ten (10) business days of receipt.

(1) The Office of the Secretary shall maintain a public record of all reported gifts and honoraria; and

(2) The Oneida Law Office shall maintain and update the Gift Disclosure Form and related procedures.

(d) Gifts below the Reporting Threshold. Gifts or honoraria valued at four hundred ninety-nine dollars and ninety-nine cents (\$499.99) or less are not required to be reported on the Gift Disclosure Form.

(e) Cultural and Ceremonial Gifts. Gifts given in the context of traditional, ceremonial, or cultural exchange shall be exempt from reporting requirements. Oneida Business Committee members are encouraged to consult with the Oneida Law Office when in doubt.

103.4-10. Prohibited Conduct. Oneida Business Committee members are expected to walk with the Good Mind (see Section 103.1-2), honoring the trust of the people and the teachings of the Great Law of Peace. The following conduct is prohibited as it undermines the integrity of governance, the dignity of the Nation, and the responsibilities entrusted to those who serve. No Oneida Business Committee member shall:

(a) Use their position for personal gain, financial benefit, or advancement of family, friends, or associates.

(b) Engage in any form of bribery, coercion, or undue influence in the performance of their duties.

(c) Misuse or misappropriate Nation resources, including funds, property, or confidential information.

(d) Discriminate against or harass any individual based on race, gender, age, religion, tribal affiliation, or any other protected status.

(e) Retaliate against any person who reports unethical behavior, misconduct, or violations of this law.

(f) Falsify records, reports, or communications related to their Oneida Business Committee member duties.

(g) Accept gifts, gratuities, or honoraria in violation of Section 103.4-9.

(h) Participate in decisions where a conflict of interest exists, as defined in Section 103.4-2.

(j) Engage in nepotism or favoritism in hiring, supervision, or contracting, as prohibited in Section 103.4-7.

(k) Act in a manner that brings dishonor to the Oneida people or undermines the public's trust in the Nation's government.

103.4-11. Cultural Accountability. Oneida Business Committee members are reminded that their conduct reflects not only on themselves but on the Nation as a whole. They are expected to uphold the teachings of the Good Mind (see Section 103.1-2), protect the well-being of the community, and serve with humility, honor, and respect.

103.4-12. Attendance and Meeting Conduct. Oneida Business Committee members shall honor their responsibility to participate fully and professionally in the governance of the Nation. Attendance and conduct during meetings reflect the integrity of leadership and the trust placed in the Oneida Business Committee by the Oneida people. Accordingly:

(a) Commitment to Presence and Preparedness. Oneida Business Committee members shall attend all scheduled meetings unless excused or prevented by circumstances beyond their control. Absences should be communicated promptly and with respect for the body's

ability to conduct business. Oneida Business Committee members are expected to arrive prepared, having reviewed all materials necessary for informed decision-making.

(b) *Engagement and Respectful Dialogue.* Meetings shall be conducted in a manner the upholds the Good Mind (see Section 103.1-2) and fosters constructive dialogue. Oneida Business Committee members shall:

(1) Participate actively and thoughtfully, contributing to deliberations with clarity and respect.

(2) Listen attentively to others, avoid interruptions, and ensure that all voices are heard.

(3) Refrain from conduct that disrupts proceedings or diminishes the dignity of the office.

(c) *Professionalism and Integrity in Deliberation.* Decisions shall be made based on merits, facts, and the collective good of the Nation. Oneida Business Committee members shall:

(1) Avoid side conversations, electronic distractions, or any behavior that signals disengagement.

(2) Maintain confidentiality of closed-session discussions and sensitive information.

(3) Conduct themselves in a manner that reflects honor, impartiality, and accountability.

(d) *Responsibility for Governance Continuity.* Attendance and participation are essential to the functioning of the Nation's government. Persistent failure to meet these expectations may constitute a breach of sacred trust.

~~**103.5.** 103.5 2. This section sets out the minimum ethical standards required of enterprise employees. However, enterprise personnel are encouraged to conduct themselves in such a way as to maximize their input in a positive and knowledgeable manner and to accept such input such that those suggestions benefit the enterprises of the Oneida Tribe of Indians of Wisconsin.~~

~~103.5 3. Enterprise employees are expected to have a commitment to integrity, which includes, but is not limited to~~

~~(a) Integrity towards the customer. An enterprise employee is expected to:~~

~~(1) Never misrepresent the quality, features or availability of the Tribes products or services or those of its competitors.~~

~~(2) Never engage in industrial espionage or commercial bribery~~

~~(3) Never unlawfully interfere with contracts between a competitor and a customer~~

~~(4) Never buy from suppliers, or hint that we will buy from them, on the condition that they use tribal products or services.~~

~~The Tribe's competitive efforts rely on the merits of its products and services. Enterprise employees should concentrate or anticipate and satisfy the needs of our customers, and should not seek to limit the competitive opportunities of our rivals.~~

~~(b) Integrity towards the Tribe. An enterprise employee is expected to:~~

~~(1) Be honest with the Tribe's's time and property~~

- ~~(2) Reporting to work as scheduled~~
- ~~(3) Doing full day's work~~
- ~~(4) Keeping absences to minimum and documented~~
- ~~(5) Handle customer contacts with the highest standards of professionalism and courtesy~~
- ~~(6) Avoid any outside activity that could adversely affect the independence and objectivity of your judgement, interfere with the timely and effective performance of your duties and responsibilities, or that could discredit the Tribe or conflict, or appear to conflict, with the Tribe's best interests.~~
- ~~(7) Preventing the loss, damage, misuse or theft of tribal property is part of every employee's job. Tribal property should be protected through safeguards such as locking desks, offices and unattended vehicles or facilities, restricting nonemployee or other unauthorized access, avoidance of waste or excess, observing rules regarding identification, package inspection, personal property registration.~~

~~Enterprise employees are expected to, both on and off the job, to support the Tribe's efforts to succeed in the world-wide market place.~~

~~(c) Integrity to themselves. Each enterprise employee is responsible for his or her actions. For each, integrity is a personal responsibility. No one may justify an illegal act by claiming it was ordered by someone higher in management. No one, regardless of rank, is ever authorized to direct an employee to commit an illegal, or unethical act.~~

- ~~(1) The Tribe expects any employee to report any violation of the Code of Ethics, as well as any other dishonest or illegal acts of which they become aware in the workplace. The Tribe will not tolerate reprisals against any employee who, in good faith, makes such reports. Employees who report actions are protected by the laws of the Oneida Tribe.~~
- ~~(2) The Tribe encourages enterprise employees as private citizens to participate in public and civic affairs. Employees should ensure that no conflict of interest, either actual or potential, exists between the Tribe and their duties in public or civic affairs, whether elective or appointed, paid or voluntary.~~
- ~~(3) When spending tribal money, or your own for reimbursement later, or when requesting services on the Tribe's behalf, make sure that the Tribe receives the proper value in return and that the expenditure is for a legitimate business purpose. Every employee who has control over company funds is personally accountable for them.~~
- ~~(4) Employees are forbidden to engage in the following conduct:~~
 - ~~(A) Illegal use, possession, distribution, transportation, sale, purchase or transfer of controlled substances or drugs~~
 - ~~(B) Intoxication on company time, premises, or other business~~
 - ~~(C) Fighting on job or premises~~
 - ~~(D) Possession of unauthorized firearms~~

~~(E) Using rude, abusive or obscene language with costumer, or around customers~~

~~(F) Refusing to serve a costumer.~~

~~(d) Integrity to competitors. The Tribe is committed to engaging in a free and open market, to the extent that preference laws enacted by the tribal government are in effect, enterprise employees may not attempt to influence the sale or purchase of goods and services in any way.~~

~~(1) The Tribe's competitive efforts must rely on the merits of its products and services. Employees should concentrate on anticipating and satisfying the needs of our customers, and should not seek to limit the competitive opportunities of our rivals.~~

~~(2) The Tribe's policy is to honor our own copyright's and copyrights of others. To that end, licenses or permission is needed when using any object, item, idea, etc., that is copyrighted or which is owned by another.~~

~~(3) Enterprise employees shall not give or receive inappropriate gifts or provide unusual hospitality to customers or potential customers or their employees that will unfairly influence their purchasing decision.~~

~~(4) Enterprise employees are required to report gifts other than promotional items of nominal value promptly to your supervisor and then return them to the donor, if possible, or dispose of them in another appropriate manner. Provided that, in any differences between this Ethics Code and any Conflict of Interest Code, the latter shall prevail.~~

~~(5) Enterprise employees should:~~

~~(A) Have no relationship, financial or otherwise, with any supplier or competitor that might be construed as a conflict of interest, or that even might appear to impair your judgement on behalf of the Tribe.~~

~~(B) Never accept or solicit, even indirectly, gifts, loans, "kick backs", special privileges, services, or unusual hospitality. Does not apply to low value promotional items of a general advertising nature.~~

~~103.5-4. Enterprise employees are specifically encouraged to protect the Tribe's intellectual property and proprietary information. Proprietary information is any information or knowledge created, acquired or controlled by the Tribe that the Tribe has determined should not be published or released to others. It includes, but is not limited to, financial and billing records, unannounced products and services, technical information, sales and marketing data, and employee records. If the release of the information could cause the Tribe the loss of a critical competitive advantage, could hurt relationships with customers or could embarrass or harm fellow employees it is considered proprietary.~~

~~When enterprise employees leave the Tribe, all documents and records containing proprietary information must be returned to the Tribe. Further, there is a continuing obligation to safeguard any information obtained during the course of their employment.~~

~~103.5-5. All enterprise employees are required to conduct themselves according to the highest ethical standards of integrity and honesty. Further, each employee is expected to comply with all applicable tribal, federal, state and local laws. Finally, an employee should not undertake any activity that is aimed at, or could reasonably have the effect of, retarding the success of the Tribe in the market place, and should avoid any actions inconsistent with this commitment.~~

~~103.6. Enforcement.~~

~~103.6-1. This code shall be enforced according to the following:~~

~~(a) Government officials may be subject to either removal, if elected, or termination, if appointed, for a violation of any portion of this ethics code as it applies to them.~~

~~(b) Programs and Enterprises shall be removed according to the procedures set out in the Oneida Personnel Procedures and Policies Manual. Provided that, suspension while investigation or termination is an appropriate action, and one offense is sufficient for termination. Provided further, that any suspension shall be without pay.~~

~~103.7. Gifts and Gratuities~~

~~103.7-1. Notwithstanding any provision of this law, no governmental official, administrative staff, employee of a program or enterprise, or a program or enterprise may accept a gift or gratuity of any value for the privilege of doing business with the Oneida Tribe of Indians of Wisconsin.~~

~~103.7-2. Further, any person or entity listed in section 7-1 is required to report gifts of gratuities with a value of \$50.00 or more which is given:~~

~~(a) For activities participated in or organized by the Oneida Tribe; or~~

~~(b) To the person or entity listed in section 7-1 on behalf of the Oneida tribe.~~

~~Those gifts or gratuities with a value of \$50.00 or more shall be document on form CE-1 and forwarded to the Property Management Office within the Accounting Department of the Oneida Tribe.~~

~~103.7-3. All gifts or gratuities having a value of \$49.99 or less need not be documented on form CE-1. However, no individual may retain any gift or gratuity meeting the definition set out in section 7-2 for personal gain.~~

Enforcement. Enforcement of this law shall be conducted in accordance with all applicable laws and regulations of the Nation.

End.

Adopted - Oneida Business Committee minutes, 10-21-91
 Adopted - BC-11-23-94-A
 Emergency Amendment - BC-04-12-06-JJ
 Amended - BC-09-27-06-E (adoption of emergency amendment)
Amended – BC- - - -

Draft 2 (Clean)
2026 07 01

Title 1. Government and Finances - Chapter 103

Atwaliwáseh

matters that will be followed

CODE OF ETHICS

103.1.	Purpose and Policy	103.4.	Standards of Conduct
103.2.	Adoption, Amendment, Repeal	103.5.	Enforcement
103.3.	Definitions		

103.1. Purpose and Policy

103.1-1. *Purpose.* The purpose of this law is to establish clear standards of conduct rooted in the values of the Oneida people, to guide the Oneida Business Committee in serving the Nation with honor and responsibility. These standards reflect the sacred trust between the government and the people, and are intended to promote integrity, uphold the will of the Nation, and preserve the confidence of the Oneida people. In a government founded upon the consent of the people, it is the right of the Oneida to expect loyalty, honesty, and accountability from those who serve.

103.1-2. *Policy.* It is the policy of the Nation that Oneida Business Committee members shall carry themselves in a way that brings honor to the Oneida people and government. They shall walk with integrity, follow the laws of the Nation, and uphold the highest standards of ethical conduct in all their duties. All Oneida Business Committee members strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by Onáyote'a'ka, which includes:

- (a) Kahletsyalúsla. The heartfelt encouragement of the best in each of us.
- (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.
- (c) Ka'nikuhli'yó. The openness of the good spirit and mind.
- (d) Ka'tshatstásla. The strength of belief and vision as a People.
- (e) Kalihwi'yó. The use of the good words about ourselves, our Nation, and our future.
- (f) TwahwahtsíláyΛ. All of us are family.
- (g) YukwatsístayΛ. Our fire, our spirit within each one of us.

103.2. Adoption, Amendment, Repeal

103.2-1. This law was adopted by the Oneida Business Committee members by resolution BC-11-23-94-A, and amended by resolution BC-04-12-06-JJ, BC-09-27-06-E, and BC-XX-XX-XX-X.

103.2-2. This law may be amended or repealed by the Oneida Business Committee members or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

103.2-3. 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.

103.2-4. In the event of a conflict between a provision of this law and a provision of another policy, the provisions of this policy shall control.

103.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

103.3. Definitions

103.3-1. 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) “Conflict of Interest” means any financial, personal, or political interest, real or apparent, that could impair an elected official’s impartiality or create an appearance of impropriety in performing Oneida Business Committee members’ duties, including interests held by immediate family members. This includes any financial or familial interest an Oneida Business Committee member or their immediate family members may have in any transaction between the Nation and an outside party.

(b) “Great Law of Peace” means the Haudenosaunee principles given by the Peacemaker and carried through Hiawatha that brought peace to the original nations by teaching people to use a Good Mind grounded in reason, compassion, unity, and the restoration of balance among all relations. It guides how the people are to live together in peace and mutual respect, using consensus and shared responsibility to maintain harmony in the community.

(c) “Immediate Family Member” means an individual’s spouse, parent, child, grandparent, grandchild, great-grandparent, great-grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law or sister-in-law, including relationships attained through legal adoption, consistent with Oneida Human Resource Department standards.

(d) “Nation” means the Oneida Nation.

(e) “Oneida people” means enrolled members of the Oneida Nation, individuals eligible for enrollment with the Oneida Nation, and descendants of the Oneida Nation.

103.4. Standards of Conduct

103.4-1. *Good Mind and Sacred Trust.* All Oneida Business Committee members shall serve with a Good Mind (see *Section 103.1-2*) guided by wisdom, compassion, and responsibility and shall avoid actions or situations that give rise to the appearance of impropriety, undue influence, or favoritism. The principles that follow expand on the obligations of Good Mind and Sacred Trust and set forth the foundational duties that guide the conduct of all Oneida Business Committee members.

(a) *Seventh Generation Stewardship.* Oneida leaders act as temporary stewards on behalf of past generations and the seven generations yet to come, making decisions with deliberate regard for long-term impacts on the Nation’s people, lands, resources, and institutions.

(b) *People as the Source of Authority.* Authority derives from the Oneida people, not from the office itself. Oneida leaders shall act in the people’s best interests, speak truthfully, manage the Nation’s resources with integrity, and relinquish authority through established processes when the people’s confidence is lost.

(c) *Haudenosaunee Governance & Sacred Trust.* Guided by the Great Law of Peace, Oneida leaders shall maintain a heart of peace and goodwill, a mind committed to the people’s welfare, and actions shaped by calm and thoughtful deliberation. “Sacred Trust” means the duty to safeguard the Nation’s wellbeing as something held in care, not possession.

(d) *Land, Sovereignty, and Cultural Continuity.* Oneida leaders shall protect and strengthen the Nation’s sovereignty, lands, language, and cultural ways—an inheritance preserved

through generations of sacrifice—so that these gifts remain whole and vibrant for future generations.

(e) *Accountability and Conflicts of Interest.* Public office exists solely to serve the Oneida people. Using one's position for personal, financial, or political gain violates this trust. Oneida leaders shall disclose conflicts, avoid improper influence, refrain from participation where a conflict exists, and recognize that the Nation's resources and reputation belong to the Oneida people, not to officeholders.

(f) *Ethical Covenant.* This covenant binds Oneida leaders to govern with honesty and transparency; to honor ancestral teachings; to protect sovereignty and lands; and to make decisions worthy of the children who will inherit the Nation. This trust is sacred because it carries the lives of the living, the memory of those who came before, and the future of those yet unborn.

103.4-2. *Conflicts of Interest.* No Oneida Business Committee member shall take part in decisions or activities where they or an immediate family member hold a direct financial, personal, or political interest, as such actions compromise the integrity of service to the Nation.

(a) *Duty to Disclose.* Members of the Oneida Business Committee shall disclose any potential or actual conflict of interest using the OBC Conflict of Interest Disclosure Form, which shall be submitted for inclusion on an OBC meeting agenda. The disclosure shall be presented for OBC acceptance, and the member shall refrain from participating in any related discussions or decision-making, when appropriate, to uphold the integrity of governance.

(b) *Ongoing Duty to Disclose.* Oneida Business Committee members who become aware of a conflict of interest shall promptly disclose its nature and avoid participation in the matter.

(c) *Disclosure Forms.*

(1) The Oneida Law Office shall create both annual and as-needed conflict disclosure forms.

(2) The Office of the Oneida Nation Secretary shall distribute, collect, and maintain these forms.

(3) All Oneida Business Committee members shall submit disclosure forms annually and within a reasonable time after a conflict arises or becomes known.

103.4-3. *Stewardship of Confidential Information.* Oneida Business Committee members shall treat confidential information as sacred, using it only for the benefit of the Nation and never for personal gain or harm. No Oneida Business Committee member shall use confidential information obtained through their position to:

(a) Acquire a financial interest in any property, transaction, or enterprise that may be affected by such information;

(b) Speculate or wager;

(c) Harm another's reputation;

(d) Advance personal or political interests; or

(e) Assist another in doing any of the above.

103.4-4. *Use of Nation Resources.* Oneida Business Committee members are entrusted with the resources of the Nation and shall act as responsible stewards. Misuse, misappropriation, or any form of impropriety in handling the Nation's funds or property is a violation of this sacred trust.

103.4-5. *Fair Dealing and Impartiality.* Oneida Business Committee members shall carry out their duties with fairness, honesty, and impartiality, honoring the trust placed in them by the Oneida people. Oneida Business Committee members shall:

- (a) Refrain from granting special treatment beyond what is available to others under the law;
- (b) Make decisions based solely on merit, facts, and the well-being of the Nation, free from bias, favoritism, or personal interest;
- (c) Avoid conduct that creates the appearance of impropriety or undermines community trust.
- (d) Treat all individuals with respect and dignity, and foster an environment of equity, justice, and inclusion in governmental dealings.

103.4-6. *Accountability and Transparency.* Public service is a sacred responsibility. Oneida Business Committee members are entrusted by the Oneida people to act with integrity, humility, and accountability. Their actions shall reflect the values of the Nation and honor the trust placed in them by the community.

(a) *Duty to be Accountable:* Oneida Business Committee members shall be answerable to the Oneida people for their decisions, conduct, and use of authority; explain their actions, accept responsibility for mistakes, and take corrective steps when necessary. Accountability is not only a legal obligation, it is a cultural duty rooted in respect for the people and the teachings of the Good Mind (see Section 103.1-2).

(b) *Transparency in Governance.* Transparency is essential to maintaining the good mind and the confidence of the people. Oneida Business Committee members shall:

- (1) Conduct public business in a manner that is open, honest, and accessible to the community;
- (2) Provide timely and accurate information about decisions, policies, and the use of Nation resources; and
- (3) Ensure that records, reports, and proceedings are maintained and made available in accordance with the laws and customs of the Nation.

(c) *Community Engagement.* Oneida Business Committee members shall actively seek the voices of the people, respecting the wisdom of elders, the concerns of families, and the guidance of traditional knowledge. Decisions shall reflect the collective good and be made with the understanding that leadership is a service to the Nation, not a privilege.

103.4-7. *Nepotism Prohibited.* The Oneida people expect their leaders to act with integrity and impartiality. Avoiding nepotism is essential to maintaining sacred trust between the government and the community, and to ensuring that all Oneida people have equal opportunity to serve and contribute to the Nation.

(a) *Commitment to Fairness.* Leadership shall be guided by fairness, respect, and the Good Mind (see Section 103.1-2). Favoring family members in employment, appointments, or decision-making undermines the trust of the people and disrupts the balance that is essential to good governance.

(b) *Preferential Treatment Prohibited.* No Oneida Business Committee member shall use their position to secure employment, advancement, contracts, or other benefits for immediate family members or close relatives. All decisions shall be made based on merit, qualifications, and the best interests of the Nation.

(c) *Employment and Oversight Restrictions.* No Oneida Business Committee member shall supervise, evaluate, or participate in employment decisions involving a family member. The Nation shall implement procedures to ensure that hiring and promotion processes are free from undue influence and favoritism.

103.4-8. *Employment Applications by Oneida Business Committee Members.* Employment Application for Direct Report Positions.

(a) Oneida Business Committee service is a sacred duty that requires attention and impartiality, Oneida Business Committee members who intend to apply for employment in positions that report directly to the Oneida Business Committee shall provide written notice to the Oneida Business Committee prior to applying.

(a) *Notice of Intent.* Written notice shall identify the position sought and the hiring authority. The notice is information and does not require formal approval.

(b) *Hiring Process Participation.* Oneida Business Committee members shall not participate in hiring decisions or processes for positions they seek.

(c) *Scope.* This section applies only to positions that are direct reports to the Oneida Business Committee.

103.4-9. *Gifts and Honorarium.*

(a) *Prohibition on Gifts for Business Privilege.* No Oneida Business Committee member shall accept any gift, gratuity, or honorarium of any value in exchange for, or as a condition of, doing business with the Nation.

(b) *Reporting Requirements.* Oneida Business Committee members shall report any gift, honorarium, or sponsored event with a fair market value of five hundred dollars (\$500) or more that is given in connection with activities organized by or participated in on behalf of the Nation. Such disclosures shall be made using the OBC Gift Disclosure Form and submitted for inclusion on an OBC meeting agenda. The disclosure shall be presented for Oneida Business Committee acceptance, and the member shall refrain from participating in any related discussions or decision-making, when appropriate, to uphold the integrity of governance.

(1) Sponsored events not paid for or reimbursed by the Nation or another government, such as social, recreational, or entertainment events must be reported as gifts.

(2) Events paid for or reimbursed by another government for official duties, such as consultations, meetings, or training, are official business and not reportable under this section.

(c) *Gift Disclosure Form and Public Record.* Gifts or gratuities meeting the criteria in 103.4-9(b) shall be documented using the Gift Disclosure Form and submitted to the Office of the Nation's Secretary within ten (10) business days of receipt.

(1) The Office of the Secretary shall maintain a public record of all reported gifts and honoraria; and

(2) The Oneida Law Office shall maintain and update the Gift Disclosure Form and related procedures.

(d) *Gifts below the Reporting Threshold.* Gifts or honoraria valued at four hundred ninety-nine dollars and ninety-nine cents (\$499.99) or less are not required to be reported on the Gift Disclosure Form.

(e) *Cultural and Ceremonial Gifts.* Gifts given in the context of traditional, ceremonial, or cultural exchange shall be exempt from reporting requirements. Oneida Business Committee members are encouraged to consult with the Oneida Law Office when in doubt.

103.4-10. *Prohibited Conduct.* Oneida Business Committee members are expected to walk with the Good Mind (see Section 103.1-2), honoring the trust of the people and the teachings of the Great Law of Peace. The following conduct is prohibited as it undermines the integrity of governance, the dignity of the Nation, and the responsibilities entrusted to those who serve. No Oneida Business Committee member shall:

(a) Use their position for personal gain, financial benefit, or advancement of family, friends, or associates.

(b) Engage in any form of bribery, coercion, or undue influence in the performance of their duties.

(c) Misuse or misappropriate Nation resources, including funds, property, or confidential information.

(d) Discriminate against or harass any individual based on race, gender, age, religion, tribal affiliation, or any other protected status.

(e) Retaliate against any person who reports unethical behavior, misconduct, or violations of this law.

(f) Falsify records, reports, or communications related to their Oneida Business Committee member duties.

(g) Accept gifts, gratuities, or honoraria in violation of Section 103.4-9.

(h) Participate in decisions where a conflict of interest exists, as defined in Section 103.4-2.

(j) Engage in nepotism or favoritism in hiring, supervision, or contracting, as prohibited in Section 103.4-7.

(k) Act in a manner that brings dishonor to the Oneida people or undermines the public's trust in the Nation's government.

103.4-11. *Cultural Accountability.* Oneida Business Committee members are reminded that their conduct reflects not only on themselves but on the Nation as a whole. They are expected to uphold the teachings of the Good Mind (see Section 103.1-2), protect the well-being of the community, and serve with humility, honor, and respect.

103.4-12. *Attendance and Meeting Conduct.* Oneida Business Committee members shall honor their responsibility to participate fully and professionally in the governance of the Nation. Attendance and conduct during meetings reflect the integrity of leadership and the trust placed in the Oneida Business Committee by the Oneida people. Accordingly:

(a) *Commitment to Presence and Preparedness.* Oneida Business Committee members shall attend all scheduled meetings unless excused or prevented by circumstances beyond their control. Absences should be communicated promptly and with respect for the body's ability to conduct business. Oneida Business Committee members are expected to arrive prepared, having reviewed all materials necessary for informed decision-making.

(b) *Engagement and Respectful Dialogue*. Meetings shall be conducted in a manner the upholds the Good Mind (see Section 103.1-2) and fosters constructive dialogue. Oneida Business Committee members shall:

(1) Participate actively and thoughtfully, contributing to deliberations with clarity and respect.

(2) Listen attentively to others, avoid interruptions, and ensure that all voices are heard.

(3) Refrain from conduct that disrupts proceedings or diminishes the dignity of the office.

(c) *Professionalism and Integrity in Deliberation*. Decisions shall be made based on merits, facts, and the collective good of the Nation. Oneida Business Committee members shall:

(1) Avoid side conversations, electronic distractions, or any behavior that signals disengagement.

(2) Maintain confidentiality of closed-session discussions and sensitive information.

(3) Conduct themselves in a manner that reflects honor, impartiality, and accountability.

(d) *Responsibility for Governance Continuity*. Attendance and participation are essential to the functioning of the Nation's government. Persistent failure to meet these expectations may constitute a breach of sacred trust.

103.5. Enforcement. Enforcement of this law shall be conducted in accordance with all applicable laws and regulations of the Nation.

End.

Adopted - Oneida Business Committee minutes, 10-21-91

Adopted - BC-11-23-94-A

Emergency Amendment - BC-04-12-06-JJ

Amended - BC-09-27-06-E (adoption of emergency amendment)

Amended - BC- - - -



TO: Ralinda Ninham-Lamberies, Chief Financial Officer
FROM: Jameson Wilson, Legislative Operating Committee Chairman
DATE: July 1, 2026
RE: Code of Ethics Law Amendments Fiscal Impact Statement

The Legislative Operating Committee (LOC) is currently developing amendments to the Code of Ethics Law. The Legislative Procedures Act requires that a fiscal impact statement be provided for all proposed legislation of the Nation. [1 O.C. 109.6-1]. The fiscal impact statement is an estimate of the total fiscal year financial effects associated with the proposed legislation, and should include:

- startup costs;
- personnel;
- office costs;
- documentation costs; and
- an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation. [1 O.C. 109.3-1(c)].

The fiscal impact statement must be completed and submitted to the LOC prior to the proposed legislation being forwarded to the Oneida Business Committee for consideration. [1 O.C. 109.6-2]. The fiscal impact statement provides the Oneida Business Committee information on what the potential adoption of the proposed legislation will cost the Nation, so that the Oneida Business Committee can determine if adoption of the proposed legislation is in the best interest of the Nation.

The Legislative Procedures Act grants the LOC the authority to direct the Finance Department or any agency who may administer a program if the legislation is enacted or may have financial information concerning the subject matter of the legislation to submit a fiscal impact statement. [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 the process for directing a fiscal impact statement be completed. This resolution provides that upon final approval of draft legislation by the LOC, the LOC may direct the Finance Department to provide a neutral and unbiased fiscal impact statement to the LOC within ten (10) business days for inclusion in adoption materials.

On July 1, 2026, the Legislative Operating Committee approved the final draft of the proposed amendments to the Code of Ethics Law. Therefore, the LOC is directing the Finance Department to provide a fiscal impact statement on the Code of Ethics Law by July 17, 2026.

A copy of the proposed amendments to the Code of Ethics Law, as well as the legislative analysis, have been attached to this memorandum for your convenience.

Requested Action

Provide the LOC a fiscal impact statement of the Code of Ethics Law by July 17, 2026.



Legislative Operating Committee
July 1, 2026

Eviction and Termination Law Amendments

Submission Date: 7/6/22	Public Meeting: 4/16/26
LOC Sponsor: Jonas Hill	Emergency Enacted: N/A

Summary: *This item was carried over from last term. Amendments to the Eviction and Termination law are being sought for a comprehensive review to run concurrent with the development of amendments to the Real Property law. On February 25, 2024, the General Tribal Council adopted a motion to deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the LOC to remove the wording “alleged” or “allegations” in the law and to bring back to the 2024 Semi-Annual GTC meeting.*

10/4/23 LOC: Motion by Jennifer Webster to add the Eviction and Termination Law Amendments to the Active Files List with Jonas Hill and Marlon Skenandore as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

11/13/23: *Work Meeting.* Present: Grace Elliott, Krystal John, Lisa Rauschenbach, Nicole Rommel, Mark Powless, Scott Denny, Michelle Hill, Clorissa Leeman. The purpose of this meeting was to renew discussion on amendments to the Eviction and Termination Law. The entire work group requested that the matter be removed from the active files list as no amendments are recommended at this time.

1/3/24: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jennifer Webster, Jonas Hill, Kirby Metoxen Clorissa Leeman, Grace Elliott, Kristal Hill, Maureen Perkins, Fawn Cottrell. The purpose of this work meeting was to share background information on the Eviction and Termination Law.

1/8/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Krystal John, Kristal Hill, Maureen Perkins, Fawn Cottrell, Grace Elliott, and via Teams: Jennifer Webster, Fawn Billie, Carolyn Salutz. The purpose of this meeting was to review the Eviction and Termination law and to discuss its recent applications particularly in light of currently evolving legal standards.

1/29/24: *E-Poll Conducted.* This e-poll was titled, *Approval of the March 6, 2024 LOC Community Meeting Notice*. The requested action of this e-poll was to Approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on March 6, 2024. This e-poll was unanimously approved by Jennifer Webster, Marlon Skenandore, Jonas Hill, Jameson Wilson, and Kirby Metoxen.

2/7/24 LOC: Motion by Jennifer Webster to enter into the record the results of the January 29, 2024, e-poll titled, *Approval of the March 6, 2024 LOC Community Meeting Notice*; seconded by Jonas Hill. Motion carried unanimously.

