



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA – REVISED
Business Committee Conference Room-2nd Floor Norbert Hill Center
March 4, 2019—Rescheduled from March 6, 2019
2:30 p.m.

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

- II. Minutes to be Approved**
 - 1. February 20, 2019 LOC Meeting Minutes (pg. 2)

- III. Current Business**
 - 1. Oneida Election Board Bylaws Amendments (pg. 4)
 - 2. Oneida Police Commission Bylaws Amendments (pg. 24)

- IV. New Submissions**
 - 1. Taxation (pg. 47)

- V. Additions**
 - 1. Oneida Personal Commission Bylaws Amendments (pg. 79)

- VI. Administrative Updates**

- VII. Executive Session**

- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
February 20, 2019
9:00 a.m.

Present: David P. Jordan, Daniel Guzman King, Jennifer Webster, Ernest Stevens III

Excused: Kirby Metoxen

Others Present: Maureen Perkins, Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Kristen Hooker, Lee Cornelius, Leyne Orosco, Ralinda Ninham-Lamberies, Joshua Hicks, Rae Skenandore

I. Call to Order and Approval of the Agenda

David P. Jordan called the February 20, 2019 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Ernest Stevens III to approve the agenda with a change to item III.2, the name of the agenda item should read “Anna John Resident Centered Care Community Board Bylaws Amendments”; seconded by Jennifer Webster. Motion carried unanimously.

II. Minutes to be Approved

1. February 6, 2019 LOC Meeting Minutes

Motion by Jennifer Webster to approve the February 6, 2019 Legislative Operating Committee meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.

III. Current Business

1. Curfew Law (1:09-3:05)

Motion by Daniel Guzman King to approve the community meeting notice and direct that a community meeting for the proposed Curfew Law be held on Thursday, March 21, 2019; seconded by Ernest Stevens III. Motion carried unanimously.

2. Anna John Resident Centered Care Community Board Bylaws Amendments (3:09-13:00)

Motion by Jennifer Webster to accept the Anna John Resident Centered Care Community Board Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.

3. Oneida Pow-wow Committee Bylaws Amendments (13:02-19:12)

Motion by Jennifer Webster to accept the Oneida Powwow Committee Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.



4. **Pardon and Forgiveness Screening Committee Bylaws Amendments** (19:23-20:28)
Motion by Jennifer Webster to accept the Pardon and Forgiveness Screening Committee Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.

IV. New Submissions

1. **Attorney Contract Policy Amendments** (20:31-22:12)
Motion by Jennifer Webster to add Attorney Contract Policy Amendments to the Active Files List with David P. Jordan as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

V. Additions

VI. Administrative Updates

VII. Executive Session

VIII. Adjourn

Motion by Daniel Guzman King to adjourn the February 20, 2019 Legislative Operating Committee meeting at 9:22 a.m.; seconded by Ernest Stevens III. Motion carried unanimously.



Legislative Operating Committee
March 4, 2019

Election Board By-Laws Amendments

Submission Date: 9/6/17	Public Meeting: n/a
LOC Sponsor: Kirby Metoxen	Emergency Enacted: n/a Expires: n/a

Summary: *Last term the Oneida Election Board requested amendments to its bylaws to reflect the Election law and previous GTC action. It was decided that bylaws would not be processed until amendments to the Comprehensive Policy Governing Boards, Committees and Commissions were adopted. On September 26, 2018, the Comprehensive Policy Governing Boards, Committees and Commissions (n/k/a Boards, Committees and Commissions law) was amended through adoption of resolution BC-09-26-18-C.*

9/6/17 LOC: Motion by Daniel Guzman King to add Election Board By-Laws Amendments to the Active Files List with Kirby Metoxen as the sponsor; Seconded by Ernie Stevens III. Motion carried unanimously.

11/1/17 LOC: Motion by Kirby Metoxen to approve the 60-day Active Files List update and continue development of all the items on the Active Files List; Seconded by Ernie Stevens III. Motion carried unanimously.

9/26/18 OBC: Motion by Lisa Summers to adopt resolution BC-09-26-18-C, titled Amendments to the Comprehensive Policy Governing Boards, Committee and Commissions with two (2) changes: [1) request that the language in line 84 of the resolution be changed to a six (6) month deadline to complete the new by-laws; and 2) to eliminate the postmark allowance referenced in lines 112-114 of draft 3]; Seconded by David P. Jordan. Motion carried.

Per resolution BC-09-26-18-C: "The Oneida Business Committee directs that boards, committees, and commissions of the Nation shall have six (6) months from the adoption of [the Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions ("Law")] to present bylaws for adoption. Within thirty (30) days, the Legislative Reference Office shall provide at least two (2) informational bylaw meetings with the various boards, committees, and commissions of the Nation. The purpose of the informational bylaws meetings will be for the Legislative Reference Office to: a. provide an update on the revised bylaw requirements as a result of the amendments to the Law; b. provide a template for the development of revised bylaws; and c. offer

assistance to boards, committees, and commissions in the development and drafting of updated bylaws.”

10/17/18: *Informational Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, Jennifer Webster, Dale Webster (ONCOA), Marlene Summers (ONCOA), Lois Strong (ONCOA), Sandra Reveles (OPC), Carol Silva (OPC), Brooke Doxtator (OBCSU), Bonnie Pigman (OTEC), Chad Wilson (ERB), Dylan Benton (Library/OTEC), Chris Cornelius (OLC). Per resolution BC-09-26-18-C, adopting the amendments to the Comprehensive Policy Governing Boards, Committees and Commissions (n/k/a the Boards, Committees and Commissions law), the LRO was directed to hold two (2) informational meetings for the Nation’s boards, committees and commissions to provide them with: (1) an update on the new bylaws requirements mandated by the Boards, Committees and Commissions law; (2) a template for the boards, committees and commissions to use when revising their respective bylaws; and (3) assistance to the boards, committees and commissions in the development and drafting of their bylaws. This was the first of the two informational meetings.

10/24/18: *Informational Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, Clorissa Santiago, Donald McLester (OLC), Chris Cornelius (OLC), Ronald King, Jr. (PFSC), Jeanette Ninham (PFSC), Vicki Cornelius (OEB & Powwow), Bonnie Pigman (OTEC), Lisa Liggins (School Board & OTEC), Rochelle Powless (ONCOA), Terry Hetzel (HRD), Patty Hoeft (Oneida Law Office), Brooke Doxtator (OBCSO), Arthur Elm (SEOTS), Diane Hill (SEOTS). Per resolution BC-09-26-18-C, adopting the amendments to the Comprehensive Policy Governing Boards, Committees and Commissions (n/k/a the Boards, Committees and Commissions law), the LRO was directed to hold two informational meetings for the Nation’s boards, committees and commissions to provide them with: (1) an update on the new bylaws requirements mandated by the Boards, Committees and Commissions law; (2) a template for the boards, committees and commissions to use when revising their respective bylaws; and (3) assistance to the boards, committees and commissions in the development and drafting of their bylaws. This was the second of the two informational meetings.

1/20/19: *LOC Work Meeting.* Present: Kristen M. Hooker, Jennifer Falck, Jennifer Webster, David P. Jordan, Kirby Metoxen, Ernie Stevens III and Daniel Guzman-King. The purpose of this meeting was to go through the draft of the Oneida Election Board’s proposed bylaws amendments that were finalized following a review by the LRO staff attorney and submitted for legislative analysis in accordance with the Boards, Committees and Commissions law/resolution BC-09-26-18-C.

Next Steps:

- Accept the Oneida Election Board By-Laws Amendments.
- Forward the Oneida Election Board By-Laws Amendments to the Oneida Business Committee for consideration.

ONEIDA ELECTION BOARD BYLAWS

Article I. Authority

1-1. *Name.* The name of this entity shall be the Oneida Election Board and may be referred to as the Board.

1-2. *Establishment.* This Board was established under the Election law, adopted by the Oneida General Tribal Council (GTC) through 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.

1-3. *Authority.*

(a) *Purpose.* The Board was created to carry out the provisions of the Election law and Article III, Sections 2 & 3 of the Constitution of the Oneida Nation. The purpose of the Board is to conduct the Nation's elections in compliance with the laws of the Nation and assist with GTC meetings in reference to voting.

(b) *Powers and Duties.* The Board is responsible to conduct elections and to govern all procedures used in the election process along with attending GTC meetings. The Board has all delegated authority established through the laws, policies, rules and resolutions of the Nation, including, but not limited to, the Election law.

1-4. *Office.* The official mailing address of the Election Board shall be:
Oneida Election Board
P.O. Box 413
Oneida, Wisconsin 54155

1-5. *Membership.*

(a) *Number of Members.* The Election Board shall consist of nine (9) members.

(1) *Board Alternates.* The Oneida Business Committee may appoint or reappoint a sufficient number of alternates to the Board, as recommended by the Board, to assist with election day and pre-election activities.

(b) *Elected.* Members of the Board shall be elected by enrolled members of the Nation in accordance with the laws and/or policies of the Nation governing elections.

(1) Members of the Board shall serve terms of three (3) years, not to exceed two (2) consecutive terms.

(c) *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the Oneida Business Committee, pursuant to the Boards, Committees and Commissions law, for the balance of the unexpired term.

(1) The Board's Chairperson shall provide the Oneida Business Committee recommendations on all applications for appointment to fill a vacancy before the executive session in which the appointment is intended to be made.

- 47 (2) The filling of a vacancy may be timed to correspond with the pre-
48 election activities and the needs of the Board.
- 49 (d) *Qualifications of Members.* All Board members must be:
50 (1) An enrolled member of the Nation; and
51 (2) At least 18 years of age.
- 52 (e) *Duties/Responsibilities.*
53 (1) Board members shall carry out all duties delegated by the Election
54 law, including, but not limited to:
55 (A) Ensuring that the election polling equipment and ballots are
56 maintained in a locked and secured area when not in use for
57 an election;
58 (B) Developing and adhering to standard operating procedures
59 regarding election activities and responsibilities;
60 (C) Assisting individuals with disabilities throughout the voting
61 process;
62 (D) Being in charge of all registration and election procedures;
63 (E) Upon completion of an election, making a final report on the
64 election results and posting/publishing the election results in
65 accordance with the Election law; and
66 (F) Attending all Board meetings.

- 67
- 68 1-6. *Termination or Removal.* A member of the Board found to be in violation of these bylaws
69 or the Election law may be subject to the following:
70 (a) If the Board member was elected, the Board's filing of a petition for his or
71 her removal pursuant to the Removal law and/or any other law of the Nation
72 governing removal of elected officials;
73 (1) A member who is removed from the Board shall be ineligible to
74 serve on the Board for three (3) years from the time he or she is
75 removed from the Board.
76 (b) If the Board member was appointed, the Board's recommendation to the
77 Oneida Business Committee for termination of his or her appointment
78 pursuant to the Boards, Committees and Commissions law and/or any other
79 law of the Nation governing termination of appointed officials.

- 80
- 81 1-7. *Trainings and Conferences.* Mandatory trainings/conferences for members of the Board
82 shall be as follows:
83 (a) Roberts Rules of Order training on an annual basis or as needed, not to
84 exceed five (5) full days per Board member; and/or
85 (b) Other Tribal Affiliated Election conferences/trainings as approved by the
86 Board, not to exceed three (3) full days per Board member, per term.

87

88 **Article II. Officers & Non-Officer Positions**

- 89 2-1. *Officers.* The Officer positions of the Board shall consist of a Chairperson, a Vice-
90 Chairperson and a Secretary.

