

**Title 1. Government and Finances – Chapter 117**  
**ONEIDA BUSINESS COMMITTEE MEETINGS**  
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*the people are contesting – their meeting place - their laws*

117.1. Purpose and Policy  
117.2. Adoption, Amendment, Repeal  
117.3. Definitions  
117.4. Rules of Order  
117.5. Public Comment and Discussion of Individuals  
117.6. Oneida Business Committee Meetings Schedule

117.7. Agenda  
117.8. Responsibilities of Oneida Business Committee Meeting Attendees  
117.9. Removal of a Disorderly or Disruptive Person  
117.10. Enforcement

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**117.1. Purpose and Policy**

117.1-1. *Purpose.* The purpose of this law is to identify how the Oneida Business Committee will carry out its responsibilities. Meetings of the Oneida Business Committee are for the purpose of conducting the business of the Oneida Nation as delegated to the Oneida Business Committee under the Constitution of the Oneida Nation.

117.1-2. *Policy.* It is the policy of the Nation that the Oneida Business Committee be clear and consistent in its actions and be guided by the responsibilities grounded in the Oneida culture and the Oneida Nation Constitution. It is further the policy that Oneida Business Committee meetings to be open to the public and to have discussions related to the items on the agenda in order to have the widest possible viewpoint, to request and receive technical advice and respect conflicting views.

117.1-3. *Roles and Responsibilities.* The Oneida Business Committee is elected by the membership of the Nation and is delegated legislative responsibility under Article IV of the Constitution of the Oneida Nation, General Tribal Council resolution # GTC-2-15-82, adoption of job descriptions in July of 1990, and a motion at the October 1998 General Tribal Council meeting. The work associated with this legislative responsibility is carried out through various subcommittees including, but not limited to, the Legislative Operating Committee, Community Development and Planning Committee, and the Quality of Life Committee, in order to obtain the broadest and most informed discussion. The action regarding this legislative responsibility is taken at a regular, special, or emergency Oneida Business Committee meeting, or when necessary, by e-poll in accordance with approved processes. The goal of this law is to formalize the action of legislative responsibility taking place at Oneida Business Committee meetings and the work of legislative responsibility within subcommittees.

**117.2. Adoption, Amendment, Repeal**

117.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-26-17-H.

117.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

117.2-3. 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.

117.2-4. 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. Provided that, this law repeals the following:

- (a) Resolution # BC-08-14-91-A *BC Meeting – Executive Session for Employee Complaints.*

117.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

### **117.3. Definitions**

117.3-1. This section shall govern the definitions of words or phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Board, Committee or Commission” means a board, committee or commission created by the General Tribal Council or the Oneida Business Committee with members appointed by the Oneida Business Committee or elected by the Nation’s membership.
- (b) “Constitution” means the Constitution and By-laws of the Oneida Nation, as amended.
- (c) “Corporation” means a business that is chartered by the Nation.
- (d) “Employee” means anyone employed by the Nation in one of the following employed capacities: full-time, part-time, emergency temporary, limited term or on a contractual basis. For purposes of this law the term employee also includes political appointees.
- (e) “Entities” means all boards, committees, commissions, departments, and programs of the Nation.
- (f) “Executive session” means a meeting which is held to discuss matters that require confidentiality and are not open to the public.
- (g) “Kalihwi=y%” means the good mind principle which represents “the use of the good words about ourselves, our Nation, and our future.”
- (h) “Member of the Nation” means an individual enrolled in the Oneida Nation.
- (i) “Nation” means the Oneida Nation.
- (j) “Officer” means an individual holding the position of chairperson, vice-chairperson, secretary or treasurer on a board, committee or commission.
- (k) “Open session” means a meeting which is held in a place reasonably accessible to the public at all times.
- (l) “Roberts Rules of Order” means a handbook for running meetings effectively and efficiently that sets the guidelines for such issues as leading debates; recognizing speakers; defining the role of the chair and other officers; proposing, seconding, and voting on motions; and writing and amending constitutions and bylaws.