2/25/24 GTC: Motion by Nancy Barton that a report be brought back under the Oneida Comprehensive Housing Department regarding the General Welfare Assistance determination of counting it as yearly income for elders and low-income housing residents with the legal review from Department of Treasury mortgage relief program, a COVID program. Motion ruled out of order by Chairman Tehassi Hill; the motion is not in on topic.

Motion by Gina Powless-Buenrostro to deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the Legislative Operating Committee to remove the wording “alleged” or “allegations” in the law and to bring back to the 2024 semiannual meeting. Seconded by Shawn Skenandore. Motion carried by show of hands.

Amendment #1 to the main motion by Lori Elm to include that nobody loses their home without an agreement if they are not the ones being charged and furthermore that if Comprehensive Housing resells the home, the homes will be sold at the appraised value and that if any other homes were sold this way prior, that the money goes back to Comprehensive Housing to pay down the debt and the excess goes back to the home owner. Motion ruled out of order by Chairman Tehassi Hill; there is a Rule process in place for the motion and General Tribal Council cannot take action on past items.

3/1/24: *Work Meeting:* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Clorissa Leeman, Grace Elliott, Kristal Hill, Fawn Cottrell, Michelle Hill, Brandon Yellowbird-Stevens, Scott Denny, Krystal John. The purpose of this meeting was to prepare for the upcoming community meeting.

3/6/24: *Work Meeting.* Jameson Wilson, Kirby Metoxen, Jonas Hill, Marlon Skenandore, Jennifer Webster, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work session was for the LOC to review the PowerPoint presentation for the March 6, 2024, community meeting for the Oneida Personnel Policies and Procedures Amendments, Sanctions and Penalties Law, and the Eviction and Termination law amendments.

3/6/24: *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenadore, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins, Francine Valentino, Melanie Burkhardt, Gina Buenrostro, Peggy Helm-Quest, Michelle Sawyer, Nadine Escamea, Bonnie Pigman, Olivia Pigman, Julie Denny, Michelle Hill, Vicky Matson, Greg Matson, Julie Behnke, Lynn Metoxen, Jake Doxtator, Kay Keshena, Connie Vandehei, Jen Falck, Lillian Wheelock, Dale Wheelock, Stephanie Smith, Patricia Hoeft, Scott Denny, Dana McLester, Wendy Alvarez, Dana Thyssen, Todd Vanden Heuvel, Larry Barton, Merissa Bloedorn, Lois Stevens, Mark Powless, Linda Dallas, Jake, Peggy Van Gheem, Mary Loeffler, Matthew J. Denny, Nancy Barton, Brittany Kulow, Mary Adams, Cathy Metoxen, William Gollnick. The Legislative Operating Committee held a community meeting in the NHC’s cafeteria from 5:30 p.m. through 7:30 p.m. regarding the Oneida Personnel Policies and Procedures Amendments, the Sanctions and Penalties law, and the Eviction and Termination law amendments. The purpose of this community meeting was for the LOC to listen to community feedback.

3/20/24 *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Maureen Perkins, Fawn Cottrell, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to discuss proposed amendments to the Eviction and Termination law.

4/2/24: *Community Work Session:* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Kristal Hill, Maureen Perkins, Brandon Yellowbird Stevens, Lori Elm, Scott Denny, Michelle Hill, Krystal John, Lawrence Barton, Janice Decorah, Karen Knutson, Fred Muscavitch, Debra Powless, Marie Cornelius, Justin Nishimoto, Katherine Jordan, Kelly McAndrews, Lisa Rauschenbach, Lori

Hill, Mark W. Powless, Michelle Braaten, Nicole Rommel, Stephanie Smith, Todd Vanden Heuvel, Debra Santiago, Kristen Jorgenson-Dann, Joel Maxam, Michelle Tipple, Sidney White, Derrick King. The LOC held a community work session regarding the Eviction and Termination law in the Norbert Hill Center's Business Committee conference room and on Microsoft Teams. The purpose of the community work session was to read through the law line-by-line and collect comments, questions, or suggestions for the language included in the law.

4/16/24

Work Meeting. Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Maureen Perkins, Fawn Cottrell, Clorissa Leeman, Grace Elliott, Scott Denny, Krystal John, Mark Powless, Danielle White, Lisa Rauschenbach. The purpose of this meeting was to review proposed amendments to the Eviction and Termination law.

4/23/24:

Work Meeting. Present: Clorissa Leeman, Grace Elliott. The purpose of this work meeting was to discuss the deadline for the February 25, 2024, General Tribal Council directive to "deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the LOC to remove the wording "alleged" or "allegations" in the law and to bring back to the 2024 semiannual meeting."

Work Meeting. Present: Clorissa Leeman, Jameson Wilson, Marlon Skenandore, Jonas Hill. The purpose of this work meeting was to discuss the upcoming deadline for the February 25, 2024, General Tribal Council directive to "deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the LOC to remove the wording "alleged" or "allegations" in the law and to bring back to the 2024 semiannual meeting" and determine our next steps for moving forward.

4/25/24:

Work Meeting. Present: Clorissa Leeman, Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenandore, Mark Powless, Michelle Hill, Lisa Rauschenbach, Scott Denny, Danielle White, Grace Elliott, Carolyn Salutz, Maureen Perkins, Fawn Cottrell. The purpose of this work meeting was to review the beginning draft of the memorandum to the GTC, and discuss what other materials would be needed to be submitted for this item, and a strategy for moving forward.

4/29/24:

Work Meeting. Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Marlon Skenandore, Clorissa Leeman, Fawn Cottrell, Scott Denny, Michelle Hill, Danielle White, Maureen Perkins, Kristal Hill, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to review the updated memorandum to GTC and the PowerPoint presentation.

5/1/24 LOC:

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

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

6/10/24:

Work Meeting. Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Mark Powless, Scott Denny, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was to plan and discuss the June 19th LOC community meeting regarding the Eviction and Termination law.

6/19/24:

Work Meeting. Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Fawn Billie, Fawn Cottrell, Maureen Perkins, Carolyn Salutz, Grace Elliott. The purpose of this work meeting was to review the presentation for the June 19th LOC community meeting regarding the Eviction and Termination law.

Work Meeting. Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Fawn Cottrell, Maureen Perkins, Carolyn Salutz, Mark Powless, Lisa

Rauschenbach, Scott Denny, Michelle Hill, Krystal John. The purpose of this work meeting was to practice both presentations for the June 19th LOC community meeting regarding the Eviction and Termination law and discuss logistics of this community meeting.

Community Meeting. Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Mark Powless, Lisa Rauschenbach, Scott Denny, Bonnie Pigman, Stephanie Smith, Karen Knutsen, Paulette Leecling, and others. The Legislative Operating Committee held a community meeting in the NHC's cafeteria from 5:30 p.m. through 7:30 p.m. regarding the Eviction and Termination law amendments in collaboration with the Comprehensive Housing Division.

7/1/2024 GTC: Motion by Shawn Skenandore to accept item VII.A. [*VII.A Accept update regarding the Eviction and Termination law*] and VII.B. as information. Seconded by Marie Cornelius. Motion carried by show of hands.

7/8/25: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Kristal Hill, Fawn Cottrell. The purpose of this work meeting was to review a draft of Eviction and Termination law amendments and determine next steps moving forward.

7/31/25: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Kirby Metoxen, Clorissa Leeman, Mark Powless, Krystal John, Eric Boulanger, Lisa Rauschenbach, Scott Denny, Fawn Cottrell, Fawn Billie, Grace Elliott, Carolyn Salutz. The purpose of this meeting was to begin review and discussions of the amended law, but based on request of Attorney Krystal John, the meeting was canceled and rescheduled to provide more time for the areas to digest the proposed amendments.

8/15/25: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jonas Hill, Jennifer Webster, Clorissa Leeman, Mark Powless, Krystal John, Joel Maxam, Lisa Rauschenbach, Scott Denny, Michelle Hill, Derrick Denny. The purpose of this work meeting was to begin the discussion and review of the proposed amendments to the law.

8/25/25: *Work Meeting.* Present: Work Meeting. Present: Jameson Wilson, Kirby Metoxen, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Mark Powless, Kelly McAndrews, Krystal John, Eric Boulanger, Joel Maxam, Lisa Rauschenbach, Scott Denny, Michelle Hill, Jenny Garcia, Nicole Rommel, Sheila Huntington, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Rhiannon Metoxen, Fawn Billie, Kristal Hill. The purpose of this work meeting was to continue the discussion and review of the proposed amendments to the law.

9/3/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Kristal Hill, Fawn Billie, Rhiannon Metoxen. The purpose of this work meeting was to review the comments and suggestions collected during prior work meetings and make decisions on what amendments to pursue.

10/16/25: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen Jennifer Webster, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Rhiannon Metoxen. The purpose of this work meeting was to review the updated draft of proposed amendments to the Law.

11/5/25 LOC: Motion by Jonas Hill to approve the draft of the proposed amendments to the Eviction and Termination law; seconded by Kirby Metoxen. Motion carried unanimously.

2/18/25 LOC: Motion by Jonas Hill to approve the Legislative Analysis of the Eviction and Termination law; seconded by Jennifer Webster. Motion carried unanimously.

3/4/26 LOC: Motion by Jennifer Webster to approve the public meeting packet for the Eviction and Termination Law Amendments and forward to a public meeting to be held on April 16, 2026; seconded by Kirby Metoxen. Motion carried unanimously.

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



4/16/26: *Public Meeting Held.* Present: Jennifer Webster, Jonas Hill, Grace Elliott, Nancy Barton, Cathy Metoxen, Judy Sprangers, Tina Jorgensen, Jodi Tess, Melinda Danforth, Barbara Cornelius, Mary Loeffler, Clorissa Leeman, Alyssa Hudak, Bonnie Pigman, Carolyn Salutz, Carrie Lindsey, Debra Santiago, Diane Wilson, Efren Rivera, Eric Boulanger, Joel Maxam, Mark W. Powless, Melissa Alvarado, Michelle Tipple, Rae Skenandore, Sarah Miller, Shad Webster. Four (4) individuals provided oral comments during the public meeting.

4/23/26: *Public Comment Period Closed.* Zero (0) individuals provided written comments during the public meeting.

5/6/26 LOC: Motion by Jennifer Webster to accept the public comments and the public comment re-view memorandum and defer to a work meeting for further consideration, seconded by Jonas Hill. Motion carried unanimously.

5/6/26: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to review and consider the public comments received.

5/20/26 LOC: Motion by Jennifer Webster to approve the updated public comment review memorandum, draft, and legislative analysis; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Jennifer Webster to approve the fiscal impact statement request memorandum with revision to the due date and direct that the Finance Administration provide the LOC a fiscal impact statement for the proposed Eviction and Termination law amendments by June 19, 2026; seconded by Jonas Hill. Motion carried unanimously.

6/16/26 LOC: *Fiscal Impact Statement.* The Finance Administration provided the Legislative Operating Committee a fiscal impact statement on June 16, 2026.

Next Steps:

- Approve the adoption packet for the proposed amendments to the Eviction and Termination law and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee
FROM: Jameson Wilson, LOC Chairperson
DATE: July 1, 2026
RE: Adoption of Amendments to the Eviction and Termination Law

Please find the following attached backup documentation for your consideration of the adoption of amendments to the Eviction and Termination law:

1. Resolution: Amendments to the Eviction and Termination Law
2. Statement of Effect: Amendments to the Eviction and Termination Law
3. Eviction and Termination Law Amendments Legislative Analysis
4. Eviction and Termination Law Amendments Draft (Redline)
5. Eviction and Termination Law Amendments Draft (Clean)
6. Eviction and Termination Law Amendments Fiscal Impact Statement

Overview

The purpose of the Eviction and Termination law is to provide consistent procedures for terminating a contract and/or evicting an occupant which affords the occupant due process and protects all parties involved. [6 O.C. 610.1-1]. Amendments to the Eviction and Termination law are being sought to:

- Add or revise the definition for Comprehensive Housing Division, law enforcement agency, occupant, owner, periodic tenancy, rental value, and stay of eviction. [6 O.C. 610.3-1];
- Expand who qualifies as an owner under the law from just the Nation to the Nation when the Nation is acting in its capacity as a lessor as defined in the Leasing law or lessee; or the Nation or any person or entity within the Nation's jurisdiction acting in its capacity as a landlord as defined in the Landlord Tenant law. [6 O.C. 610.3-1(h)];
- Revise the delegation of administrative rulemaking authority provided under this Law for the Nation's residential, agricultural, and business contracts. [6 O.C. 610.3-1, 610.11-4(b)];
- Remove the terms "alleged" and "allegations" throughout the Law. [6 O.C. 610.5-1, 610.5-2];
- Revise how notice of an early contract termination or eviction is provided to individuals and corporations or partnerships. [6 O.C. 610.6-3, 610.6-4];
- Provide that an occupant shall have a right to cure for a failure to pay rent, but is not guaranteed that right to cure for subsequent violations. [6 O.C. 610.7-3, 610.7-4];
- Clarify an occupant's right to cure for instances of waste or contract breach by providing steps for remedying this type of breach, and also providing that the right to cure is not guaranteed for subsequent violations. [6 O.C. 610.8-3, 610.8-4];

- Clarify what types of offenses qualify as a violation of law or rule or nuisance activity. [6 O.C. 610.9-1];
- Revise who is allowed to notice an owner of a violation of law or rule or nuisance activity. [6 O.C. 610.9-2];
- Clarify that an owner is not required to provide an occupant an opportunity to cure for a violation of an applicable law or rule or nuisance act. [6 O.C. 610.9-3];
- Clarify and expand when an individual may contest a contract termination. [6 O.C. 610.10];
- Revise how an occupant's failure to vacate following the notice of eviction or a contract expiration is handled by an owner by involving the Oneida Nation Judiciary in an effort to increase due process for all individuals involved. [6 O.C. 610.11];
 - If an occupant fails to vacate the premises, instead of allowing an owner to immediately change the locks as currently allowed, an owner is required to file an eviction action with the Oneida Trial Court to remove the occupant from possession or occupancy of the premises. [6 O.C. 610.11-3];
 - In an eviction action, if the Oneida Trial Court finds that the termination and eviction occurred in accordance with this law and the owner is entitled to possession, the Oneida Trial Court shall immediately enter an order for judgment to the owner for the removal of the occupant and their property from the premises. [6 O.C. 610.11-3(g)];
 - At the time of ordering judgment for the removal of the occupant and their property from the premises, the Oneida Trial Court issues writ of removal – which requires an Oneida Police Department Officer to remove from the premises the occupant and all other persons found upon the premises, using such reasonable force as is necessary if they have not yet removed themselves, and then remain on scene while the owner changes the locks and secures possession of the premises. [6 O.C. 610.11-3(g), 610.11-4];
- Expand the amount of time allowed for an owner to return a security deposit to an occupant from thirty (30) days to sixty (60) days. [6 O.C. 610.12-5];
- Make other drafting changes and broad organizational changes.

The Legislative Operating Committee developed the proposed amendments to the Eviction and Termination law through collaboration with representatives from the Comprehensive Housing Division, Land Management, Oneida Police Department, Oneida Law Office, and the CEO of Nation Services. The Legislative Operating Committee held twenty-five (25) work meetings on the development of the amendments to the Eviction and Termination law. The Legislative Operating Committee also held three (3) community outreach events not required by the Legislative Procedures Act in which the Eviction and Termination law amendments were included as a topic for discussion.

The development of the amendments to the Eviction and Termination law complies with all processes and procedures required by the Legislative Procedures Act, including the development

of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Legislative Operating Committee held a public meeting on the proposed amendments to the Eviction and Termination Law on April 16, 2026. Four (4) individuals provided public comments during this public meeting. The public comment period was then held open until April 23, 2026. No individuals provided written comments during this public comment period. The public comments received were reviewed and considered by the Legislative Operating Committee on May 6, 2026.

The amendments to the Eviction and Termination Law will become effective on July 22, 2026.

Requested Action

Adopt the Resolution: Amendments to the Eviction and Termination Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Amendments to the Eviction and Termination Law

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Eviction and Termination law ("the Law") was adopted by the Oneida Business Committee through resolution BC-10-12-16-A; and
- WHEREAS,** the purpose of this Law is to provide consistent procedures for terminating a contract and/or evicting an occupant which affords the occupant due process and protects all parties involved; and
- WHEREAS,** the amendments to the Law add or revise the definition for Comprehensive Housing Division, law enforcement agency, occupant, owner, periodic tenancy, rental value, and stay of eviction; and
- WHEREAS,** the amendments to the Law expand who qualifies as an owner under the law from just the Comprehensive Housing Division on behalf of the Nation to the Nation when the Nation is acting in its capacity as a lessor as defined in the Leasing law or lessee; or the Nation or any person or entity within the Nation's jurisdiction acting in its capacity as a landlord as defined in the Landlord Tenant law; and
- WHEREAS,** the amendments to the Law revise the delegation of administrative rulemaking authority provided under this Law for the Nation's residential, agricultural, and business contracts; and
- WHEREAS,** the amendments to the Law remove the terms "alleged" and "allegations" throughout the Law; and
- WHEREAS,** the amendments to the Law revise how notice of an early contract termination or eviction is provided to individuals and corporations or partnerships; and
- WHEREAS,** the amendments to the provide that an occupant shall have a right to cure for a failure to pay rent, but is not guaranteed that right to cure for subsequent violations; and
- WHEREAS,** the amendments to the Law clarify an occupant's right to cure for instances of waste or contract breach by providing steps for remedying this type of breach, and also providing that the right to cure is not guaranteed for subsequent violations; and
- WHEREAS,** the amendments to the Law clarify what types of offenses qualify as a violation of law or rule or nuisance activity; and

WHEREAS, the amendments to the Law revise who is allowed to notice an owner of a violation of law or rule or nuisance activity; and

WHEREAS, the amendments to the Law clarify that an owner is not required to provide an occupant an opportunity to cure for a violation of an applicable law or rule or nuisance act; and

WHEREAS, the amendments to the Law clarify and expand when an individual may contest a contract termination; and

WHEREAS, the amendments to the Law revise how an occupant's failure to vacate following the notice of eviction or a contract expiration is handled by an owner; and

WHEREAS, the amendments to the Law expand the amount of time allowed for an owner to return a security deposit to an occupant from thirty (30) days to sixty (60) days; and

WHEREAS, the amendments to the Law make other minor drafting revisions and broad organizational changes; and

WHEREAS, the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Comprehensive Housing Division, Land Management, Oneida Police Department, Oneida Law Office, and the CEO of Nation Services; and

WHEREAS, in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the proposed amendments to the Law; and

WHEREAS, the Legislative Operating Committee held a public meeting on the proposed amendments to the Law on April 16, 2026, where four (4) individuals provided public comments during this public meeting, and the public comment period was then held open until April 23, 2026, where no individuals provided written comments during this public comment period; and

WHEREAS, the Legislative Operating Committee reviewed and considered all public comments received on May 6, 2026; and

WHEREAS, beyond the requirements of the Legislative Procedures Act, the Legislative Operating Committee also held three (3) community outreach events in which the Eviction and Termination law amendments were included as a topic for discussion for the community; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts the amendments to the Eviction and Termination law, which shall become effective on July 22, 2026.

BE IT FINALLY RESOLVED, the Comprehensive Housing Department and Land Management shall review the Eviction and Termination Law Rule No. 1 – Disposal of Abandoned Personal Property and make any revisions to the Rule deemed necessary to comply with these adopted amendments to the Eviction and Termination law.



Statement of Effect

Amendments to the Eviction and Termination law

Summary

This resolution adopts amendments to the Eviction and Termination law.

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

Date: June 24, 2026

Analysis by the Legislative Reference Office

This resolution adopts amendments to the Eviction and Termination law. The purpose of the Eviction and Termination law is to provide consistent procedures for terminating a contract and/or evicting an occupant which affords the occupant due process and protects all parties involved. [6 O.C. 610.1-1]. Amendments to the Eviction and Termination law are being sought to:

- Add or revise the definition for Comprehensive Housing Division, law enforcement agency, occupant, owner, periodic tenancy, rental value, and stay of eviction. [6 O.C. 610.3-1];
- Expand who qualifies as an owner under the law from just the Comprehensive Housing Division on behalf of the Nation to the Nation when the Nation is acting in its capacity as a lessor as defined in the Leasing law or lessee; or the Nation or any person or entity within the Nation's jurisdiction acting in its capacity as a landlord as defined in the Landlord Tenant law. [6 O.C. 610.3-1(h)];
- Revise the delegation of administrative rulemaking authority provided under this Law for the Nation's residential, agricultural, and business contracts. [6 O.C. 610.3-1, 610.11-4(b)];
- Remove the terms "alleged" and "allegations" throughout the Law. [6 O.C. 610.5-1, 610.5-2];
- Revise how notice of an early contract termination or eviction is provided to individuals and corporations or partnerships. [6 O.C. 610.6-3, 610.6-4];
- Provide that an occupant shall have a right to cure for a failure to pay rent, but is not guaranteed that right to cure for subsequent violations. [6 O.C. 610.7-3, 610.7-4];
- Clarify an occupant's right to cure for instances of waste or contract breach by providing steps for remedying this type of breach, and also providing that the right to cure is not guaranteed for subsequent violations. [6 O.C. 610.8-3, 610.8-4];
- Clarify what types of offenses qualify as a violation of law or rule or nuisance activity. [6 O.C. 610.9-1];
- Revise who is allowed to notice an owner of a violation of law or rule or nuisance activity. [6 O.C. 610.9-2];
- Clarify that an owner is not required to provide an occupant an opportunity to cure for a violation of an applicable law or rule or nuisance act. [6 O.C. 610.9-3];
- Clarify and expand when an individual may contest a contract termination. [6 O.C. 610.10];

- Revise how an occupant's failure to vacate following the notice of eviction or a contract expiration is handled by an owner. *[6 O.C.610.11]*;
- Expand the amount of time allowed for an owner to return a security deposit to an occupant from thirty (30) days to sixty (60) days. *[6 O.C.610.12-5]*;
- Make other drafting changes and broad organizational changes.

Adoption of any legislation is required to comply with the Legislative Procedures Act ("the LPA"), which was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a standardized process for the adoption of laws of the Nation. *[1 O.C. 109.1-1]*. The Eviction and Termination law amendments complied with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. *[1 O.C. 109.6, 109.7, 109.8]*.

The Legislative Operating Committee held a public meeting on the proposed amendments to the Eviction and Termination Law on April 16, 2026. Four (4) individuals provided public comments during this public meeting. The public comment period was then held open until April 23, 2026. No individuals provided written comments during this public comment period. The public comments received were reviewed and considered by the Legislative Operating Committee on May 6, 2026.

The amendments to the Eviction and Termination law will become effective on July 22, 2026.

This resolution also directs the Comprehensive Housing Department and Land Management shall review the Eviction and Termination Law Rule No. 1 – Disposal of Abandoned Personal Property and make any revisions to the Rule deemed necessary to comply with these adopted amendments to the Eviction and Termination law. The Administrative Rulemaking law provides a process for the adoption and amendment of administrative rules. *[1 O.C. 106.1-1]*. It is the policy of the Nation to ensure there is 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. 109.1-2]*. Any rules developed or amended in accordance with this Eviction and Termination law must comply with all processes and procedures of the Administrative Rulemaking law.

Conclusion

Adoption of this resolution would not conflict with any of the Nation's laws.



EVICTON AND TERMINATION LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	▪ Add or revise the definition for Comprehensive Housing Division, law enforcement agency, occupant, owner, periodic tenancy, rental value, and stay of eviction. [6 O.C. 610.3-1]; ▪ Revise the delegation of administrative rulemaking authority provided under this Law for the Nation’s residential, agricultural, and business contracts. [6 O.C. 610.3-1, 610.11-4(b)]; ▪ Remove the terms “alleged” and “allegations” throughout the Law. [6 O.C. 610.5-1, 610.5-2]; ▪ Revise how notice of an early contract termination or eviction is provided to individuals and corporations or partnerships. [6 O.C. 610.6-3, 610.6-4]; ▪ Provide that an occupant shall have a right to cure for a failure to pay rent, but is not guaranteed that right to cure for subsequent violations. [6 O.C. 610.7-3, 610.7-4]; ▪ Clarify an occupant’s right to cure for instances of waste or contract breach by providing steps for remedying this type of breach, and also providing that the right to cure is not guaranteed for subsequent violations. [6 O.C. 610.8-3, 610.8-4]; ▪ Clarify what types of offenses qualify as a violation of law or rule or nuisance activity. [6 O.C. 610.9-1]; ▪ Revise who is allowed to notice an owner of a violation of law or rule or nuisance activity. [6 O.C. 610.9-2]; ▪ Clarify that an owner is not required to provide an occupant an opportunity to cure for a violation of an applicable law or rule or nuisance act. [6 O.C. 610.9-3]; ▪ Clarify and expand when an individual may contest a contract termination. [6 O.C.610.10]; ▪ Revise how an occupant’s failure to vacate following the notice of eviction or a contract expiration is handled by an owner. [6 O.C.610.11]; ▪ Expand he amount of time allowed for an owner to return a security deposit to an occupant from thirty (30) days to sixty (60) days. [6 O.C.610.12-5]; ▪ Make other drafting changes and broad organizational changes.
Purpose	The purpose of this law is to provide consistent procedures for terminating a contract and/or evicting an occupant which affords the occupant due process and protects all parties involved. [6 O.C. 610.1-1].
Affected Entities	Oneida Judiciary, Comprehensive Housing Division, Land Management, Oneida Police Department, applicable landlords, tenants, lessors, lessees

Public Meeting	A public meeting was held on April 16, 2026. Four (4) individuals provided oral comments during the public meeting. The public comment period was then held open until April 23, 2026. No submissions of written comments were received during the public comment period.
Fiscal Impact	A fiscal impact statement was provided by the Finance Administration on June 16, 2026.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** The Eviction and Termination law (“the Law”) was adopted by the Oneida Business Committee on October 12, 2016, through the adoption of resolution BC-10-12-16-A. The Law provides consistent procedures for terminating a contract and/or evicting an occupant which affords the occupant due process and protects all parties involved. [6 O.C. 610.1-1]. It is the Nation’s policy to provide fair termination and eviction processes that preserves the peace, harmony, safety, health, general welfare, and the Nation’s resources. [6 O.C. 610.1-2].
- B. Request for Amendments.** The Legislative Operating Committee added the Eviction and Termination law amendments to the Active Files List on July 6, 2022, for the purpose of a comprehensive review for potential amendments to the law to occur to run concurrent with the development of amendments to the Real Property law.
- C. Petition: L. Elm – Real Property Law Eviction and Termination.** The development of amendments to the Eviction and Termination law is closely related to the General Tribal Council’s response and action to the Petition: L. Elm – Real Property Law Eviction and Termination (“Petition”).
- On April 7, 2021, the Petition was submitted to the Government Administrative Office by Lori Elm and was verified by the Oneida Trust Enrollment Department. The purpose of this Petition is for a “General Tribal Council (GTC) meeting be held by virtual or in-person, regarding the Real Property Law, concerning Eviction and termination including residential leases. With our current pandemic of addiction in the community, the stipulation of vacating your home in five (5) days, from the time of the incident is or should be considered and Unconstitutional, furthermore we need a due process to protect the heads of household leases), from losing their homes, an include procedures in the case they do. Including timeframes for them to sell their homes; implementation of a chart of penalties, (Drugs and type, Violence, Sexual abuse or assault, human trafficking and all unlawful activities) including intent of eviction Notice with timelines, from the date of the incident as well as date of Notice and including Due Process; Request an advocated board be created between Oneida Land Commission, Oneida Police Commission, with representatives from Behavior Health, and Comprehensive Housing Division Area; Request if the head of household is not the occupant in violation, a compliance agreement be done with them, outline, behavior or property for a period of time, before termination (eviction) of lessee is implemented; also requesting occupant of violation must be removed from residence and if a successful treatment plan and stability review is approved by advocate board, they may be able to enter into their own lease or reside back at residence; Evaluation of how one can be held responsible of activities: address on citation, activity at residence, accusations and/or any other ways; Timeline(s) for getting another lease and how; The reasoning for this petition is to protect families from their loved one’s addiction, and so they do not lose their home after all the other family suffering, they already, have consumed over the addiction.”

- 37 ▪ On April 14, 2021, the Oneida Business Committee acknowledged receipt of the Petition and
38 directed the Law, Finance, and Legislative Reference Offices to complete, respectively, the legal
39 review, fiscal impact statement and statement of effect.
- 40 ▪ On April 21, 2022, the Legislative Operating Committee added the Petition: L. Elm – Real Property
41 Law Eviction and Termination to the Active Files List.
- 42 ▪ On June 2, 2021, the Legislative Operating Committee accepted the statement of effect for the
43 Petition and forward the statement of effect to the Oneida Business Committee.
- 44 ▪ The Oneida Business Committee approved the statement of effect on June 9, 2021.
- 45 ▪ On January 16, 2023, the General Tribal Council considered the Petition and adopted a motion to
46 accept the petition as information and to ask the Business Committee to review the Eviction &
47 Termination Law and to bring back a report back to General Tribal Council to the 2023 semi-annual
48 meeting.
- 49 ▪ On May 18, 2023, the Legislative Operating Committee approved the *Review of the Eviction and*
50 *Termination Law Memorandum* and forwarded this legislative item to the Oneida Business
51 Committee for consideration. This memorandum reviewed the various provisions contained in the
52 Eviction and Termination law and concluded that the Eviction and Termination law very clearly
53 provides when a lease or rental agreement may be terminated and the occupant may be evicted,
54 how notice of the eviction is provided to the occupant, and what occurs if an occupant fails to vacate
55 the property. The Eviction and Termination law provides for the protection of due process rights
56 of the occupant, while also protecting the Nation’s rights to preserves the peace, harmony, safety,
57 health, general welfare, and the Nation’s resources.
- 58 ▪ On May 24, 2023, the Oneida Business Committee accepted as information the memorandum
59 entitled *Review of the Eviction and Termination Law*.
- 60 ▪ The review of the Eviction and Termination law was not addressed at the July 24, 2023, Semi-
61 Annual GTC meeting, and instead was forwarded to the 2024 Annual General Tribal Council
62 meeting.
- 63 ▪ At the February 25, 2024, Annual General Tribal Council meeting the Legislative Operating
64 Committee provided the memorandum entitled, *Review of the Eviction and Termination Law*.
- 65 ▪ In response to the memorandum from the LOC, on February 25, 2024, the General Tribal Council
66 adopted a motion to deny the acceptance of the memorandum regarding the Eviction & Termination
67 law update and to defer the Eviction & Termination law back to the Legislative Operating
68 Committee to remove the wording “alleged” or “allegations” in the law and to bring back to the
69 2024 Semi-Annual GTC meeting.
- 70 ▪ On May 1, 2024, the Legislative Operating Committee approved the memorandum entitled, *Follow*
71 *up on February 25, 2024, GTC Directive for Amendments to the Eviction and Termination Law*,
72 and corresponding materials and forward to the Oneida Business Committee. This memorandum
73 outlined the Legislative Operating Committee’s plan on how amendments to the Eviction and
74 Termination law would be developed to remove the words alleged and allegations. The LOC was
75 not able to bring forward an amended Eviction and Termination law to the 2024 Semi-Annual GTC
76 meeting as the directive from GTC did not provide an adequate amount of time for the LOC to
77 comply with the requirements of the Legislative Procedures Act.
- 78 ▪ On July 1, 2024, the General Tribal Council accepted item VII.A. [*VII.A Accept update regarding*
79 *the Eviction and Termination law*] and VII.B. as information.