91

- 92 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the
93 Chairperson are as follows:
- 94 (a) Call meetings and notify Board members with the assistance of the Vice-
95 Chairperson and/or Secretary;
 - 96 (b) Preside over all meetings and hearings of the Board;
 - 97 (c) Oversee the conduct of the election;
 - 98 (d) Decide issues of voter eligibility with the assistance of the Election
99 Judge(s);
 - 100 (e) Select the hearing body for applicants found to be ineligible in accordance
101 with the Election law in the event of an appeal;
 - 102 (f) Dismiss the alternates and Trust Enrollment Department personnel when
103 their election day duties are complete;
 - 104 (g) Post and report the results of all elections; and
 - 105 (h) Carry out any other duty assigned to the Chairperson by the Board or the
106 Election law.
- 107
- 108 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the
109 Vice-Chairperson are as follows:
- 110 (a) Preside over all meetings in the absence of the Chairperson and assist the
111 Chairperson in forwarding notice of meeting location, agenda, minutes and
112 materials; and
 - 113 (b) Work with the Chairperson in all matters that concern the Board.
- 114
- 115 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the
116 Secretary are as follows:
- 117 (a) Keep accurate minutes of all Board meetings and make them available to
118 the Nation’s Secretary, other Board members and the public as required by
119 the Nation’s Open Records and Open Meetings law;
 - 120 (b) Assure that minutes are reported in the proper format;
 - 121 (c) Oversee mail received and inform the Board of all correspondence;
 - 122 (d) Preside over all Board meetings in the absence of the Chairperson and Vice-
123 Chairperson and assist the Chairperson in forwarding notice of meeting
124 location, agenda, minutes and materials; and
 - 125 (e) As applicable, the Oneida Business Committee Support Office will assist
126 the Secretary with certain administrative duties and responsibilities.
- 127
- 128 2-5. *Selection of Officers.* The Officers shall serve one (1) year terms and shall be elected by a
129 majority vote of the meeting quorum.
- 130 (a) The Chairperson shall be elected at the first meeting of the Board.
131 (1) Upon his or her election, the Chairperson shall direct the Board to
132 elect a Vice-Chairperson and Secretary.
 - 133 (b) In the event of a vacancy in the position of a Board Officer, a successor
134 shall be voted in by the majority vote of a meeting quorum for the duration
135 of the Officer’s unexpired term.
 - 136 (c) Officers may hold only one (1) Officer position per Officer term.

- 137 2-6. *Ad Hoc Committee of the Board.* The Board shall create an Ad Hoc Committee for the
138 limited purpose of maintaining a pool of qualified candidates that the Board
139 may choose from, when needed, to assist with its duties relating to GTC
140 meetings. On or before the date of its creation, the Board shall develop a
141 mission statement that reflects the Ad Hoc Committee’s limited purpose
142 stated herein.
- 143 (a) Members of the Ad Hoc Committee shall be appointed and reappointed by
144 the Oneida Business Committee, as recommended by the Board, for one (1)
145 year terms in accordance with the Boards, Committees and Commissions
146 law.
- 147 (1) Members of the Ad Hoc Committee shall not be limited in the
148 number of terms they can serve, consecutively or otherwise.
- 149 (b) Members of the Ad Hoc Committee must possess the same qualifications
150 required of Board members under the Election law and these bylaws.
- 151 (c) Upon appointment, members of the Ad Hoc Committee must take an oath
152 during a regular or special meeting of the Oneida Business Committee.
- 153 (1) Members of the Ad Hoc Committee shall be subject to the applicable
154 portions of section 4-1 and all of sections 4-2 through 4-5 of these
155 bylaws to the same extent as appointed members of the Board,
156 including the provisions relating to enforcement and discipline.
- 157 (d) Members of the Ad Hoc Committee shall receive a stipend of fifty dollars
158 (\$50) for each GTC meeting that:
- 159 (1) The Board asked them to attend to assist with its duties relating to
160 GTC meetings;
- 161 (2) They did attend for the entirety of the meeting; and
162 (3) They did assist with the Board’s duties relating to GTC meetings.
- 163 (e) Dissolution of the Ad Hoc Committee shall be in accordance with the
164 Boards, Committees and Commissions law.
- 165
- 166 2-7. *Non-Officer Positions.* The Board shall identify Board members who shall serve in the non-
167 Officer positions of tellers, Election Judges and clerks in advance of an
168 election.
- 169 (a) Non-Officers shall be identified in accordance with the Election law.
170
- 171 2-8. *Responsibilities of the Election Judge.* The duties, responsibilities and limitations of the
172 Election Judge are as follows:
- 173 (a) Inform and advise the Chairperson of all aspects of elections conducted
174 under the Election law;
- 175 (b) In accordance with the Election law, meet with the Trust Enrollment
176 Department personnel who are registering voters to answer questions
177 arising over voter eligibility; and
- 178 (1) When disputes among Board members, or between members of the
179 Nation and Board members, or any controversy regarding voter
180 eligibility arise, the Election Judge shall assist the Chairperson in
181 making a determination.

182 (c) Ensure that all ballots of voters whose eligibility may be in question remain
183 confidential.

184
185 2-9. *Responsibilities of the Teller.* The duties, responsibilities and limitations of the teller are
186 as follows:

187 (a) Collect and keep safe all ballots until the election is complete, as determined
188 by the Election law; and

189 (b) Assist the Chairperson as directed in conducting the election.

190
191 2-10. *Responsibilities of the Clerk.* The duties, responsibilities and limitations of the clerk are as
192 follows:

193 (a) Implement the requirements of identifying and registering all voters and
194 determining voter eligibility;

195 (b) Work in conjunction with the Trust Enrollment Department personnel in the
196 registration process;

197 (c) Assist the Chairperson as directed in conducting the election; and

198 (d) Not be currently employed in the Trust Enrollment Department.

199
200 2-11. *Budgetary Sign-Off Authority and Travel.* The Board shall follow the Nation's policies and
201 procedures regarding purchasing and sign-off authority.

202 (a) Budgetary sign-off authority for the Board shall be as follows:

203 (1) For budgeted items up to five hundred dollars (\$500), the Secretary
204 shall sign-off;

205 (2) For budgeted items up to three thousand dollars (\$3,000) and
206 unbudgeted or budgeted selected/sole source items up to one
207 thousand dollars (\$1,000), the Secretary and Vice-Chairperson shall
208 sign-off; and

209 (3) For budgeted items up to fifty thousand dollars (\$50,000) and
210 unbudgeted or budgeted selected/sole source items up to ten
211 thousand dollars (\$10,000), the Secretary, Vice-Chairperson and
212 Chairperson shall sign-off.

213 (b) The Board shall approve a Board member's request to travel on behalf of
214 the Board by majority vote of the quorum in attendance at a regular or
215 emergency meeting of the Board.

216
217 2-12. *Personnel.* The Board shall not have the authority to hire personnel for the benefit of
218 the Board.

219
220 **Article III. Meetings**

221 3-1. *Regular Meetings.* The regular meetings of the Board shall be held at a location to be
222 determined at the first meeting of the Board and may change from time to
223 time as determined by the Board but shall be within the Reservation
224 boundaries unless noticed by the membership prior to designating the
225 meeting location.

226 (a) The regular meetings of the Board shall be held on the second (2nd) Monday
227 of every month.

228 (b) Notice of meeting location, agenda, minutes and materials shall be
229 forwarded by the Chairperson with the assistance of the Vice-Chairperson
230 and/or Secretary.

231 (c) Meetings shall be run in accordance with Robert’s Rules of Order.

232

233 3-2. *Emergency Meetings.* An emergency meeting may be called by the Chairperson when time
234 sensitive issues require immediate action.

235 (a) The Chairperson or Chairperson’s designee shall notify all Board members
236 of an emergency meeting through email and/or phone call.

237 (b) Within seventy-two (72) hours after an emergency meeting, the Board
238 Chairperson or Chairperson’s designee shall provide the Nation’s Secretary
239 with notice of the meeting, the reason for the emergency meeting, and an
240 explanation as to why the meeting could not wait until the next regular
241 meeting.

242

243 3-3. *Joint Meetings.* Joint Meetings shall not be held.

244

245 3-4. *Quorum.* A quorum shall consist of a majority of current Board members and shall
246 include at least one (1) of either the Chairperson, Vice-Chairperson or
247 Secretary.

248

249 3-5. *Order of Business.* The order of business, as far as applicable, is:

- 250 (a) Call to Order
- 251 (b) Adopt the Agenda
- 252 (c) Approval of Minutes
- 253 (d) Old Business
- 254 (e) New Business
- 255 (f) Other Concerns/Announcements
- 256 (g) Executive Session
- 257 (h) Adjournment

258

259 3-6. *Voting.* Voting shall be in accordance with a majority vote of the quorum of Board
260 members present at the duly called meeting.

261 (a) All members of the Board shall have one (1) equal vote.

262 (b) The Chairperson or Vice-Chairperson, when presiding in the absence of the
263 Chairperson, and Secretary, when presiding in the absence of the Vice-
264 Chairperson, can only vote when a tie needs to be broken.

265 (c) E-polls are permitted so long as conducted in accordance with the Boards,
266 Committees and Commissions law.

267 (1) The Vice-Chairperson, in the absence or discretion of the
268 Chairperson, and the Secretary, in the absence of the Vice-
269 Chairperson or discretion of the Chairperson, shall be responsible
270 for conducting e-polls.

271

272 **Article IV. Expectations**

273 4-1. *Behavior of Members.* Members of the Board are expected to behave as follows:

- 274 (a) They shall not miss three (3) consecutive unexcused meetings within a
275 twelve (12) month period.
- 276 (1) A member who fails to notify any other Board member of his or her
277 absence in advance of the meeting in which he or she will be absent
278 shall be deemed unexcused.
- 279 (b) They shall follow the Election Board's Code of Conduct.
- 280 (c) They shall not speak or act in the name of the Board except when, by
281 majority vote of a meeting quorum, the Board has specifically delegated
282 that responsibility.
- 283 (d) *Enforcement.* Any member of the Board found to be in violation of these
284 behaviors/expectations may be subject to:
- 285 (1) Sanctions and penalties in accordance with any laws or policies of
286 the Nation governing sanctions and/or penalties of officials.
- 287 (2) If the Board member was elected, the Board's filing of a petition for
288 his or her removal pursuant to the Removal law and/or any other
289 laws or policies of the Nation governing the removal of elected
290 officials.
- 291 (3) If the Board member was appointed, the Board's recommendation
292 to the Oneida Business Committee for termination of his or her
293 appointment pursuant to the Boards, Committees and Commissions
294 law and/or any other laws or policies of the Nation governing the
295 termination of appointed officials.
- 296
- 297 4-2. *Prohibition of Violence.* Any violent intentional act committed by a member of the Board
298 that inflicts, attempts to inflict or threatens to inflict emotional or bodily
299 harm on another person, or damage to property, when acting in his or her
300 official capacity is strictly prohibited.
- 301
- 302 4-3. *Drug and Alcohol Use.* Members of the Board are prohibited from using alcohol and/or
303 illegal drugs when acting in their official capacity.
- 304
- 305 4-4. *Social Media.* Social media shall be used in accordance with any laws or policies of the
306 Nation governing social media.
- 307 (a) No member of the Board shall post any Election Board information on his
308 or her Facebook page or other social media outlets.
- 309
- 310 4-5. *Conflict of Interest.* Members of the Board shall abide by all applicable laws of the Nation
311 governing conflicts of interest.
- 312 (a) A Board member shall recuse himself or herself from participating as a
313 Board member in any pre-election, election day, or post-election activities
314 when:
- 315 (1) He or she is a petitioner, applicant or candidate in any election;
- 316 (2) A petitioner, applicant, or candidate in any election is an immediate
317 family member of the Board member; or
- 318 (3) There is otherwise a conflict of interest.

- 319 (b) Any conflicts will be handled by recommendation of the majority vote
320 of a quorum of the Board.
321

322 **Article V. Stipends and Compensation**

- 323 5-1. *Stipends.* Board members are eligible for the following stipends as set forth in the
324 Boards, Committees and Commissions law and resolution BC-09-26-18-D,
325 titled Boards, Committees and Commissions Law Stipends:
326 (a) Two (2) monthly meeting stipends;
327 (b) Stipends for conducting hearings on appeals of eligibility determinations;
328 (c) Stipends for attending Judiciary hearings;
329 (1) A member of the Board may only receive a stipend for attending an
330 Oneida Judiciary hearing if that member is specifically subpoenaed.
331 (d) A stipend for attendance at each full day of a training/conference that is
332 required by law, bylaw or resolution.
333 (e) An hourly stipend for services that he or she provides during an election,
334 including, but not limited to, managing the polling site, recounts and lot
335 drawings; and
336 (f) A stipend for attending and providing service at a General Tribal Council
337 meeting of the Nation.
338
- 339 5-2. *Compensation.* Besides per diem and travel expenses authorized by the Nation's policies,
340 Board members shall not be eligible for any other form of compensation for
341 duties/activities they perform on behalf of the Board.
342

343 **Article VI. Records and Reporting**

- 344 6-1. *Agenda Items.* Agenda items shall be maintained in a format provided by the Oneida
345 Business Committee Support Office.
346
- 347 6-2. *Minutes.* Minutes of the Board shall be typed in a format designed by the Oneida
348 Business Committee Support Office to generate the most informative record
349 of the Board's meetings, including a summary of the actions taken by the
350 Board during its meetings.
351 (a) Minutes shall be submitted to the Oneida Business Committee Support
352 Office within five (5) days of the meeting date.
353
- 354 6-3. *Attachments.* Any handouts, reports, or documents shall be turned in to be filed with the
355 minutes and agenda for the meeting in which they were presented.
356 (a) All handouts, reports, and documents shall be kept in electronic format in
357 the Board's shared folder.
358
- 359 6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the
360 Oneida Business Committee member who is its designated liaison.
361 (a) The frequency and method of communication shall be as agreed upon by
362 the Board and the liaison, but not less than that required in any law or policy
363 on reporting developed by the Oneida Business Committee or Oneida
364 General Tribal Council.