### **117.4. Rules of Order**

117.4-1. The Oneida Business Committee shall use Robert’s Rules of Order, current edition, for the procedural rules of its meetings except as specifically modified by the Constitution.

117.4-2. The Oneida Business Committee may:

- (a) amend, modify, or direct that a rule shall not apply; and
- (b) adopt Standard Operating Procedures that provide administrative guidance in the application of rules.

### **117.5. Public Comment and Discussion of Individuals**

117.5-1. *Discussion of Individuals.* There is a need for frank and honest discussions in all meetings of the Oneida Business Committee. Such discussions often include personal observations, evaluations, and judgments of other employees and members of the Nation. The

negative or disrespectful discussion of individuals in open session undermines the morale and trust of employees and members of the Nation.

(a) It is the policy of the Nation that discussion in open and public meetings of the Oneida Business Committee be strictly conducted in an orderly, civil manner avoiding acrimony and ad hoc remarks.

(b) All discussion relevant to an agenda item regarding a member of the Nation or an employee and the actions, activities, and/or performance responsibilities of that individual may be respectfully discussed during the open session of the Oneida Business Committee meeting.

(c) Should any information be received at any meeting of the Oneida Business Committee that implicates the integrity, honesty, or morality of a member of the Nation or an employee, such discussion shall be immediately stopped. The presiding Chairperson shall regulate the discussion to ensure the integrity, honesty or morality of an individual is not implicated during any discussions.

(d) The Oneida Business Committee shall have the authority to redact any statements made during open session regarding improper discussion of an individual from all video and audio recordings of the Oneida Business Committee meetings.

117.5-2. *Public Comment.*

(a) The Oneida Business Committee meetings are conducted to make decisions regarding the business of the Nation as delegated by the General Tribal Council and the Oneida Nation Constitution. However, public comment is a resource for ideas and concerns to be raised and addressed by the Oneida Business Committee.

(b) Individuals shall be allowed to make public comments at the beginning of each agenda item only. All public comments made shall be relevant to the current agenda item. Each individual shall be allowed to give public comment one time per agenda item. Each individual shall be limited to speaking for a maximum of five (5) minutes each per agenda item. The time limitation may be extended by request of the individual with approval of the Oneida Business Committee.

(c) All comments are subject to the limitations of section 117.5-1 when discussing individuals or groups of individuals.

(d) No action is required to accept or otherwise take action regarding a comment being made. Oneida Business Committee meeting attendees may ask questions while providing public comment. If an Oneida Business Committee meeting attendee can provide a proper response to a posed question then that individual may answer the question.

(e) Public comments shall be relevant to the current agenda item and may be any of the following:

- (1) A request to have the Oneida Business Committee review an issue or action;
- (2) A comment on an item on the agenda;
- (3) Praise regarding an entity, an individual or an employee;
- (4) A public notice about an activity or fundraising event; and/or
- (5) Other comments deemed pertinent by the presiding Chairperson.

(f) The Oneida Business Committee shall proceed with conducting official business related to the agenda item once all public comments are received.

## **117.6. Oneida Business Committee Meetings Schedule**

117.6-1. *Annual Schedule.* The Oneida Nation Secretary shall present, on or around October of each year, a proposed schedule for regular meetings of the Oneida Business Committee for approval by the Oneida Business Committee.

117.6-2. *Reporting Schedule.* The Oneida Nation Secretary shall present, on or around October of each year, a proposed schedule for presentation of reports by entities at regular meetings of the Oneida Business Committee for approval by the Oneida Business Committee.

## **117.7. Agenda**

117.7-1. *Agenda.* The agenda for Oneida Business Committee meetings shall contain the following sections. The general characteristics of each section are defined below. The Oneida Business Committee agenda shall only contain sections that contain business that must be addressed during that meeting. Not all sections of the agenda will be addressed at every meeting of the Oneida Business Committee.

(a) *Call to Order.* The presiding Chairperson shall call the meeting to order, shall establish the existence of a quorum, and identify reasons why members of the Oneida Business Committee are not present.

(b) *Opening.* This section of the agenda shall be used to present any opening statements.