SECTION 3. CONSULTATION AND OUTREACH

- A. Representatives from the following departments or entities participated in the development of the amendments to the Budget and Finances law and this legislative analysis:
- Comprehensive Housing Division;
 - Land Management;
 - Oneida Police Department;
 - Oneida Law Office; and
 - CEO of Nation Services.
- B. The following laws were reviewed in the drafting of this analysis:
- Administrative Rulemaking law;
 - Legislative Procedures Act;
 - Leasing law;
 - Landlord Tenant law;
 - Oneida Judiciary law;
 - Oneida Judiciary Rules of Civil Procedure;
 - Oneida Judiciary Rules of Evidence;
 - Rules of Appellate Procedure; and
 - Public Peace law.

SECTION 4. PROCESS

- A. The development of the proposed amendments to Eviction and Termination law complies with the process set forth in the Legislative Procedures Act (LPA).
- On July 6, 2022, the Legislative Operating Committee added the Eviction and Termination law to its Active Files List.
 - On October 10, 2023, the Legislative Operating Committee added the Eviction and Termination law to its Active Files List.
 - On January 29, 2024, the Legislative Operating Committee conducted an e-poll entitled, *Approval of the March 6, 2024 LOC Community Meeting Notice*. The requested action of this e-poll was to Approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on March 6, 2024. This e-poll was unanimously approved by Jennifer Webster, Marlon Skenandore, Jonas Hill, Jameson Wilson, and Kirby Metoxen.
 - On February 7, 2024, the Legislative Operating Committee entered into the record the results of the March, 6, 2024, e-poll.
 - On May 1, 2024, the Legislative Operating Committee approved the memorandum entitled, *Follow up on February 25, 2024, GTC Directive for Amendments to the Eviction and Termination Law*, and corresponding materials and forward to the Oneida Business Committee. The Legislative Operating Committee also approved the LOC community meeting notice and scheduled the community meeting to take place on June 19, 2024.
 - On July 1, 2024, the General Tribal Council accepted item VII.A. [VII.A Accept update regarding the Eviction and Termination law] and VII.B. as information.

- 123 ▪ On November 5, 2025, the Legislative Operating Committee approved the draft of the proposed
- 124 amendments to the Eviction and Termination law.
- 125 ▪ On February 18, 2026, the Legislative Operating Committee approved the legislative analysis for
- 126 the draft of proposed amendments to the Eviction and Termination law.
- 127 ▪ On March 4, 2026, the Legislative Operating Committee approved the public meeting packet for
- 128 the Eviction and Termination law amendments and forwarded this item to a public meeting to be
- 129 held on April 16, 2026.
- 130 ▪ A public meeting was held on April 16, 2026. Four (4) individuals provided oral comments during
- 131 the public meeting.
- 132 ▪ The public comment period was then held open until April 23, 2026. No submissions of written
- 133 comments were received during the public comment period.
- 134 ▪ On May 6, 2026, the Legislative Operating Committee accepted the public comments and the
- 135 public comment review memorandum and deferred these items to a work meeting for further
- 136 consideration. The Legislative Operating Committee reviewed and considered the public
- 137 comments received that same day.
- 138 ▪ On May 20, 2026, the Legislative Operating Committee approved the updated public comment
- 139 review memorandum, draft, and legislative analysis; and approved the fiscal impact statement
- 140 request memorandum and directed that the Finance Administration provide the LOC a fiscal impact
- 141 statement for the proposed Eviction and Termination law amendments by June 19, 2026.
- 142 ▪ On June 16, 2026, the Finance Administration provided a fiscal impact statement for the proposed
- 143 amendments to the Eviction and Termination law.
- 144 **B.** At the time this legislative analysis was developed the following work meetings had been held
- 145 regarding the development of the amendments to the Eviction and Termination law:
- 146 ▪ July 15, 2022: LOC work session with the Comprehensive Housing Division, Land Management,
- 147 Oneida Law Office, and the Oneida Land Commission.
- 148 ▪ August 30, 2022: LOC work session with the Comprehensive Housing Division, Land
- 149 Management, Oneida Law Office, and the Oneida Police Department.
- 150 ▪ September 7, 2022: LOC work session.
- 151 ▪ September 21, 2022: LOC work session.
- 152 ▪ November 13, 2023: LOC work session with the Comprehensive Housing Division, Land
- 153 Management, Oneida Law Office, and the CEO of Nation Services.
- 154 ▪ January 3, 2024: LOC work session.
- 155 ▪ January 8, 2024: LOC work session with Oneida Law Office.
- 156 ▪ March 1, 2024: LOC work session with the Comprehensive Housing Division, Oneida Law Office,
- 157 and Oneida Business Committee Vice-Chairman.
- 158 ▪ March 6, 2024: LOC work session.
- 159 ▪ March 20, 2024: LOC work session
- 160 ▪ April 16, 2024: LOC work session with the Comprehensive Housing Division, Oneida Law Office,
- 161 and the CEO of Nation Services.
- 162 ▪ April 23, 2024: LOC work session.
- 163 ▪ April 25, 2024: LOC work session with the Comprehensive Housing Division and the CEO of
- 164 Nation Services.
- 165 ▪ April 29, 2024: LOC work session with the Comprehensive Housing Division.

- June 10, 2024: LOC work session with the Comprehensive Housing Division and the CEO of Nation Services.
- June 19, 2024: LOC work session.
- June 19, 2024: LOC work session with the Comprehensive Housing Division, Oneida Law Office, and the CEO of Nation Services.
- July 8, 2025: LOC work session.
- July 31, 2025: LOC work session with the Comprehensive Housing Division, Oneida Law Office, Oneida Police Department, and the CEO of Nation Services.
- August 15, 2025: LOC work session with the Comprehensive Housing Division, Oneida Law Office, Oneida Police Department, and the CEO of Nation Services.
- August 25, 2025: LOC work session with the Comprehensive Housing Division, Oneida Law Office, Oneida Police Department, Land Management, and the CEO of Nation Services.
- September 3, 2025: LOC work session.
- October 16, 2025: LOC work session.
- May 6, 2026: LOC work session.

C. *Community Outreach Events*. In addition to the public meeting required by the Legislative Procedures Act, the LOC held the following community outreach events on the proposed amendments to the Eviction and Termination law:

- March 6, 2025: Legislative Operating Committee Community Meeting held in the Norbert Hill Center's cafeteria. The Legislative Operating Committee held a community meeting regarding the Oneida Personnel Policies and Procedures Amendments, the Sanctions and Penalties law, and the Eviction and Termination law amendments. The purpose of this community meeting was for the LOC to listen to community feedback on the proposed legislative items.
- April 2, 2024: Legislative Operating Committee Community Work Session held in the Norbert Hill Center Business Committee Conference Room and on Microsoft Teams. The purpose of the community work session was to read through the law line-by-line and collect comments, questions, or suggestions for the language included in the law.
- June 19, 2024: Legislative Operating Committee and Comprehensive Housing Division Community Meeting held in the Norbert Hill Center cafeteria. The Legislative Operating Committee held a community meeting to specifically discuss the Eviction and Termination law amendments in collaboration with the Comprehensive Housing Division.

What is an eviction?

An eviction is the legal process an owner uses to remove an occupant from a rented or leased property, typically due to a contract violation like nonpayment of rent, illegal activity, or unauthorized occupants.

Eviction and Termination Law Enforcement Data

Currently, the Eviction and Termination law only applies to the Nation in its capacity as a lessor as defined in the Leasing law or as a landlord as defined in the Landlord Tenant law. Enforcement data provided by the Nation's entities can provide insight into the application of the Eviction and Termination law.

In regard to the rental programs, the Comprehensive Housing Division provided the following data as of October 2025:

CHD Rental Program Move Out Review				
Year	Unit Transfer	Voluntary	Involuntary	Annual Total
2023	16	14	18	48
2024	6	14	22	42
2025	5	19	15	39
Total	27	47	55*	120

*15 of the 55 were Involuntary based on death.

The involuntary designation included reasons such as criminal convictions, illegal drug activity, program ineligibility, non-renewal, and unhealthy/unsafe living conditions.

The Comprehensive Housing Division also identified that in regard to residential leasing, in 2025 there were two (2) lease termination cases being handled by the Comprehensive Housing Division. The Comprehensive Housing Divisions posts information regarding contract terminations and evictions made in accordance with the Eviction and Termination law for violations of law or rule or nuisance activity on the Nation's website at the following location:

https://oneida-nsn.gov/wp-content/uploads/2024/04/CHD-Eviction-and-Termination-Spreadsheet_OLO_Final_1.pdf

Land Management provided that in regard to agricultural and business leases, there were no contract terminations or evictions in recent years.

SECTION 5. CONTENTS OF THE LEGISLATION

A. Expansion of Who Qualifies as an Owner. The proposed amendments to the Law expand who qualifies as an owner. Currently, the Law defines "owner" as the Nation in its capacity as a lessor as defined in the Leasing law or as a landlord as defined in the Landlord Tenant law. [6 O.C.610.3-1(g)]. Section 610.8-3 of the currently effective Law further provides that the owner is the Comprehensive Housing Division in regard to taking actions authorized under this law and complaints filed with the Oneida Judiciary shall name the Comprehensive Housing Division and the specific program. The proposed amendments to the Law now define "owner" as the Nation when the Nation is acting in its capacity as a lessor as defined in the Leasing law or lessee; or the Nation or any person or entity within the Nation's jurisdiction acting in its capacity as a landlord as defined in the Landlord Tenant law. [6 O.C.610.3-1(h)]. The provision providing that the owner is the Comprehensive Housing Division in regard to taking actions authorized under this Law is eliminated in the proposed amendments.

- **Effect.** The proposed amendments to the Law expand who qualifies as an owner under the Eviction and Termination law. This amendment to the Law as made to be consistent with amendments made to the Landlord Tenant law. The Landlord Tenant law was amended by the Oneida Business Committee on June 25, 2025, through the adoption of resolution BC-06-25-25-C to expand the definition of 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)]. The expanded definition of owner in the Eviction and Termination law and landlord in the Landlord Tenant law means that both laws are applied 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.
This expands the Nation's exercise of sovereignty within the Reservation boundaries.

B. *Administrative Rulemaking Authority.* The proposed amendments to the Law revise the delegation of administrative rulemaking authority for residential, agricultural, and business contracts. [6 O.C.610.4-1]. Currently, section 610.4-1 of the Law provides that the Land Commission and the Comprehensive Housing Division may jointly create rules to further govern the processes contained in this law related to residential contracts. The proposed amendments to the Law provide that it is the Comprehensive Housing Division that is solely delegated administrative rulemaking authority to create rules to govern the Nation's residential contracts. [6 O.C.610.4-1]. The Law then provides in section 610.4-2 that the Land Commission and the Division of Land Management may jointly create rules to further govern the processes contained in this law related to agricultural and business contracts. The proposed amendments to the Law provide that it is Land Management that is solely delegated administrative rulemaking authority to create rules to govern the Nation's agricultural and business contracts. [6 O.C.610.4-1]. Another instance where administrative rulemaking authority is revised is in regard to the disposition of personal property. Section 610.6-1(a)(2) of the current Law provides that the Land Commission and the Comprehensive Housing Division shall jointly create rules further governing the disposition of personal property in relation to residential contracts and the Land Commission and the Division of Land Management shall jointly create rules further governing the disposition of personal property in relation to agricultural and business contracts. The proposed amendments to the Law provide that it is the Comprehensive Housing Division that is solely delegated administrative rulemaking authority to create rules further governing the disposition of personal property in relation to the Nation's residential contracts, and Land Management that is solely delegated administrative rulemaking authority to create rules further governing the disposition of personal property in relation to the Nation's business and agricultural and business contracts. [6 O.C. 610.11-4(b)].

- *Effect.* The proposed amendments to the Law simplify the delegation of administrative rulemaking authority. Administrative rulemaking authority is now delegated solely to the entity that is responsible for handling evictions and terminations on behalf of the Nation for residential, agricultural, and business contracts.

C. *Removal of Alleged and Allegations.* The proposed amendments to the Law remove the terms alleged and allegations from the Law. Currently, section 610.5-1 addresses causes for early contract termination and provides that the owner may terminate the 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. The proposed amendments to the Law instead focus on ensuring that violations of any applicable law or rule or nuisance activity has occurred and is not just alleged to have occurred. [6 O.C.610.5-1]. Furthermore, currently the Law provides that an occupant has a valid defense to eviction if he or she alleges that if not for the alleged domestic abuse, which is noticed to the owner with any of the following documentation, there would not be cause for eviction under section 610.5-1. [6 O.C.610.5-2]. The proposed amendments to the Law again remove the terms alleges and alleged. *Id.*

- *Effect.* The proposed amendments to the Law comply with the February 25, 2024, General Tribal Council directive to defer the Eviction & Termination law back to the Legislative Operating Committee to remove the wording "alleged" or "allegations" in the law.

D. *Notice to Individuals.* The proposed amendments to the Law revise how notice of an early contract termination or eviction is provided to individuals. Currently, section 610.5-3(d)(2) of the Law provides

that when providing notice to an occupant that is an individual, the owner shall use one of the following methods: giving a copy of the notice personally to the occupant or by leaving a copy at the occupant's usual place of abode in the presence of some competent member of the occupant's family at least fourteen (14) years of age, who is informed of the contents of the notice, provided that the owner may request that the notice be personally served to the occupant by the Oneida Police Department; leaving a copy with any competent person apparently in charge of the premises or occupying the premises or a part thereof, and by mailing a copy by first class mail to the occupant's last-known address; if notice cannot be given under subsection (A) or (B) with reasonable diligence, by affixing a copy of the notice on an entrance to the rented premises where it can be conveniently read and by mailing a copy by first class mail to the occupant's last-known address; by mailing a copy of the notice by registered or certified mail to the tenant at the tenant's last-known address; by serving the occupant as prescribed in the Rules of Civil Procedure for the service of a summons. The proposed amendments to the Law now provide that when providing notice to an occupant that is an individual, the owner shall use both of the following methods: by affixing a copy of the notice on an entrance to the rented or leased premises where it can be conveniently read; and by mailing a copy of the notice by registered or certified mail to the occupant at the occupant's last-known address. [6 O.C.610.6-3].

- *Effect.* The proposed amendments to the Law clarify and simplify how notice is provided to occupants. The currently effective Law includes multiple ways to provide notice and is unclear whether certain options for notice must be attempted first before others can be used. The proposed amendments to the Law simply how notice is handled, and require that a copy of the notice is affixed on an entrance to the rented or leased premises where it can be conveniently read in the most efficient manner by the occupant, and by mailing a copy of the notice by registered or certified mail to the occupant at the occupant's last know address to provide a method of notice that is efficient to prove occurred.

E. Notice to Corporations or Partnerships. The proposed amendments to the Law revise how notice of an early contract termination or eviction is provided to individuals. Currently, section 610.5-3(d)(3) of the Law provides that if notice is to be given to a corporation notice may be given by any method provided in subsection (1) except that notice under subsection (1)(A) may be given only to an officer, director, registered agent or managing agent, or left with an employee in the office of such officer or agent during regular business hours. The Law then goes on to state that if notice is to be given to a partnership, notice may be given by any method in subsection (1) except that notice under subsection (1)(A) may be given only to a general partner or managing agent of the partnership, or left with an employee in the office of such partner or agent during regular business hours, or left at the usual place of abode of a general partner in the presence of some competent member of the general partner's family at least fourteen (14) years of age, who is informed of the contents of the notice. The proposed amendments to the Law provide that if notice is to be given to a corporation or partnership, notice shall be given the methods provided for in section 610.6-3, which provides how notice is given to individuals. [6 O.C.610.6-4].

- *Effect.* The proposed amendments to the Law clarify and simplify how notice is provided to occupants that are corporations or partnerships by mirroring how notice is provided to individual occupants.

F. Right to Cure for a Failure to Pay Rent. The proposed amendments to the Law now include a right to cure for the failure to pay rent. Currently, section 610.5-3(a) of the Law provides that if an occupant fails to pay any installment of rent when due, the occupant's contract is terminated if the owner gives

the occupant notice requiring the tenant to pay rent or vacate on or before a date at least thirty (30) calendar days after the giving of the notice and if the occupant fails to pay accordingly. The proposed amendments add a new provision which provides that an occupant shall have a right to cure the failure to pay rents after receiving a notice of termination, and that an occupant is deemed to be complying with the notice if promptly upon receipt of such notice the occupant remedies the default by paying the unpaid rent on or before the specified in the notice. [6 O.C.610.7-3]. The owner is not required to provide an opportunity to cure for a subsequent violation of unpaid rents that occurs within one (1) year from the giving of any notice for the failure to pay rents. [6 O.C.610.7-4].

- *Effect.* The proposed amendments to the Law mandate that an occupant be given an opportunity to cure their failure to pay rent before they may face the early termination of their contract and eviction. This essentially creates a mandated warning by the owner and allows the occupant an opportunity to correct their lease or rental agreement violation and prevent eviction and legal action. This proposed amendment to the Law ensures that occupants are not immediately evicted for a fixable mistake, such as a late rent payment, and provides an opportunity to maintain housing stability for the occupants.

G. Right to Cure for Waste of Contract Breach. The proposed amendments to the Law further clarify the right to cure for instances of waste or contract breach. Currently, section 610.5-3(b) provides that if an occupant commits waste or breaches any covenant or condition of the occupant's contract, other than for payment of rent, the occupant's tenancy is terminated if the owner gives the occupant a notice requiring the occupant to remedy the default or vacate the premises on or before a date at least thirty (30) calendar days after the giving of the notice, and if the occupant fails to comply with such notice. The Law then further provides that an occupant is deemed to be complying with the notice if promptly upon receipt of such notice the occupant takes reasonable steps to remedy the default and proceeds with reasonable diligence, or if damages are adequate protection for the owner and the occupant makes a bona fide and reasonable offer to pay the owner all damages for the occupant's breach. The proposed amendments to the Law provide further clarification by providing that an occupant shall have a right to cure the waste or breach of contract after receiving a notice. of termination, and that the occupant is deemed to be complying with the notice if promptly upon receipt of such notice the occupant and the owner enter into a written agreement to cure that outlines the reasonable steps for the occupant to take and timelines necessary to remedy the default, and the occupant then complies with reasonable the agreement, or if damages are adequate protection for the owner and the occupant makes a bona fide and reasonable offer to pay the owner all damages for the occupant's breach. [6 O.C.610.8-3]. The proposed amendments to the Law also clarify that the owner is not required to provide an opportunity to cure for a subsequent violation of a waste or a breach of contract that occurs within one (1) year from the giving of any notice for waste or a breach of contract. [6 O.C.610.8-4].

- *Effect.* The proposed amendments to the Law clarify an occupant's right to cure for waste or contract breach, other than a failure to pay rent. The current Law already required that a notice be given to the occupant for the waste or a contract breach requiring the occupant to remedy the default or vacate the premises on or before a date at least thirty (30) calendar days after the giving of the notice, but the current Law was not specific as to what remedying the default actually could mean, which could lead to confusion or disagreements amongst the owners and occupants. The proposed amendments to the Law now require the occupant and the owner to enter into a written agreement to cure that outlines the reasonable steps for the occupant to take and timelines necessary to remedy the default so that it is clear what needs to occur to avoid the early contract termination and eviction.

377 **H. *Eviction for Violation of Applicable Law or Rule or Nuisance by Occupant.*** The proposed
378 amendments to the Law further clarify when a termination of a contract or eviction can occur for a
379 violation of an applicable law or rule or nuisance. Currently, section 610.5-3(c) of the Law provides
380 that the owner may terminate an occupant's contract based on an alleged violation of an applicable law
381 or rule or if the occupant commits a nuisance act. A nuisance is currently defined in the Law in section
382 610.3-1(e) to mean an occupant's interference with another occupant's use and enjoyment of the
383 premises. The current Law then provides that nuisance activities include, but are not limited to,
384 allegations of harassment, disorderly conduct, battery, lewd and lascivious behavior, prostitution, theft,
385 possession of stolen property, arson, illegal drug activity, gambling, animal violations, trespassing,
386 weapons violations, habitual noise violations, execution of warrants, alcohol violations,
387 obstruction/resisting, inspection related calls in which a law enforcement agency responds. The
388 proposed amendments to the Law provide that in order for the owner to terminate an occupant's contract
389 based on a violation of law, rule, or nuisance, the violation of law or rule, or the nuisance act shall be
390 an activity which: threatens the health or safety of, or right to peaceful enjoyment of the premises by,
391 other tenants; threatens the health or safety of, or right to peaceful enjoyment of their residences by,
392 persons residing in the immediate vicinity of the premises; threatens the health or safety of the owner
393 or an agent or employee of the owner; or engages in any drug-related criminal activity on or near the
394 premises. [6 O.C.610.9-1].

- 395 ▪ *Effect.* The proposed amendments to the Law clarify what type of nuisance or violation of law or
396 rule can lead to an early contract termination or eviction. There is a wide range of activities that
397 could constitute a nuisance or a violation of law or rule - ranging from very minor offenses to very
398 serious offenses. The proposed amendments to the Law were put in place to set a threshold for
399 nuisance activities or violations of law or rule so that only serious violations would apply – that is
400 why it is now required that the nuisance activity or violation of law or rule threaten the health or
401 safety of, or right to peaceful enjoyment of the premises by, other occupants; threaten the health or
402 safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate
403 vicinity of the premises; threatens the health or safety of the owner or an agent or employee of the
404 owner; or engages in any drug-related criminal activity on or near the premises.

405 **I. *Notice of Violation of a Law, Rule, or Notice.*** Section 610.5-3(c) of the Law requires that in order to
406 termination a contract for a violation of an applicable law, rule, or nuisance the owner must have
407 received notice, which may be from, but is not limited to, another occupant, law enforcement agency
408 or a local government's office of the district attorney, which reports: a violation of an applicable law
409 or rule on behalf of the occupant or in the occupant's unit, or a nuisance that exists in that occupant's
410 unit or was caused by that occupant on the owner's property. The proposed amendments to the Law
411 provide that in order to terminate for the violation of an applicable law, rule, or nuisance, the owner
412 has to receive notice from a law enforcement agency or a local government's office of the district
413 attorney, which reports a violation of an applicable law or rule on behalf of the occupant or another
414 individual in the occupant's unit, or a nuisance that exists in that occupant's unit or was caused by that
415 occupant on the owner's premises. [6 O.C.610.9-2].

- 416 ▪ *Effect.* The proposed amendments to the Law require that notification of a violation of law, rule,
417 or nuisance come from a law enforcement agency or a local government's office of the district
418 attorney – no longer allowing notification to come from another occupant. This ensures that any
419 notification of a violation comes from a reputable source.

- 420 **J. *No Right to Cure for a Violation of Law, Rule, or Nuisance.*** The proposed amendments provide that
421 the owner shall not be required to provide an occupant an opportunity to cure for a violation of an
422 applicable law or rule or nuisance act. [6 O.C.610.9-3].
- 423 ▪ *Effect.* The proposed amendments to the Law clarify that an owner is not required to provide an
424 occupant an opportunity to cure for a violation of an applicable law, rule, or nuisance act – as an
425 early contract termination or eviction for these violations are intended to only apply when the
426 offenses are serious.
- 427 **K. *Contesting the Contract Termination.*** The proposed amendments to the Law provide greater clarity
428 and expand when an individual may contest a contract termination. Section 610.8-1 of the current Law
429 provides that the Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions
430 taken pursuant to this law. Section 610.5-3(c)(2) of the Law regarding evictions for a violation of an
431 applicable law, rule, or nuisance, is currently the only section that address contesting a contract
432 termination, and provides that the occupant may contest a termination based on a violation of applicable
433 law or rule or nuisance by filing a complaint challenging the basis of the eviction with the Oneida
434 Judiciary. Section 610.5-3(c)(3) of the current Law then goes on to provide that if the occupant contests
435 the termination prior to the termination date provided in the notice, the eviction is stayed and the
436 contract may not be terminated without proof to the Oneida Judiciary by the owner by the greater
437 preponderance of the credible evidence of the allegation that a violation of law and/or rule and/or
438 nuisance exists in that occupant’s unit or was caused by that occupant. The proposed amendments to
439 the Law move the provision about contesting a termination out from solely under the eviction for a
440 violation of an applicable law, rule, or nuisance section, and instead creates a whole new section of the
441 Law focused on contesting the contract termination. [6 O.C. 610.10]. The proposed amendments now
442 more generally provide that the occupant may contest a contract termination by filing a complaint
443 challenging the basis of the eviction with the Oneida Trial Court prior to the termination date provided
444 in the notice. [6 O.C. 610.10-1]. If the occupant contests the termination, the eviction is stayed and the
445 contract may not be terminated without proof to the Trial Court by the owner by the greater
446 preponderance of the credible evidence that the termination of contract was valid under this law. [6
447 O.C. 610.10-1(a)].
- 448 ▪ *Effect.* The proposed amendments to the Law clarify that the Law does not limit contesting a
449 contract termination or eviction to just one cause for eviction. The current Law only addresses
450 contesting a contract termination or eviction in regard to evictions for a violation of an applicable
451 law, rule, or nuisance. The proposed amendments to the Law reframe the provisions of the Law
452 addressing contesting a contract termination or eviction so it is clear that it applies to all causes for
453 early contract termination or eviction. The proposed amendments also provide greater clarity to the
454 owner on what proof needs to be presented to the Trial Court to combat the contestation of the
455 contract termination or eviction.
- 456 **L. *Failure to Vacate Following Notice of Eviction or Contract Expiration.*** The proposed amendments
457 to the Law vastly change what occurs if an occupant fails to vacate following the notice of eviction or
458 a contract expiration. In the currently effective law, section 610.6-1 provides that if an occupant fails
459 to vacate the premises following notice of termination based on eviction, occupant termination or
460 expiration and non-renewal of a contract, the owner shall secure and take possession of the premises
461 once the timeframe in the notice of termination has expired. The Law goes on to provide that the
462 Comprehensive Housing Division is required to contact the Oneida Police Department to request that
463 an Oneida Police Officer be on the scene while the locks are being changed. In the event the occupant

has left personal property in the home, the occupant may retrieve the said personal property by contacting the Comprehensive Housing Division staff listed on the notice of termination. The Comprehensive Housing Division is required to hold personal property for a minimum of five (5) business days, where a business day is Monday through Friday from 8:00 a.m. to 4:30 p.m. and excludes holidays recognized by the Nation. The Comprehensive Housing Division is required to keep a written log of the date and the work time the Comprehensive Housing Division's staff expends storing and/or removing personal property and/or removing/disposing of debris left at the premises after the expiration of the timeframe provided in the notice of termination. The proposed amendments to the Law provide that if an occupant fails to vacate the premises following notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract, the owner may file an eviction action with the Oneida Trial Court to remove the occupant from possession or occupancy of the premises. [6 O.C. 610.11-3]. The Law requires that the complaint be in writing and identify the parties and the premises which is the subject of the action and state the facts which authorize the removal of the occupant. [6 O.C. 610.11-3(e)]. The request for relief in the complaint shall be for the removal of the occupant or the property or both and, if an additional claim is joined, for the other relief sought by the owner. *Id.* The occupant can then plead to the complaint orally or in writing, except that if the owner's title is put in issue by the occupant, the answer shall be in writing and subscribed in the same manner as the complaint. [6 O.C. 610.11-3(f)]. The proposed amendments to the Law also address such topics related to the eviction action such as proper notice [6 O.C. 610.11-3(a)], acceptance of rent or other payments [6 O.C. 610.11-3(b)], waiver [6 O.C. 610.11-3(c)], joinder of other claims [6 O.C. 610.11-3(d)]. If the Oneida Trial Court finds that the termination and eviction occurred in accordance with this law and the owner is entitled to possession, the Oneida Trial Court is then required to immediately enter an order for judgment to the owner for the removal of the occupant and their property from the premises. [6 O.C. 610.11-3(g)]. At the time of ordering judgment for the removal of the occupant and their property from the premises, the Oneida Trial Court shall immediately order that a writ of removal be issued, and the writ shall be delivered to both the Oneida Police Department and owner for execution. [6 O.C. 610.11-3(h)]. No writ is to be executed if received by the Oneida Police Officer Department and owner more than thirty (30) days after its issuance. *Id.* Upon delivery of a writ of removal to the Oneida Police Department and the owner, an Oneida Police Department officer and the owner shall execute the writ of removal within ten (10) days of the receipt of the writ. [6 O.C. 610.11-4]. No writ is to be executed if received by the Oneida Police Officer Department and owner more than thirty (30) days after its issuance. [6 O.C. 610.11-3(h)]. In executing the writ of removal the owner is responsible for changing the locks on the premises and securing possession of the premises. [6 O.C. 610.11-4(b)]. The Oneida Police Department officer is responsible for removing from the premises described in the writ the occupant and all other persons found upon the premises, using such reasonable force as is necessary, and remaining on scene while the owner changes the locks on the premises and secures possession of the premises. [6 O.C. 610.11-4(a)]. The Law then addresses appeals of the Oneida Trial Court's decision and provides that an appeal in an eviction action shall be initiated with the Oneida Court of Appeals within fifteen (15) days of the entry of judgment or order. [6 O.C. 610.11-3(i)]. The Law then provides additional details on how matters are handled while the appeal is in progress.

M. *Timing for the Return of the Security Deposit.* The proposed amendments to the Law expand the time allowed for returning the security deposit. Currently, section 610.7-5 of the Law provides that the owner shall deliver or mail to an occupant the full amount of any security deposit paid by the occupant, less any amounts that may be withheld within thirty (30) calendar days after any of the following: if

the occupant vacates the premises on the original termination date of the contract, the date on which the contract terminates; if the occupant vacates the premises or is evicted before the original termination date of the contract, the date on which the occupant's rental agreement terminates or, if the owner re-rents the premises before the occupant's rental agreement terminates, the date on which the new occupant takes occupancy/use of the premises; or if the occupant vacates the premises untimely or is removed from the premises pursuant to an eviction action judgment and writ of restitution, the date on which the owner learns that the occupant has vacated the premises or has been removed from the premises. The proposed amendments to the Law expand the time allotted to return the security deposit from thirty (30) calendar days to sixty (60) calendar days. [6 O.C. 610.12-5].

- *Effect.* The proposed amendments to the Law expand the amount of time allowed to return the security deposit from thirty (30) calendar days to sixty (60) calendar days in an effort to provide owners greater time to determine what, if any, damages need to be withheld from the security deposit.

N. ***Other Drafting Changes.*** The proposed amendments to the Law also make other drafting changes and broad organizational changes.