- 365
366 6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using a recording
367 device supplied by the Oneida Business Committee Support Office.
368 (a) Audio recordings shall be submitted to the Oneida Business Committee
369 Support Office by the Chairperson or Chairperson's designee for purposes
370 of maintaining in accordance with the applicable laws of the Nation.
371 (b) *Exception.* Audio recordings of executive session portions of a Board
372 meeting shall not be required.
373

374 **Article VII. Amendments**

- 375 7-1. *Amendments to Bylaws.* Amendments shall be made to these bylaws at a regular meeting
376 of the Board provided that a written notice of proposed amendments was
377 made at a prior regular meeting.
378 (a) Amendments to these bylaws must conform to the requirements of the
379 Boards, Committees and Commissions law, as well as any other policy of
380 the Nation.
381 (b) Amendments to these bylaws are effective upon approval by the Oneida
382 Business Committee before implementation.
383 (c) The Board shall review these bylaws from time to time as needed, but no
384 less than each time a Board vacancy is filled by a new member, whether
385 through election or appointment.
386

ONEIDA ELECTION BOARD BY-LAWS

Article I. Authority

1-1. Name. The name of this entity will be the Oneida Election Board and may be referred to as the Board.

1-2. Authority. This entity is re-recognized by the Oneida Business Committee by adoption of these by-laws on December 30, 1998 and amended on May 21, 2003 and February 25, 2009.

1-3. Office. The official mailing address of this entity shall be:

Oneida Election Board
P.O. Box 413
Oneida, Wisconsin 54155

The physical meeting place shall be determined at the first meeting of this entity and may change from time to time as determined by the entity, but shall be within the reservation boundaries unless noticed to the membership prior to designating the meeting location.

1-4. Membership. The Board will:

- a. Consist of 12 (twelve) voting members.
- b. Be selected in accordance with the Election Law, Section 4-2, provided that the following processes shall be used:
 - i. *More nominations than vacancies.* At the General Tribal Council Meeting, members shall be nominated at the meeting. The nominated person shall either accept or decline. Upon closure of the acceptance of nominations for members, the Tribal Secretary and Election Board Chairperson, or designee, shall number the candidates consecutively for members. The General Tribal Council shall then utilize ballots prepared for this purpose and shall cast their ballots choosing the appropriate number of names from each set.
 - ii. *Less nominations than vacancies.* In the event that less candidates are nominated than there are vacant positions, no voting is needed.
 - iii. *Ties.* In the event of a tie, the tie shall be broken by the flip of a coin.
- c. Fill vacancies in accordance with the Election Law, Section 4-2a.
- d. Remove members from the Board due to unexcused absence's in accordance with the Removal Law.
- e. Accept resignation's when submitted in writing and presented to the Board in accordance with the Election Law, Section 4-6.

1-5. Elections. The Board is responsible for holding elections of the Oneida Tribe and conducting secret ballots of General Tribal Council Meetings.

Article II. Officers

2-1. Officers. This entity shall have three officers -- Chairperson, Vice Chairperson, and Secretary.

2-2. Chair duties. Responsible for calling meetings and notifying members with the assistance of the Secretary. The Chairperson shall preside over all regular and special meetings, shall oversee the conduct of the election, and shall post the results of all elections.

2-3. Vice Chair duties. The Vice Chairperson shall preside at all meetings in the absence of the Chairperson. The Vice Chairperson shall work with the Chairperson in all matters that concern the Board.

2-4. Secretary duties. The Secretary shall keep accurate minutes of all meetings, both regular and

special meetings. Assure that minutes are reported in the proper format. Read and answer all mail abiding by/to the decisions of the Board.

2-5. *How chosen and length of term.* The officers shall serve terms of three (3) years and shall be elected by a majority vote at the first meeting of the Election Board following their selection by the GTC. In the event of a vacancy, the successor shall be voted in by the voting members for the duration of the unexpired term.

2-6. *Members.* Members shall serve a term of three (3) years and shall be selected by the GTC. Members of the Board shall have voting powers. No Member shall serve for more than two consecutive terms. In the event of a vacancy of a Member, a request shall be submitted to the Oneida Business Committee requesting the vacancy be posted.

a. Upon declaration of candidacy for elected office, members shall take a leave of absence which shall last until the Final Report is approved by the Board.

2-7. *Standing and Special Committees.* Standing and special committees shall be created when necessary.

2-8. *Compensation.* The Board shall be compensated as defined by the Comprehensive Policy Governing Boards, Committees, and Commissions for all meetings, including General Tribal Council meetings, at the rate of \$50.00 per meeting and paid at an hourly rate of \$10.00 per hour for all Elections.

2-9. *Conflict of Interest.* Any board member who may be related to¹ a candidate on the ballot for the current election shall recuse themselves from the actual election and any recounts relative to that election.

Article III. Meetings

3-1. *Regular meetings.* The regular meeting of the Board shall be held as called for by the Chairperson. Notice of meeting location, agenda, and materials shall be forwarded by the Chairperson with the assistance of the Secretary. Meetings shall be run in accordance with Roberts Rule's of Order.

a. Members may contact another member in any fashion to identify that they wish to be excused prior to the meeting. After a meeting, the Board may identify that a member may be excused from the prior meeting by majority vote.

3-2. *Emergency meetings.* Emergency or special meetings may be called by the Chairperson with at least a one hour notice.

3-3. *Quorum.* A quorum shall consist of a majority of current members and shall include the Chairperson or Vice-Chairperson.

3-4. *Order of Business.* The regular meetings of the Board shall follow the order of business as set out herein:

- a. Call to order
- b. Approve/Amend Agenda
- c. Approve/Amend Minutes
- d. Tabled Business

¹The term "related to" shall be defined as a Board member's Father, Father-in-law, Daughter-in-law, Mother, Mother-in-law, Son-in-law, Husband, Brother-in-law, Sister-in-law, Wife, Brother, Sister, Son, Grandparent, Grandchild or Daughter.

- e. Old Business
- f. New Business
- g. Other Concerns/Announcements
- h. Next Meeting & Adjournment

3-5. Voting. Voting shall be in accordance with Roberts Rule's of Order or by a majority vote of the voting members.

Article IV. Reporting

4-1. Format. Agenda items shall be in an identified format.

4-2. Minutes. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity.

4-3. Attachments. Handouts, reports, memoranda, 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.

4-4. Reporting. The Chairperson will report to the Tribal Secretary, who is the designated liaison. This reporting format may be as the Tribal Secretary and Board agree to, but not less than that required in any policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council. Reports shall be made within a reasonable time after a meeting is held, or as the Tribal Secretary and the Board agree.

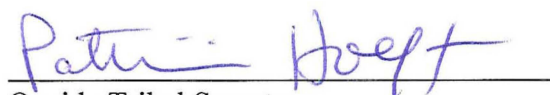
Article V. Amendments

5-1. Amendments to By-Laws. Amendments shall be made to these by-laws at a regular meeting of the Board provided that written notice of proposed amendments was made at a prior regular meeting. Amendments are effective upon adoption by the Board and approved by the Oneida Business Committee.

These by-laws, as amended and revised, are hereby attested to as adopted by the Board at a duly called meeting by the Chairperson's signature on February 9, 2009, and approved by the Oneida Business Committee at a duly called meeting held on February 25, 2009, signed by the Tribal Secretary of the Oneida Business Committee.



Oneida Election Board Chairperson



Oneida Tribal Secretary
Oneida Tribe of Indians of Wisconsin



Oneida Election Board Bylaws Amendments Legislative Analysis

SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: Kirby Metoxen	DRAFTER: Kristen M. Hooker	ANALYST: Maureen Perkins
Complies with Boards, Committees and Commissions Law	These bylaws amendments comply with the Oneida Business Committee (OBC) directive established by resolution BC-09-26-18-C that all boards, committees and commissions of the Nation; excluding the OBC or standing committees of the OBC and the Nation’s corporations, amend their bylaws to comply with the requirements established by the Boards, Committees and Commissions law. Additional information and requirements included in these bylaws beyond what is required in the Boards, Committees and Commissions law is not prohibited <i>[see O.C. 105.10]</i> .		
Intent of the Bylaws	The bylaws provide a framework for the operation and management of the Oneida Election Board (Board) to govern the standard procedures regarding the way the Board conducts its affairs, including: the election and appointment of persons to the Board, the membership qualifications, duties and responsibilities of both members and officers, terms and filling vacancies of members, selection of officers, establishment of expectations of members, maintenance of official records, stipends, removal process, required training, and how the bylaws are amended.		
Purpose	The Board was created to carry out the provisions of the Election law as established by the Constitution of the Oneida Nation. The purpose of the Board is to conduct the Nation’s elections in compliance with the laws of the Nation and assist with General Tribal Council meetings in reference to voting.		
Related Legislation	Election law, Boards, Committees and Commissions law, Removal Law, Code of Ethics law, Social Media Policy, Computer Resources Ordinance, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law, Budget Management and Control law		
Enforcement/Due Process	Removal from an elected position follows the Removal Law. The Board included behavioral expectations that if not followed may result in a petition for removal <i>[see Boards, Committees and Commissions law, O.C. Chapter 105]</i> and <i>[see Article IV. 4-1(d)]</i> . The Removal Law contains due process measures related to specific causes for removal, petition requirements, preliminary review by the Judiciary, a hearing that includes potential witnesses and a burden of proof by a person seeking the removal by clear and convincing evidence that ground(s) for removal exist and a Special GTC Meeting that requires a 2/3 affirmative majority vote <i>[see Removal Law, O.C. Chapter 104]</i> . Board members appointed by the OBC to serve an unexpired vacant position will be subject to the Boards, Committees and Commissions law regarding termination of appointment and the Board may recommend termination of members from the Board to the OBC if behavioral requirements are not met <i>[see Article IV. 4-1(d)]</i> .		
Public Meeting	Public meetings are not required for bylaws.		
Fiscal Impact	A Fiscal Impact Statement is not required for bylaws.		

1 **SECTION 2. BACKGROUND**

- 2 A. The Board bylaws amendments were added to the Active Files List on September 6, 2017 with Kirby
3 Metoxen as the sponsor.
4 B. The Board was established by motion of the OBC on November 16, 1977.
5 C. The current Board bylaws were approved by the OBC on February 25, 2009.
6

7 **SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW**

- 8 A. The Board bylaws comply with the Boards, Committees and Commissions law.
9 B. The Board bylaws comply with OBC Resolution BC-09-26-18-D Boards, Committees and Commission
10 Law Stipends.
11

12 **SECTION 4. AMENDMENTS**

13 The Board bylaws were expanded to include duties delegated by the Election law. This section details the
14 changes to the bylaws from the previously adopted bylaws.