(c) *Adopt the Agenda.* The agenda for the meeting shall contain necessary subsections so as to identify each section of the agenda that will be used during that meeting. If there are amendments to the agenda, they should be made during this section, but are not required to be done under this section of the agenda.

(d) *Oath of Office.* Individuals who have been elected or appointed to an office on a board, committee, commission, as a police officer or other employee requiring an oath to be taken shall be given the oath of office,

(e) *Minutes.* The minutes of each regular, special and emergency meeting of the Oneida Business Committee presented for approval shall be listed in this section of the agenda.

(f) *Resolutions.* This section shall be used to present all resolutions to the Oneida Business Committee for adoption.

(g) *Appointments.* Actions regarding appointments to boards, committees, commissions, corporations, and other memberships of the Nation shall be taken in this section of the agenda in accordance with the Nation's laws, policies and rules, specifically those governing boards, committees and commissions of the Nation.

(h) *Standing Committees.* Standing committees are entities of the Oneida Business Committee delegated certain responsibilities to act, and whose actions are reported to, the Oneida Business Committee. Such actions may require further approval by the Oneida Business Committee to carry out, such as the Finance Committee meeting minutes, or adoption of laws and rules presented by the Legislative Operating Committee. Items presented in this section of the agenda shall include minutes, quarterly reports, and other actions presented by the Standing Committee.

(i) *General Tribal Council.* This section of the agenda shall only be open to members of the Nation and shall address issues related to General Tribal Council meetings including, but not limited to, scheduling General Tribal Council meetings, accepting and directing action regarding petitions, and approving materials for presentation at General Tribal Council meetings. The Oneida Business Committee may allow individuals who are not

members of the Nation to attend this section of the agenda if the attendance of the individual is required for official purposes.

(j) *Standing Items*. This section of the agenda shall be used to present items which the Oneida Business Committee has determined require a constant, short term, presence on the agenda because repeat actions and/or follow-up actions may be necessary.

(k) *Unfinished Business*. This section of the agenda shall be used when agenda items from prior meetings were unable to be completed.

(l) *Tabled Business*. This section of the agenda shall be used when an agenda item has been specifically tabled from a prior meeting. The item on the agenda shall be clearly labeled as a tabled action and the date of the meeting at which it was tabled shall be noted.

(m) *New Business*. Any business brought before the Oneida Business Committee that does not otherwise fit in any of the other agenda categories shall be placed in this section of the agenda.

(n) *Travel Reports*. This section of the agenda shall be used to present reports regarding approved travel that is required to be presented to or approved by the Oneida Business Committee.

(o) *Travel Requests*. This section of the agenda shall be used to present requests for travel by an Oneida Business Committee member or where approval by the Oneida Business Committee is required.

(p) *Reports*. This section of the agenda shall be used to present quarterly reports as directed by the Oneida Business Committee.

(q) *Executive Session*. This section of the agenda shall be used to discuss matters that require confidentiality and meet the requirements set forth in the Open Records and Open Meetings Law for limitations upon access and exceptions. This section of the agenda may be organized to meet the needs of the Oneida Business Committee.

117.7-2. *Requests to Present Agenda Items*. In general, the following individuals are authorized to present items on the agenda of the Oneida Business Committee.

(a) *Oneida Business Committee Members*. Each member of the Oneida Business Committee is authorized to present items to be placed on the agenda for discussion and/or action.

(b) *Chairpersons of Boards, Committees or Commissions*. Chairpersons, on behalf of boards, committees or commissions, shall be authorized to submit the following to be placed on the agenda:

- (1) quarterly reports;
- (2) contracts for the board, committee or commission requiring Oneida Business Committee approval; and
- (3) any other item that must be placed on the Oneida Business Committee agenda.

(c) *Direct Reports*. Employees who are identified as direct reports to the Oneida Business Committee shall be authorized to submit the following to be placed on the agenda:

- (1) quarterly reports;
- (2) contracts of the entity requiring Oneida Business Committee approval; and
- (3) requests for actions under the section of the agenda containing new business as described in section 117.7-1(l).