SECTION 6. EXISTING LEGISLATION

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

- ***Administrative Rulemaking Law.*** The Administrative Rulemaking law provides an efficient, effective, and democratic process for enacting and revising administrative rules. [1 O.C. 106.1-2].
 - This Law delegates rulemaking authority to the Comprehensive Housing Division in accordance with the Administrative Rulemaking law to develop create rules to further govern the processes contained in this law related to the Nation's residential contracts. [6 O.C. 610.4-1].
 - This Law delegates rulemaking authority to Land Management in accordance with the Administrative Rulemaking law to develop rules to further govern the processes contained in this law related to the Nation's agricultural and business contracts. [6 O.C. 610.4-1].
 - The Law delegates administrative rulemaking authority to the Comprehensive Housing Division to develop rules to further govern the disposition of personal property in relation to the Nation's residential contracts. [6 O.C. 610.11-4(b)].
 - The Law delegates administrative rulemaking authority to Land Management to develop rules to further govern the disposition of personal property in relation to the Nation's business and agricultural and business contracts. [6 O.C. 610.11-4(b)].
 - Any rules made in accordance with the Law will have to follow the process and procedures provided in the Administrative Rulemaking law.
- ***Landlord Tenant Law.*** The Landlord Tenant law provides mechanisms for protecting the rights of the landlords and tenants on all land owned by the Nation or Tribal members within the Reservation boundaries. [6 O.C. 611.1-1].
 - The Eviction and Termination law defines occupant as a person or entity who has acquired a legal right to use or occupy Tribal land by a lease under the Leasing law, or one who has the right to use or occupy a property under a lease; or a person granted the right to use or occupy a premises pursuant to a rental agreement in accordance with the Landlord Tenant law. [6 O.C. 610.3-1(g)].

- 551 ▪ The Eviction and Termination law defines owner to mean the Nation when the Nation is
- 552 acting in its capacity as a lessor as defined in the Leasing law or lessee; or the Nation or
- 553 any person or entity within the Nation's jurisdiction acting in its capacity as a landlord as
- 554 defined in the Landlord Tenant law. [6 O.C. 610.3-1(h)].
- 555 ▪ The Eviction and Termination law defines contract to mean either a lease document
- 556 pursuant to the Leasing law or a rental agreement pursuant to the Landlord Tenant law. [6
- 557 O.C. 610.3-1(c)].
- 558 ▪ A landlord subject to the Landlord Tenant law would be required to follow the procedures
- 559 of the Eviction and Termination law to terminate a contract and evict an occupant.
- 560 ▪ **Leasing Law.** The Leasing law sets out the Nation's authority to issue, review, approve and enforce
- 561 leases. [6 O.C. 602.1-1]. In addition, the purpose of this law is to meet the requirements of the
- 562 Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act)
- 563 by establishing a process under which the Nation will be able to approve leases on tribal land
- 564 without additional approval of the Secretary of the Interior. *Id.*
- 565 ▪ The Eviction and Termination law defines owner to mean the Nation when the Nation is
- 566 acting in its capacity as a lessor as defined in the Leasing law or lessee; or the Nation or
- 567 any person or entity within the Nation's jurisdiction acting in its capacity as a landlord as
- 568 defined in the Landlord Tenant law. [6 O.C. 610.3-1(h)].
- 569 ▪ The Eviction and Termination law defines contract to mean either a lease document
- 570 pursuant to the Leasing law or a rental agreement pursuant to the Landlord Tenant law. [6
- 571 O.C. 610.3-1(c)].
- 572 ▪ The Eviction and Termination law defines occupant as a person or entity who has acquired
- 573 a legal right to use or occupy Tribal land by a lease under the Leasing law, or one who has
- 574 the right to use or occupy a property under a lease; or a person granted the right to use or
- 575 occupy a premises pursuant to a rental agreement in accordance with the Landlord Tenant
- 576 law. [6 O.C. 610.3-1(g)].
- 577 ▪ The Eviction and Termination law provides that except for leases entered into pursuant to
- 578 the Leasing law, any termination provisions in a contract that are contrary to those provided
- 579 in this law are invalid. [6 O.C. 610.5-3].
- 580 ▪ A lessor subject to the Leasing law would be required to follow the procedures of the
- 581 Eviction and Termination law to terminate a contract and evict a lessee.
- 582 ▪ **Judiciary Law.** The Judiciary law establishes a Judiciary, and provides for the administration of
- 583 law, justice, judicial procedures and practices by the Nation as a sovereign nation by exercising the
- 584 inherent power to make, execute, apply and enforce its own law, and to apply its own customs and
- 585 traditions in matters affecting the Oneida people. [8 O.C. 801.1-1]. It is the policy of the Nation to
- 586 provide a fair and impartial forum for the resolution of all matters that come before it pursuant to a
- 587 grant of authorization by law. The Judiciary law provides that the Trial Court shall have subject
- 588 mater jurisdiction over cases and controversies arising under laws of the Nation that specifically
- 589 authorize the Trial Court to exercise jurisdiction. [8 O.C. 801.5-2(a)].
- 590 ▪ The Eviction and Termination law authorizes the Oneida Judiciary to exercise jurisdiction
- 591 to hear complaints filed regarding actions taken pursuant to this law. [6 O.C. 610.13-1].
- 592 ▪ **Oneida Judiciary Rules of Civil Procedure.** The Oneida Judiciary Rules of Civil Procedure
- 593 governs all civil actions that fall under the jurisdiction of the Nation to ensure that there is a
- 594 consistent set of rules governing the process for civil claims, in order to ensure equal and fair

treatment to all persons who come before the Tribal Courts to have their disputes resolved. [8 O.C. 803.1-1, 803.1-2]. The Oneida Judiciary Rules of Civil Procedure is followed by the Court, except where other Court rules are more specific, then those laws shall supersede. [8 O.C. 803.4-6].

- Actions before the Oneida Judiciary shall comply with the Oneida Judiciary Rules of Civil Procedure, except where the Eviction and Termination law is more specific.
- **Oneida Judiciary Rules of Evidence.** The Oneida Judiciary Rules of Evidence establishes rules of evidence to apply in proceedings held in the Trial court and Family Court of the Oneida Judiciary administer Court proceedings fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, by obtaining the truth and securing a just determination. [8 O.C. 804.1-1, 804.1-2].
 - Actions before the Oneida Judiciary shall comply with the Oneida Judiciary Rules of Evidence.
- **Rules of Appellate Procedure.** The Rules of Appellate Procedure govern the procedure in all actions and proceedings in the divisions that make up the Court of Appeals within the Judiciary that fall under the jurisdiction of the Nation [8 O.C. 805.1-1]. It is the policy of the Nation that these rules are to be liberally construed to ensure a speedy, fair, and inexpensive determination of every appeal. [8 O.C. 805.1-2]. Any party to a civil action, who is aggrieved by a final judgment or order of the Trial Court or original hearing body, may appeal to the Court of Appeals. [8 O.C. 805.5-1].
 - The Eviction and Termination law provides that an appeal in an eviction action shall be initiated with the Oneida Court of Appeals within fifteen (15) days of the entry of judgment or order. [6 O.C. 610.11-3(i)].
 - Actions before the Oneida Judiciary shall comply with the Rules of Appellate Procedure, except where the Eviction and Termination law is more specific.
 - An example of this is the Rules of Appellate Procedure provides that such party shall file with the Clerk a Notice of Appeal from such judgment or order, together with a filing fee, as set by the Court, within thirty (30) days after the day such judgment or order was rendered. [8 O.C. 805.5-2(a)]. The Eviction and Termination law provides that an appeal in an eviction action shall be initiated with the Oneida Court of Appeals within fifteen (15) days of the entry of judgment or order. [6 O.C. 610.11-3(i)].

SECTION 7. OTHER CONSIDERATIONS

- A. **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 received a fiscal impact statement from the Finance Administration on June 16, 2026.

Title 6. Property and Land - Chapter 610

~~EVICTIION AND TERMINATION~~

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- 610.1. — Purpose and Policy
- 610.2. — Adoption, Amendment, Repeal
- 610.3. — Definitions
- 610.4. — Administrative Rulemaking Authority
- 610.5. — Early Contract Termination
- 610.6. — Failure to Vacate Following Notice of Eviction or
Contract Expiration
- 610.7. — Withholding From and Return of Security Deposits
- 610.8. — Eviction and Termination Actions

EVICTON AND TERMINATION

610.1.	<u>Purpose and Policy</u>	610.8.	Eviction for Waste or Contract Breach other than Rent Payment
610.2.	Adoption, Amendment, Repeal	610.9.	Eviction for Violation of Applicable Law or Rule or Nuisance by Occupant
610.3.	Definitions	610.10.	Failure to Vacate Following Notice of Eviction or Contract Expiration
610.4.	Administrative Rulemaking Authority	610.11.	Withholding From and Return of Security Deposits
610.5.	Early Contract Termination	610.12.	Eviction and Termination Actions
610.6.	General Notice Requirements for Early Contract Termination		
610.7.	Eviction for Failure to Pay Rents		

610.1. Purpose and Policy

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

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

610.2. Adoption, Amendment, Repeal

610.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-A, and amended by resolution BC- - - - .

610.2-2. 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.

610.2-3. 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.

610.2-4. 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.

610.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

610.3. Definitions

610.3-1. 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) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m. and excludes holidays recognized by the Nation.

(ab) "Comprehensive Housing Division" means the ~~entity responsible for housing matters specifically related to contracts governed by this law as defined by division within the Oneida Business Committee Resolution.~~¹ 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 leasing programs.

¹-See BC Resolution 09-27-17-H providing that the Comprehensive Housing Division means 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~~c) “Contract” means either a lease document pursuant to the Leasing law or a rental agreement pursuant to the Landlord-Tenant law.

(~~e~~d) “Eviction” means to expel an occupant from the premises.

~~(d) “Nation” means the Oneida Nation.~~

~~(e)~~(e) “Law enforcement agency” means a governmental unit whose purpose is to prevent and detect crime and enforce laws. For the Nation, law enforcement agencies include the Oneida Police Department and the Zoning Administration.

(e) “Nation” means the Oneida Nation.

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

(~~f~~g) “Occupant” means ~~the~~:

(a) a person or entity who has acquired a legal right to use or occupy Tribal land by a lease under the Leasing law, or one who has the right to use or occupy a property under a lease.

(b) a person granted the right to use or occupy a premises pursuant to a ~~lease or~~ rental agreement ~~entered into~~ in accordance with the ~~Leasing law or~~ Landlord-Tenant law ~~respectively~~.

(~~g~~h) “Owner” means:

(1) the Nation ~~when the Nation is acting~~ in its capacity as a lessor as defined in the Leasing law or ~~lessee~~; or

(2) the Nation or any person or entity within the Nation’s jurisdiction acting in its capacity as a landlord as defined in the Landlord Tenant law.

~~(h)~~(i) “Periodic tenancy” means ~~when an occupant uses or occupies a premises without an effective and valid contract by paying rent on a periodic basis including, but not limited to, day-to-day, week-to-week, and month-to-month.~~

(j) “Premises” means the property covered by a contract, including not only the real property and fixtures, but also any personal property furnished by the owner pursuant to a contract.

(~~k~~) “Rent” means the sum or amount agreed in the contract to be paid by the occupant to the owner for exclusive possession of the ~~property~~premises for the period of time set by the contract.

~~(j)~~(l) “Rental value” means the amount for which the premises might reasonably have been rented, but not less than the amount actually paid or payable by the occupant for the prior rental period, and includes the money equivalent of any obligations undertaken by the occupant as part of the contract, such as regular property maintenance and repairs.

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

(~~k~~n) “Security ~~Deposit~~deposit” means a payment made to the owner by the occupant to ensure that payments will be made and other responsibilities of the contract performed.

~~(t)~~(o) “Stay of eviction” means the eviction process is temporarily halted.

(p) “Waste” means physical damage or deterioration caused to the premises, whether intentional or negligent.

610.4. Administrative Rulemaking Authority

610.4-1. *Residential Contracts.* The ~~Land Commission and the~~ Comprehensive Housing Division may ~~jointly~~ create rules to further govern the processes contained in this law related to ~~the Nation’s~~ residential contracts.

610.4-2. *Agricultural and Business Contracts.* The ~~Land Commission and the~~ Division of Land Management may ~~jointly~~ create rules to further govern the processes contained in this law related to ~~the Nation’s~~ agricultural and business contracts.

610.5. Early Contract Termination

610.5-1. *Causes for Early Contract Termination.* The owner may terminate the contract prior to the contract term and evict the occupant, if the occupant:

- (a) Violates the terms of the contract;
- (b) ~~Is alleged to have violated~~Violates any applicable law or rule; and/or
- (c) ~~Is alleged to have committed one or more~~Commits an applicable nuisance activitiesactivity.

610.5-2. *Domestic Abuse Defense to Eviction.* An occupant has a valid defense to eviction if ~~he or she alleges~~they provide that if not for the ~~alleged~~claimed domestic abuse, which is noticed to the owner with any of the following documentation, there would not be cause for eviction under section 610.5-1:

- (a) An injunction order under Wis. Stat. 813.12(4) or any other law of the Nation protecting the ~~tenant~~occupant from a co-~~tenant~~occupant;
- (b) An injunction order under Wis. Stat. 813.122 or any other law of the Nation protecting a child of the ~~tenant~~occupant from a co-~~tenant~~occupant;
- (c) An injunction order under Wis. Stat. 813.125(4) or any other law of the Nation protecting the ~~tenant~~occupant or child of the ~~tenant~~occupant from a co-~~tenant~~occupant, based on the co-~~tenant’s~~occupant’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~~occupant not to contact the ~~tenant~~occupant;
- (e) A criminal complaint alleging that the co-~~tenant~~occupant sexually assaulted the ~~tenant~~occupant or a child of the ~~tenant~~occupant under Wis. Stat. 940.225, 948.02 or 948.025;
- (f) A criminal complaint alleging that the co-~~tenant~~occupant stalked the ~~tenant~~occupant or a child of the ~~tenant~~occupant under Wis. Stat. 940.32; or
- (g) A criminal complaint that was filed against the co-~~tenant~~occupant as a result of the co-~~tenant~~occupant being arrested for committing a domestic abuse offense against the ~~tenant~~occupant under Wis. Stat. 968.075.

610.5-3. *Contrary Provision in the Contract.* Except for leases entered into pursuant to the Leasing law, any termination provisions in a contract that are contrary to those provided in this law are invalid.

610.6. General Notice Requirements for Early Contract Termination

610.6-1. Notice. This section governs the ~~amount of notice required to evict as well as the~~ manner and form of notice required.— When an owner provides notice in compliance with these requirements, the occupant is not entitled to possession or use of the premises after the date of the termination provided ~~in the notice.~~

610.6-2. Notice Content Requirements. Notices for the early termination of a contract and eviction required to be provided under this law shall include the following information:

(a) The violation of law or rule, committing of nuisance, or breach of the contract, with citations to the applicable law, rule, or contract clause;

(b) If the notice is pursuant to a failure to pay rents, the current delinquent balance due;

(c) If the notice is pursuant to waste or a breach of contract, other than the failure to pay rent:

(1) A statement that the occupant has a thirty (30) day period to cure;

(2) The date the period to cure expires and the termination becomes effective in the event occupant does not cure; and

(3) Potential consequences for failure to cure, which may include, but are not limited to eviction and the assessment of damages against the occupant.

(d) Statement that the occupant may request a hearing with the Oneida Trial Court prior to the effective date of the termination provided on the notice, and that, if the occupant timely files for a hearing, there is an automatic stay on the eviction pending the determination of the Oneida Trial Court; and

(e) The contact information for the owner or staff available to answer questions and/or hear concerns of the occupant related to the notice.

610.6-3. Notice to Individuals. When providing notice to an occupant that is an individual, the owner shall use both of the following methods:

(a) By affixing a copy of the notice on an entrance to the rented or leased premises where it can be conveniently read; and

(b) By mailing a copy of the notice by registered or certified mail to the occupant at the occupant's last-known address.

610.6-4. Notice to Corporations or Partnerships. If notice is to be given to a corporation or partnership, notice shall be given the methods provided for in section 610.6-3.

610.6-5. Notice to One (1) of Several Parties. If there are two (2) or more co-occupants of the same premises, notice given to one (1) is deemed to be given to the others also.

610.6-6. Effect of Actual Receipt of Notice. If notice is not properly given in accordance with this law, but is actually received by the other party, the notice is deemed to be properly given; but the burden is upon the owner alleging actual receipt to prove the fact by clear and convincing evidence.

610.7. Eviction for Failure to Pay Rents-

~~(1) If~~ **610.7-1.** The owner may terminate an occupant's contract if an occupant fails to pay any installment of rent when due.

610.7-2. Notice of Termination. In order to terminate the ~~occupant's contract is terminated if,~~ the owner ~~gives~~shall give the occupant written notice requiring the ~~tenant~~occupant to pay rent or vacate on or before a date at least thirty (30) calendar days after the giving of the notice, and if the occupant fails to pay the unpaid rents accordingly.

~~(2) If an~~ **610.7-3. Right to Cure.** An occupant ~~has been given~~shall have a right to cure the failure to pay rents after receiving a notice ~~under 610.5-3(a)(1) and has paid the of~~

171 termination. An occupant is deemed to be complying with the notice if promptly upon receipt of
172 such notice the occupant remedies the default by paying the unpaid rent on or before the specified
173 date, or been permitted by the owner to remain in possession contrary to such the notice, and
174 thereafter.

175 610.7-4. Subsequent Violations. If within one (1) year from the giving of any notice for the failure
176 to pay rents, the occupant again fails to pay a subsequent installment of rent on time within one
177 (1) year of said notice, the occupant's contract is terminated if the owner, while the occupant is in
178 default in payment of rent, gives the occupant notice to vacate on or before a date at least fourteen
179 (14) calendar days after the giving of the notice. The owner shall not be required to provide an
180 opportunity to cure for a subsequent violation of unpaid rents.

181
182 **(b) 610.8. Eviction for Waste or Contract Breach other than Rent Payment-**

183 **(1) 610.8-1.** The owner may terminate an occupant's contract if the occupant
184 commits waste or breaches any covenant or condition of the occupant's contract, other than for
185 payment of rent.

186 610.8-2. Notice of Termination. In order to terminate the occupant's tenancy is terminated
187 if contract, the owner gives shall give the occupant a written notice requiring the occupant to remedy
188 the default or vacate the premises on or before a date at least thirty (30) calendar days after the
189 giving of the notice, and if the occupant fails to comply with such remedy the default.

190 610.8-3. Right to Cure. An occupant shall have a right to cure the waste or breach of contract after
191 receiving a notice of termination. An occupant is deemed to be complying with the notice if
192 promptly upon receipt of such notice the occupant takes and the owner enter into a written
193 agreement to cure that outlines the reasonable steps for the occupant to take and timelines
194 necessary to remedy the default, and proceeds the occupant then complies with reasonable
195 diligence the agreement, or if damages are adequate protection for the owner and the occupant
196 makes a bona fide and reasonable offer to pay the owner all damages for the occupant's breach.

197 **(2) 610.8-4. Subsequent Violations.** If within one (1) year from the giving of any
198 notice under 610.5-3(b)(1), for waste or breaching any covenant or condition of the occupant's
199 contract, the occupant again commits waste or breaches the same or any other covenant or
200 condition of the occupant's contract, other than for payment of rent, the occupant's contract is
201 terminated if the owner, prior to the occupant's remedying the waste or breach, gives the occupant
202 notice to vacate on or before a date at least fourteen (14) calendar days after the giving of the
203 notice. The owner shall not be required to provide an opportunity to cure for a subsequent violation
204 of waste or a breach of contract.

205 **(e)**
206 **610.9. Eviction for Violation of Applicable Law or Rule or Nuisance by Occupant**

207 610.9-1. The owner may terminate an occupant's contract based on an alleged a violation
208 of an applicable law or rule, or if the occupant commits a nuisance act.

209 **(1) 610.9-1.** In order for the owner to terminate an occupant's contract based on this section,
210 the owner must have violation of law or rule, or the nuisance act shall be an activity which:

211 (a) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other
212 tenants;

213 (b) threatens the health or safety of, or right to peaceful enjoyment of their residences by,
214 persons residing in the immediate vicinity of the premises;

215 (c) threatens the health or safety of the owner or an agent or employee of the owner; or

216 (d) engages in any drug-related criminal activity on or near the premises.

610.9-2. *Notice of Violation.* In order to terminate based on this section, it is required that the owner received notice, which may be from, but is not limited to, another occupant, a law enforcement agency or a local government's office of the district attorney, which reports:

(A) ~~_____~~ a) a violation of an applicable law or rule on behalf of the occupant or another individual in the occupant's unit, or

(B) b) a nuisance that exists in that occupant's unit or was caused by that occupant on the owner's property premises.

610.9-3. *Notice of Termination.* In order to terminate the contract, the owner shall give the occupant written notice requiring the occupant to vacate on or before a date at least five (5) calendar days after the giving of the notice.

~~(2) — The occupant may contest a termination based on~~ 610.9-4. *No Right to Cure.* The owner shall not be required to provide an occupant an opportunity to cure for a violation of an applicable law or rule or nuisance act.

610.10. Contesting the Contract Termination

610.10-1. *Contesting the Termination.* The occupant may contest a contract termination by filing a complaint challenging the basis of the eviction with the Oneida Judiciary.

~~(3) — If the occupant contests the termination~~ Trial Court prior to the termination date provided in the notice.

(a) If the occupant contests the termination, the eviction is stayed and the contract may not be terminated without proof to the Oneida Judiciary Trial Court by the owner by the greater preponderance of the credible evidence that the termination of the allegation that a violation of law and/or rule and/or nuisance exists in that occupant's unit or contract was caused by that occupant valid under this law.

(4) ~~_____~~ b) Despite an owner's satisfaction of the proof requirements in section 610.5(e)(3), the Oneida Judiciary Trial Court may, at its discretion, stay an eviction by honoring any alternative agreement regarding pending actions entered into by the occupant and a court of competent jurisdiction pending successful completion of the alternative agreement.

~~(d) Content, Form and Manner of Giving Notice-~~

~~(1) Notice Content. Notices required to be provided under this law shall include the following:~~

~~(A) The violation of law and/or rule, committing of nuisance and/or breach of the contract, with citations to the applicable law, rule and/or contract clause;~~

~~(B) — If the notice is pursuant to section~~

~~610.5-3(a), the current delinquent balance due;~~

~~(C) If the notice is pursuant to section 610.5-3(a) or (b):~~

~~(i) A statement that the occupant has a thirty (30) day period to cure;~~

~~(ii) The date the period to cure expires and the termination becomes effective in the event occupant does not cure; and~~

~~(iii) Potential consequences for failure to cure, which may include, but are not limited to eviction and the assessment of damages against the occupant.~~

(D) If notice is pursuant to section 610.5-3(e), a statement that the occupant may request a hearing with the Oneida Judiciary prior to the effective date of the termination provided on the notice, and that, if the occupant timely files for a hearing, there is an automatic stay on the eviction pending the determination of the Oneida Judiciary;

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

(2) *Notice to Individuals.* When providing notice to an occupant that is an individual, the owner shall use one of the following methods:

(A) Giving a copy of the notice personally to the occupant or by leaving a copy at the occupant's usual place of abode in the presence of some competent member of the occupant's family at least fourteen (14) years of age, who is informed of the contents of the notice, provided that the owner may request that the notice be personally served to the occupant by the Oneida Police Department;

(B) Leaving a copy with any competent person apparently in charge of the premises or occupying the premises or a part thereof, and by mailing a copy by first class mail to the occupant's last-known address;

(C) If notice cannot be given under subsection (A) or (B) with reasonable diligence, by affixing a copy of the notice on an entrance to the rented premises where it can be conveniently read and by mailing a copy by first class mail to the occupant's last-known address;

(D) By mailing a copy of the notice by registered or certified mail to the tenant at the tenant's last-known address;

(E) By serving the occupant as prescribed in the Rules of Civil Procedure for the service of a summons.

(3) *Notice to Corporations or Partnerships.* If notice is to be given to a corporation notice may be given by any method provided in subsection (1) except that notice under subsection (1)(A) may be given only to an officer, director, registered agent or managing agent, or left with an employee in the office of such officer or agent during regular business hours. If notice is to be given to a partnership, notice may be given by any method in subsection (1) except that notice under subsection (1)(A) may be given only to a general partner or managing agent of the partnership, or left with an employee in the office of such partner or agent during regular business hours, or left at the usual place of abode of a general partner in the presence of some competent member of the general partner's family at least fourteen (14) years of age, who is informed of the contents of the notice.

(4) *Notice to One (1) of Several Parties.* If there are two (2) or more co-occupants of the same premises, notice given to one (1) is deemed to be given to the others also.

(5) *Effect of Actual Receipt of Notice.* If notice is not properly given by one (1) of the methods specified in this section, but is actually received by the other party, the notice is deemed to be properly given; but the burden is upon the owner alleging actual receipt to prove the fact by clear and convincing evidence.

(e) ~~Contrary Provision in the Contract.~~ Except for leases entered into pursuant to the Leasing law, any termination provisions in a contract that are contrary to those provided in this law are invalid.

610.611. Failure to Vacate Following Notice of Eviction or Contract Expiration

610.11-1. Effect of Failure to Vacate. A failure to vacate following notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract does not in any circumstances, regardless of acceptance of rent payments, create a periodic tenancy.

610.11-2. Damages for Failure to Vacate. If an occupant remains in possession of the premises without consent of the owner after notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract, the owner may, at the owner's discretion, recover from the occupant damages suffered by the owner because of the failure of the occupant to vacate within the time required.

(a) In absence of proof of greater damages, the owner shall recover as minimum damages twice the rental value apportioned on a daily basis for the time the occupant remains in possession. Nothing in this section prevents the owner from seeking and recovering any other damages to which the owner may be entitled.

~~610.611-3. Commencement of Locks and Removal of Occupant~~ Eviction Action. If an occupant fails to vacate the premises following notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract, the owner ~~shall secure and take~~ may file an eviction action with the Oneida Trial Court to remove the occupant from possession or occupancy of the premises ~~once the timeframe in the notice of termination has expired.~~

(a) ~~Proper Notice for Eviction Action.~~ The ~~Comprehensive Housing Division~~ owner's proof of notice terminating tenancy under this law through certified mail from the United States post office shall ~~contact~~ be sufficient to establish that proper notice has been provided for the purpose of filing a complaint or otherwise demonstrating that proper notice has been given in an eviction action, and an affidavit of service may not be requested to establish that proper notice has been provided.

(b) Acceptance of Rent or Other Payment. If an owner commences an action under this section against an occupant whose occupancy has been terminated for failure to pay rent or for any other reason, the action under this section may not be dismissed because the owner accepts past due rent or any other payment from the occupant after serving notice of default or after commencing the action.

(c) No Waiver. It shall not be a defense to an action of eviction or a claim for damages that the owner or occupant has previously waived any violation or breach of any of the terms of the contract including, but not limited to, the acceptance of rent or that a custom or practice occurred or developed between the parties in connection with the contract so as to waive or lessen the right of the owner or occupant to insist upon strict performance of the terms of the contract.

(d) Joinder of Other Claims. The owner may join with the claim for restitution of the premises any other claim against the occupant arising out of the occupant's possession or occupancy of the premises.

(e) Complaint. The complaint shall be in writing and identify the parties and the premises which is the subject of the action and state the facts which authorize the removal of the occupant. The description of real property is sufficient, whether or not it is specific, if it

reasonably identifies what is described. A description by street name and number is sufficient. If the complaint relates only to a portion of described real estate, that portion shall be identified. If a claim in addition to the claim for restitution is joined, the claim shall be separately stated. The request for relief in the complaint shall be for the removal of the occupant or the property or both and, if an additional claim is joined, for the other relief sought by the owner.

(f) *Occupant's Pleading.* The occupant may plead to the complaint orally or in writing, except that if the owner's title is put in issue by the occupant, the answer shall be in writing and subscribed in the same manner as the complaint.

(g) *Order for Judgment.* In an eviction action, if the Oneida Trial Court finds that the termination and eviction occurred in accordance with this law and the owner is entitled to possession, the Oneida Trial Court shall immediately enter an order for judgment to the owner for the removal of the occupant and their property from the premises.

(h) *Writ of Removal.* At the time of ordering judgment for the removal of the occupant and their property from the premises, the Oneida Trial Court shall immediately order that a writ of removal be issued, and the writ shall be delivered to both the Oneida Police Department ~~to request that an~~ and owner for execution. No writ shall be executed if received by the Oneida Police ~~Officer~~ ~~be~~ Department and owner more than thirty (30) days after its issuance.

(i) *Appeal.* An appeal in an eviction action shall be initiated with the Oneida Court of Appeals within fifteen (15) days of the entry of judgment or order.

(1) No appeal by an occupant for an order for judgment for restitution of the premises may stay proceedings on the judgment unless the appellant serves and files with the notice of appeal an undertaking to the owner, in an amount and with surety approved by the judge who ordered the entry of judgment.

(2) The undertaking shall provide that the appellant will pay all costs and disbursements of the appeal which may be taxed against the appellant, obey the order of the Oneida Court of Appeals upon the appeal and pay all rent and other damages accruing to the owner during the pendency of the appeal.

(3) Upon service and filing of this undertaking, all further proceedings in enforcement of the judgment appealed from are stayed pending the determination of the appeal.

(4) Upon service by the appellant of a copy of the notice and appeal and approved undertaking upon the Oneida Police Department holding an issued but unexecuted writ of restitution or of execution, the Oneida Police Department shall promptly cease all further proceedings pending the determination of the appeal.

(5) If the occupant fails to pay rent when due, or otherwise defaults in the terms of the undertaking, the payment guaranteed by the undertaking with surety shall be payable immediately to the owner and shall not be held in escrow by the court.

(6) Upon the failure of the occupant to pay rent when due, or upon other default by the occupant in the terms of the undertaking, the stay of proceedings shall be dismissed and the Oneida Police Department shall immediately execute the writ of restitution.

610.11-4. *Execution of Writ of Removal.* Upon delivery of a writ of removal to the Oneida Police Department and the owner, an Oneida Police Department officer and the owner shall execute the writ of removal within ten (10) days of the receipt of the writ.

(a) In executing the writ of removal the Oneida Police Department officer shall:

(1) Remove from the premises described in the writ the occupant and all other persons found upon the premises, using such reasonable force as is necessary.

(2) Remain on scene while the owner changes the locks ~~are being changed on the~~ premises and secures possession of the premises.

~~(b)~~ (b) In executing the writ of removal the owner shall change the locks on the premises and secure possession of the premises.

610.11-5. *Disposal of Personal Property.* In the event the occupant has left personal property in the ~~home~~ premises, the occupant may retrieve the said personal property by contacting the ~~Comprehensive Housing Division~~ owner or staff listed on the notice of termination. ~~The Comprehensive Housing Division~~ The owner shall hold personal property for a minimum of five (5) business days, ~~where a business day is Monday through Friday from 8:00 a.m. to 4:30 p.m. and excludes holidays recognized by the Nation.~~

(4.)