15 A. ARTICLE I. MEMBERSHIP

- 16 a. The number of members changed from twelve (12) to nine (9) with a sufficient number of
17 alternate members as recommended by the Board to assist with election day and pre-
18 election activities *[see Article I. 1-5(a)(1)]*.
19 b. A qualification of at least 18 years of age was added in accordance with the Boards,
20 Committees and Commissions law *[see Article I. 1-5(d)(2)]*.
21 c. The duties and responsibilities of members were expanded to include duties delegated by
22 the Election law *[see Article I. 1-5(e)]*.
23 d. Conference and training requirements were added with specific training areas and
24 requirements including *[see Article I. 1-7]*:
25 • Not more than five (5) full days of training per member annually or as needed
26 for Robert's Rules of Order, and
27 • Not more than three (3) days of training per member per term for other Tribal
28 affiliated election conferences.
29

30 B. ARTICLE II. OFFICERS

- 31 a. Additional duties were added to the Chairperson, Vice-Chairperson and Secretary positions
32 as delegated in the Election law.
33 b. The Secretary will preside over meetings in the absence of the Chairperson and Vice-
34 Chairperson *[see Article II. 2-4(d)]*.
35 c. The Business Committee Support Office was added to assist the Secretary with
36 administrative duties *[see Article II. 2-4(e)]*.
37 d. Ad Hoc Committee members were added to maintain a pool of qualified applicants to assist
38 with duties related to GTC meetings *[see Article II. 2-6]*. Ad Hoc Committee members
39 shall:
40 • Be appointed by the OBC for one (1) year terms with no limitations on the
41 number of terms served.
42 • Be required to take an oath of office and abide by all requirements of regular
43 Board members.
44 • Be required to possess the same qualifications as members of the Board.
45 • Receive a stipend in the amount of fifty dollars (\$50) for duties performed at
46 the direction of the Board if all attendance and participation requirements are
47 met.
48 • The dissolution of the Ad Hoc Committee will follow the Boards, Committees
49 and Commissions law.

- 50 e. Non-officer Board member positions of Election Judge, Teller and Clerk were added with
51 duty descriptions and shall be identified in accordance with the Election law *[see Article*
52 *II. 2-7 through 2-10]*.
- 53 f. The budgetary and sign off authority and travel section is new to these bylaws based on
54 requirements in the amended Boards, Committees and Commissions law. This requirement
55 creates accountability regarding Board action related to travel and authority to make
56 budgetary decisions *[see Article II. 2-11]*.

57
58 C. ARTICLE III. MEETINGS

- 59 a. Special meetings were removed, and clarification that no joint meetings with the OBC will
60 be held was added to the bylaws *[see Article III. 3-3]* in accordance with the Boards,
61 Committees and Commissions law *[see 105.10-3(c)]*.
- 62 b. A provision was added per the Boards, Committees and Commissions law that the Board
63 will notify the Nation’s Secretary with notice of the meeting, the reason for the emergency
64 meeting, and an explanation of why the matter could not wait for a regular meeting *[see*
65 *Article III. 3-2(b)]*.
- 66 c. The Secretary position was added to create a quorum in the absence of the Chairperson and
67 Vice-Chairperson *[see Article III. 3-4]*.
- 68 d. A provision was added that the Officer position chairing the meeting can only vote to break
69 a tie *[see Article III. 3-6(b)]*.
- 70 e. E-polls were added and will be conducted by the Chairperson or the Vice-Chairperson or
71 Secretary in the Chairperson’s absence or discretion *[see Article III. 3-6(c)]* in accordance
72 with the Boards, Committees and Commissions law.

73
74 D. ARTICLE IV. EXPECTATIONS

75 This section is new to these bylaws based on the requirements established in the Boards, Committees
76 and Commissions law.

- 77 a. Behavioral requirements were added to govern members during Board meetings and Board
78 related activities *[see Article IV. 4-1]*. Enforcement of behavioral expectations include
79 sanctions and/or penalties according to any applicable law of the Nation, removal petition
80 if elected and recommendation from the Board for termination of appointment by the OBC
81 *[see Article IV. 4-1(d)]*.
- 82 a. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional
83 or bodily harm or damage to property are prohibited and violations could result in a
84 termination from the Board *[see Article IV. 4-2]*.
- 85 b. Drug and alcohol use by a Board member when acting in an official capacity is prohibited
86 *[see Article IV. 4-3]*.
- 87 c. Board members are required to follow the laws and policies of the Nation with respect to
88 Social Media. Board members are prohibited from posting Board information on his or
89 her Facebook page or other social media outlet *[see Article IV. 4-4]*.
- 90 d. The Board will be required to abide by all laws of the Nation regarding Conflict of Interest
91 *[see Article IV. 4-5]*. The Board bylaws include a provision that requires a conflicted
92 member to recuse himself or herself from participation in Board activities if they or an
93 immediate family member are a petitioner, applicant or candidate in an election or for any
94 other conflict *[see Article IV. 4-5(a)]*. Conflicts will be decided by majority vote of the
95 Board *[see Article IV. 4-5(b)]*. This aligns with the Conflict of Interest law of the Nation
96 which allows for entities to outline further prohibited activities resulting in conflicts of
97 interest *[see O.C. 217.7-2]*.
- 98 • The current bylaws contain a term and definition for “related to” and this term
99 and definition was removed *[see footnote on page 3]*. A new term for

100 “immediate family member” was used in the current draft bylaws but a
101 definition was not included.
102

103 E. ARTICLE V. STIPENDS AND COMPENSATION

104 a. This section provides a list of eligible stipends members of the Board are eligible to receive,
105 in addition to clarification that a full day of training is required to receive a training stipend
106 *[see Article V. 5-1]*. This section complies with Resolution BC-09-26-18-D.
107

108 F. ARTICLE VI. RECORDS AND REPORTING

109 a. The requirement was added that agenda items will follow a consistent format provided by
110 the Business Committee Support Office (BCSO) *[see Article VI. 6-1]*.
111 b. The requirement was added to submit minutes to the BCSO within five (5) days of the
112 meeting *[see Article VI. 6-2(a)]*.
113 c. Clarification was added that attachments will be filed with the minutes and kept
114 electronically in the Board’s shared folder *[see Article VI. 6-3]*.
115 d. A provision was added that the Board will meet with the OBC Liaison as jointly agreed
116 upon *[see Article VI. 6-4]*.
117 e. A requirement was added in accordance with the Boards, Committees, and Commissions
118 law that all meetings are to be audio recorded and audio files maintained by the BCSO.
119 Executive session is not required to be recorded. The BCSO will supply the recording
120 device *[see Article VI. 6-5]*.
121

122 G. ARTICLE VII. AMENDMENTS

123 a. A provision was added requiring that amendments follow the Boards, Committees and
124 Commissions law and any other policy of the Nation and that the Board review the bylaws
125 from time to time but no less than each time a Board vacancy is filled by a new member
126 *[see Article VII. 7(a) and (c)]*.
127

128 **SECTION 5. LEGISLATION RELATED TO BOARDS, COMMITTEES AND COMMISSIONS**

129 There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws
130 that establish requirements related to boards, committees and commissions generally and the Board
131 specifically.

132 A. Election *[see O.C. Chapter 102]*

133 a. The Election law governs the procedures for the conduct of orderly elections of the Nation,
134 including pre-election activities such as caucuses and nominations *[see 102.1-1]*. This law
135 defines the duties and responsibilities of the Board members and other persons employed
136 by the Oneida Nation in the conduct of elections. The law governs all procedures used in
137 the election process *[see 102.1-2]*. The law creates the Board, defines their role, contains
138 requirements related to how the Board functions, establishes qualifications of Board
139 members and specific duties, establishes term of member as well as the election procedures
140 and reporting requirements. The bylaws comply with the requirements established in the
141 Election law and there are no conflicts between the bylaws and the Election law.
142

143 B. Boards, Committees and Commissions *[see O.C. Chapter 105]*

144 a. This law establishes all requirements related to elected and appointed boards, committees
145 and commissions of the Nation; excluding the OBC or standing committees of the OBC
146 and the Nation’s corporations. The law governs the procedures regarding the appointment
147 and election of persons to boards, committees and commissions, creation of bylaws,
148 maintenance of official records, compensation, and other items related to boards,
149 committees and commissions. The Board is elected by the Nation’s qualified voting

150 membership and vacancies are appointed by the OBC for the duration of the unexpired
151 term. The requirements for the Board bylaws are contained in this law as well as a
152 requirement that all existing entities of the Nation comply with the format detailed in the
153 law and present the bylaws for adoption by the OBC within a reasonable timeframe. These
154 bylaws comply with the Boards, Committees and Commissions law and there are no
155 conflicts between the bylaws and the Boards, Committees and Commissions law.
156

157 C. Removal Law [see O.C. Chapter 104]

- 158 a. This law governs the removal process related to an elected Board member from the Board.
159 Board members that are elected by the qualified voting membership of the Nation are
160 subject to this law. This law contains due process measures related to specific causes for
161 removal, petition requirements, preliminary review by the Judiciary, a hearing that includes
162 potential witnesses and a burden of proof by a person seeking the removal by clear and
163 convincing evidence that ground(s) for removal exist and a Special GTC Meeting that
164 requires a 2/3 affirmative majority vote. The Board bylaws include additional behavioral
165 expectations that if not followed may result in a petition for removal [see Article IV. 4-
166 1(d)]. This aligns with the Boards, Committees and Commissions law [see Boards,
167 Committees and Commissions law, O.C. Chapter 105.10-3(d)]. There are no conflicts
168 between these bylaws and the Removal Law.
169

170 D. Code of Ethics [see O.C. Chapter 103]

- 171 a. The Board members are required to abide by the Code of Ethics law and Article IV of the
172 bylaws addresses the behavioral expectations of members, some of which are covered in
173 the Code of Ethics law. This law promotes the highest ethical conduct from elected and
174 appointed government officials and expects that officials will demonstrate the highest
175 standards of personal integrity, truthfulness, honesty, and fortitude in all public activities
176 to inspire public confidence and trust in the governmental officials of the Oneida Nation.
177 Government officials are also expected to adhere to the laws, customs, and traditions of the
178 Nation. There are no conflicts between these bylaws and the Code of Ethics.
179

180 E. Social Media Policy [see O.C. Chapter 218]

- 181 a. This law applies to the Board and regulates social media accounts including how content
182 is managed and who has authority to post on social media on behalf of the Nation. The
183 Board must register social media accounts with the Nation's Secretary's Office to include
184 specific information related to access to the account, acknowledgment and compliance with
185 the Computer Resource Ordinance and this policy, use a Nation issued email address or
186 ask for the Secretary to allow the entity to operate the account utilizing the current e-mail
187 address, and ensure all content complies with all applicable laws of the Nation, state or
188 federal laws. The bylaws prohibit Board members from posting Board information to their
189 Facebook or any other social media outlet [see Article IV. 4-4(a)]. There are no conflicts
190 between the bylaws and the Social Media Policy.
191

192 F. Computer Resources Ordinance [see O.C. Chapter 215]

- 193 a. Board members are considered users under this law which regulates and ensures
194 appropriate the use of the Nation's computer resources. There are no conflicts between
195 these bylaws and the Computer Resources Ordinance.
196

197 G. Travel and Expense Policy [see O.C. Chapter 219]

198 a. Board members are eligible to be reimbursed for travel and per diem expenses to attend an
199 approved conference or training in accordance with this policy. There are no conflicts
200 between the bylaws and the Travel and Expense Policy.
201

202 H. Conflict of Interest [see O.C. Chapter 217]

203 b. This law applies to the Board and establishes specific limitations to which information or
204 materials that are confidential or may be used by a competitor of the Nation's enterprises
205 or interests may be used to protect the interests of the Nation. The Boards, Committees
206 and Commissions law establishes that amended bylaws require members to disclose
207 potential or real conflicts annually [see O.C. Chapter 105]. The Board bylaws include a
208 provision that requires a conflicted member to recuse himself or herself from participation
209 in Board activities if they or an immediate family member are a petitioner, applicant or
210 candidate in an election or for any other conflict [see Article IV. 4-5(a)]. Conflicts will be
211 decided by majority vote of the Board [see Article IV. 4-5(b)]. This aligns with the Conflict
212 of Interest law of the Nation which allows for entities to outline further prohibited activities
213 resulting in conflicts of interest [see O.C. 217.7-2]. There are no conflicts between the
214 bylaws and the Conflict of Interest law.
215