(d) *Corporations.* All chairpersons, presidents, agents or other authorized representatives of a corporation shall be authorized to submit reports of the corporation and other items on the agenda on behalf of the corporation, as directed by the corporate charter, operating agreement or other governing document.

(e) *Community Members.* Members of the community shall be authorized to present items to be placed on the agenda for discussion and/or action.

### **117.8. Responsibilities of Oneida Business Committee Meeting Attendees**

117.8-1. *Behavior of Oneida Business Committee Meeting Attendees.* Keeping in line with the Oneida principle of Kalihwi-y%, all attendees including the Oneida Business Committee members are expected to treat each other with respect and kindness. Attendees shall not:

(a) Use profanity, interrupt others, heckle or threaten people, disrespect property or exhibit behavior that disrupts the meeting or endangers the safety of other attendees;

(b) Be under the influence of alcohol or illegal drugs;

(c) Have a weapon on their person while on any public property of the Nation or at any event sponsored by the Nation unless the Oneida Business Committee meeting attendee is required to carry a weapon when acting in the official capacity of his or her employment; and

(d) Take action that violates any laws, rules or policies of the Nation.

117.8-2. *Recording and Photographing.* Any Oneida Business Committee meeting attendee may photograph, tape-record, or otherwise reproduce any part of a meeting required to be open as long as the device:

(a) Is operated openly so that it is obvious to those in attendance that the meeting is being recorded;

(b) Does not create an excessive noise or light that disturbs any individual attending the meeting; and

(c) Does not otherwise interfere with an individual's observation or participation in the meeting.

### **117.9. Removal of a Disorderly or Disruptive Person**

117.9-1. *Sergeant-at-Arms.* The presiding Chairperson may designate an individual to serve as the sergeant-at-arms for Oneida Business Committee meetings. The sergeant-at-arms shall oversee the security of the meeting and ensure the safety of all present.

117.9-2. *Removal of a Disorderly or Disruptive Person.* If a meeting is willfully interrupted by a person and the meeting cannot proceed forward or the person violates section 117.8-1 regarding behavior of Oneida Business Committee attendees and/or section 117.5-1 regarding the discussion of individuals, the Oneida Business Committee shall decide if the individual shall be removed from the meeting. The Oneida Business Committee's decision to remove a person shall be final and not appealable. At the decision of the Oneida Business Committee the presiding Chairperson shall order the sergeant-at-arms to remove the person from the meeting. No person shall be removed from a meeting except for an actual breach of the peace committed at the meeting. An individual removed from an Oneida Business Committee meeting shall not be allowed to return for the duration of the meeting.

117.9-3. *Emergency Removal of a Disorderly or Disruptive Person.* If the disorderly or disruptive behavior of an individual results in an immediate danger to the health and safety of

any Oneida Business Committee meeting attendee the presiding Chairperson may take immediate action to remove the disorderly or disruptive person.

117.9-4. *Banning a Disorderly or Disruptive Person.* The Oneida Business Committee may permanently ban a person from attending Oneida Business Committee meetings for any of the following:

- (a) A person is repeatedly removed from Oneida Business Committee meetings for disorderly or disruptive behavior; or
- (b) The behavior of a person reaches such a severe level that an automatic ban from attending Oneida Business Committee meetings is necessary for the protection of the health and safety of all other Oneida Business Committee meeting attendees.

#### **117.10. Enforcement**

117.10-1. This law shall be enforced according to Robert's Rules of Order, except as specifically modified by the Constitution of the Oneida Nation and the Oneida Business Committee.

117.10-2. *Enforcement by the Oneida Business Committee Chairperson.* At the decision of the Oneida Business Committee the presiding Chairperson shall order the sergeant-at-arms to remove any disorderly or disruptive person from the meeting.

117.10-3. *Enforcement by an Oneida Business Committee Officer or Member.* Officers and members of the Oneida Business Committee are authorized, under Robert's Rules of Order, to request a point of order to direct compliance with Robert's Rules of Order, requirements set forth in this law or requirements set forth in resolutions or standard operating procedures adopted by the Oneida Business Committee.

*End.*

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Adopted - BC-07-26-17-H