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

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

610.6-2. *Effect of Failure to Vacate.* ~~A failure to vacate following notice of termination based on eviction, occupant termination or expiration and non-renewal of a contract does not in any circumstances, regardless of acceptance of rent payments, create a periodic tenancy. For the purposes of this section, a periodic tenancy means when an occupant uses/occupies a premises without an effective and valid contract by paying rent on a periodic basis including, but not limited to, day to day, week to week and month to month.~~

610.6-3. *Damages for Failure to Vacate.* ~~If an occupant remains in possession of the premises without consent of the owner after notice of termination based on eviction, occupant termination or expiration and non-renewal of a contract, the owner may, at the owner's discretion, recover from the occupant damages suffered by the owner because of the failure of the occupant to vacate within the time required. In absence of proof of greater damages, the landlord shall recover as minimum damages twice the rental value apportioned on a daily basis for the time the occupant remains in possession. As used in this section, rental value means the amount for which the premises might reasonably have been rented, but not less than the amount actually paid or payable by the occupant for the prior rental period, and includes the money equivalent of any obligations undertaken by the occupant as part of the contract, such as regular property maintenance and repairs. Nothing in this section prevents the owner from seeking and recovering any other damages to which the owner may be entitled.~~

(c) The owner may recover from the occupant damages suffered by the owner for the storing or removing of personal property, and the removing or disposing of debris left at the premises after the expiration of the timeframe provided in the notice of termination.

610.712. Withholding From and Return of Security Deposits

610.712-1. *Applicability.* This section applies only to contracts that require a security deposit.

610.712-2. *Standard Withholding Provisions.* When the owner returns a security deposit to an occupant after the occupant vacates the premises, the owner may withhold from the full amount of the security deposit only amounts reasonably necessary to pay for any of the following:

- (a) Occupant damage, waste, or neglect of the premises;
- (b) Unpaid rent for which the occupant is legally responsible;
- (c) Payment that the ~~tenant~~occupant owes under the contract for utility service provided by the owner but not included in the rent;
- (d) Payment that the ~~tenant~~occupant owes for direct utility service provided by a government-owned utility, to the extent that the ~~landlord~~owner becomes liable for the ~~tenant's~~occupant's nonpayment.
- (e) Unpaid monthly municipal permit fees assessed against the occupant by a local unit of government, to the extent that the owner becomes liable for the occupant's nonpayment; and
- (f) Any other payment for a reason provided in a nonstandard provision document described in 610.711-3.

610.712-3. *Nonstandard Withholding Provisions.* A contract may include one or more nonstandard withholding provisions that authorize the owner to withhold amounts from the occupant's security deposit for reasons not specified in 610.711-2(a) through (f).

(a) The owner shall provide any such nonstandard withholding provisions to the occupant in a separate written document entitled "Nonstandard Withholding Provisions."

(b) The owner shall specifically identify each nonstandard withholding provision with the occupant before the occupant enters into a contract with the owner.

(c) If the occupant signs ~~his or her~~their name, or writes ~~his or her~~their initials, by a nonstandard withholding provision, it is rebuttably presumed that the owner has specifically identified the nonstandard withholding provision with the occupant and that the occupant has agreed to it.

610.712-4. *Normal Wear and Tear.* This section does not authorize the owner to withhold any amount from a security deposit for normal wear and tear, or for other damages or losses for which the occupant cannot reasonably be held responsible under the terms of the contract, and applicable laws and/or rules of the Nation.

610.712-5. *Timing for Return of the Security Deposit.* The owner shall deliver or mail to an occupant the full amount of any security deposit paid by the occupant, less any amounts that may be withheld ~~under subsections 610.7-2 and 610.7-3~~, within ~~thirty (30)~~sixty (60) calendar days after any of the following:

- (a) If the occupant vacates the premises on the original termination date of the contract, the date on which the contract terminates.
- (b) If the occupant vacates the premises or is evicted before the original termination date of the contract, the date on which the occupant's rental agreement terminates or, if the owner re-rents the premises before the occupant's rental agreement terminates, the date on which the new occupant takes occupancy/use of the premises.
- (c) If the occupant vacates the premises untimely or is removed from the premises pursuant to ~~610.6-1~~an eviction action judgment and writ of restitution, the date on which the owner learns that the occupant has vacated the premises or has been removed from the premises ~~under section 610.6-1~~.

610.813. Eviction and Termination Actions

610.813-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions taken pursuant to this law.

610.813-2. 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.

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

End.

Adopted – BC-10-12-16-A

~~Amended – BC- - - -~~

Title 6. Property and Land - Chapter 610
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EVICITION AND TERMINATION

610.1.	Purpose and Policy	610.8.	Eviction for Waste or Contract Breach other than Rent Payment
610.2.	Adoption, Amendment, Repeal	610.9.	Eviction for Violation of Applicable Law or Rule or Nuisance by Occupant
610.3.	Definitions	610.10.	Failure to Vacate Following Notice of Eviction or Contract Expiration
610.4.	Administrative Rulemaking Authority	610.11.	Withholding From and Return of Security Deposits
610.5.	Early Contract Termination	610.12.	Eviction and Termination Actions
610.6.	General Notice Requirements for Early Contract Termination		
610.7.	Eviction for Failure to Pay Rents		

610.1. Purpose and Policy

610.1-1. *Purpose.* The purpose of this law is to provide consistent procedures for terminating a contract and/or evicting an occupant which affords the occupant due process and protects all parties involved.

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

610.2. Adoption, Amendment, Repeal

610.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-A and amended by resolution BC-__-__-__-__.

610.2-2. 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.

610.2-3. 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.

610.2-4. 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.

610.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

610.3. Definitions

610.3-1. 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) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m. and excludes holidays recognized by the Nation.

(b) "Comprehensive Housing Division" means 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 leasing programs.

(c) "Contract" means either a lease document pursuant to the Leasing law or a rental agreement pursuant to the Landlord-Tenant law.

(d) "Eviction" means to expel an occupant from the premises.

(e) “Law enforcement agency” means a governmental unit whose purpose is to prevent and detect crime and enforce laws. For the Nation, law enforcement agencies include the Oneida Police Department and the Zoning Administration.

(e) “Nation” means the Oneida Nation.

(f) “Nuisance” means an occupant’s interference with another occupant’s use and enjoyment of the premises. Nuisance activities include, but are not limited to, allegations of harassment, disorderly conduct, battery, lewd and lascivious behavior, prostitution, theft, possession of stolen property, arson, illegal drug activity, gambling, animal violations, trespassing, weapons violations, habitual noise violations, execution of warrants, alcohol violations, obstruction/resisting, inspection related calls in which a law enforcement agency responds.

(g) “Occupant” means:

(a) a person or entity who has acquired a legal right to use or occupy Tribal land by a lease under the Leasing law, or one who has the right to use or occupy a property under a lease.

(b) a person granted the right to use or occupy a premises pursuant to a rental agreement in accordance with the Landlord-Tenant law.

(h) “Owner” means:

(1) the Nation when the Nation is acting in its capacity as a lessor as defined in the Leasing law or lessee; or

(2) the Nation or any person or entity within the Nation’s jurisdiction acting in its capacity as a landlord as defined in the Landlord Tenant law.

(i) “Periodic tenancy” means when an occupant uses or occupies a premises without an effective and valid contract by paying rent on a periodic basis including, but not limited to, day-to-day, week-to-week, and month-to-month.

(j) “Premises” means the property covered by a contract, including not only the real property and fixtures, but also any personal property furnished by the owner pursuant to a contract.

(k) “Rent” means the sum or amount agreed in the contract to be paid by the occupant to the owner for exclusive possession of the premises for the period of time set by the contract.

(l) “Rental value” means the amount for which the premises might reasonably have been rented, but not less than the amount actually paid or payable by the occupant for the prior rental period, and includes the money equivalent of any obligations undertaken by the occupant as part of the contract, such as regular property maintenance and repairs.

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

(n) “Security deposit” means a payment made to the owner by the occupant to ensure that payments will be made and other responsibilities of the contract performed.

(o) “Stay of eviction” means the eviction process is temporarily halted.

(p) “Waste” means physical damage or deterioration caused to the premises, whether intentional or negligent.

610.4. Administrative Rulemaking Authority

610.4-1. *Residential Contracts.* The Comprehensive Housing Division may create rules to further govern the processes contained in this law related to the Nation’s residential contracts.

610.4-2. *Agricultural and Business Contracts.* The Division of Land Management may create rules to further govern the processes contained in this law related to the Nation's agricultural and business contracts.

610.5. Early Contract Termination

610.5-1. *Causes for Early Contract Termination.* The owner may terminate the contract prior to the contract term and evict the occupant, if the occupant:

- (a) Violates the terms of the contract;
- (b) Violates any applicable law or rule; and/or
- (c) Commits an applicable nuisance activity.

610.5-2. *Domestic Abuse Defense to Eviction.* An occupant has a valid defense to eviction if they provide that if not for the claimed domestic abuse, which is noticed to the owner with any of the following documentation, there would not be cause for eviction under section 610.5-1:

- (a) An injunction order under Wis. Stat. 813.12(4) or any other law of the Nation protecting the occupant from a co-occupant;
- (b) An injunction order under Wis. Stat. 813.122 or any other law of the Nation protecting a child of the occupant from a co-occupant;
- (c) An injunction order under Wis. Stat. 813.125(4) or any other law of the Nation protecting the occupant or child of the occupant from a co-occupant, based on the co-occupant'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-occupant not to contact the occupant;
- (e) A criminal complaint alleging that the co-occupant sexually assaulted the occupant or a child of the occupant under Wis. Stat. 940.225, 948.02 or 948.025;
- (f) A criminal complaint alleging that the co-occupant stalked the occupant or a child of the occupant under Wis. Stat. 940.32; or
- (g) A criminal complaint that was filed against the co-occupant as a result of the co-occupant being arrested for committing a domestic abuse offense against the occupant under Wis. Stat. 968.075.

610.5-3. *Contrary Provision in the Contract.* Except for leases entered into pursuant to the Leasing law, any termination provisions in a contract that are contrary to those provided in this law are invalid.

610.6. General Notice Requirements for Early Contract Termination

610.6-1. *Notice.* This section governs the manner and form of notice required. When an owner provides notice in compliance with these requirements, the occupant is not entitled to possession or use of the premises after the date of the termination provided.

610.6-2. *Notice Content Requirements.* Notices for the early termination of a contract and eviction required to be provided under this law shall include the following information:

- (a) The violation of law or rule, committing of nuisance, or breach of the contract, with citations to the applicable law, rule, or contract clause;
- (b) If the notice is pursuant to a failure to pay rents, the current delinquent balance due;
- (c) If the notice is pursuant to waste or a breach of contract, other than the failure to pay rent:

- (1) A statement that the occupant has a thirty (30) day period to cure;
(2) The date the period to cure expires and the termination becomes effective in the event occupant does not cure; and
(3) Potential consequences for failure to cure, which may include, but are not limited to eviction and the assessment of damages against the occupant.
(d) Statement that the occupant may request a hearing with the Oneida Trial Court prior to the effective date of the termination provided on the notice, and that, if the occupant timely files for a hearing, there is an automatic stay on the eviction pending the determination of the Oneida Trial Court; and
(e) The contact information for the owner or staff available to answer questions and/or hear concerns of the occupant related to the notice.

610.6-3. *Notice to Individuals.* When providing notice to an occupant that is an individual, the owner shall use both of the following methods:

- (a) By affixing a copy of the notice on an entrance to the rented or leased premises where it can be conveniently read; and
(b) By mailing a copy of the notice by registered or certified mail to the occupant at the occupant's last-known address.

610.6-4. *Notice to Corporations or Partnerships.* If notice is to be given to a corporation or partnership, notice shall be given the methods provided for in section 610.6-3.

610.6-5. *Notice to One (1) of Several Parties.* If there are two (2) or more co-occupants of the same premises, notice given to one (1) is deemed to be given to the others also.

610.6-6. *Effect of Actual Receipt of Notice.* If notice is not properly given in accordance with this law, but is actually received by the other party, the notice is deemed to be properly given; but the burden is upon the owner alleging actual receipt to prove the fact by clear and convincing evidence.

610.7. Eviction for Failure to Pay Rents

610.7-1. The owner may terminate an occupant's contract if an occupant fails to pay any installment of rent when due.

610.7-2. *Notice of Termination.* In order to terminate the contract, the owner shall give the occupant written notice requiring the occupant to pay rent or vacate on or before a date at least thirty (30) calendar days after the giving of the notice, and if the occupant fails to pay the unpaid rents accordingly.

610.7-3. *Right to Cure.* An occupant shall have a right to cure the failure to pay rents after receiving a notice of termination. An occupant is deemed to be complying with the notice if promptly upon receipt of such notice the occupant remedies the default by paying the unpaid rent on or before the specified date in the notice.

610.7-4. *Subsequent Violations.* If within one (1) year from the giving of any notice for the failure to pay rents, the occupant again fails to pay a subsequent installment of rent on time, the occupant's contract is terminated if the owner, while the occupant is in default in payment of rent, gives the occupant notice to vacate on or before a date at least fourteen (14) calendar days after the giving of the notice. The owner shall not be required to provide an opportunity to cure for a subsequent violation of unpaid rents.

610.8. Eviction for Waste or Contract Breach other than Rent Payment

610.8-1. The owner may terminate an occupant's contract if the occupant commits waste or breaches any covenant or condition of the occupant's contract, other than for payment of rent.

610.8-2. *Notice of Termination.* In order to terminate the contract, the owner shall give the occupant written notice requiring the occupant to remedy the default or vacate the premises on or before a date at least thirty (30) calendar days after the giving of the notice, and the occupant fails to remedy the default.

610.8-3. *Right to Cure.* An occupant shall have a right to cure the waste or breach of contract after receiving a notice of termination. An occupant is deemed to be complying with the notice if promptly upon receipt of such notice the occupant and the owner enter into a written agreement to cure that outlines the reasonable steps for the occupant to take and timelines necessary to remedy the default, and the occupant then complies with the agreement, or if damages are adequate protection for the owner and the occupant makes a bona fide and reasonable offer to pay the owner all damages for the occupant's breach.

610.8-4. *Subsequent Violations.* If within one (1) year from the giving of any notice for waste or breaching any covenant or condition of the occupant's contract, the occupant again commits waste or breaches the same or any other covenant or condition of the occupant's contract, other than for payment of rent, the occupant's contract is terminated if the owner, prior to the occupant's remedying the waste or breach, gives the occupant notice to vacate on or before a date at least fourteen (14) calendar days after the giving of the notice. The owner shall not be required to provide an opportunity to cure for a subsequent violation of waste or a breach of contract.

610.9. Eviction for Violation of Applicable Law or Rule or Nuisance by Occupant

610.9-1. The owner may terminate an occupant's contract based on a violation of an applicable law or rule, or if the occupant commits a nuisance act. In order for the owner to terminate an occupant's contract based on this section, the violation of law or rule, or the nuisance act shall be an activity which:

- (a) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants;
- (b) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;
- (c) threatens the health or safety of the owner or an agent or employee of the owner; or
- (d) engages in any drug-related criminal activity on or near the premises.

610.9-2. *Notice of Violation.* In order to terminate based on this section, it is required that the owner received notice from a law enforcement agency or a local government's office of the district attorney which reports:

- (a) a violation of an applicable law or rule on behalf of the occupant or another individual in the occupant's unit, or
- (b) a nuisance that exists in that occupant's unit or was caused by that occupant on the owner's premises.

610.9-3. *Notice of Termination.* In order to terminate the contract, the owner shall give the occupant written notice requiring the occupant to vacate on or before a date at least five (5) calendar days after the giving of the notice.

610.9-4. *No Right to Cure.* The owner shall not be required to provide an occupant an opportunity to cure for a violation of an applicable law or rule or nuisance act.

610.10. Contesting the Contract Termination

610.10-1. *Contesting the Termination.* The occupant may contest a contract termination by filing a complaint challenging the basis of the eviction with the Oneida Trial Court prior to the termination date provided in the notice.

(a) If the occupant contests the termination, the eviction is stayed and the contract may not be terminated without proof to the Oneida Trial Court by the owner by the greater preponderance of the credible evidence that the termination of the contract was valid under this law.

(b) Despite an owner's satisfaction of the proof requirements, the Oneida Trial Court may, at its discretion, stay an eviction by honoring any alternative agreement regarding pending actions entered into by the occupant and a court of competent jurisdiction pending successful completion of the alternative agreement.

610.11. Failure to Vacate Following Notice of Eviction or Contract Expiration

610.11-1. *Effect of Failure to Vacate.* A failure to vacate following notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract does not in any circumstances, regardless of acceptance of rent payments, create a periodic tenancy.

610.11-2. *Damages for Failure to Vacate.* If an occupant remains in possession of the premises without consent of the owner after notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract, the owner may, at the owner's discretion, recover from the occupant damages suffered by the owner because of the failure of the occupant to vacate within the time required.

(a) In absence of proof of greater damages, the owner shall recover as minimum damages twice the rental value apportioned on a daily basis for the time the occupant remains in possession. Nothing in this section prevents the owner from seeking and recovering any other damages to which the owner may be entitled.

610.11-3. *Commencement of Eviction Action.* If an occupant fails to vacate the premises following notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract, the owner may file an eviction action with the Oneida Trial Court to remove the occupant from possession or occupancy of the premises.

(a) *Proper Notice for Eviction Action.* The owner's proof of notice terminating tenancy under this law through certified mail from the United States post office shall be sufficient to establish that proper notice has been provided for the purpose of filing a complaint or otherwise demonstrating that proper notice has been given in an eviction action, and an affidavit of service may not be requested to establish that proper notice has been provided.

(b) *Acceptance of Rent or Other Payment.* If an owner commences an action under this section against an occupant whose occupancy has been terminated for failure to pay rent or for any other reason, the action under this section may not be dismissed because the owner accepts past due rent or any other payment from the occupant after serving notice of default or after commencing the action.

(c) *No Waiver.* It shall not be a defense to an action of eviction or a claim for damages that the owner or occupant has previously waived any violation or breach of any of the terms of the contract including, but not limited to, the acceptance of rent or that a custom or practice occurred or developed between the parties in connection with the contract so as to waive or lessen the right of the owner or occupant to insist upon strict performance of the terms of the contract.

(d) *Joinder of Other Claims*. The owner may join with the claim for restitution of the premises any other claim against the occupant arising out of the occupant's possession or occupancy of the premises.

(e) *Complaint*. The complaint shall be in writing and identify the parties and the premises which is the subject of the action and state the facts which authorize the removal of the occupant. The description of real property is sufficient, whether or not it is specific, if it reasonably identifies what is described. A description by street name and number is sufficient. If the complaint relates only to a portion of described real estate, that portion shall be identified. If a claim in addition to the claim for restitution is joined, the claim shall be separately stated. The request for relief in the complaint shall be for the removal of the occupant or the property or both and, if an additional claim is joined, for the other relief sought by the owner.

(f) *Occupant's Pleading*. The occupant may plead to the complaint orally or in writing, except that if the owner's title is put in issue by the occupant, the answer shall be in writing and subscribed in the same manner as the complaint.

(g) *Order for Judgment*. In an eviction action, if the Oneida Trial Court finds that the termination and eviction occurred in accordance with this law and the owner is entitled to possession, the Oneida Trial Court shall immediately enter an order for judgment to the owner for the removal of the occupant and their property from the premises.

(h) *Writ of Removal*. At the time of ordering judgment for the removal of the occupant and their property from the premises, the Oneida Trial Court shall immediately order that a writ of removal be issued, and the writ shall be delivered to both the Oneida Police Department and owner for execution. No writ shall be executed if received by the Oneida Police Department and owner more than thirty (30) days after its issuance.

(i) *Appeal*. An appeal in an eviction action shall be initiated with the Oneida Court of Appeals within fifteen (15) days of the entry of judgment or order.

(1) No appeal by an occupant for an order for judgment for restitution of the premises may stay proceedings on the judgment unless the appellant serves and files with the notice of appeal an undertaking to the owner, in an amount and with surety approved by the judge who ordered the entry of judgment.

(2) The undertaking shall provide that the appellant will pay all costs and disbursements of the appeal which may be taxed against the appellant, obey the order of the Oneida Court of Appeals upon the appeal and pay all rent and other damages accruing to the owner during the pendency of the appeal.

(3) Upon service and filing of this undertaking, all further proceedings in enforcement of the judgment appealed from are stayed pending the determination of the appeal.

(4) Upon service by the appellant of a copy of the notice and appeal and approved undertaking upon the Oneida Police Department holding an issued but unexecuted writ of restitution or of execution, the Oneida Police Department shall promptly cease all further proceedings pending the determination of the appeal.

(5) If the occupant fails to pay rent when due, or otherwise defaults in the terms of the undertaking, the payment guaranteed by the undertaking with surety shall be payable immediately to the owner and shall not be held in escrow by the court.

(6) Upon the failure of the occupant to pay rent when due, or upon other default by the occupant in the terms of the undertaking, the stay of proceedings shall be

dismissed and the Oneida Police Department shall immediately execute the writ of restitution.

610.11-4. *Execution of Writ of Removal*. Upon delivery of a writ of removal to the Oneida Police Department and the owner, an Oneida Police Department officer and the owner shall execute the writ of removal within ten (10) days of the receipt of the writ.

(a) In executing the writ of removal the Oneida Police Department officer shall:

(1) Remove from the premises described in the writ the occupant and all other persons found upon the premises, using such reasonable force as is necessary.

(2) Remain on scene while the owner changes the locks on the premises and secures possession of the premises.

(b) In executing the writ of removal the owner shall change the locks on the premises and secure possession of the premises.

610.11-5. *Disposal of Personal Property*. In the event the occupant has left personal property in the premises, the occupant may retrieve the said personal property by contacting the owner or staff listed on the notice of termination. The owner shall hold personal property for a minimum of five (5) business days.

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

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

(c) The owner may recover from the occupant damages suffered by the owner for the storing or removing of personal property, and the removing or disposing of debris left at the premises after the expiration of the timeframe provided in the notice of termination.

610.12. Withholding From and Return of Security Deposits

610.12-1. *Applicability*. This section applies only to contracts that require a security deposit.

610.12-2. *Standard Withholding Provisions*. When the owner returns a security deposit to an occupant after the occupant vacates the premises, the owner may withhold from the full amount of the security deposit only amounts reasonably necessary to pay for any of the following:

(a) Occupant damage, waste, or neglect of the premises;

(b) Unpaid rent for which the occupant is legally responsible;

(c) Payment that the occupant owes under the contract for utility service provided by the owner but not included in the rent;

(d) Payment that the occupant owes for direct utility service provided by a government-owned utility, to the extent that the owner becomes liable for the occupant's nonpayment.

(e) Unpaid monthly municipal permit fees assessed against the occupant by a local unit of government, to the extent that the owner becomes liable for the occupant's nonpayment; and

(f) Any other payment for a reason provided in a nonstandard provision document described in 610.11-3.

610.12-3. *Nonstandard Withholding Provisions.* A contract may include one or more nonstandard withholding provisions that authorize the owner to withhold amounts from the occupant's security deposit for reasons not specified in 610.11-2(a) through (f).

(a) The owner shall provide any such nonstandard withholding provisions to the occupant in a separate written document entitled "Nonstandard Withholding Provisions."

(b) The owner shall specifically identify each nonstandard withholding provision with the occupant before the occupant enters into a contract with the owner.

(c) If the occupant signs their name, or writes their initials, by a nonstandard withholding provision, it is rebuttably presumed that the owner has specifically identified the nonstandard withholding provision with the occupant and that the occupant has agreed to it.

610.12-4. *Normal Wear and Tear.* This section does not authorize the owner to withhold any amount from a security deposit for normal wear and tear, or for other damages or losses for which the occupant cannot reasonably be held responsible under the terms of the contract, and applicable laws and/or rules of the Nation.

610.12-5. *Timing for Return of the Security Deposit.* The owner shall deliver or mail to an occupant the full amount of any security deposit paid by the occupant, less any amounts that may be withheld, within sixty (60) calendar days after any of the following:

(a) If the occupant vacates the premises on the original termination date of the contract, the date on which the contract terminates.

(b) If the occupant vacates the premises or is evicted before the original termination date of the contract, the date on which the occupant's rental agreement terminates or, if the owner re-rents the premises before the occupant's rental agreement terminates, the date on which the new occupant takes occupancy/use of the premises.

(c) If the occupant vacates the premises untimely or is removed from the premises pursuant to an eviction action judgment and writ of restitution, the date on which the owner learns that the occupant has vacated the premises or has been removed from the premises.

610.13. Eviction and Termination Actions

610.13-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions taken pursuant to this law.

610.13-2. 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.

End.

Adopted – BC-10-12-16-A

Amended – BC-__-__-__-__

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: RaLinda Ninham-Lamberies, Chief Financial Officer
 FROM: Rae Skenandore, Sr. Analyst/Budget Coordinator
 DATE: June 15, 2026
 RE: Fiscal Impact of the Amendments to the Eviction and Termination Law

I. Estimated Fiscal Impact Summary

Fiscal Impact of the Amendments to the Eviction and Termination Law		
Implementing Agency	Comprehensive Housing Division Land Management Oneida Police Department Oneida Judiciary	
Estimated Impact	Year One (1)	Five (5) Year Estimate
Total Estimated Fiscal Impact	\$ 0	\$ 0

II. Background

The Eviction and Termination Law was adopted in October of 2016. It was added to the active files in July of 2022 Amendments. The purpose of this law is to provide consistent procedures for terminating a contract and/or evicting an occupant which affords the occupant due process and protects all parties involved. The Law contains the following:

- Adds, revises, or removes terms and definitions in part to be consistent with other laws.
- Removes the Land Commission from administrative rulemaking authority to create rules to govern the Nation's residential, agricultural, and business contracts.
- Reduces notice of an early contract termination or eviction notice to individuals, corporations, or partnerships to the following:
 - Affixing a copy to the entrance.
 - And by Mailing a copy by registered or certified mail.
- Provides an occupant a right to cure for a failure to pay rent but is not guaranteed that right to cure for future violations that occur within one year.
- Clarifies an occupant's right to cure for instances of waste or contract breach and is deemed compliant if they have entered into a written agreement with timelines. The right to cure is not guaranteed for subsequent violations within one year.
- Clarifies what types of offenses qualify as a violation of law or rule or nuisance activity.

- Revises who is allowed to notice an owner of a violation of law or rule or nuisance activity. To terminate, the owner must receive notice from a law enforcement agency or local governments office of the district attorney.
- Provides that an owner is not required to provide an occupant an opportunity to cure for a violation of an applicable law or rule or nuisance act.
- Clarifies and expands when an individual may contest a contract termination.
- Revises procedures for an occupant's failure to vacate following the notice of eviction.
- Expands the amount of time allowed for an owner to return a security deposit to an occupant from thirty (30) days to sixty (60) days.
- Makes other drafting and organizational changes.

III. Methodology and Assumptions

A "Fiscal Impact Statement" means an estimate of the total identifiable fiscal year financial effects associated with a petition or legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

IV. Findings

Implementing the amendments appears to fall within existing operational responsibilities.

V. Financial Impact

No fiscal impact identified.

VI. Recommendation

Finance does not make a recommendation about a course of action in this matter. Rather, the purpose of a Fiscal Impact Statement is to disclose the potential fiscal impact of the action so that the Oneida Business Committee and General Tribal Council have the information with which to render a decision.



Legislative Operating Committee
July 1, 2026

Petition: G. Powless-Buenrostro – Amend Judiciary Law #2026-01

Submission Date: 6/3/26

LOC Sponsor: Jameson Wilson

Summary: *On May 11, 2026, the Petition: G. Powless-Buenrostro - Amend Judiciary Law #2026-01 (“the Petition”) was submitted to the Government Administrative Office by Gina Powless-Buenrostro and has since been verified by the Oneida Trust Enrollment Department on May 12, 2026. On May 27, 2026, the Oneida Business Committee acknowledged receipt of this Petition. and directed the Legislative Reference Offices to complete a statement of effect with status updates to be submitted for the July 8, 2026, regular Oneida Business Committee meeting agenda and the first Oneida Business committee meeting of the month thereafter or until the final documents are submitted. On June 3, 2026, the Legislative Operating Committee added the Petition to the Active Files List to be worked on by the Legislative Reference Office. This petition calls for a special General Tribal Council (GTC) meeting to be called to consider the following: Amend Title 8. Judiciary – Chapter 801: Tsi? Latili wahshu.nihe kayan lahasla? More specifically, we want to add section 801.11.5 Judges will physically reside within the State of Wisconsin and be required to physically appear in court, effective immediately upon approval of this petition. If there are judges who do not meet this requirement within 30 calendar days of passage, they will be notified by the Oneida Nation’s Secretary’s office that they no longer meet the requirements of the position of judge and will no longer serve on the Judiciary. Proof of address is required to confirm that all judges reside within the state of Wisconsin.*

12/19/25 OBC: Motion by Jennifer Webster to acknowledge receipt of petition from Gina Powless-Buenrostro regarding adjustments to Judiciary law; to direct the Business Committee Direct Reports Offices to complete and submit their administrative impact statements of the petition to the Secretary mailbox by Wednesday, June 17, 2026; and to direct the Law, Finance, and Legislative Reference Offices to complete respectively, the legal review, fiscal impact statement and statement of effect with status updates submitted to the July 8, 2026, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted., seconded by Jameson Wilson. Motion carried.

6/3/26 LOC: Motion by Jennifer Webster to add the Petition: G. Powless-Buenrostro - Amend the Judiciary Law #2026-01 to the Active Files List with Jameson Wilson as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

Next Steps:

- Accept the status update memorandum for the Petition: G. Powless-Buenrostro – Amend Judiciary Law #2026-01 and forward to the Oneida Business Committee.



TO: Oneida Business Committee
FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney
DATE: July 1, 2026
RE: Petition: G. Powless-Buenrostro – Amend Judiciary Law #2026-01

On May 11, 2026, the Petition: G. Powless-Buenrostro - Amend Judiciary Law #2026-01 (“the Petition”) was submitted to the Government Administrative Office by Gina Powless-Buenrostro and has since been verified by the Oneida Trust Enrollment Department on May 12, 2026. On May 27, 2026, the Oneida Business Committee acknowledged receipt of this Petition. and directed the Legislative Reference Offices to complete a statement of effect with status updates to be submitted for the July 8, 2026, regular Oneida Business Committee meeting agenda and the first Oneida Business committee meeting of the month thereafter or until the final documents are submitted. On June 3, 2026, the Legislative Operating Committee added the Petition to the Active Files List to be worked on by the Legislative Reference Office.

The Legislative Reference Office is currently working on the development of the statement of effect for this Petition and will provide a statement of effect to the Oneida Business Committee at an upcoming meeting.

Requested Action

Accept the status update regarding the statement of effect for the Petition: G. Powless-Buenrostro - Amend Judiciary Law #2026-01.

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 7-01-26 LOC Mtg. Date
- 2) Contact Person(s): Larry Barton Dept: Treasurer
Phone Number: 920-869-4394 Email: lbarton2@oneidanation.org
- 3) Agenda Title: Minors Trust Accounts
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
See attached memorandum

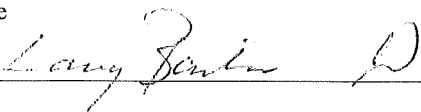
List any supporting materials included and submitted with the Agenda Request Form

- 1) _____ 3) _____
- 2) _____ 4) _____
- 5) Please List any laws, ordinances or resolution 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



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



Memorandum

To: Legislative Operating Committee
From: Larry Barton, Treasurer
Date: June 19, 2026
Re: Minors Trust Accounts

Requesting consideration of emergency action to convert Minors Trust Accounts to a GWA.

Thank you.