216 I. Open Records and Open Meetings [see O.C. Chapter 107]

217 a. The Board must comply with the Open Meetings and Open Records law. This law details
218 how records must be maintained. The Board bylaws delegates the maintenance of the
219 records to the Secretary [see Article II. 2-4(a)]. Portions of the Board meetings may be
220 considered closed meeting sessions if exception in this law related to personnel matters or
221 contracts are being discussed and deemed confidential. There are no conflicts between the
222 bylaws and the Open Records and Open Meetings law.
223

224 J. Budget Management and Control [see O.C. Chapter 121]

225 a. The Board is considered a fund unit of the Nation under this law. Fund unit managers are
226 required to develop, submit and maintain a triennial strategic plan for the fund unit's
227 operations which aligns with the triennial strategic plan established by the OBC. The
228 Board is required to comply with this law. There are no conflicts between the bylaws and
229 the Budget Management and Control law.
230



Legislative Operating Committee
March 4, 2019

Oneida Police Commission By-Laws Amendments

Submission Date: 10/03/18	Public Meeting: n/a
LOC Sponsor: David P. Jordan	Emergency Enacted: n/a Expires: n/a

Summary: *On September 26, 2018, the Oneida Business Committee (“OBC”) adopted the Boards, Committees and Commissions law (“Law”) through resolution BC-09-26-18-C, titled Amendments to the Comprehensive Policy Governing Boards, Committees and Commissions. Per Section 105.10 of the Law, within a reasonable time after its adoption, all existing boards, committees and commissions of the Nation must present bylaws for adoption that comply with the format and contain the minimal amount of information prescribed in the Law. In resolution BC-09-26-18-C, the OBC gave the Nation’s boards, committees and commissions six (6) months from the date of the Law’s adoption to present their bylaws. The OBC further directed that, within thirty (30) days of the Law’s adoption, the Legislative Reference Office hold at least two (2) informational bylaws meetings with the boards, committees and commissions for purposes of: (1) providing them with an update on the revised bylaws requirements that resulted from the Law’s adoption; (2) providing them with a template for the development of their revised bylaws; and (3) offering them any assistance in the development and drafting of their revised bylaws.*

10/3/18 LOC: Motion by Ernest Stevens III to add Oneida Police Commission By-Laws Amendments to the Active Files List; Seconded by Kirby Metoxen. Motion carried unanimously.

10/17/18: *Informational Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, Jennifer Webster, Dale Webster (ONCOA), Marlene Summers (ONCOA), Lois Strong (ONCOA), Sandra Reveles (OPC), Carol Silva (OPC), Brook Doxtator (OBSCU), Bonnie Pigman (OTEC), Chad Wilson (ERB), Dylan Benton (OTEC/Library), Chris Cornelius (OLC). Per resolution BC-09-26-18-C, adopting the amendments to the Comprehensive Policy Governing Boards, Committees and Commissions (n/k/a the Boards, Committees and Commissions law), the LRO was directed to hold two (2) informational meetings for the Nation’s boards, committees and commissions to provide them with: (1) an update on the new bylaws requirements mandated by the Boards, Committees and Commissions law; (2) a template for the

boards, committees and commissions to use when revising their respective bylaws; and (3) assistance to the boards, committees and commissions in the development and drafting of their bylaws. This was the first of the two informational meetings.

10/24/18:

Informational Meeting. Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, Clorissa Santiago, Donald McLester (OLC), Chris Cornelius (OLC), Ronald King, Jr. (PFSC), Jeanette Ninham (PFSC), Vicki Cornelius (OEB & Powwow), Bonnie Pigman (OTEC), Lisa Liggins (School Board & OTEC), Rochelle Powless (ONCOA), Terry Hetzel (HRD), Patty Hoeft (Oneida Law Office), Brooke Doxtator (OBCSO), Arthur Elms (SEOTS), Diane Hill (SEOTS). Per resolution BC-09-26-18-C, adopting the amendments to the Comprehensive Policy Governing Boards, Committees and Commissions (n/k/a the Boards, Committees and Commissions law), the LRO was directed to hold two (2) informational meetings for the boards, committees and commissions to provide them with: (1) an update on the new bylaws requirements mandated by the Boards, Committees and Commissions law; (2) a template for the boards, committees and commissions to use when revising their respective bylaws; and (3) assistance to the boards, committees and commissions in the development and drafting of their bylaws. This was the second of the two informational meetings.

1/31/19:

LOC Work Meeting. Present: Kristen M. Hooker, Maureen Perkins, Jennifer Falck, David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman-King. The purpose of this meeting was to go through the draft of the Oneida Police Commission's proposed bylaws amendments that were finalized following a review by the LRO staff attorney and submitted for legislative analysis in accordance with the Boards, Committees and Commissions law/resolution BC-09-26-18-C.

Next Steps:

- Accept the Oneida Police Commission By-Laws Amendments.
- Forward the Oneida Police Commission By-Laws Amendments to the Oneida Business Committee for consideration.

HANDOUT

ONEIDA POLICE COMMISSION BYLAWS

Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Police Commission and may be referred to as the Police Commission.
- 1-2. *Establishment.* The Police Commission was established under the Oneida Nation Law Enforcement Ordinance, adopted by the Oneida Business Committee through resolution BC-10-10-01-C and amended by resolution BC-02-25-15-C.
- 1-3. *Authority.*
- (a) *Purpose of Entity.* The purpose of the Police Commission is to regulate the conduct of the Oneida Nation law enforcement personnel according to the highest professional standards. The Police Commission was established to provide oversight regarding the activities and actions of the law enforcement operations to provide the greatest possible professional services to the Oneida community and to allow for community input regarding those law enforcement services through its representatives on the Police Commission. The Police Commission is an oversight body and does not involve decision making processes on day-to-day activities of those law enforcement services.
 - (b) *Powers and Duties.* The Police Commission has all delegated authority established through the laws, policies, rules and resolutions of the Nation, including but not limited to, the Oneida Nation Law Enforcement Ordinance.
- 1-4. *Office.* The official mailing address of the Police Commission shall be:
Oneida Police Commission
P.O. Box 365
Oneida, WI 54155
- 1-5. *Membership.*
- (a) *Number of Members.* The Police Commission shall consist of five (5) members.
 - (b) *Appointed.* All members of the Police Commission shall be appointed in accordance with the Boards, Committees and Commissions law to serve a five (5) year term.
 - (1) Members of the Police Commission may serve more than one (1) term, but not more than three (3) consecutive terms.
 - (2) The Chairperson of the Police Commission shall provide the Oneida Business Committee with a recommendation on all applications for appointment before the executive session in which the appointment is intended to be made.
 - (A) The Chairperson shall include in the recommendation whether the applicant meets the qualifications set forth in these bylaws.
 - (c) *Vacancies.* Vacancies on the Police Commission shall be filled by appointment by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.

47 (1) The Chairperson of the Police Commission shall provide the Oneida Business
48 Committee with a recommendation on all applications for appointment to fill
49 a vacancy before the executive session in which the appointment is intended
50 to be made.

51 (A) The Chairperson shall include in the recommendation whether the
52 applicant meets the qualifications set forth in these bylaws.

53 (2) *Resignations.* A member may resign from the Police Commission at any time
54 verbally at a meeting or by delivering written notice to the Oneida Business
55 Committee Support Office and the Police Commission Chairperson or his/her
56 designee.

57 (A) A resignation is effective upon acceptance by motion of a member's
58 verbal resignation or upon delivery of the written notices.

59 (B) A replacement member shall hold office through the unexpired
60 portion of the term of the member whom he or she has replaced.

61 (d) *Qualifications.* All Police Commission members:

62 (1) Must be an enrolled member of the Oneida Nation.

63 (2) Must be twenty-five (25) years of age or older.

64 (3) Must submit to a complete background investigation. The following would
65 disqualify any person from serving on the Oneida Police Commission:

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

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

71 (C) A conviction of any ordinance violation that could bring discredit to
72 the Police Commission, including, but not limited to:

73 i. Domestic Abuse; or

74 ii. Child Abuse.

75 (D) Any pardon issued by the Nation or the governor of any state for an
76 offense specified above shall not deem a person as "exonerated" for
77 the purposes of membership on the Police Commission.

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

79 (5) Must not be an employee of the Oneida Police Department or have been
80 terminated from the Oneida Police Department.

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

82 (e) *Duties/Responsibilities.*

83 (1) Members shall attend regular Police Commission meetings, emergency
84 meetings, trainings and conferences as directed by the Police Commission.

85 (2) Members shall provide direction; participate in discussion; review Police
86 Commission reports and minutes prior to the meetings; and perform other
87 duties assigned by the Police Commission.

88 (3) *Attendance.* The Police Commission has high expectations when it comes to
89 attendance; therefore, attendance will be closely monitored.

90 (A) Six (6) excused absences of a member from any duly called meeting
91 of the Police Commission within a one (1) year period may be cause
92 for a recommendation by the Police Commission to the Oneida
93 Business Committee for termination of that member in accordance
94 with the Boards, Committees and Commissions law.

- 95 (B) Four (4) unexcused absences of a member from any duly called
96 meeting of the Police Commission within a one (1) year period shall
97 be cause for a recommendation by the Police Commission to the
98 Oneida Business Committee for termination of that member in
99 accordance with the Boards, Committees and Commissions law.
100 i. Failure to contact the Police Commission or staff at least
101 fifteen (15) minutes before a duly called meeting of the Police
102 Commission constitutes an unexcused absence.
- 103 (4) Members shall perform all other responsibilities assigned under the Oneida
104 Law Enforcement Ordinance, including, but not limited to:
- 105 (A) Appointing, suspending or removing the Police Chief of the Oneida
106 Police Department;
- 107 (B) Approving all law enforcement officer appointments made by the
108 Police Chief including the promotion of subordinates;
- 109 (C) Adopting, modifying and repealing rules governing how lists of
110 individuals, deemed eligible for appointment to law enforcement
111 officer and promotion, are established;
- 112 (D) Approving competitive examinations used to judge suitability for
113 appointment or promotion of law enforcement officers;
- 114 (E) Approving an eligibility list of individuals determined to be eligible
115 for appointment as a law enforcement officer or promotion;
- 116 (F) Suspending law enforcement officers or other appointed personnel of
117 the Oneida Police Department pending the filing and hearing of
118 charges against them;
- 119 (G) Initiating charges against law enforcement officers or other appointed
120 personnel of the Oneida Police Department;
- 121 (H) Hearing charges filed against law enforcement officers or other
122 appointed personnel of the Oneida Police Department, whether filed
123 by the Police Commission or the Police Chief, making findings and
124 determinations, and imposing penalties, up to and including
125 termination;
- 126 (I) Hearing appeals of disciplinary actions against any law enforcement
127 personnel or non-sworn personnel;
- 128 (J) Adopting rules governing the Police Commission's management of
129 its own activities;
- 130 (K) Reviewing and forwarding for approval contracts to the Oneida
131 Business Committee relating to cross-deputization, dispatch function
132 and mutual aid pacts which are made between the Oneida Police
133 Department and a non-tribal agency; and
- 134 (L) Approving Standard Operating Procedures of the Oneida Police
135 Department.
- 136
- 137 1-6. *Termination.* A member of the Police Commission may be terminated in accordance with the
138 Boards, Committees and Commissions law.
- 139 (a) The Police Commission may recommend termination of a member from the Police
140 Commission to the Oneida Business Committee for the following:
- 141 (1) Misconduct or wrong doing as a member of the Police Commission;

- 142 (2) Conduct which could jeopardize the reputation of the Oneida Nation, the
143 Police Commission or the law enforcement system;
144 (3) Any change in status which would place the member of the Police
145 Commission in conflict with the qualifications for membership set forth in
146 these bylaws;
147 (4) Violation of the confidentiality of closed hearings or any other information
148 declared “confidential” by the Police Commission; and
149 (5) A disclosure of confidential information acquired by reason of a member’s
150 relationship or status with the Police Commission for personal advantage,
151 gain or profit, or for the advantage, gain or profit of a member’s relative or
152 associate.
153

154 1-7. *Trainings and Conferences.* Contingent upon funding, the following trainings/conferences shall be
155 mandatory for members of the Police Commission:

- 156 (a) 1-4 HRD training to save on any travel;
157 (b) Investigation Case Management;
158 (c) National Alliance for Drug Endangered Children;
159 (d) Legal Responsibilities;
160 (e) Protecting Due Process;
161 (f) Confidentiality and Reporting;
162 (g) Disciplinary Measures;
163 (h) Report Writing;
164 (i) Ethics;
165 (j) Hearings;
166 (k) Gangs;
167 (l) Youth Interaction;
168 (m) Suicide;
169 (n) School Threats;
170 (o) First Responders;
171 (p) Evidence Processing;
172 (q) Drug Related Death;
173 (r) Interviews and Child Death;
174 (s) Crime Scene;
175 (t) Unresolved Cases;
176 (u) Prosecution and Role of the Prosecutor;
177 (v) Media Relations;
178 (w) Cultural Differences to Build Stronger Communities;
179 (x) Terrorism & Police Measures;
180 (y) Victim Assistance;
181 (z) Shared Jurisdiction;
182 (aa) Consent Searches;
183 (bb) Substance Abuse Prevention;
184 (cc) Case Study;
185 (dd) Trauma;
186 (ee) UWSP Outreach Annual Crisis Conference;
187 (ff) UWGB Training; and
188 (gg) UW – Fox Valley Training.

(1) Reimbursement for conferences and trainings shall be in accordance with the Boards, Committees and Commissions law.

Article II. Officers

2-1. *Officers.* The Officer positions of the Police Commission shall consist of a Chairperson, a Vice-Chairperson and a Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson are as follows:

- (a) Shall, with the assistance of the Secretary, be responsible for calling meetings and notifying members of the Police Commission;
- (b) Shall preside over all meetings and hearings of the Police Commission;
- (c) Shall sign or designate one to sign all official Police Commission documents;
- (d) Shall be the liaison to the Business Committee and other department heads;
- (e) Shall seek clearance from the Oneida Business Committee via the Communications Department for any media requests made of the Police Commission per the Communications Department Media Policy;
- (f) Shall perform any and all duties assigned by the Police Commission;
- (g) Shall submit the recommendations for appointment referred to in section 1-5 and conduct the e-polls referred to section 3-6 of these bylaws; and
- (h) Shall, with assistance of the Secretary or through a designee of the Chairperson, submit annual and semi-annual reports to the General Tribal Council, as well as quarterly reports to the Oneida Business Committee, as required by the Boards, Committees and Commissions law and shall attend all Oneida Business Committee meetings in which the quarterly report is an agenda item.

2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson are as follows:

- (a) Shall preside at all meetings in the absence of the Chairperson and appoint a Vice-Chairperson for that meeting;
- (b) Shall be responsible for conducting e-polls in the absence of the Chairperson.
- (c) Shall work with the Chairperson in all matters that concern the Police Commission; and
- (d) In the event of the resignation, removal from office or death of the Chairperson, shall assume the role of Chairperson until such time as the Chairperson's term would have expired.

2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary are as follows:

- (a) Shall keep accurate minutes of all regular, emergency and joint meetings, assuring that the minutes are reported in proper format and consistent with the Boards, Committees and Commissions law;
- (b) Shall assist the Chairperson with the calling and notification of meetings and the submission of the annual, semi-annual and quarterly reports required by the Boards, Committees and Commissions law;
- (c) Shall ensure that all standard operating procedures established by the Police Commission are submitted to the Oneida Business Committee Support Office; and

- 236 (d) In the absence of the Chairperson and the Vice-Chairperson, shall preside over all
237 meetings until the immediate election of a Chair Pro Tem.
238

239 2-5. *Selection of Officers.* The Officers shall serve terms of one (1) year and shall be elected by a majority
240 vote of the quorum at the annual meeting which shall be held in September of each
241 year. Terms of office run from the beginning of the fiscal year.

- 242 (a) Officers may hold only one (1) Officer position at a time.
243

244 2-6. *Budgetary Sign-Off Authority and Travel.* The Police Commission shall follow the Nation's policies
245 and procedures regarding purchasing and sign-off authority.

- 246 (a) When the Chairperson is unavailable, all members shall have sign-off authority and
247 staff sign-off authority is based on the type of document, the level and authorized
248 sign-off will vary.

- 249 (b) Travel requests on behalf of the Police Commission shall be approved by majority
250 vote of the quorum in attendance at a duly called meeting or subsequently approved
251 at the next regular meeting.
252

253 2-7. *Personnel.* The Police Commission has the authority to hire personnel for the benefit of the
254 Police Commission so long as such position is provided for in the annual Police
255 Commission budget.

- 256 (a) The hiring of personnel shall be done in accordance with the Oneida Personnel
257 Policies and Procedures.

- 258 (b) *Staff of the Oneida Police Commission.*

259 (1) The Administrative Assistant shall be the Executive Administrator of the
260 Police Commission and shall be supervised and evaluated by the Chairperson
261 or the Chairperson's designee from the Police Commission.

262 (2) The Executive Administrator shall read and answer all mail and abide by the
263 decision of the Police Commission.

264 (3) The Executive Administrator must meet the requirements of the Police
265 Commission's job description for the position.

266 (4) The Executive Administrator shall report at each monthly meeting on the
267 financial status of the Police Commission's budget.
268

269 **Article III. Meetings**

270 3-1. *Regular Meetings.* The physical meeting place shall be determined at the first meeting of the Police
271 Commission and may change from time to time as determined by the Police
272 Commission but shall be within the Oneida Nation Reservation boundaries unless
273 noticed to the membership prior to designating the meeting location.

- 274 (a) The regular meetings of the Police Commission shall be held on the fourth (4th)
275 Wednesday of every month. If the fourth (4th) Wednesday of the month falls on a
276 holiday, then an alternative date may be selected by the Police Commission.

- 277 (b) Notice of meeting location, agenda, documents and minutes shall be forwarded by
278 the Chairperson with the assistance of the Executive Administrator.

- 279 (c) *Interview meetings.* Additional meetings for the purpose of the applicant interviews
280 for Police Chief or law enforcement officers may be called by the Chairperson with
281 approval of a majority of the membership quorum.
282

283 3-2. *Emergency Meetings.*

- 284 (a) An emergency meeting shall be called to address specific issues of the Police
285 Commission that will be identified in the notice for the meeting when time sensitive
286 issues require immediate action.
- 287 (1) Emergency meetings shall require at least a twenty-four (24) hour verbal or
288 written notice to each member of the Police Commission by the Chairperson
289 or the Chairperson's designee.
- 290 (b) Within seventy-two (72) hours after an emergency meeting, the Police Commission
291 shall provide the Nation's Secretary with notice of the meeting, the reason for the
292 emergency meeting, and an explanation of why the matter could not wait for a regular
293 meeting.
294
- 295 3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee will be held at the Norbert Hill
296 Center, Business Committee Conference Room and will be requested by the
297 Chairperson based on need or if requested by the Oneida Business Committee.
- 298 (a) The Chairperson of the Police Commission shall provide notice of meeting agenda,
299 documents and minutes for joint meetings requested by the Police Commission and
300 the Oneida Business Committee Support Office shall provide notice of meeting
301 agenda, documents and minutes for joint meetings requested by the Oneida Business
302 Committee.
- 303 (b) Notice of meeting agenda, documents and minutes shall be provided by email.
304
- 305 3-4. *Quorum.* A quorum shall consist of three (3) members which shall include an Officer. In the
306 absence of the Chairperson and Vice-Chairperson, the Secretary may call the meeting
307 to order and preside until the immediate election of a Chair Pro Tem.
308
- 309 3-5. *Order of Business.* The regular meetings of the Police Commission shall follow the order of business
310 as set out herein:
- 311 (a) Call to order
312 (b) Approval of the agenda
313 (c) Approval of the minutes
314 (d) Correction and approval of the minutes
315 (e) Correspondence and mail
316 (f) Standing and Special Committee Reports
317 (g) Old business
318 (h) New business
319 (i) Other
320 (j) Adjournment
- 321 (1) To facilitate the Police Commission's proceedings, the order of business may
322 be amended or suspended at any time by a majority of the member quorum.
- 323 (2) *Executive Session.* During any meeting, with proper notice, an executive
324 session may be called by any single member of the Police Commission for
325 the purpose of a confidential nature. Executive sessions are limited to
326 members and such invited persons as the Police Commission deems
327 necessary. The meeting must be returned to "open session" following the
328 "executive session".
329
- 330 3-6. *Voting.* Decisions of the Police Commission shall be based on a majority vote of the quorum
331 present at a regular or emergency meeting.

- (a) The Chairperson or Officer presiding at the meeting in the Chairperson’s absence shall vote only in the case of a tie.
- (b) E-Polls are permitted and shall be conducted in accordance with the requirements listed in the Boards, Committees and Commissions law.
 - (1) In the Chairperson’s absence, the Vice-Chairperson shall serve as the designee for conducting e-polls.

Article IV. Expectations

4-1. *Behaviors of Members.* Members of the Police Commission shall act in accordance with the Oneida Code of Ethics.

- (a) *Enforcement.* Any member of the Police Commission found to be in violation of these bylaws may be subject to a recommendation from the Police Commission to the Oneida Business Committee for termination of that member in accordance with the Boards, Committees and Commissions law and/or the imposition of sanctions and/or penalties according to the laws and policies of the Nation governing sanctions and penalties for appointed officials.

4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the Police Commission that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, during a meeting or when acting in an official capacity are strictly prohibited and grounds for an immediate recommendation for termination of appointment from the Police Commission and/or the imposition of sanctions and/or penalties according to the laws and policies of the Nation governing sanctions and penalties for appointed officials.

4-3. *Drug and Alcohol Use.* Use of alcohol and prohibited drugs by members of the Police Commission when acting in their official capacity is strictly prohibited. Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substances 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.

4-4. *Social Media.* Police Commission members shall abide by the Nation’s Social Media Policy.

4-5. *Conflict of Interest.* Police Commission members shall abide by all laws of the Nation governing conflicts of interest. Members must submit a Conflict of Interest form upon Oath of Office and annually.

Article V. Stipends and Compensation

5-1. *Stipends.* Police Commission members are eligible for the following stipends as set forth in the Boards, Committees and Commissions law and resolution BC-09-26-18-D, titled Boards, Committees and Commissions Law Stipends:

- (a) A stipend for attending a duly called meeting of the Police Commission for up to one (1) meeting per month.
- (b) A stipend for attending a hearing of the Oneida Judiciary if the member’s attendance at the hearing is required by official subpoena.
- (c) A stipend for conducting an official hearing of the Police Commission.

- (d) A stipend for attending a duly called joint meeting between the Police Commission and the Oneida Business Committee.
- (e) A stipend for each full day a member is present at a conference or training when attendance at the conference or training is required by law, bylaws or resolution.

5-2. *Compensation.* Besides per diem and travel expenses authorized by the Nation's polices, members of the Police Commission shall not be eligible for any other form of compensation for duties/activities they perform on behalf of the Police Commission.

Article VI. Records and Reporting

6.1. *Agenda Items.* Agenda items shall be maintained in the format provided by the Oneida Business Committee Support Office.

6-2. *Minutes.* Minutes shall be typed in the format provided by the Oneida Business Committee Support Office to generate the most informative record of the meetings of the Police Commission.

- (a) All minutes shall be submitted to the Oneida Business Committee Support Office within thirty (30) calendar days of the Police Commission's approval.

6-3. *Attachments.* Handouts, reports, memoranda and the like may be kept separately, provided that all materials can be identified to the meeting in which they were presented.

6-4. *Oneida Business Committee Liaison.* The Chairperson shall regularly report to the Oneida Business Committee member who is the Police Commission's designated liaison.

- (a) The reporting format and frequency for communication shall be as the liaison and the Police Commission agree to, but not less than that required in any law of the Nation or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.
- (b) Reports shall be made within a reasonable time after a meeting is held, or as the Oneida Business Committee member liaison and the Police Commission agree, provided that the agreement is aimed at upholding the ability of the liaison to act as a support to the Police Commission.

6-5. *Audio Recordings.* All meetings of the Police Commission shall be audio recorded using a recording device approved and/or supplied by the Oneida Business Committee Support Office. The audio recordings shall be sent to the Oneida Business Committee Support Office quarterly, for purposes of maintaining, when the minutes are approved by the Police Commission.

- (a) Audio recordings of executive session portions of a meeting are not required.