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



AGENDA REQUEST FORM

- 1) Request Date: June 26, 2026
- 2) Contact Person(s): Tina Skenandore
 Dept: Oneida Election Board
 Phone Number: ext. 4324 Email: oeb-tske@oneidanation.org
- 3) Agenda Title: Emergency Amendment to Election Law Section 102.10-2
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
The Oneida Election Board would need to pursue emergency
amendments to the Election law to reduce the number of Election Board
members required to sign the election totals from six (6) to three (3) in
section 102.10-2.

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

- | | |
|---|----------|
| 1) <u>Election Law Section 102.10-2</u> | 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:
Previous amendment is/has expired

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

Signature of Requester: _____

Tina Skenandore

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

Officials during the voting period.

102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration Form containing the voter's following information:

- (a) name and maiden name (if any);
- (b) current address;
- (c) date of birth; and
- (d) enrollment number.

Section D. Qualification/Verification of Voter Eligibility

102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote, the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with the Trust Enrollment Department personnel who are registering voters, to decide the voting member's eligibility currently being questioned and shall make such decisions from the facts available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation Constitution, Article III Section 2, to vote in the Nation's elections.

102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they desire to challenge the decision made by the Election Officials. The Election Board shall make a final decision, within five (5) business days of receiving the appeal and shall report this decision in the final report sent to the Oneida Business Committee.

102.9. Election Process

Section A. Polling Places and Times

102.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections shall be held in the month of July on a date set by the General Tribal Council. The General Tribal Council shall set the election date at the January annual meeting, or at the first GTC meeting held during a given year. Special Elections shall be set in accordance with 102.12-6.

102.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election Board.

102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line to vote at 7:00 p.m. shall be allowed to vote.

- (a) If a ballot counting machine is used, the ballot counting machine shall be prepared prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four (4) members of the Nation verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results posted.

102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such that there is an area with at least two sides and a back enclosure.

102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area, excluding private property.

102.9-7. No one causing a disturbance shall be allowed in the voting area.

102.9-8. Election Board members may restrict the voting area to qualified voters only. This restriction is in the interest of maintaining security of the ballots and voting process.

Section B. Ballot Box

102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and shall be locked until counting at the close of polls. Provided that, with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

Section C. Spoiled Ballots

102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials and placed in an envelope marked as "Spoiled Ballots."

102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

Section D. Rejected Ballots

102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

(a) Computer rejected ballots shall be reviewed by the Election Officials to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in sections 102.9-10 through 102.9-12.

(b) Ballots rejected, either during the computer process or during a manual counting, shall be reviewed by the Election Officials to verify that they are authentic. If the Election Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

102.10. Tabulating and Securing Ballots

Section A. Machine Counted Ballots

102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate from the ballot counting machine copies of the election totals from the votes cast.

102.10-2. At least six (6) Election Board members shall sign the election totals, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.9-3(a).

Section B. Manually Counted Ballots

102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the ballot box and remove the ballots.

102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall be secured in a sealed container for transportation to the ballot counting location. The sealed ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election Officials for counting/tallying of ballots.

102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and witnessed/monitored by an Oneida Police Officer.

102.10-6. Ballots must be counted by two different Election Officials until two final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

Section C. Securing Ballots



TO: Oneida Business Committee
FROM: Jameson Wilson, LOC Chairman
DATE: July 1, 2026
RE: Adoption of Emergency Amendments to the Election Law for the 2026 General Election

Please find the following attached backup documentation for your consideration of an emergency amendments to the Election law:

1. Resolution: Emergency Amendments to the Election Law for the 2026 General Election
2. Statement of Effect: Emergency Amendment to the Election Law for the 2026 General Election
3. Election law Emergency Amendments Legislative Analysis
4. Election law Emergency Amendments Draft (Redline)
5. Election law Emergency Amendments (Clean)

Overview

Emergency amendments to the Election law are being sought for the 2026 General Election. On June 26, 2026, the Legislative Operating Committee received a request from the Oneida Election Board to consider emergency amendments to the Election law to ensure the 2026 General Election can be conducted in an efficient and lawful manner. The Election law governs the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1]. The emergency amendments to the Election law will reduce the number of Election Board members required to sign the election totals from six (6) to three (3). [1 O.C. 102.10-2].

The Oneida Business Committee can temporarily enact legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)].

The emergency amendments to the Election law are necessary for the preservation of the general welfare of the Reservation population to ensure that the 2026 General Election can occur in an efficient and lawful manner. The 2026 General Election is scheduled for July 11, 2026. The number of Election Board members required to sign the election totals is being reduced from six (6) to three (3) due to the Election Board's concern that there will not be enough Election Board members to meet the original requirement for six (6) members. The Election Board has provided that they have not been able to secure an adequate number of alternate positions for the 2026 General Election.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of the amendments to the Election law would be contrary to public interest and the process and requirements of the Legislative Procedures Act cannot be completed in time to allow the proposed emergency amendments to be adopted and implemented prior to the July 12, 2026 General Election.

The adoption of the emergency amendments to the Election law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments to the Election law will remain effective for six (6) months. The Legislative Procedures Act provides the possibility to extend the emergency amendment for an additional six (6) months, or until the emergency amendment expires or is permanently adopted. *[1 O.C. 109.9-5(b)]*.

Requested Action

Adopt the Resolution: Emergency Amendments to the Election Law for the 2026 General Election

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Emergency Amendments to the Election Law for the 2026 General Election

- 1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 2 recognized by the laws of the United States of America; and
- 3
- 4 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 5
- 6 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 7 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 8
- 9 **WHEREAS,** the Election law ("the Law") was adopted by the General Tribal Council on June 19, 1993
- 10 for the purpose of governing the procedures for the conduct of orderly elections of the
- 11 Nation, and was most recently amended by the General Tribal Council through resolution
- 12 GTC-04-23-17-A; and
- 13
- 14 **WHEREAS,** the Oneida Election Board has requested emergency amendments to the Election law to
- 15 ensure the 2026 General Election can be conducted in an efficient and lawful manner; and
- 16
- 17 **WHEREAS,** the 2026 General Election is scheduled for July 11, 2026; and
- 18
- 19 **WHEREAS,** section 102.10-2 of the Law requires that at least six (6) Oneida Election Board members
- 20 sign the election totals of machine counted ballots, which shall include the tape signed by
- 21 the members of the Nation before the polls were opened per section 102.9-3(a); and
- 22
- 23 **WHEREAS,** the proposed emergency amendments to the Law will reduce the number of Election Board
- 24 members required to sign the election totals from six (6) to three (3); and
- 25
- 26 **WHEREAS,** reducing the number of Election Board members required to sign the election totals
- 27 addresses the Election Board's concerns that they will not have enough Oneida Election
- 28 Board members or alternates to meet the requirement of section 102.10-2 of the Law; and
- 29
- 30 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact
- 31 legislation on an emergency basis, to be in effect for a period of six (6) months, renewable
- 32 for an additional six (6) months; and
- 33
- 34 **WHEREAS,** emergency adoption of legislation is allowed when legislation is necessary for the
- 35 immediate preservation of the public health, safety, or general welfare of the Reservation
- 36 population, and the amendment of the legislation is required sooner than would be possible
- 37 under the Legislative Procedures Act; and
- 38
- 39 **WHEREAS,** the emergency adoption of the amendments to the Law are necessary for the preservation
- 40 of the general welfare of the Reservation population to ensure that the 2026 General
- 41 Election can occur in an efficient and lawful manner in accordance with the requirements
- 42 of the Election law; and
- 43

44 **WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of these
45 amendments would be contrary to public interest and the process and requirements of the
46 Legislative Procedures Act cannot be completed in time to allow the proposed
47 amendments to be adopted and implemented prior to the July 11, 2026 General Election;
48 and
49

50 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement
51 when considering emergency legislation; and
52

53 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the emergency
54 amendment to the Election Law effective immediately.



Statement of Effect

Emergency Amendments to the Election Law for the 2026 General Election

Summary

This resolution adopts emergency amendments to the Election law ensure the 2026 General Election can be conducted in an efficient and lawful manner.

Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office
Date: June 30, 2026

Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Election law. The Election law governs the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1]. The emergency amendments to the Election law will reduce the number of Election Board members required to sign the election totals from six (6) to three (3). [1 O.C. 102.10-2].

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA allows the Oneida Business Committee to take emergency action where it is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population and when enactment or amendment of legislation is required sooner than would be possible under the LPA. [1 O.C. 109.9-5]. A public meeting and fiscal impact statement are not required for emergency legislation. [1 O.C. 109.8-1(b) and 109.9-5(a)].

The 2026 General Election is scheduled for July 11, 2026. The Oneida Election Board requested emergency amendments to the Election law to ensure that the 2026 General Election can be conducted in an efficient and lawful manner.

Section 102.10-2 of the Law requires that at least six (6) Oneida Election Board members sign the election totals of machine counted ballots, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.9-3(a). The reduction of the number of Election Board members required to sign the election totals from six (6) to three (3) was made due to the Election Board’s concern that there will not be enough eligible Election Board members or alternates to meet the original requirement for six (6) members.

The resolution provides that the emergency amendment to the Election law is necessary for the preservation of the general welfare of the Reservation population to ensure that the 2026 General Election can occur in an efficient and lawful manner in accordance with the requirements of the Election law. Additionally, observance of the requirements under the LPA for the adoption of the amendment to the Election law would be contrary to public interest and the process and

requirements of the Legislative Procedures Act cannot be completed in time to allow the proposed amendments to be adopted and implemented prior to the July 11, 2026 General Election.

The adoption of the emergency amendment to the Election law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendment to the Election law will remain effective for six (6) months. The LPA provides the possibility to extend the emergency amendment for an additional six (6) months, or until the emergency amendment expires or is permanently adopted. [1 O.C. 109.9-5(b)].

Conclusion

Adoption of this resolution would not conflict with any of the Nation's laws.



ELECTION LAW EMERGENCY AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	Reduce the number of Election Board members required to sign the election totals of machine counted ballots from six (6) to three (3) members. [1 O.C. 102.10-2].
Purpose	To govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1]
Affected Entities	Oneida Nation Election Board.
Public Meeting	A public meeting is not required for emergency legislation. [1 O.C. 109.8-1(b) and 109.9-5(a)].
Fiscal Impact	A fiscal impact statement is not required for emergency legislation. [1 O.C. 109.9-5(a)].
Expiration of Emergency Legislation	Emergency legislation expires six (6) months after adoption and may be renewed for an additional six (6) month period.

SECTION 2. LEGISLATIVE DEVELOPMENT

A. Background. The Election law was first adopted on June 19, 1993, and most recently amended by the General Tribal Council on April 23, 2017. The Law governs the procedures for the conduct of orderly elections of the Nation. [1 O.C. 102.1-1].

B. Request for Emergency Amendments. On June 26, 2026, the Legislative Operating Committee received a request from the Oneida Election Board to consider emergency amendments to the Election law to ensure the 2026 General Election can be conducted in an efficient and lawful manner.

- The Nation's 2026 General Election is scheduled for July 11, 2026.
- Section 102.10-2 of the Election Law requires that at least six (6) Election Board members sign the election totals on machine counted ballots. The Oneida Election Board provided that they do not have enough Oneida Election Board members or alternates to meet the requirement of section 102.10-2. The Oneida Election Board therefore made the request to amend the Election law on an emergency basis to reduce the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots from six (6) to three (3).
- The Legislative Operating Committee determined these amendments should be pursued on an emergency basis for the immediate preservation of the general welfare of the Reservation population.

SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments or entities participated in the development of this Law and legislative analysis:
 - Oneida Election Board.

SECTION 4. PROCESS

- B. These amendments are being considered on an emergency basis. The Oneida Business Committee may temporarily enact an emergency legislation where legislation is necessary for the immediate preservation of public health, safety, or general welfare of the Reservation population and enactment or amendment of legislation is required sooner than would be possible under this law. [1 O.C. 109.9-5].
- The emergency adoption of amendments to this Law are necessary for the preservation of the general welfare of the Reservation population in order to ensure that the 2026 General Election can occur in an efficient and lawful manner.
 - Observance of the requirements under the Legislative Procedures Act for adoption of the emergency amendments to this Law would be contrary to public interest and the process and requirements of the Legislative Procedures Act cannot be completed in time to allow the proposed emergency amendments to be adopted and implemented prior to the July 11, 2026 General Election.
- C. The emergency amendments will expire six (6) months after adoption, with one (1) opportunity for a six (6) month extension of the emergency amendments. [1 O.C. 109.9-5(b)].
- D. The Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact statement will eventually be required when considering permanent adoption of this Law.
- E. The Election law was already on the Active Files List for comprehensive amendments to be developed, but on July 1, 2026, the Legislative Operating Committee acknowledged that they would pursue these emergency amendments.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. **Election Board Members Signature on Machine Counted Ballots.** The proposed amendments lower the number of Oneida Election Board members that are required sign the election totals for machine counted ballots, which includes the tape signed by the members of the Nation before the polls were opened, from six (6) to three (3). [1 O.C. 102.10-2].
- *Effect.* This emergency amendment was made to the Law based on the Election Board's concern that there will not be enough Election Board members to meet the original requirement of section 102.10-2 for six (6) members to sign the election totals. The Election Board has provided that they currently do not have enough eligible members or alternates to meet this requirement.

SECTION 6. EXISTING LEGISLATION

- A. **Related Legislation.** The following laws of the Nation are related to the emergency amendments to this Law:
- *Legislative Procedures Act.* The Legislative Procedures Act was adopted by the General Tribal Council on January 7, 2013, for the purpose of providing a standard process for the adoption of laws of the Nation which includes taking into account comments from members of the Nation and input from agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].
 - The Legislative Procedures Act provides a process for the adoption of emergency legislation when the legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population and the

enactment or amendment of legislation is required sooner than would be possible under this law. [1 O.C. 109.9-5].

- The Legislative Operating Committee is responsible for first reviewing the emergency legislation and for forwarding the legislation to the Oneida Business Committee for consideration. [1 O.C. 109.9-5(a)].
- The proposed emergency legislation is required to have a legislative analysis completed and attached prior to being sent to the Oneida Business Committee for consideration. [1 O.C. 109.9-5(a)].
 - a. A legislative analysis is a plain language analysis describing the important features of the legislation being considered and factual information to enable the Legislative Operating Committee to make informed decisions regarding legislation. A legislative analysis includes a statement of the legislation's terms and substance; intent of the legislation; a description of the subject(s) involved, including any conflicts with Oneida or other law, key issues, potential impacts of the legislation and policy considerations. [1 O.C. 109.3-1(g)].
- Emergency legislation does not require a fiscal impact statement to be completed or a public comment period to be held. [1 O.C. 109.9-5(a)].
- Upon the determination that an emergency exists the Oneida Business Committee can adopt emergency legislation. The emergency legislation becomes effective immediately upon its approval by the Oneida Business Committee. [1 O.C. 109.9-5(b)].
- Emergency legislation remains in effect for a period of up to six (6) months, with an opportunity for a one-time emergency law extension of up to six (6) months. [1 O.C. 109.9-5(b)].
- Adoption of these proposed emergency amendments would conform with the requirements of the Legislative Procedures Act.

SECTION 7. OTHER CONSIDERATIONS

A. *Deadline for Permanent Adoption of Legislation.* The adoption of emergency amendments to the Law expires six (6) months after adoption. The emergency legislation may be renewed for an additional six (6) month period.

- *Conclusion:* The Legislative Operating Committee will need to determine if the adoption of these amendments is necessary on a permanent basis, and if so, develop the permanent amendments to this Law within the next six (6) to twelve (12) months.

B. *Fiscal Impact.* A fiscal impact statement is not required for emergency legislation.

- Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1].

Title 1. Government and Finances - Chapter 102

ELECTION

Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsila

People of the Standing Stone how it is we will appoint them the kind of laws we have

102.1. Purpose and Policy	102.8. Registration of Voters
102.2. Adoption, Amendment, Repeal	102.9. Election Process
102.3. Definitions	102.10. Tabulating and Securing Ballots
102.4. Election Board	102.11. Election Outcome and Ties
102.5. Candidate Eligibility	102.12. Elections
102.6. Selection of Candidates	102.13. Oneida Nation Constitution and By-law Amendments
102.7. Notice of Polling Places	

102.1. Purpose and Policy

102.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

102.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all procedures used in the election process.

102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A ~~and~~, amended by resolutions GTC-01-04-10-A, BC-02-25-15-C and GTC-04-23-17-A, ~~and~~ amended on an emergency basis by resolution BC- - - -.

102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act. Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

102.2-3. 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.

102.2-4. 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.

102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

102.3. Definitions

102.3-1. 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.

102.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding holidays of the Nation.

102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation, advertising, rallying, public speaking, or other communications with members of the Nation.

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102.3-6. "Candidate" shall mean a petitioner or nominee for an elected position whose name is placed on the ballot by the Election Board after successful application.

102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose of determining voter eligibility.

102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

102.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political or otherwise, in which a Nation elected official, employee, consultant, appointed or elected, member of any board, committee or commission, or their immediate relatives, friends or associates, or any other person with whom they have contact, that conflicts with any right of the Nation to property, information, or any other right to own and operate its enterprises, free from undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in any law or policy of the Nation.

102.3-10. "Election" shall mean every primary and election.

102.3-11. "General election" shall mean the election held every three (3) years in July to elect the Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the Business Committee and may include contests for elected boards, committees and commissions positions.

102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of discrepancies, complaints and controversy regarding voter eligibility.

102.3-13. "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 Nation.

102.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the winner of an elected position, in the case of a tie between two (2) or more candidates.

102.3-15. "Nation" means the Oneida Nation.

102.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by the Nation for the benefit of transmitting news to members of the Nation, which is designated by the Election Board as a source for election related news.

102.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a police officer on any police force.

102.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential dwelling or a privately owned business within the boundaries of the Reservation.

102.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the SEOTS building and all One-Stop locations.

102.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18) years of age or older.

102.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating machine.

102.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred and is not tabulated.

102.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

102.4. Election Board

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83 *Section A. Establishment, Composition and Election*

84 102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this
85 law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

86 102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be
87 elected to terms of three (3) years, not to exceed two (2) consecutive terms.

88 102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an
89 Election Board member in any pre-election, election day, or post-election activities while he or
90 she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of interest.

91 102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member
92 who is removed from the Election Board shall be ineligible to serve on the Board for three (3)
93 years from the time he or she is removed from the Election Board.

94 102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the
95 Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed
96 to correspond with the pre-election activities and the needs of the Election Board.

97 102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

98 102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to
99 the Election Board, as recommended by the Election Board, to assist with election day and pre-
100 election activities.

101 102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in
102 the By-laws of the Election Board, to preside over the meetings. This selection shall be carried
103 out at the first meeting of the Election Board following an election. The Chairperson shall then
104 ask the Election Board to select a Vice-Chairperson and Secretary.

105
106 *Section B. Duties of the Election Board*

107 102.4-9. The Election Board shall have the following duties, along with other responsibilities listed
108 throughout this law.

109 (a) The Election Board shall be in charge of all registration and election procedures; and

110 (b) Upon completion of an election, the Election Board shall make a final report on the
111 election results as set out in this law.

112
113 *Section C. Specific Duties of Officers and Election Board Members*

114 102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to
115 being present at all Election Board meetings and assisting the handicapped through the voting
116 process, are as set out herein:

117 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing
118 body for applicants found to be ineligible in accordance with 102.5-6 in the event of an
119 appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust
120 Enrollment Department personnel when their election day duties are complete; and shall
121 post and report election results.

122 (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.

123 (c) Secretary: Shall keep a record of the meetings and make them available to the Nation's
124 Secretary, other Election Board members and the public as required in the Open Records
125 and Open Meetings Law.

126 (d) Clerks: Shall implement the requirements of identifying and registering all voters and
127 determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment

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Department personnel in the registration process, and assist the Chairperson as directed in conducting the election. Clerks cannot be currently employed by the Trust Enrollment Department.

(e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as determined by this law. Shall assist the Chairperson in conducting the election.

(f) Judges: Shall inform and advise the Chairperson of all aspects of the election conducted under this law. In case of disputes among Election Board members, or between members of the Nation and Election Board members, or any controversy regarding voter eligibility, the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall also ensure that all ballots of voters whose eligibility may be in question, remain confidential.

Section D. Compensation Rates

102.4-11. Election Board members are to be compensated at an hourly rate when conducting elections as provided for in the Election Board's bylaws as approved by the Business Committee. The Election Board shall have a budget, approved through the Nation's budgeting process.

102.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of their respective budgets.

102.5. Candidate Eligibility

Section A. Requirements

102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws or other documents, all applicants shall meet the minimum requirements set out in this section in order to become a candidate.

102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

- (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.
- (b) be a qualified voter on the day of the election.
- (c) provide proof of physical residency as required for the position for which they have been nominated or for which they have petitioned. Proof of residency may be through one (1) or more of the following:
 - (1) a valid Wisconsin driver's license;
 - (2) a bill or pay check stub showing name and physical address of the candidate from the prior or current month;
 - (3) another form of proof that identifies the candidate and that the candidate has physically resided at the address and identifies that address as the primary residence.

102.5-3. No applicant may have a conflict of interest with the position for which they are being considered, provided that any conflict of interest which may be eliminated within thirty (30) calendar days of being elected shall not be considered as a bar to nomination or election.

102.5-4. Applications and petitions where the applicant was not nominated during caucus shall be filed by presenting the information to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after the caucus. No mailed, internal Nation mail delivery, faxed or other delivery method shall be accepted.

102.5-5. The names of the candidates and the positions sought shall be a public record and made available to the public upon the determination of eligibility by the Election Board or the Board's

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designated agent.

Section B. Eligibility Review

102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal. At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall select the hearing body. The hearing shall be held within two (2) business days of receipt of the appeal. The applicant shall be notified by phone of time and place of the hearing. The decision of the hearing body shall be sent via certified mail or hand delivery within two (2) business days of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the Judiciary on an accelerated schedule.

102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position shall be notified by certified mail return receipt requested. The notice shall provide the following information:

- (a) Position for which they were considered
- (b) Qualification of the position and citation of the source. (Copies of source may be attached.)
- (c) A brief summary explaining why the applicant was found to be ineligible.
- (d) That the applicant has two (2) business days from notification to make an appeal. Appeals must be filed at the location designated on the notice by hand delivery. The location designated shall be on the Reservation. No mailed, internal Nation mail, faxed or other delivery method will be accepted.

Section C. Campaign Financing

102.5-8. Contributions:

- (a) Solicitation of Contributions by Candidates.
 - (1) Candidates shall only accept contributions from individuals who are members of the Nation or individuals related by blood or marriage to the candidate. Candidates may not accept contributions from any business, whether sole proprietorship, partnership, corporation, or other business entity.
 - (2) Candidates shall not solicit or accept contributions in any office or business/facility of the Nation.
- (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

102.5-9. Campaign Signs and Campaigning:

- (a) Placement of campaign signs:
 - (1) Campaign signs shall not be posted or erected on any property of the Nation except for private property with the owner/tenant's permission.
 - (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum of seven (7) such signs may be placed on a building or on a lot.
 - (3) No campaign sign shall project beyond the property line into the public right of way.
- (b) Removal of campaign signs. All campaign signs shall be removed within five (5) business days after an election.

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(c) Employees of the Nation shall not engage in campaigning for offices of the Nation during work hours. The Nation's employees shall be subject to disciplinary action under the personnel policies and procedures for political campaigning during work hours.

(d) Enforcement. The Zoning Administrator shall cause to be removed any campaign signs that are not in compliance with this law, in accordance with the Zoning and Shoreland Protection Law.

(e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

Section D. Candidate Withdrawal

102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the candidate prior to submission of the ballot for printing to any Election Board member, excluding alternates.

102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the election by submitting in writing a statement indicating they are withdrawing from the election prior to the opening of the polls to any Election Board member, excluding alternates. This statement shall be posted alongside any sample ballot printed prior to the election in the newspaper or any posting at the polling places.

102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the Election Board members in charge of the polling place, to be removed from the ballot. The written statement shall be posted next to any posted sample ballot.

102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from which they have withdrawn regardless of the number of votes cast for that candidate. A written statement shall be considered the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn from.

102.5-14. Candidate Withdrawal After Winning an Election.

(a) In the event a candidate declines an office after winning an election, the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

2.6. Selection of Candidates

Section A. Setting of Caucus

102.6-1. The Election Board shall be responsible for calling a caucus before any election is held. The caucus for the general election shall be held at least ninety (90) calendar days prior to the election date. Caucuses for other elections shall be held at least forty-five (45) calendar days prior to the election date. In a general election year, caucuses shall be combined so that candidates for the Business Committee and elected boards, committees and commissions are nominated at the same caucus.

102.6-2. The procedures for the caucus shall be as follows:

(a) Candidates shall be nominated from the floor.

(b) Candidates present at the caucus will accept/decline their nomination at the caucus. Candidates nominated at the caucus, but not present to accept the nomination, shall be required to follow the petition process.

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(c) Nominations shall consist of the following positions: Chairperson, Vice-Chairperson, Treasurer, Secretary, Council Member and other elected positions as required by by-laws or creating documents of a board, committee, or commission.

Section B. Petition

102.6-3. Any eligible member of the Nation may petition to be placed on a ballot according to the following procedures:

(a) Each petitioner, not nominated at caucus, shall file a petition containing endorsee's original signatures; photocopies shall not be accepted.

(b) Petitioners shall use an official petition form as designated by this law which may be obtained in the Office of the Nation's Secretary or from the mailing for that caucus.

(c) The petition form shall consist of each endorsee's:

(1) printed name and address;

(2) date of birth;

(3) Oneida Nation Enrollment Number; and

(4) signature.

(d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as defined under this law.

(e) Petitions shall be presented to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to close of business five (5) business days after the caucus. The location to drop-off petitions shall be identified in the mailing identifying the caucus date.

(f) The Nation's Secretary shall forward all petitions to the Election Board Chairperson the next business day following the close of petition submissions.

(g) The Election Board shall have the Trust Enrollment Department verify all signatures contained on the petition.

102.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

102.7. Notice of Polling Places

102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of the polling places and the time the polls will be open. This notice shall also be posted in an easily visible position, close to the entrance of the Nation's businesses/facilities.

102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation members, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing.

102.7-4. Notice of the election shall be placed in the Nation's newspaper.

102.8. Registration of Voters*Section A. Requirements*

102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years

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of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the Oneida Nation Constitution.

Section B. Identification of Voters

102.8-2. All voters must present one of the following picture identifications in order to be able to vote:

- (a) Oneida Nation I.D.
- (b) Drivers License.
- (c) Other I.D. with name and photo.

Section C. Registration Procedures

102.8-3. Voters shall physically register, on the day of the election, at the polls.

102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election Officials during the voting period.

102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration Form containing the voter's following information:

- (a) name and maiden name (if any);
- (b) current address;
- (c) date of birth; and
- (d) enrollment number.

Section D. Qualification/Verification of Voter Eligibility

102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote, the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with the Trust Enrollment Department personnel who are registering voters, to decide the voting member's eligibility currently being questioned and shall make such decisions from the facts available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation Constitution, Article III Section 2, to vote in the Nation's elections.

102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they desire to challenge the decision made by the Election Officials. The Election Board shall make a final decision, within five (5) business days of receiving the appeal and shall report this decision in the final report sent to the Oneida Business Committee.

102.9. Election Process

Section A. Polling Places and Times

102.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections shall be held in the month of July on a date set by the General Tribal Council. The General Tribal Council shall set the election date at the January annual meeting, or at the first GTC meeting held during a given year. Special Elections shall be set in accordance with 102.12-6.

102.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election

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Board.

102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line to vote at 7:00 p.m. shall be allowed to vote.

(a) If a ballot counting machine is used, the ballot counting machine shall be prepared prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four

(4) members of the Nation verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results posted.

102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such that there is an area with at least two sides and a back enclosure.

102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area, excluding private property.

102.9-7. No one causing a disturbance shall be allowed in the voting area.

102.9-8. Election Board members may restrict the voting area to qualified voters only. This restriction is in the interest of maintaining security of the ballots and voting process.

Section B. Ballot Box

102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and shall be locked until counting at the close of polls. Provided that, with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

Section C. Spoiled Ballots

102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials and placed in an envelope marked as "Spoiled Ballots."

102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

Section D. Rejected Ballots

102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

(a) Computer rejected ballots shall be reviewed by the Election Officials to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in sections 102.9-10 through 102.9-12.

(b) Ballots rejected, either during the computer process or during a manual counting, shall be reviewed by the Election Officials to verify that they are authentic. If the Election Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

102.10. Tabulating and Securing Ballots

Section A. Machine Counted Ballots

102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate from the ballot counting machine copies of the election totals from the votes cast.

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102.10-2. At least ~~six (6)~~three (3) Election Board members shall sign the election totals, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.9-3(a).

Section B. Manually Counted Ballots

102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the ballot box and remove the ballots.

102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall be secured in a sealed container for transportation to the ballot counting location. The sealed ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election Officials for counting/tallying of ballots.

102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and witnessed/monitored by an Oneida Police Officer.

102.10-6. Ballots must be counted by two different Election Officials until two final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

Section C. Securing Ballots

102.10-7. The Judges shall place together all ballots counted and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots, and the election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of the election, the sealed container to the Records Management Department for retaining.

102.11. Election Outcome and Ties

Section A. Election Results Announcement

102.11-1. The tentative results of an election shall be announced and posted by the Election Board within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain the following statement:

"The election results posted here are tentative results. Final election results are forwarded by the Oneida Election Board to the Oneida Business Committee via a Final Report after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer"

102.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation's newspaper, the tentative results of an election.

Section B. Tie

102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to determine the outcome of an election, the Election Board shall conduct an automatic recount of the votes for each candidate receiving the same number of votes. Any recount conducted shall be the only recount allowed for the tied candidates.

102.11-4. For Business Committee positions, a run-off election between the candidates with the same number of votes shall be held if there remains a tie after the recount. Said run-off election shall be held within twenty one (21) calendar days after the recount. For all other positions, if there remains a tie after the recount, the Election Board shall decide the winner of the tied positions

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at least two (2) business days after, but no more than five (5) business days after the recount through a lot drawing, which shall be open to the public.

(a) The Election Board shall notify each of the tied candidates and the public of the date, time, and place of the drawing at least one (1) business day before the drawing. Notice to the tied candidates shall be in writing. Notice to the public shall be posted by the Election Board in the prominent locations.

(b) On the date and at the time and place the drawing was noticed, the Election Board Chairperson shall clearly write the name of each tied candidate on separate pieces of paper in front of any witnesses present. The pieces of paper shall be the same, or approximately the same, color, size, and type. The papers shall be folded in half and placed in a container selected by the Election Board Chairperson.

(c) The Election Board Chairperson shall designate an uninterested party to draw a name from the container. The candidate whose name is drawn from the container first shall be declared the winner. An Election Board member other than the Chairperson shall remove the remaining pieces of paper from the container and show them to the witnesses present.

Section C. Recount Procedures

102.11-5. A candidate may request the Election Board to complete a recount, provided the margin between the requesting candidate's vote total and vote total for the unofficial winner was within two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is greater. A candidate requests a recount by hand delivering a written request to the office of the Nation's Secretary, or noticed designated agent, within five (5) business days after the election. Requests shall be limited to one (1) request per candidate. The Nation's Secretary shall contact the Election Board Chairperson by the next business day after the request for recounts.