Article VII. Amendments

7-1. *Amendments to the Bylaws.* Amendments shall be made to these bylaws at a regular meeting of the Police Commission provided that written notice of proposed amendments was given at a prior regular meeting and that the amendments conform to the Boards, Committees and Commissions law, as well as any other policy of the Nation.

- (a) Amendments are effective upon adoption of the Police Commission and approval by the Oneida Business Committee.

427 (b) The Police Commission shall review these bylaws from time to time as needed, but
428 no less than each time a vacancy on the Police Commission is filled by a new
429 member.

430
431
432 These bylaws as amended and revised are hereby attested to as adopted by the Oneida Police Commission
433 at a duly called meeting by the Chairperson's signature on this ____ day of _____, 2019

434 _____
435 Chairperson, Oneida Police Commission
436

437
438 and by approval of the Oneida Business Committee at a duly called meeting held on this _____ day of
439 _____, 2019 by the Secretary of the Oneida Business Committee's signature.

440
441 _____
442 Secretary, Oneida Business Committee
443
444

Oneida Police Commission

By-Laws

5 **Article I. Authority**

6 1.1. *Name.* The name of this entity shall be the Oneida Police Commission and may be referred to as the Police
7 Commission.

8 1-2. *Authority.* This entity was established under the Oneida Law Enforcement Ordinance, adopted by BC
9 Resolution # 10-10-01-C.

10 1-3. *Office.* The official mailing address of this entity shall be:

11 Oneida Police Commission
12 P.O. Box 376
13 Oneida, WI 54155

14 1-4. *Membership.* The Police Commission will be made up of five (5) Oneida Tribal members:

15 (a) *How appointed.* All members of the Police Commission shall be appointed by the Oneida Business
16 Committee. All appointments to the Police Commission shall be for five (5) year terms.

17 (b) *How vacancies are filled.* Vacancies on the Police Commission shall be filled by appointment by
18 the Oneida Business Committee in accordance with the Comprehensive Policy Governing Boards,
19 Committees and Commissions.

20 (c) *Qualifications.* All Police Commission members:

21 (1) Must be a member of the Oneida Tribe.

22 (2) Must be 25 years of age or older.

23 (3) Must submit to a complete background investigation. The following would prohibit any
24 person from serving on the Oneida Police Commission:

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

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

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

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

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

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

36 (6) Shall attend applicable training.

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

38 (d) *Removal from office.* In addition to the Removal Law standards, a Commissioner may be removed
39 for:

40 (1) Malfeasance in office.

41 (2) Conduct which could jeopardize the reputation of the Oneida Tribe, the Oneida Police
42 Commission or the law enforcement system.

43 (3) Any change in status which would place the Commissioner in conflict with the qualifications
44 specified in section 1-4(c).

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

47 (e) *Resignation.* Resignations from the Police Commission shall be in writing and presented to the
48 Police Commission for acceptance.

49

50 **Article II. Officers**

51 2-1. *Officers.* This entity shall have three (3) officers - President, Vice-President and Secretary/Treasurer.

52 2-2. *President Duties.* Responsible for calling meetings and notifying members with the assistance of the
53 Secretary/Treasurer. The President shall preside over all regular and special meetings, shall sign all official
54 Police Commission documents, shall be the liaison to the Business Committee and other departments heads and
55 shall perform any and all duties assigned by the Police Commission. The President shall seek clearance from
56 the Oneida Business Committee via the Communications Department for any media requests made of the Police
57 Commission per the Communication Department Media Policy.

58 2-3. *Vice-President duties.* The Vice-President shall preside at all meetings in the absence of the President and
59 appoint a Vice-President for that meeting. The Vice-President shall work with the President in all matters that
60 concern the Police Commission. In the event of the resignation, removal from office or death of the President,
61 the Vice-President shall assume the role of President until such time as the term of the President would have
62 expired.

63 2-4. *Secretary/Treasurer Duties.* The Secretary/Treasurer shall keep accurate minutes of all meetings, both
64 regular and special, assuring that the minutes are reported in the proper format. The Secretary/Treasurer shall
65 read and answer all mail abiding by/to the decision of the Police Commission. The Secretary/Treasurer shall
66 report at each monthly meeting on the financial status of the Police Commission's funds.

67 2-5. *How chosen and length of term.* The officers shall serve terms of one (1) year and shall be elected by a
68 majority vote at the annual meeting which shall be held in September of each year. Terms of office run from the
69 beginning of the fiscal year. No officer shall serve for more than two (2) consecutive terms. In the event of a
70 vacancy, the successor shall be appointed by the Police Commission for the duration of the unexpired term.

71 2-6. *Personnel.* Any and all hiring of personnel shall be done in accordance with all applicable Oneida personnel
72 policies and procedures and shall be dependent on available funding.

73

74 **Article III. Meetings**

75 3-1. *Regular meetings.* The physical meeting place shall be determined at the first meeting of this entity and may
76 change from time to time as determined by the entity but shall be within the Oneida Nation Reservation
77 boundaries unless noticed to the membership prior to designating the meeting location.

78 (a) The regular meeting of the Police Commission shall be held on the first (1st) Thursday of every month.
79 If the first (1st) Thursday falls on a holiday, then an alternative date may be selected by the Commission.

80 (b) Notice of meeting location, agenda and materials shall be forwarded by the President with the
81 assistance of the Secretary/Treasurer.

82 3-2. *Emergency/Special meetings.* Special meetings may be called by the President or any three (3) members
83 with at least a one (1) day notice.

84 3-3. *Interview meetings.* Additional meetings for the purpose of applicant interviews may be called by the
85 President with the approval of a majority of the membership.

86 3-4. *Quorum*. A quorum shall consist of three (3) members which shall include the President or the Vice-
 87 President.

88 3-5. *Order of Business*. The regular meetings of the Police Commission shall follow the order of business as
 89 set out herein:

- 90 (a) Call to order
- 91 (b) Approval of the Agenda
- 92 (c) Reading of Minutes
- 93 (d) Correction and Approval of Minutes
- 94 (e) Correspondence and Mail
- 95 (f) Standing and Special Committee Reports
- 96 (g) Old Business
- 97 (h) New business
- 98 (i) Other
- 99 (j) Adjournment

100 In order to facilitate the Police Commission's proceedings, the order of business may be amended or suspended
 101 at any time by a majority of the members.

102 3-6. *Closed Session*. During any meeting, with proper notice, a closed session may be called for by any single
 103 member of the Police Commission for the purpose of discussing matters of a confidential nature. Closed
 104 Sessions are limited to members and such invited persons as the Police Commission deems necessary. The
 105 meeting must be returned to "open session" following the "closed session."

106

107 **Article IV. Stipend**

108 4-1. All members of the Police Commission shall receive reimbursement for expenses and stipends as set out
 109 in this Article according to procedures for payment as set by the Comprehensive Policy Governing Boards,
 110 Committees, and Commissions.

111 (a) Members of the Police Commission shall be paid a stipend for each meeting which has established
 112 a quorum in the amount specified under *Sec. 11-3* of the Comprehensive Policy Governing Boards,
 113 Committees and Commissions, providing such quorum be established for a minimum of one hour, and
 114 providing further, that any member(s) collecting a stipend be present for at least one hour.

115 (b) Under *Sec. 11-5* of the Comprehensive Policy Governing Boards, Committees and Commissions,
 116 Members of the Police Commission are entitled to payment of stipends, in addition to any per diem, for
 117 travel approved by the Commission. The stipend shall be at a rate of \$100.00 for each full day they are
 118 present at the conference. No stipend payments shall be made for those days spent traveling to and from
 119 the conference.

120

121 **Article V. Reporting**

122 5-1. *Format*. Agenda items shall be in an identified format.

123 5-2. *Minutes*. Minutes shall be typed and in a consistent format designed to generate the most informative record
 124 of the meetings of the Commission.

125 5-3. *Attachments*. Handouts, reports, memoranda and the like may be attached to the minutes and agenda, or
 126 may be kept separately, provided that all materials can be identified to the meeting in which they are presented.

127 5-4. *Reporting*. The President will report to the Oneida Business Committee per the Comprehensive Policy
 128 Governing Boards, Committees and Commissions. The reporting format may be as the liaison and the Police

129 Commission agree to, but not less than that required in any policy on reporting developed by the Oneida Business
 130 Committee or Oneida General Tribal Council. Reports shall be made within a reasonable time after a meeting
 131 is held, or as the Oneida Business Committee member liaison and the Police Commission agree. Provided that,
 132 the agreement is to uphold the ability of the liaison to act as a support to that Police Commission.
 133

134 **Article VI. Responsibilities**

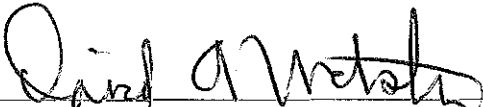
135 6-1. *Responsibilities.* The Oneida Police Commission shall perform other responsibilities as listed in the Oneida
 136 Law Enforcement Ordinance:

- 137 (a) Appoint, suspend or remove the Police Chief of the Oneida Police Department.
 138 (b) Approve all law enforcement officer appointments made by the Police Chief including the promotion
 139 of subordinates.
 140 (c) Adopt, modify and repeal rules governing how lists of individuals, concluded to be eligible for
 141 appointment to law enforcement officer and promotion, are established.
 142 (d) Approve competitive examinations used to judge suitability for appointment or promotion of law
 143 enforcement officers.
 144 (e) Approve an eligibility list of individuals determined to be eligible for appointment as a law
 145 enforcement officer or promotion.
 146 (f) Suspend law enforcement officers or other appointed personnel of the Police Department pending the
 147 filing and hearing of charges against them, subject to the provisions of Oneida Law Enforcement
 148 Ordinance 37.10-1.
 149 (g) Initiate charges against law enforcement officers or other appointed personnel of the Police
 150 Department.
 151 (h) Hear charges filed against law enforcement officers or other appointed personnel of the Police
 152 Department, whether filed by the Commission or the Police Chief, make findings and determinations,
 153 and impose penalties, up to and including termination. Such actions are independent of and exempt from
 154 the Oneida Blue Book, as provided in 37.9-1 of the Oneida Nation Law Enforcement Ordinance.
 155 (i) Hear appeals of disciplinary actions against any law enforcement personnel or non-sworn personnel.
 156 (j) Adopt rules governing the Oneida Police Commission's management of its own activities.
 157 (k) Review contracts, and forward to the Oneida Business Committee for approval, concerning cross-
 158 deputization, dispatch function and mutual aid pacts which are made between the Oneida Police
 159 Department and a non-tribal agency, per Oneida Law.
 160 (l) Approve Standard Operating Procedures of the Oneida Police Department.
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172 **Article VII. Amendments**

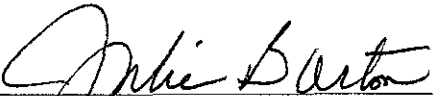
173 7-1. *Amendments to the By-Laws.* Amendments shall be made to these by-laws at a regular meeting of the Police
174 Commission provided that written notice of proposed amendments was made at a prior regular meeting.
175 Amendments are effective upon adoption of the Police Commission and approval by the Oneida Business
176 Committee.

177
178 These by-laws as amended and revised are hereby attested to as adopted by the Police Commission
179 at a duly called meeting by the President's signature on this 4th day of March, 2007.

180
181 
182 _____

183 President, Oneida Police Commission

184
185 and by approval of the Oneida Business Committee at a duly called meeting held on this 3rd
186 day of March, 2007 by the Secretary of the Oneida Business Committee's signature.