102.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the request regarding the results of the recount. Provided that, no recount request need be honored where there have been two (2) recounts completed as a result of a request either as a recount of the whole election results, or of that sub-section.

102.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials and Oneida Police Officer present, regardless of the original type of counting process. Manual recounts may, at the discretion of the Election Officials, be of the total election results, or of the challenged sub-section of the election results.

102.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed container with the ballots from the Records Management Department and transporting it to the ballot recounting location.

102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

(a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be counted twice by different persons and certified by the Judges.

(b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior

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to using an electronic ballot counting device, it shall be certified as correct either by the maker, lessor of the machine, or Election Board.

Section D. Challenges and Declaration of Results

102.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall hear and decide a challenge to any election within two (2) business days after the challenge is filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after the issuance of the lower body's decision and decided within two (2) business days after the appeal is filed.

(a) The person challenging the election results shall prove by clear and convincing evidence that the Election Law was violated or an unfair election was conducted, and that the outcome of the election would have been different but for the violation.

(b) If the Judiciary invalidates the election results, a Special Election shall be ordered by the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon as the Election Law allows for a Special Election.

102.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Nation's Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer. The Final Report shall consist of the following information:

(a) Total number of persons voting.

(b) Total votes cast for each candidate by subsection of the ballot.

(c) List of any ties and final results of those ties, including the method of resolution.

(d) List of candidates elected and position elected to.

(e) Number of spoiled ballots.

(f) Cost of the election, including the compensation paid to each Election Board member.

102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the election and send notices regarding when the swearing in of newly elected officials shall take place within ten (10) business days after receipt of the Final Report.

102.11-14. Candidates elected to the Business Committee shall resign from any salaried position effective prior to taking a Business Committee oath of office

102.11-15. Except in the event of an emergency, as determined by the Business Committee, newly elected officials shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Business Committee.

(a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall be considered vacant and the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

102.11-16. The Election Board shall send notice to the Records Management Department to destroy the ballots thirty (30) calendar days after the election or after the final declaration of official election results occurs, whichever is longer.

102.12. Elections

Section A. Primary Elections; Business Committee

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102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty (60) calendar days prior to the election.

102.12-2. There shall be a primary election for Business Committee positions whenever there are three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-large council member positions.

(a) The two (2) candidates receiving the highest number of votes cast for each officer position shall be placed on the ballot.

(b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large council member positions shall be placed on the ballot.

(c) Any position where a tie exists to determine the candidates to be placed on the ballot shall include all candidates where the tie exists.

102.12-3. The Election Board shall cancel the primary election if the Business Committee positions did not draw the requisite number of candidates for a primary by the petitioning deadline set for the primary.

102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a winner in the primary, the Election Board shall declare the next highest primary vote recipient the primary winner. This procedure shall be repeated as necessary until the ballot is full or until there are no available candidates. If the ballot has already been printed, the procedures for notifying the Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to print a notice in the Nation's newspaper if time lines allow.

Section B. Special Elections

102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as defined in this law, may be placed on the same ballot as the subject matter of an election.

102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business Committee as recommended by the Election Board or as ordered by the Judiciary in connection with an election challenge.

102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the Special Election.

102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided that no less than twenty-four (24) hours notice of the rescheduled election date is given to the voters, by posting notices in the prominent locations.

Section C. Referendums

102.12-9. Registered voters may indicate opinions on any development, law or resolution, proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special referendum election.

(a) Referendum elections in which a majority of the qualified voters who cast votes shall be binding on the Business Committee to present the issue for action/decision at General Tribal Council.

(b) Referendum requests may appear on the next called for election.

(c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the caucus prior to election, regarding issues directly affecting the Nation or general membership.

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Section D. Initiation of Special Elections

102.12-10. Special Elections may be initiated by a request or directive of the General Tribal Council or the Oneida Business Committee.

102.12-11. Special Election may be requested by a member of the Nation to the Business Committee or General Tribal Council.

102.12-12. All Special Elections shall follow rules established for all other elections. This includes positions for all Boards, Committees and Commissions.

102.13. Oneida Nation Constitution and By-law Amendments

102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition of qualified voters. The requirements for the Oneida Business Committee's initiation of Constitutional amendments are as provided in the Constitution and as further detailed in the supporting standard operating procedures which the Oneida Business Committee shall adopt. Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting a petition to the Office of the Nation's Secretary which includes the full text of the proposed amendments and signatures that are equal in number to at least ten percent (10%) of all members qualified to vote.

(a) Qualified voters may request a petition form from the Office of the Nation's Secretary.

(b) When a petition form is requested, the Nation's Secretary, or his or her designee, shall direct the Trust Enrollment Department to calculate the number of signatures currently required for a petition submittal, which shall be ten percent (10%) of all members qualified to vote on the date the petition form is requested from the Office of the Nation's Secretary. When the Nation's Secretary receives the calculation from the Trust Enrollment Department, the Nation's Secretary shall provide the requester with the petition form and the number of signatures that are currently required.

(c) Such petitions shall be circulated with all supporting materials and submitted a minimum of ninety (90) days prior to the election at which the proposed amendment is to be voted upon. If a petition includes supporting materials in addition to the petition form, each qualified voter signing the petition shall also acknowledge that the supporting materials were available for review at the time he or she signed the petition by initialing where required on the petition form.

(d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment Department for verification of signatures and to the Election Board to provide notice that the petition may need to be placed on an upcoming ballot.

(e) If the petition is verified by the Trust Enrollment Department to contain signatures from at least ten percent (10%) of all qualified voters, the Election Board shall make an official announcement of the proposed amendments to the Oneida Nation Constitution at least sixty (60) days prior to the election at which the proposed amendments are to be voted on.

102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general election. Provided that, the Oneida Business Committee or General Tribal Council may order a special election be held to consider the proposed amendments. In such circumstances, the Election Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the

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next special election.

102.13-3. The Election Board shall publish any proposed amendments by publishing a sample ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently posted in each polling place and at administrative offices of the Nation and shall also be published in official Oneida media outlets, which the Oneida Business Committee shall identify by resolution. For the purposes of this section, Oneida administrative offices means the location where the Oneida Business Committee conducts business.

102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true and impartial statement and is written in such a manner that does not create prejudice for or against the proposed amendment.

102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that amendment shall become part of the Constitution and By-laws, and shall abrogate or amend existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission of the final election report.

102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the amendment receiving the highest affirmation vote prevails.

End.

Adopted - June 19, 1993

Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)

Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

Amended- October 11, 2008 (General Tribal Council Meeting)

Amended-GTC-01-04-10-A

Amended – BC-02-25-15-C

Amended – GTC-04-23-17-A

Emergency Amended – BC-03-17-20-B (Expired)

Emergency Amended – BC-05-13-20-H (Expired)

Emergency Amended – BC-06-24-20-B (Expired at Conclusion of 2020 General Election)

Emergency Amended – BC-04-28-21-B (Expired)

Emergency Amended – BC-07-13-22-E (Expired)

Emergency Amended – BC-12-28-22-B (Expired)

Emergency Amended – BC-03-08-23-B (Expired)

Emergency Amended – BC-06-25-25-B (Expired)

Emergency Amended – BC- - - -

Title 1. Government and Finances - Chapter 102

ELECTION

Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsila

People of the Standing Stone how it is we will appoint them the kind of laws we have

102.1. Purpose and Policy	102.8. Registration of Voters
102.2. Adoption, Amendment, Repeal	102.9. Election Process
102.3. Definitions	102.10. Tabulating and Securing Ballots
102.4. Election Board	102.11. Election Outcome and Ties
102.5. Candidate Eligibility	102.12. Elections
102.6. Selection of Candidates	102.13. Oneida Nation Constitution and By-law Amendments
102.7. Notice of Polling Places	

102.1. Purpose and Policy

102.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

102.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all procedures used in the election process.

102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A, amended by resolutions GTC-01-04-10-A, BC-02-25-15-C and GTC-04-23-17-A, and amended on an emergency basis by resolution BC-__-__-__.

102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act. Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

102.2-3. 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.

102.2-4. 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.

102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

102.3. Definitions

102.3-1. 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.

102.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding holidays of the Nation.

102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation, advertising, rallying, public speaking, or other communications with members of the Nation.

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102.3-6. "Candidate" shall mean a petitioner or nominee for an elected position whose name is placed on the ballot by the Election Board after successful application.

102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose of determining voter eligibility.

102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

102.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political or otherwise, in which a Nation elected official, employee, consultant, appointed or elected, member of any board, committee or commission, or their immediate relatives, friends or associates, or any other person with whom they have contact, that conflicts with any right of the Nation to property, information, or any other right to own and operate its enterprises, free from undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in any law or policy of the Nation.

102.3-10. "Election" shall mean every primary and election.

102.3-11. "General election" shall mean the election held every three (3) years in July to elect the Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the Business Committee and may include contests for elected boards, committees and commissions positions.

102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of discrepancies, complaints and controversy regarding voter eligibility.

102.3-13. "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 Nation.

102.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the winner of an elected position, in the case of a tie between two (2) or more candidates.

102.3-15. "Nation" means the Oneida Nation.

102.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by the Nation for the benefit of transmitting news to members of the Nation, which is designated by the Election Board as a source for election related news.

102.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a police officer on any police force.

102.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential dwelling or a privately owned business within the boundaries of the Reservation.

102.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the SEOTS building and all One-Stop locations.

102.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18) years of age or older.

102.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating machine.

102.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred and is not tabulated.

102.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

102.4. Election Board

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83 *Section A. Establishment, Composition and Election*

84 102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this
85 law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

86 102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be
87 elected to terms of three (3) years, not to exceed two (2) consecutive terms.

88 102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an
89 Election Board member in any pre-election, election day, or post-election activities while he or
90 she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of interest.

91 102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member
92 who is removed from the Election Board shall be ineligible to serve on the Board for three (3)
93 years from the time he or she is removed from the Election Board.

94 102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the
95 Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed
96 to correspond with the pre-election activities and the needs of the Election Board.

97 102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

98 102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to
99 the Election Board, as recommended by the Election Board, to assist with election day and pre-
100 election activities.

101 102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in
102 the By-laws of the Election Board, to preside over the meetings. This selection shall be carried
103 out at the first meeting of the Election Board following an election. The Chairperson shall then
104 ask the Election Board to select a Vice-Chairperson and Secretary.

105
106 *Section B. Duties of the Election Board*

107 102.4-9. The Election Board shall have the following duties, along with other responsibilities listed
108 throughout this law.

- 109 (a) The Election Board shall be in charge of all registration and election procedures; and
110 (b) Upon completion of an election, the Election Board shall make a final report on the
111 election results as set out in this law.

112
113 *Section C. Specific Duties of Officers and Election Board Members*

114 102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to
115 being present at all Election Board meetings and assisting the handicapped through the voting
116 process, are as set out herein:

117 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing
118 body for applicants found to be ineligible in accordance with 102.5-6 in the event of an
119 appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust
120 Enrollment Department personnel when their election day duties are complete; and shall
121 post and report election results.

122 (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.

123 (c) Secretary: Shall keep a record of the meetings and make them available to the Nation's
124 Secretary, other Election Board members and the public as required in the Open Records
125 and Open Meetings Law.

126 (d) Clerks: Shall implement the requirements of identifying and registering all voters and
127 determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment

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Department personnel in the registration process, and assist the Chairperson as directed in conducting the election. Clerks cannot be currently employed by the Trust Enrollment Department.

(e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as determined by this law. Shall assist the Chairperson in conducting the election.

(f) Judges: Shall inform and advise the Chairperson of all aspects of the election conducted under this law. In case of disputes among Election Board members, or between members of the Nation and Election Board members, or any controversy regarding voter eligibility, the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall also ensure that all ballots of voters whose eligibility may be in question, remain confidential.

Section D. Compensation Rates

102.4-11. Election Board members are to be compensated at an hourly rate when conducting elections as provided for in the Election Board's bylaws as approved by the Business Committee. The Election Board shall have a budget, approved through the Nation's budgeting process.

102.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of their respective budgets.

102.5. Candidate Eligibility

Section A. Requirements

102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws or other documents, all applicants shall meet the minimum requirements set out in this section in order to become a candidate.

102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

- (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.
- (b) be a qualified voter on the day of the election.
- (c) provide proof of physical residency as required for the position for which they have been nominated or for which they have petitioned. Proof of residency may be through one (1) or more of the following:
 - (1) a valid Wisconsin driver's license;
 - (2) a bill or pay check stub showing name and physical address of the candidate from the prior or current month;
 - (3) another form of proof that identifies the candidate and that the candidate has physically resided at the address and identifies that address as the primary residence.

102.5-3. No applicant may have a conflict of interest with the position for which they are being considered, provided that any conflict of interest which may be eliminated within thirty (30) calendar days of being elected shall not be considered as a bar to nomination or election.

102.5-4. Applications and petitions where the applicant was not nominated during caucus shall be filed by presenting the information to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after the caucus. No mailed, internal Nation mail delivery, faxed or other delivery method shall be accepted.

102.5-5. The names of the candidates and the positions sought shall be a public record and made available to the public upon the determination of eligibility by the Election Board or the Board's

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designated agent.

Section B. Eligibility Review

102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal. At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall select the hearing body. The hearing shall be held within two (2) business days of receipt of the appeal. The applicant shall be notified by phone of time and place of the hearing. The decision of the hearing body shall be sent via certified mail or hand delivery within two (2) business days of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the Judiciary on an accelerated schedule.

102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position shall be notified by certified mail return receipt requested. The notice shall provide the following information:

- (a) Position for which they were considered
- (b) Qualification of the position and citation of the source. (Copies of source may be attached.)
- (c) A brief summary explaining why the applicant was found to be ineligible.
- (d) That the applicant has two (2) business days from notification to make an appeal. Appeals must be filed at the location designated on the notice by hand delivery. The location designated shall be on the Reservation. No mailed, internal Nation mail, faxed or other delivery method will be accepted.

Section C. Campaign Financing

102.5-8. Contributions:

- (a) Solicitation of Contributions by Candidates.
 - (1) Candidates shall only accept contributions from individuals who are members of the Nation or individuals related by blood or marriage to the candidate. Candidates may not accept contributions from any business, whether sole proprietorship, partnership, corporation, or other business entity.
 - (2) Candidates shall not solicit or accept contributions in any office or business/facility of the Nation.
- (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

102.5-9. Campaign Signs and Campaigning:

- (a) Placement of campaign signs:
 - (1) Campaign signs shall not be posted or erected on any property of the Nation except for private property with the owner/tenant's permission.
 - (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum of seven (7) such signs may be placed on a building or on a lot.
 - (3) No campaign sign shall project beyond the property line into the public right of way.
- (b) Removal of campaign signs. All campaign signs shall be removed within five (5) business days after an election.

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(c) Employees of the Nation shall not engage in campaigning for offices of the Nation during work hours. The Nation's employees shall be subject to disciplinary action under the personnel policies and procedures for political campaigning during work hours.

(d) Enforcement. The Zoning Administrator shall cause to be removed any campaign signs that are not in compliance with this law, in accordance with the Zoning and Shoreland Protection Law.

(e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

Section D. Candidate Withdrawal

102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the candidate prior to submission of the ballot for printing to any Election Board member, excluding alternates.

102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the election by submitting in writing a statement indicating they are withdrawing from the election prior to the opening of the polls to any Election Board member, excluding alternates. This statement shall be posted alongside any sample ballot printed prior to the election in the newspaper or any posting at the polling places.

102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the Election Board members in charge of the polling place, to be removed from the ballot. The written statement shall be posted next to any posted sample ballot.

102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from which they have withdrawn regardless of the number of votes cast for that candidate. A written statement shall be considered the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn from.

102.5-14. Candidate Withdrawal After Winning an Election.

(a) In the event a candidate declines an office after winning an election, the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

2.6. Selection of Candidates

Section A. Setting of Caucus

102.6-1. The Election Board shall be responsible for calling a caucus before any election is held. The caucus for the general election shall be held at least ninety (90) calendar days prior to the election date. Caucuses for other elections shall be held at least forty-five (45) calendar days prior to the election date. In a general election year, caucuses shall be combined so that candidates for the Business Committee and elected boards, committees and commissions are nominated at the same caucus.

102.6-2. The procedures for the caucus shall be as follows:

(a) Candidates shall be nominated from the floor.

(b) Candidates present at the caucus will accept/decline their nomination at the caucus. Candidates nominated at the caucus, but not present to accept the nomination, shall be required to follow the petition process.

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(c) Nominations shall consist of the following positions: Chairperson, Vice-Chairperson, Treasurer, Secretary, Council Member and other elected positions as required by by-laws or creating documents of a board, committee, or commission.

Section B. Petition

102.6-3. Any eligible member of the Nation may petition to be placed on a ballot according to the following procedures:

(a) Each petitioner, not nominated at caucus, shall file a petition containing endorsee's original signatures; photocopies shall not be accepted.

(b) Petitioners shall use an official petition form as designated by this law which may be obtained in the Office of the Nation's Secretary or from the mailing for that caucus.

(c) The petition form shall consist of each endorsee's:

(1) printed name and address;

(2) date of birth;

(3) Oneida Nation Enrollment Number; and

(4) signature.

(d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as defined under this law.

(e) Petitions shall be presented to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to close of business five (5) business days after the caucus. The location to drop-off petitions shall be identified in the mailing identifying the caucus date.

(f) The Nation's Secretary shall forward all petitions to the Election Board Chairperson the next business day following the close of petition submissions.

(g) The Election Board shall have the Trust Enrollment Department verify all signatures contained on the petition.

102.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

102.7. Notice of Polling Places

102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of the polling places and the time the polls will be open. This notice shall also be posted in an easily visible position, close to the entrance of the Nation's businesses/facilities.

102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation members, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing.

102.7-4. Notice of the election shall be placed in the Nation's newspaper.

102.8. Registration of Voters*Section A. Requirements*

102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years

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of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the Oneida Nation Constitution.

Section B. Identification of Voters

102.8-2. All voters must present one of the following picture identifications in order to be able to vote:

- (a) Oneida Nation I.D.
- (b) Drivers License.
- (c) Other I.D. with name and photo.

Section C. Registration Procedures

102.8-3. Voters shall physically register, on the day of the election, at the polls.

102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election Officials during the voting period.

102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration Form containing the voter's following information:

- (a) name and maiden name (if any);
- (b) current address;
- (c) date of birth; and
- (d) enrollment number.

Section D. Qualification/Verification of Voter Eligibility

102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote, the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with the Trust Enrollment Department personnel who are registering voters, to decide the voting member's eligibility currently being questioned and shall make such decisions from the facts available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation Constitution, Article III Section 2, to vote in the Nation's elections.

102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they desire to challenge the decision made by the Election Officials. The Election Board shall make a final decision, within five (5) business days of receiving the appeal and shall report this decision in the final report sent to the Oneida Business Committee.

102.9. Election Process

Section A. Polling Places and Times

102.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections shall be held in the month of July on a date set by the General Tribal Council. The General Tribal Council shall set the election date at the January annual meeting, or at the first GTC meeting held during a given year. Special Elections shall be set in accordance with 102.12-6.

102.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election

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Board.

102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line to vote at 7:00 p.m. shall be allowed to vote.

(a) If a ballot counting machine is used, the ballot counting machine shall be prepared prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four

(4) members of the Nation verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results posted.

102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such that there is an area with at least two sides and a back enclosure.

102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area, excluding private property.

102.9-7. No one causing a disturbance shall be allowed in the voting area.

102.9-8. Election Board members may restrict the voting area to qualified voters only. This restriction is in the interest of maintaining security of the ballots and voting process.

Section B. Ballot Box

102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and shall be locked until counting at the close of polls. Provided that, with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

Section C. Spoiled Ballots

102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials and placed in an envelope marked as "Spoiled Ballots."

102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

Section D. Rejected Ballots

102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

(a) Computer rejected ballots shall be reviewed by the Election Officials to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in sections 102.9-10 through 102.9-12.

(b) Ballots rejected, either during the computer process or during a manual counting, shall be reviewed by the Election Officials to verify that they are authentic. If the Election Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

102.10. Tabulating and Securing Ballots

Section A. Machine Counted Ballots

102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate from the ballot counting machine copies of the election totals from the votes cast.

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102.10-2. At least three (3) Election Board members shall sign the election totals, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.9-3(a).

Section B. Manually Counted Ballots

102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the ballot box and remove the ballots.

102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall be secured in a sealed container for transportation to the ballot counting location. The sealed ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election Officials for counting/tallying of ballots.

102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and witnessed/monitored by an Oneida Police Officer.

102.10-6. Ballots must be counted by two different Election Officials until two final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

Section C. Securing Ballots

102.10-7. The Judges shall place together all ballots counted and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots, and the election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of the election, the sealed container to the Records Management Department for retaining.

102.11. Election Outcome and Ties*Section A. Election Results Announcement*

102.11-1. The tentative results of an election shall be announced and posted by the Election Board within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain the following statement:

"The election results posted here are tentative results. Final election results are forwarded by the Oneida Election Board to the Oneida Business Committee via a Final Report after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer"

102.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation's newspaper, the tentative results of an election.

Section B. Tie

102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to determine the outcome of an election, the Election Board shall conduct an automatic recount of the votes for each candidate receiving the same number of votes. Any recount conducted shall be the only recount allowed for the tied candidates.

102.11-4. For Business Committee positions, a run-off election between the candidates with the same number of votes shall be held if there remains a tie after the recount. Said run-off election shall be held within twenty one (21) calendar days after the recount. For all other positions, if there remains a tie after the recount, the Election Board shall decide the winner of the tied positions

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at least two (2) business days after, but no more than five (5) business days after the recount through a lot drawing, which shall be open to the public.

(a) The Election Board shall notify each of the tied candidates and the public of the date, time, and place of the drawing at least one (1) business day before the drawing. Notice to the tied candidates shall be in writing. Notice to the public shall be posted by the Election Board in the prominent locations.

(b) On the date and at the time and place the drawing was noticed, the Election Board Chairperson shall clearly write the name of each tied candidate on separate pieces of paper in front of any witnesses present. The pieces of paper shall be the same, or approximately the same, color, size, and type. The papers shall be folded in half and placed in a container selected by the Election Board Chairperson.

(c) The Election Board Chairperson shall designate an uninterested party to draw a name from the container. The candidate whose name is drawn from the container first shall be declared the winner. An Election Board member other than the Chairperson shall remove the remaining pieces of paper from the container and show them to the witnesses present.

Section C. Recount Procedures

102.11-5. A candidate may request the Election Board to complete a recount, provided the margin between the requesting candidate's vote total and vote total for the unofficial winner was within two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is greater. A candidate requests a recount by hand delivering a written request to the office of the Nation's Secretary, or noticed designated agent, within five (5) business days after the election. Requests shall be limited to one (1) request per candidate. The Nation's Secretary shall contact the Election Board Chairperson by the next business day after the request for recounts.

102.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the request regarding the results of the recount. Provided that, no recount request need be honored where there have been two (2) recounts completed as a result of a request either as a recount of the whole election results, or of that sub-section.

102.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials and Oneida Police Officer present, regardless of the original type of counting process. Manual recounts may, at the discretion of the Election Officials, be of the total election results, or of the challenged sub-section of the election results.

102.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed container with the ballots from the Records Management Department and transporting it to the ballot recounting location.

102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

(a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be counted twice by different persons and certified by the Judges.

(b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior

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to using an electronic ballot counting device, it shall be certified as correct either by the maker, lessor of the machine, or Election Board.

Section D. Challenges and Declaration of Results

102.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall hear and decide a challenge to any election within two (2) business days after the challenge is filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after the issuance of the lower body's decision and decided within two (2) business days after the appeal is filed.

(a) The person challenging the election results shall prove by clear and convincing evidence that the Election Law was violated or an unfair election was conducted, and that the outcome of the election would have been different but for the violation.

(b) If the Judiciary invalidates the election results, a Special Election shall be ordered by the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon as the Election Law allows for a Special Election.

102.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Nation's Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer. The Final Report shall consist of the following information:

(a) Total number of persons voting.

(b) Total votes cast for each candidate by subsection of the ballot.

(c) List of any ties and final results of those ties, including the method of resolution.

(d) List of candidates elected and position elected to.

(e) Number of spoiled ballots.

(f) Cost of the election, including the compensation paid to each Election Board member.

102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the election and send notices regarding when the swearing in of newly elected officials shall take place within ten (10) business days after receipt of the Final Report.

102.11-14. Candidates elected to the Business Committee shall resign from any salaried position effective prior to taking a Business Committee oath of office

102.11-15. Except in the event of an emergency, as determined by the Business Committee, newly elected officials shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Business Committee.

(a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall be considered vacant and the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

102.11-16. The Election Board shall send notice to the Records Management Department to destroy the ballots thirty (30) calendar days after the election or after the final declaration of official election results occurs, whichever is longer.

102.12. Elections

Section A. Primary Elections; Business Committee

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102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty (60) calendar days prior to the election.

102.12-2. There shall be a primary election for Business Committee positions whenever there are three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-large council member positions.

(a) The two (2) candidates receiving the highest number of votes cast for each officer position shall be placed on the ballot.

(b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large council member positions shall be placed on the ballot.

(c) Any position where a tie exists to determine the candidates to be placed on the ballot shall include all candidates where the tie exists.

102.12-3. The Election Board shall cancel the primary election if the Business Committee positions did not draw the requisite number of candidates for a primary by the petitioning deadline set for the primary.

102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a winner in the primary, the Election Board shall declare the next highest primary vote recipient the primary winner. This procedure shall be repeated as necessary until the ballot is full or until there are no available candidates. If the ballot has already been printed, the procedures for notifying the Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to print a notice in the Nation's newspaper if time lines allow.

Section B. Special Elections

102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as defined in this law, may be placed on the same ballot as the subject matter of an election.

102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business Committee as recommended by the Election Board or as ordered by the Judiciary in connection with an election challenge.

102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the Special Election.

102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided that no less than twenty-four (24) hours notice of the rescheduled election date is given to the voters, by posting notices in the prominent locations.

Section C. Referendums

102.12-9. Registered voters may indicate opinions on any development, law or resolution, proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special referendum election.

(a) Referendum elections in which a majority of the qualified voters who cast votes shall be binding on the Business Committee to present the issue for action/decision at General Tribal Council.

(b) Referendum requests may appear on the next called for election.

(c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the caucus prior to election, regarding issues directly affecting the Nation or general membership.

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2026 07 01

Section D. Initiation of Special Elections

102.12-10. Special Elections may be initiated by a request or directive of the General Tribal Council or the Oneida Business Committee.

102.12-11. Special Election may be requested by a member of the Nation to the Business Committee or General Tribal Council.

102.12-12. All Special Elections shall follow rules established for all other elections. This includes positions for all Boards, Committees and Commissions.

102.13. Oneida Nation Constitution and By-law Amendments

102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition of qualified voters. The requirements for the Oneida Business Committee's initiation of Constitutional amendments are as provided in the Constitution and as further detailed in the supporting standard operating procedures which the Oneida Business Committee shall adopt. Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting a petition to the Office of the Nation's Secretary which includes the full text of the proposed amendments and signatures that are equal in number to at least ten percent (10%) of all members qualified to vote.

(a) Qualified voters may request a petition form from the Office of the Nation's Secretary.

(b) When a petition form is requested, the Nation's Secretary, or his or her designee, shall direct the Trust Enrollment Department to calculate the number of signatures currently required for a petition submittal, which shall be ten percent (10%) of all members qualified to vote on the date the petition form is requested from the Office of the Nation's Secretary. When the Nation's Secretary receives the calculation from the Trust Enrollment Department, the Nation's Secretary shall provide the requester with the petition form and the number of signatures that are currently required.

(c) Such petitions shall be circulated with all supporting materials and submitted a minimum of ninety (90) days prior to the election at which the proposed amendment is to be voted upon. If a petition includes supporting materials in addition to the petition form, each qualified voter signing the petition shall also acknowledge that the supporting materials were available for review at the time he or she signed the petition by initialing where required on the petition form.

(d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment Department for verification of signatures and to the Election Board to provide notice that the petition may need to be placed on an upcoming ballot.

(e) If the petition is verified by the Trust Enrollment Department to contain signatures from at least ten percent (10%) of all qualified voters, the Election Board shall make an official announcement of the proposed amendments to the Oneida Nation Constitution at least sixty (60) days prior to the election at which the proposed amendments are to be voted on.

102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general election. Provided that, the Oneida Business Committee or General Tribal Council may order a special election be held to consider the proposed amendments. In such circumstances, the Election Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the

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next special election.

102.13-3. The Election Board shall publish any proposed amendments by publishing a sample ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently posted in each polling place and at administrative offices of the Nation and shall also be published in official Oneida media outlets, which the Oneida Business Committee shall identify by resolution. For the purposes of this section, Oneida administrative offices means the location where the Oneida Business Committee conducts business.

102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true and impartial statement and is written in such a manner that does not create prejudice for or against the proposed amendment.

102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that amendment shall become part of the Constitution and By-laws, and shall abrogate or amend existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission of the final election report.

102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the amendment receiving the highest affirmation vote prevails.

End.

Adopted - June 19, 1993

Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)

Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

Amended- October 11, 2008 (General Tribal Council Meeting)

Amended-GTC-01-04-10-A

Amended – BC-02-25-15-C

Amended – GTC-04-23-17-A

Emergency Amended – BC-03-17-20-B (Expired)

Emergency Amended – BC-05-13-20-H (Expired)

Emergency Amended – BC-06-24-20-B (Expired at Conclusion of 2020 General Election)

Emergency Amended – BC-04-28-21-B (Expired)

Emergency Amended – BC-07-13-22-E (Expired)

Emergency Amended – BC-12-28-22-B (Expired)

Emergency Amended – BC-03-08-23-B (Expired)

Emergency Amended – BC-06-25-25-B (Expired)

Emergency Amended – BC-__-__-__-__

TO: Legislative Operating Committee

FROM: Eric McLester, LEAF Division Director
Shad Webster, Natural Resources Director

DATE: June 26, 2026

RE: Hunting, Fishing and Trapping Rule Amendments

The Hunting, Fishing and Trapping law's adopting resolution requires quarterly check-ins. The memorandum is being submitted to apprise the Legislative Operating Committee (LOC) that the Natural Resources area (the Department) is working through amendments to align the rule with the amendments made to the Law.¹ The rule amendments will not be adopted in advance of this year's hunting season.

Accordingly, this memorandum is requesting consideration for approval of emergency amendments to the Hunting, Fishing and Trapping rules.² Specifically, the Department believes the following matters require emergency attention in advance of hunting season to ensure clear standards and safety protocols can be followed by all sportspersons subject to the Nation's jurisdiction:

1. Regulations related to group hunting size;
2. Regulations related to youth hunting; and
3. Regulations related the setting of hunting seasons and removal of ERB from regulations.

The Department is preparing amendments and will proceed with emergency processing specifically related to the subjects herein named to ensure regulations align with the amendments

¹ The Department is noting frustration with some of the amendments made to the law for the purpose of creating a legislative record. The feedback process felt disingenuous to staff. While the LOC may have satisfied all the requirements of the LPA when adopting amendments to the Hunting, Fishing and Trapping law, it did not feel like it was executed with a good mind, a good heart and a good fire. It was disappointing that LOC conducted a meeting to gather staff feedback but that the department was left to learn about the LOC's decision making related to the law the same as the general public. The LOC's public meeting gathered feedback from two (2) people in the community. The Department conducted a survey in 2024 and 2026 and shared those results with the LOC and the LOC acted in contradiction to the Department's general recommendation and community feedback gathered through a survey. The 2026 survey referenced returned 163 responses wherein 64% of respondents supported the group hunt size of 10 and of the 36% who did not, 53% requested the maximum hunting size to be **decreased** and only 25% of respondents requested group hunting size to be increased. While the Department understands that the Law has been adopted and is actively working to implement the law, it feels it is important to document the Department's dissatisfaction with select amendments, specifically including the revisions to the hunting group size and the age requirements for youth hunters. Further, the Department strongly recommends the LOC to conduct more than one meeting with affected departments. While the LOC's decision-making may be complete, the opportunity for affected areas to be heard by the LOC after making tentative decisions and before finalizing legislative language would only make for a better legislative process. Implementing additional meetings with subject matter experts at this point in the process would allow the LOC to frame its legislative decisions in a way that management has a clear understanding of how implementation of the law may occur *before* it becomes the law and would ensure that the LOC understands perceived operational consequences of their decisions that may not be immediately clear.

² More complete rule amendments will likely be pursued over time.

to the law. The Department is requesting support of the LOC to proceed on an emergency basis, subject to the LOC's ability to review and provide revisions to the proposed amendments pursuant to the Administrative Rulemaking law.



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



AGENDA REQUEST FORM

- 1) Request Date: June 25, 2026
- 2) Contact Person(s): Misty Herzog
 Dept: Higher Education
 Phone Number: 920-869-4471 Email: mherzog@oneidanation.org
- 3) Agenda Title: Certification for Higher Education Grant Law Rule 1
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
LOC Certification is the next step in finalizing the Higher Education Grant Law -Rule 1

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

- 1) Draft proposed rule
- 2) Kalihwisaks public meeting notice
- 3) Summary Report for HE Grant Rule 1
- 4) Statement of Effect
- 5) Please list any laws, policies or resolutions that might be affected:
Higher Education Grant Law- Title 10 General Welfare Exclusion- Chapter 1005
- 6) Please list all other departments or person(s) you have brought your concern to:
Legislative Reference Office
- 7) Do you consider this request urgent? ☒ Yes ☐ No
 If yes, please indicate why:
Higher Ed is trying to finalize Rule1 so information can be shared with students for the upcoming school year

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

Signature of Requester:

Mistylee Herzog

Digitally signed by Mistylee Herzog
 Date: 2026.06.25 10:14:50 -05'00'

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



Title 10. General Welfare – Chapter 1005

Higher Education Grant

Rule #1 – Student Eligibility Requirements and Administration

- 1.1 Purpose and Authority
- 1.2 Adoption, Amendment and Repeal
- 1.3 Definitions
- 1.4 Application Requirements
- 1.5 Funding Periods, Eligibility & Tier Caps
- 1.6 Award Calculation, Disbursement & Ineligible Funding
- 1.7 Academic Performance & GPA Calculation
- 1.8 Probation
- 1.9 Appeal Procedure
- 1.10 Implementation, Review & Effective Date

1.1 Purpose and Authority

1.1-1. *Purpose.* The purpose of this rule is to implement and operationalize the Higher Education Grant Program by defining the Higher Education Student File, specifying the funding period calculation, establishing funding tier caps, setting the application requirements and process, and detailing the appeals process, consistent with Chapter 1005.

1.1-2. *Authority.* The Oneida Higher Education Office is delegated rulemaking authority under 1005.4-2 of the Higher Education Grant law and shall promulgate rules in accordance with the Administrative Rulemaking law.

1.2. Adoption, Amendment and Repeal

1.2-1. This rule was adopted by the Higher Education Office in accordance with the Administrative Rulemaking law procedures.

1.2-2. This rule may be amended or repealed by the Higher Education Office and/or the Oneida Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. 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.

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 shall control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Higher Education Grant.

1.3. Definitions

1.3-1. 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) “Academic Year” means August 1 through July 31, the Higher Education funding year used for calculating awards and caps.

- (b) “Accredited program” means any educational institution accredited by a federally approved accrediting agency. Lists may be found at [College Accreditation | U.S. Department of Education](#), [DAPIP | Homepage](#)
- (c) “Advisor” means any Oneida Higher Education employee whose job duties include collaboration with students to identify career aspirations and academic goals and provide information and answers questions related to college applications, financial aid counseling and career choices. “FAFSA” means Free Application for Federal Student Aid.
- (d) “Area Manager” means the Supervisor of Education & Training or anyone with responsibility of overseeing the Higher Education Office.
- (e) “Cap” means the maximum annual funding amount available per tier under Article V, subject to chapter 1005 credit limits.
- (f) “Eligible Student” means a student who meets all requirements in the Higher Education Grant law and this Rule.
- (g) “Financial Needs Analysis” (FNA) means the financial needs analysis form Oneida Higher Education sends directly to the school’s financial aid office for completion. The school’s financial aid office uses the appropriate FAFSA to complete our FNA.
- (h) “Free Application for Federal Student Aid” or “FAFSA” means the application which determines eligibility for any financial resources such as state and federal funding.
- (i) “Full-time/Part-time” have the meanings provided in 1005.3(e) and 1005.3(k).
- (j) “Probation” means a one-term status during which a student continues to receive funding while required to regain minimum GPA eligibility pursuant to 1005.5-1(f).

1.4. Application Requirements

1.4-1. *Annual Application Cycle.* Applications follow the August 1- July 31 academic year. Recommended target dates: April 15 (Fall), October 1 (Spring), May 1 (Summer).

1.4-2. *FAFSA.* Students carrying 6 or more credits must complete the FAFSA for the applicable year, per 1005.5-1(d) and program practice.

1.4-3. *Communication Method.* Award letters are transmitted to the student and the school’s financial aid office; email is preferred. Students are advised not to start classes until an award letter is issued.

1.4-4. *Required Documents.* Students who wish to be considered for the Oneida Higher Education Grant are required to have a completed Higher Education Student File on file prior to the end of the term. The Higher Education Student File requires:

- (a) Oneida Higher Education Application
- (b) Oneida Higher Education Academic Plan
- (c) Annual Participant Acknowledgment and Agreement
- (d) Copy of College Admission or Acceptance Letter
- (e) Financial Needs Analysis (FNA)
- (f) Copy of Official Transcripts (for continuing students only). Official Transcripts must comply with all of the following:
 - (1) Official Transcripts must come directly from the higher education institution to the Oneida Higher Education Office.

(2) Official Transcripts can only be sent to the Higher Education Office via postal mail, rush service (e.g. FEDEX), or official e-transcripts through such services as:

- (A) e-Script-safe
- (B) Parchment
- (C) Credential Solutions
- (D) National Clearinghouse, etc.

(3) Official Transcripts must be addressed as follows:

(A) If being mailed via U.S. Post Office:

Oneida Higher Education
P.O. Box 365
Oneida, WI 54155

(B) If being delivered by a rush service:

Oneida Higher Education
3759 W. Mason Street
Suite 3
Oneida, WI 54155

(C) If your school utilizes an official e-transcript service:

highered@oneidanation.org

1.4-5. *Applicant Contact*. Students must keep contact info current and notify the Oneida Higher Education Office of changes in school, credits, address, email, or phone.

1.5. Funding Periods, Eligibility & Tier Caps:

1.5-1. *Funding Period*. Awards are made within the Academic Year (August 1 to July 31).

1.5-2. *Eligibility & Progression*. Students must meet Chapter 1005 eligibility requirements, including membership, accredited program, Student File completion, FAFSA, degree progression, and GPA standards in 1005.5-1. Multiple or continuous degrees at the same level are prohibited, except that students may remain in their highest tier until the credit limit is reached.

1.5-3. *Credit Caps (Statutory)*. Maximum credit allowances per 1005.5-2: 90 (associate/certificate), 150 (undergraduate), 60 (graduate), 120 (doctoral). Students may remain in their highest tier until the credit limit is reached.

1.5-4. *Tier Funding Caps*. The following annual caps are established for the academic year and remain in effect until amended by rule:

- (a) Associate/Vocational/Certificate \$20,000
- (b) Undergraduate \$20,000
- (c) Graduate \$25,000
- (d) Doctoral \$30,000

These amounts reflect the current program practice and historic tiered funding schedule and are subject to available appropriation and rule amendment for future adjustments.

1.5-5. *Full-Time and Part-Time Funding*.

- (a) Full-time: tuition, fees, books, and room & board up to the cap.
- (b) Part-time: tuition, fees, and books up to the cap; may include room & board where financial need is demonstrated per 1005.5-5(c).
- (c) 1-5 credits: tuition, fees, books up to the cap.

1.5-6. *Cost of Attendance and FNA*. If the student's financial need exceeds the minimum package, the award may be increased up to the applicable tier cap based on the school's cost of attendance. Disbursement is sent directly to the school; schools' own release policies apply.

1.5-7. *Special Contexts*.

- (a) Doctoral dissertation students deemed full-time by the institution's financial aid office may be considered full-time for funding purposes.
- (b) Non-Title IV schools without standard budgets: tuition, fees, and required books only.
- (c) The Juris Doctorate (JD) Degree will be considered as a Doctoral level degree.

1.6 Award Calculation, Disbursement & Ineligible Funding

1.6-1. *Award Calculation*. Awards are based on:

- (a) Applicable tier cap
- (b) Minimum award package under section 1005.5-5(b)
- (c) FNA determined need under section 1005.5-5(c), not to exceed the tier cap.

1.6-2. *Disbursement*. Awards are paid to the institution; students must comply with institutional disbursement policies.

1.6-3. *Ineligible Funding*. The program will not fund: duplicate or lower degrees; students in default or on school financial aid suspension; retroactive requests after a term ends; workshops/seminars/CEUs to maintain a license.

1.7. Academic Performance & GPA Calculation

1.7-1. *GPA Requirements*. Minimum GPAs are as set forth in 1005.5-1(f).

1.7-2. *Calculating Grade Point Averages (GPA)*. Grades such as withdrawals, incompletes, audits, failing, or in-progress are treated as non-passing for GPA calculation purposes.

1.8. Probation

1.8-1. *Placement on Probation*. A student may be placed on probation if their term GPA falls:

- (a) Below required GPA but within the probation range specified in 1005.5-4.

1.8-2. *Effect of Probation*. A student placed on probation by the Higher Education Office shall continue to be funded for a period of one (1) term during which a student is required to regain eligibility status which may be achieved during the probation period if the student sends verification of their grades at the end of the term to determine if they meet the program requirements.

1.9. Appeal Procedure

1.9-1. *Right to Appeal*. A student may appeal a grant decision within 30 calendar days of receipt, demonstrating that the Office failed to comply with Chapter 1005 or these Rules.

1.9-2. *Scope and Standard of Appeal*. A student may appeal only on the grounds that the Higher Education Office failed to comply with applicable law (Chapter 1005) or these Rules when issuing the grant decision.

- (a) The appeal must specifically identify the alleged error, including:

- (i) The provision of law or rule that was not followed; and
- (ii) How the failure to comply materially affected the grant decision.

- 1. An error is material only when it constitutes a failure to comply with governing law or these Rules and had the capacity to affect the outcome of the grant decision.

(b) Appeals shall not be based on:

- (i) Newly submitted information that was not available at the time of the original decision;
- (ii) Disagreement with the Office's academic judgement or discretionary determinations; or
- (iii) General hardship, equity, or fairness arguments absent a demonstrated procedural or legal error.

(c) The burden of proof rests with the student to demonstrate, by a preponderance of the evidence, that the Office failed to comply with governing law or these Rules.

1.9-3. *Levels & Timelines.*

(a) Level 1 – Advisor Review: student submits appeal form and supporting documents; written response within 10 business days.

(b) Level 2 – Higher Education Manager: if denied at Level 1, student may appeal within 30 calendar days; written response within 10 business days.

1.9-4. *Record.* The Office shall maintain the appeal record and provide written decisions at each step.

1.10. Implementation, Review & Effective Date

1.10-1. *Implementation Materials.* The Office may issue forms, checklists, and SOPs to implement these rules (e.g., Application, Academic Plan, FNA request, Appeal form); provided such materials are consistent with these rules.

1.10-2. *Biennial Review.* The Office shall review these rules at least once every two (2) years after OBC adoption and recommend amendments as needed.

1.10-3. *Effective Date.* The effective date will be set by the Higher Education Office in the Summary report submitted for LOC certification and OBC adoption.

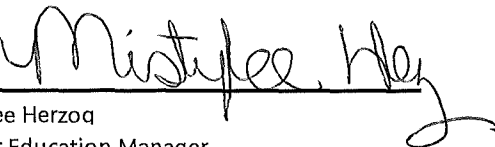
End.

Original effective date: July 8, 2026 (Certified by LOC on July 1, 2026)

TO: Legislative Operating Committee (LOC)
FROM: Mistylee Herzog, Higher Education Manager
DATE: June 25, 2026
RE: Higher Education Grant Rule #1: Public Comment Review

On June 17, 2026, a public meeting was held regarding Higher Education Grant Rule #1. No individuals provided comments during the public meeting. The public comment period was then held open until June 24, 2026. No individuals submitted comments during the comment period. This memorandum is submitted as a review of the comments received during the public comment period. The public meeting notice published in the Kalihwisaks is attached to this memorandum for review. Notice was published in the Kalihwisaks on May 26, 2026.

Additionally, the financial analysis prepared by Higher Education is attached to this memo. No other departments are impacted by this rule and therefore no other financial analyses were requested.

X 
Mistylee Herzog
Higher Education Manager

TO: Legislative Operating Committee (LOC)
FROM: Eric Krawczyk, Education and Training Area Manager **Eric Krawczyk**
DATE: June 25, 2026
RE: Higher Education Grant Rule #1: Public Comment Review

Digitally signed by Eric Krawczyk
Date: 2026.06.24 15:25:04 -05'00'

The proposed Higher Education Grant Rule #1 is approved.

NOTICE OF
PUBLIC MEETING

TO BE HELD

June 17, 2026 5:30-7:00PM **at** Norbert Hill Center
 IN THE

Cafeteria

In accordance with the Administrative Rulemaking Law, the
 Higher Education Office
 is hosting this Public Meeting to gather feedback from the
 community regarding the following rule.

TOPIC: Higher Education Grant Rule #1

This is a proposal to adopt a rule which would:

- ♦ .Detail Application Requirements
- ♦ .Review Documentation Requirements
- ♦ .Clarify Funding Framework
- ♦ .Describe Award Calculation
- ♦ .Layout Appeal Process
- ♦ .
- ♦ .
- ♦ .
- ♦ .
- ♦ .
- ♦ .

To obtain copies of the Public Meeting documents for this proposal,
 please visit www.oneida-nsn.gov/Register/PublicMeetings.

PUBLIC COMMENT PERIOD
OPEN UNTIL June 24, 2026

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 Higher Education Department by U.S. mail, interoffice mail, e-mail or fax.

Higher Education Office

P.O. Box 365

Oneida, WI 54155

Highered@Oneidanation.org

Fax: 920-869-4039

Mistylee R. Herzog

From: Kalihwisaks
Sent: Monday, May 4, 2026 1:58 PM
To: Mistylee R. Herzog
Cc: Grace L. Elliott; Tiana C. Silva
Subject: Re: Submission for Public Meeting

Received.

Garth W. Webster
 Senior Editor-Kalihwisaks



Office: 920.496.5632
 Mobile: 920.764.1233
 E-Mail: gwebster@oneidanation.org
 PO Box 365
 Oneida, WI 54155
 Kalihwisaks.com

From: Mistylee R. Herzog <mherzog@oneidanation.org>
Date: Monday, May 4, 2026 at 1:08 PM
To: Kalihwisaks <kalihwisaks@oneidanation.org>
Cc: Grace L. Elliott <gelliott@oneidanation.org>, Tiana C. Silva <tsilva1@oneidanation.org>
Subject: Submission for Public Meeting

Hi there,

Can you please add the attached to the upcoming issue.

Thanks, and have a great day! 😊

The following is important information for the 2025 General Welfare Assistance Payments
Oneida Nation Assistance Fund (\$1500.00/ 18+) (\$2000.00/ 62+)
Elder Assistance Program (703.54/ 65+)

- Paper applications were mailed late May 2026 (if not received by the end of June, please contact Trust Enrollment Department)
- Online submission began Monday June 1st, 2026.
- Timeline
 - The application must be submitted online or by mail by 4:30 pm (CST) on Friday August 7th, 2026.
 - Payments will be issued by August 31st, 2026. Please account for delivery time if requesting a check.
 - Please Note: Applications received August 8th, 2026, through March 1st, 2027, payment will be issued by March 26th, 2027, for the following:
 - Oneida Nation Assistance Fund (\$1500.00/ 18+) (\$2000.00/ 62+)
 - Elder Assistance Program (703.54/ 65+)
 - All GWA checks expire 90 days from the date issued. GWA checks not cashed within the 90-day expiration date will be returned to the GWA Program for other uses.
 - There will be no other chance to claim this payment if you miss the March 1, 2027, deadline.
- Members Only Website (Oneida-nsn.gov)
 - Online Services
 - Members may view and update their basic Enrollment Information online
 - Confirm and update your address
 - Confirm and update contact information
 - Confirm and update banking information.
 - Deadline to submit any changes to contact or banking information to reflect your GWA payment is August 7th, 2026
- Direct Deposit Information
 - You are responsible to update/cancel your direct deposit information with the Trust Enrollment Department. Your direct deposit information will remain in effect INDEFINITELY.
 - Direct Deposit (ACH) Authorization Forms may be obtained by visiting our website, contacting the Trust Enrollment Department, update
 - Trust Enrollment Department will no longer accept digital banking such as Venmo, Chime, Paypal, GreenDot, GoBank, etc. If any online banking institution is received, you will be notified by mail.

2026 Minor Trust Payment Information

If you were born between 9/2/2004 – 9/1/2008

There may be a Minor Trust Account available for you to claim or defer. Minor Trust Accounts have been established for enrolled tribal members under the age of 18 for those members eligible to receive their Minor Trust Account or the members who previously deferred.

The Minor Trust Payment Deferral forms were mailed the first week in March 2026

If you do not receive a PINK Minor Trust Payment Form packet

In the mail by April 1, 2026 contact Trust Enrollment Department or find the

Minor Trust Payment Deferral forms available online:

<https://oneida-nsn.gov/resources/enrollments/>

Deadline to submit the PINK Form to Defer or to Claim all is:

Wednesday July 1, 2026, 4:30 PM (CST)

(No Exceptions)

Receipts: A receipt will be mailed within 2 weeks of your submission whether you defer or claim all.

If not received, contact the Oneida Trust Enrollment Department.

Deadline for Proof of Graduation Document & Direct Deposit Form is:

Tuesday September 1, 2026, 4:30 PM (CST)

(No Exceptions)

If you have not yet claimed your Minor Trust Account and you are 21 contact the Trust Enrollment Department immediately.

Minor Trust Payment will be issued...
end October 2026

Please visit our website for additional information: <https://oneida-nsn.gov/resources/enrollments/>

Oneida Trust Enrollment Department

Mail-ins USPS -> PO Box 365, Oneida, WI 54155-0365

920-869-6200 • 800-571-9902

Please deliver in person or by courier delivery only (Fed Ex, UPS) at street address below

210 Elm St, Oneida WI 54155 (No office mailbox)

NOTICE OF

PUBLIC MEETING

TO BE HELD

June 17, 2026 5:30-7:00PM at Norbert Hill Center
IN THE

Cafeteria

In accordance with the Administrative Rulemaking Law, the
Higher Education Office
is hosting this Public Meeting to gather feedback from the
community regarding the following rule.

TOPIC: Higher Education Grant Rule #1

This is a proposal to adopt a rule which would:

- Detail Application Requirements
- Review Documentation Requirements
- Clarify Funding Framework
- Describe Award Calculation
- Layout Appeal Process

To obtain copies of the Public Meeting documents for this proposal,
please visit www.oneida-nsn.gov/Register/PublicMeetings.

PUBLIC COMMENT PERIOD

OPEN UNTIL June 24, 2026

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 Higher Education Department by U.S. mail, interoffice mail, e-mail or fax.

Higher Education Office

P.O. Box 365

Oneida, WI 54155

Highered@Oneidanation.org

Fax: 920-869-4039

NOTICE OF

PUBLIC MEETING

TO BE HELD

June 15, 2026 at 1:15 PM

IN THE

Land Management Conference Room
470 Airport Drive
Oneida, WI 54155

In accordance with the Administrative Rulemaking Law and, as related to the ARMMP plan, as required by Federal regulations, the Land, Environmental, Agriculture, and Food Division (LEAF) is hosting this Public Meeting to gather feedback from the community regarding the following.

TOPICS:

- Real Property Rule No. 3 — Easements
- ARMMP PLAN

The amendments to the Real Property Law Rule No. 3—
Easements would:

- Eliminate fees for Oneida driven projects; and
- Eliminate the obligation to provide an external entity with individual trust land owner(s) name and contact information.

The ARMMP PLAN, is an agricultural resource management and monitoring plan that the Nation has created internally working with staff and consultants as part of our BIA compliance requirement.

To obtain copies of the Public Meeting documents for this proposal,
please visit www.oneida-nsn.gov/Register/PublicMeetings.

PUBLIC COMMENT PERIOD

OPEN UNTIL Thursday, June 25, 2026

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, Environmental, Agriculture and Food Division (LEAF) by U.S. mail, interoffice mail, or e-mail.

Phone: 920-869-6500

Oneida Land Management

470 Airport Drive, Oneida, WI 54155

dwillson@oneidanation.org

Summary Report for Higher Education Grant Rule #1

Original effective date: N/A

Amendment effective date: N/A

Name of rule: Higher Education Grant Rule #1

Name of law being interpreted: Higher Education Grant law 1005

Rule Number: 1

Other laws or rules that may be affected: None

Brief summary of the proposed rule: This rule implements and operationalizes the Oneida Nation's Higher Education Grant Program under Chapter 1005 by establishing uniform requirements for student eligibility, application processing, funding limits, academic standards, probation, and appeals. It provides the administrative framework the Oneida Higher Education Office uses to award, manage, and oversee higher-education grant funding in a consistent and transparent manner.

Specifically, the rule:

- Defines program structure and authority by confirming the Higher Education Office's rulemaking authority and superseding all prior grant-related rules and internal policies.
- Details application and documentation requirements, including the components of a Higher Education Student File, required forms, transcripts, academic plan, FAFSA completion (with limited exceptions), and communication standards between students, the Office, and schools.
- Sets the annual funding framework, including:
 - The academic year funding period (August 1–July 31)
 - Equal term-based distribution of awards
 - Statutory credit limits by degree level
 - Annual funding tier caps for associate, undergraduate, graduate, and doctoral programs
- Details eligibility and progression rules, requiring enrollment in accredited programs, degree progression compliance, completion of eligibility documentation, and adherence to GPA standards, while prohibiting funding for duplicate or lower-level degrees.
- Explains award calculation and disbursement, including use of a Financial Needs Analysis, institutional payment procedures, and limits on eligible and ineligible expenses. Funding is capped by tier and issued directly to the educational institution.
- Defines academic performance standards, including how GPA is calculated and how non-passing grades affect eligibility.
- Details probation status, which allows one additional funded term for students who narrowly fall below GPA requirements to regain eligibility.
- Lays-out a formal, multi-level appeal process, with clear timelines, documentation requirements, and written decisions at each level.
- Provides for implementation and oversight, authorizing the Office to issue forms and procedures consistent with the rule and requiring biennial review to ensure continued effectiveness and compliance.



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



Statement of Effect

Higher Education Grant Law Rule No. 1 – Student Eligibility Requirements and Administration

Summary

The Higher Education Grant Law Rule No. 1 – Student Eligibility Requirements and Administration establishes comprehensive procedures and requirements governing the administration of the Higher Education Grant program, including student eligibility, application requirements, funding calculations, academic performance standards, and appeals.

Submitted by: Grace L. Elliott, Staff Attorney, Legislative Reference Office Date: May 28, 2026

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 Higher Education Grant Law establishes the Higher Education Grant program and sets forth the funding requirements and procedural controls for awarding grants to eligible members of the Nation. [10 O.C. 1005.1-1]. It is the policy of the Nation to provide a fiscally responsible and consistent methodology for awarding Higher Education grants to enhance postsecondary educational opportunities for members of the Nation. [10 O.C. 1005.1-2].

The Higher Education Grant Law delegates rulemaking authority to the Oneida Higher Education Office to promulgate rules governing the administration of the Higher Education Grant program in accordance with the Administrative Rulemaking law. [10 O.C. 1005.4-2]. These rules are required to address, at a minimum, student file requirements, funding structures and caps, application procedures, and appeals processes. [10 O.C. 1005.4-2(a)-(d)].

The purpose of Higher Education Grant Law Rule No. 1 – Student Eligibility Requirements and Administration (“the Rule”) is to implement and operationalize the Higher Education Grant program by defining the Higher Education Student File, specifying funding period calculations, establishing funding tier caps, setting application requirements, and detailing the appeals process, consistent with the Higher Education Grant Law. *[Rule 1.1-1]*.

Specifically, the Rule:

- Establishes application requirements and procedures, including completion of the Higher Education Student File, submission of required documentation, and compliance with FAFSA requirements. *[Rule 1.4-1 through 1.4-4]*.
- Implements funding periods and tiered funding caps, including maximum annual funding caps for associate, undergraduate, graduate, and doctoral programs. *[Rule 1.5-3 through 1.5-4]*.
- Establishes award calculation and disbursement procedures, including use of Financial Needs Analysis (FNA), cost of attendance considerations, and payment of awards directly to educational institutions. *[Rule 1.6-1 through 1.6-2]*.
- Establishes a formal appeals process, including timelines, standards of review, and levels of appeal for students challenging grant decisions. *[Rule 1.9-1 through 1.9-3; 10 O.C. 1005.8]*.
- Includes provisions for implementation, review, and ongoing administration, including issuance of forms and biennial review of the Rule. *[Rule 1.10-1 through 1.10-2]*.

The Rule ensures consistent administration of the Higher Education Grant program and aligns operational procedures with the statutory requirements set forth in the Higher Education Grant Law.

Conclusion

There are no legal bars to adopting the Higher Education Grant Law Rule No. 1 – Student Eligibility Requirements and Administration.

Financial Analysis Template

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	No start up costs	\$0
Personnel Costs	No additional staff needed	\$0
Office Related Costs	No additional costs	\$0
Documentation Costs	No Documentation costs	\$0
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Implementation upon approval	\$0
Other, please explain	DTS Services will be needed to update Power 8 generated letters and documents and data screens	
Total	Annual Net Revenue	\$0



TO: Legislative Operating Committee (LOC)
 FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney
 DATE: July 1, 2026
 RE: Certification of Higher Education Grant Law Rule No. 1 – Student Eligibility Requirements and Administration

Background

The Legislative Operating Committee received the certification packet provided for the Higher Education Grant Law Rule No. 1 – Student Eligibility Requirements and Administration (“the 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 packets provided 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 is now being asked to consider the certification of the Rule.

Administrative Rulemaking Authority

The Higher Education Grant Law establishes the Higher Education Grant program and sets forth the funding requirements and procedural controls for awarding grants to eligible members of the Nation. *[10 O. C. 1005.1-1]*. It is the policy of the Nation to provide a fiscally responsible and consistent methodology for awarding Higher Education grants to enhance postsecondary = educational opportunities for members of the Nation. *[10 O. C. 1005.1-2]*.

The Higher Education Grant Law delegates rulemaking authority to the Oneida Higher Education Office to promulgate rules governing the administration of the Higher Education Grant program in accordance with the Administrative Rulemaking law. *[10 O.C. 1005.4-2]*. These rules are required to address, at a minimum, student file requirements, funding structures and caps, application procedures, and appeals processes. *[10 O.C. 1005.4-2(a)-(d)]*.

Summary of Higher Education Grant Law Rule No. 1 – Student Eligibility Requirements and Administration

The purpose of Rule is to implement and operationalize the Higher Education Grant program by defining the Higher Education Student File, specifying funding period calculations, establishing funding tier caps, setting application requirements, and detailing the appeals process, consistent with the Higher Education Grant Law. [Rule 1.1-1].

The Rule provides for such topics as:

- Application Requirements [Rule 1.4];
- Funding Periods, Eligibility & Tier Caps [Rule 1.5];
- Award Calculation, Disbursement & Ineligible Funding [Rule 1.6];
- Academic Performance & GPA Calculation [Rule 1.7];
- Probation [Rule 1.8];
- Appeal Procedure [Rule 1.9]; and
- Implementation, Review & Effective Date [Rule 1.10].

Eligibility for Certification by the Legislative Operating Committee

The materials submitted by the Higher Education Department for the certification of the Rule have been reviewed, and this section of the memorandum provides conclusions regarding the eligibility of the Rules for certification by the Legislative Operating Committee.

Complete Administrative Record

The certification packet provided by the Higher Education Department for the Rule did contain all documentation required by the Administrative Rulemaking law for a complete administrative record. Below, please find a chart of the required documentation for the administrative record and whether or not the documentation was submitted:

Administrative Record Documents	Submitted
Memo from the authorized agency's highest level of management approving the proposed rule and/or Minutes from the authorized agency's meeting during which the proposed rule was an agenda item.	Yes
Memo provided by the authorized agency containing the rule's procedural timeline including the dates the requirements of this law were fulfilled.	Ye
Summary Report: ▪ Document containing summary information; ▪ Statement of Effect from Legislative Reference Office; and ▪ Fiscal Impact Statement.	Yes
Draft of proposed Rule	Yes
Draft of proposed rule that went to public meeting if the rule changed after the public meeting.	No change after public meeting.

If the rule is being amended, redline drafts from the currently effective rule illustrating the proposed amendments.	N/A
Public Meeting Notice	Yes
Public Meeting Sign in sheet	Yes
A memorandum provided by the authorized agency containing the public comments that were received, both orally and written, and the authorized agency's response to each comment	Yes
The effective dates of the original rule and any rule amendments subsequently made as established by the authorized agency.	N/A

Compliance with Procedural Requirements

Based on the information provided by the Higher Education Department, the promulgation of the Rule did comply with the procedural requirements contained in the Administrative Rulemaking law.

Compliance with Rulemaking Authority

Based upon a review of the Rule, the Rule did not exceed the rulemaking authority granted under the Technology Resources law.

Conclusion

The Rule provided by Higher Education Department is eligible for certification by the Legislative Operating Committee under section 106.7-2 of the Administrative Rulemaking law.

Requested Action

- Certify the Higher Education Grant Law Rule No. 1 – Student Eligibility Requirements and Administration and forward to the Oneida Business Committee.



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jun 28	29	30	Jul 1 8:30 AM LOC Prep Meeting 9 AM Legislative Operations	2	3 8 AM Holiday - Fourth of July	4
5	6 11 AM Oneida Worker's Council	7	8	9	10 1 PM Conflict of Interest - 1	11
12	13	14 1:30 PM Draft Probate Law	15 8:30 AM LOC Prep 9 AM Legislative Operations 1:30 PM UCC Filing System	16	17	18
19	20	21	22	23 11 AM Indian Preference in	24	25
26	27	28	29	30 1:30 PM Research Law Dev	31	Aug 1