187
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189 _____

190 Secretary, Oneida Business Committee



Oneida Police Commission Bylaws Amendments Legislative Analysis

SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: David P. Jordan	DRAFTER: Kristen M. Hooker	ANALYST: Maureen Perkins
Complies with Boards, Committees and Commissions Law	These amendments comply with the Oneida Business Committee (OBC) directive established by resolution BC-09-26-18-C that all boards, committees and commissions of the Nation; excluding the OBC or standing committees of the OBC and the Nation’s corporations, amend their bylaws to comply with the requirements established by the Boards, Committees and Commissions law. Additional information and requirements included in these bylaws beyond what is required in the Boards, Committees and Commissions law is not prohibited [see O.C. 105.10].		
Intent of the Bylaws	The bylaws provide a framework for the operation and management of the Oneida Police Commission (Police Commission) to govern the standard procedures regarding the way the Police Commission conducts its affairs, including: the appointment of persons to the Police Commission, the membership qualifications, duties and responsibilities of both members and officers, terms and filling vacancies of members, selection of officers, establishment of expectations of members, maintenance of official records, stipends, termination process, required training, and how the bylaws are amended.		
Purpose	The purpose of the Police Commission is to provide oversight regarding the activities and actions of the law enforcement operations to provide the greatest possible professional services to the Oneida community and to allow for community input regarding those law enforcement services through its representatives on the Police Commission. This entity is created as an oversight body and does not involve decision making processes on day-to-day activities of those law enforcement services [see O.C. 301.4-7].		
Related Legislation	Oneida Nation Law Enforcement Ordinance, Boards, Committees and Commissions law, Conflict of Interest law, Code of Ethics law, Social Media Policy, Computer Resources Ordinance, Travel and Expense Policy, Open Records and Open Meetings law, Budget Management and Control law		
Enforcement/Due Process	A member of the Police Commission serves at the discretion of the OBC. Upon the recommendation of a member of the OBC or the Police Commission, a member of the Police Commission may have his or her appointment terminated by the OBC. (a) A two-thirds majority vote of the OBC shall be required in order to terminate the appointment of a member. (b) The OBC’s decision to terminate an appointment is final and not subject to appeal [see O.C. 105-7-4].		
Public Meeting	Public meetings are not required for bylaws.		
Fiscal Impact	A Fiscal Impact Statement is not required for bylaws.		

1 SECTION 2. BACKGROUND

- 2 A. The Police Commission bylaws amendments were added to the Active Files List on October 3, 2018
3 with David P. Jordan as the sponsor.
4 B. The Police Commission is established by the Oneida Nation Law Enforcement Ordinance adopted
5 October 10, 2001 by Resolution BC-10-10-01-C and amended by Resolution BC-02-25-15-C which
6 contains specific details related to the role and requirements of members of the Police Commission.
7 C. The most recent bylaws were approved by the OBC on March 3, 2004.
8

9 SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW

- 10 A. The bylaws comply with the Boards, Committees and Commissions law.
11 B. The bylaws comply with OBC Resolution BC-09-26-18-D Boards, Committees and Commissions Law
12 Stipends.
13

14 SECTION 4. AMENDMENTS

15 This section details the changes to the bylaws from the previously adopted bylaws.

16 A. ARTICLE I. AUTHORITY

- 17 a. The authority section was expanded to include the purpose of the Police Commission
18 established in the Oneida Nation Law Enforcement Ordinance *[see Article I. 1-3]*.
19 b. The membership section changed as follows:
20 • The reference to the Removal Law was removed *[see Article I. 1-4(d) of the*
21 *current bylaws]*. Members of the Police Commission are appointed by the
22 OBC and the termination of an appointment follows the Boards, Committees
23 and Commissions law *[see O.C. 105]*.
24 • Clarification was added that a member may serve more than one term but not
25 more than three consecutive terms *[see Article I. 1-5(b)(1)]* in accordance
26 with the Oneida Nation Law Enforcement Ordinance *[see 301.6-2]*.
27 • A provision was added that the Chairperson will make a recommendation to
28 fill vacancies on behalf of the Police Commission to the OBC that includes
29 verification that the applicant meets the qualifications set forth in these bylaws
30 *[see Article I. 1-5(b)(2) and Article I. 1-5(c)(1)]*.
31 • The Business Committee Support Office (BCSO) was added as a receiving
32 entity of a written resignation in addition to the Chairperson and the
33 resignation is now effective when the written notice is received or the verbal
34 resignation is accepted by motion of the Police Commission *[see Article I. 1-*
35 *5(c)(2)]*.
36 • Domestic abuse and child abuse were added as examples of convictions of
37 ordinance violations that would prohibit a person from being appointed to the
38 Police Commission *[see Article I. 1-5(d)(3)(C)]*.
39 • A requirement was added that anyone terminated from the Oneida Police
40 Department is disqualified from membership on the Police Commission *[see*
41 *Article I. 1-5(d)(5)]*.
42 c. A section detailing duties and responsibilities was added to the bylaws *[see Article I. 1-*
43 *5(d)]*.
44 • Attendance requirements are established along with consequences for failure
45 to abide by the requirements.
46 d. A list of thirty-three (33) mandatory training and conferences was added *[see Article I. 1-*
47 *7(a) to (gg)]* and may be eligible for a training stipend upon available funding in
48 accordance with the Boards, Committees and Commissions law *[see O.C. 105]*.

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B. ARTICLE II. OFFICERS

- a. The officer positions were changed from President, Vice-President and Secretary/Treasurer to Chairperson, Vice-Chairperson and Secretary.
 - Additional duties of the Chairperson include:
 - making a recommendation for vacancies on behalf of the Police Commission to the OBC
 - submission of required annual and semi-annual reports to the General Tribal Council with the assistance of the Secretary in accordance with the Boards, Committees and Commissions law.
 - attendance or designate a Police Commission member to attend OBC meetings where the quarterly report is on the agenda, and
 - conducting e-polls with the Vice-Chairperson as the backup in accordance with the Boards, Committees and Commissions law [see Article II. 2-2].
 - The financial reporting requirement was removed from the Secretary position and these duties are assigned to the Administrative Assistant [see Article II. 2-7(b)(4)].
 - A provision was added that allows the Secretary to preside over a meeting until a Pro-tem chair is elected to chair the meeting [see Article II. 2-4(d)] and [see Article III. 3-4].
- b. Two provisions were removed from the current bylaws [see Article II. 2-5 of current bylaws]:
 - the provision in the current bylaws related to an officer not being able to serve more than two (2) consecutive terms, and
 - detail related to the successor being appointed to fill for the duration of the unexpired officer term.
- c. A provision was added that prevents a member from holding more than one officer position at the same time on the Police Commission [see Article II. 2-5(a)].
- d. The budgetary and sign off authority and travel section is new to these bylaws based on requirements in the Boards, Committees and Commissions law. This requirement creates accountability regarding Police Commission action related to travel and authority to make budgetary decisions [see Article II. 2-6].

C. ARTICLE III. MEETINGS

- a. Special meetings were removed and joint meetings with the OBC were added to the bylaws in accordance with the Boards, Committees and Commissions law [see 105.10-3(c)]. The Police Commission Chairperson shall provide notice of the meeting agenda, documents and minutes by email for joint meetings called by the Police Commission and the BCSO shall provide the same for joint meetings called by the OBC [see Article III. 3-3(a) and (b)].
- b. A provision was added per the Boards, Committees and Commissions law that the Police Commission will notify the Nation’s Secretary with notice and the reason for an emergency meeting, and an explanation of why the matter could not wait for a regular meeting [see Article III. 3-2(b)].
- c. The Secretary was added to call meetings to order and preside until the immediate election of a Chair Pro Tem [see Article III. 3-4].
- d. The use of e-polls was added to the bylaws. The Chairperson shall conduct e-polls and the Vice-Chairperson shall serve as designee in the absence or discretion of the Chairperson [see Article III. 3-6(b)]. The bylaws require the Police Commission to follow the

99 procedures for conducting e-polls that is included in the Boards, Committees and
100 Commissions law [see 105.11].
101

102 D. ARTICLE IV. EXPECTATIONS

103 This section is new to these bylaws based on the requirements established in the Boards, Committees
104 and Commissions law.

- 105 a. Behavioral requirements were added to govern members during Police Commission
106 meetings and related activities [see Article IV. 4-1]. Enforcement of behavioral
107 expectations includes recommendation by the Police Commission for termination of the
108 member's appointment by the OBC and sanctions or penalties according to any applicable
109 laws and policies of the Nation [see Article IV. 4-1(a)].
- 110 b. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional
111 or bodily harm or damage to property are prohibited and violations could result in the
112 Police Commission's recommendation to the OBC to terminate the member from the
113 Police Commission or imposition of sanctions or penalties according to any applicable laws
114 and policies of the Nation [see Article IV. 4-2].
- 115 c. Drug and alcohol use by a Police Commission member when acting in an official capacity
116 is prohibited [see Article IV. 4-3].
- 117 d. Police Commission members must follow the Nation's Social Media Policy [see Article
118 IV. 4-4].
- 119 e. The Police Commission will be required to abide by the Nation's Conflict of Interest law
120 and the Boards, Committees and Commissions law which includes disclosure of conflicts
121 of interest annually [see Article IV. 4-5].
122

123 E. ARTICLE V. STIPENDS AND COMPENSATION

- 124 a. This section provides a list of eligible stipends members of the Police Commission are
125 eligible to receive, in addition to clarification that a full day of training is required to receive
126 a training stipend [see Article V. 5-2].
127

128 F. ARTICLE VI. RECORDS AND REPORTING

- 129 a. A requirement was added that agenda items will use the format provided by the BCSO [see
130 Article VI. 6-1].
- 131 b. A requirement was added that minutes will be submitted to the BCSO within thirty (30)
132 days after the Police Commission's approval [see Article VI. 6-2(a)].
- 133 c. Regular communication with the OBC Liaison was added with the Police Commission
134 Chair reporting to the Liaison [see Article VI. 6-4].
- 135 d. A requirement was added in accordance with the Boards, Committees, and Commissions
136 law that all meetings are to be audio recorded. The BCSO will provide the recording
137 device. All audio recordings shall be sent to the BCSO when the minutes are approved by
138 the Police Commission. Executive session is not required to be recorded [see Article VI.
139 6-5].
140

141 G. ARTICLE VII. AMENDMENTS

- 142 a. A provision was added requiring that amendments follow the Boards, Committees and
143 Commissions law and any other policy of the Nation and that the bylaws be reviewed as
144 needed and each time a vacancy is filled [see Article VII. 7-1].
145

146 SECTION 5. LEGISLATION RELATED TO BOARDS, COMMITTEES AND COMMISSIONS

147 There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws
148 that establish requirements related to boards, committees and commissions generally and the Police
149 Commission specifically.

150 A. Oneida Nation Law Enforcement Ordinance [see O.C. Chapter 301]

151 The bylaws meet the requirements established in this ordinance and there are no conflicts between
152 the bylaws and the Ordinance.

- 153 a. This law establishes the hearing procedure used by the Police Commission for disciplinary
154 proceedings.
- 155 b. This law establishes the Police Commission and qualifications are included in the bylaws
156 [see Article I. 1-5(e)(4)].
- 157 c. Police Commissioners are appointed by the OBC for a five-year term. Police
158 Commissioners may serve more than one term, but not more than three consecutive terms.
- 159 d. The responsibilities of the Police Commission are included in the bylaws [see Article I.1-
160 5(e)(4)].

161

162 B. Boards, Committees and Commissions [see O.C. Chapter 105]

- 163 a. This law establishes all requirements related to elected and appointed boards, committees
164 and commissions of the Nation. The law governs the procedures regarding the appointment
165 and election of persons to boards, committees and commissions, creation of bylaws,
166 maintenance of official records, compensation, and other items related to boards,
167 committees and commissions. The Police Commission members are appointed by the
168 OBC. The requirements for the Police Commission's bylaws including the required format
169 are contained in this law as well as the requirement to present the bylaws for adoption by
170 the OBC within a reasonable timeframe. These Police Commission bylaws comply with
171 the Boards, Committees and Commissions law and there are no conflicts between the
172 bylaws and the Boards, Committees and Commissions law.

173

174 C. Conflict of Interest [see O.C. Chapter 217]

- 175 a. This law applies to the Police Commission and establishes specific limitations to which
176 information or materials that are confidential or may be used by a competitor of the
177 Nation's enterprises or interests may be used to protect the interests of the Nation. The
178 Boards, Committees and Commissions law establishes that amended bylaws require
179 members to disclose potential or real conflicts annually [see O.C. Chapter 105]. This
180 requirement is met in Article IV. 4-5 of the bylaws. There are no conflicts between the
181 bylaws and the Conflict of Interest law.

182

183 D. Code of Ethics [see O.C. Chapter 103]

- 184 a. The Police Commission members are required to abide by the Code of Ethics law and
185 Article IV of the bylaws addresses the behavioral expectations of members some of which
186 are covered in the Code of Ethics law. This law promotes the highest ethical conduct from
187 elected and appointed government officials and expects that officials will demonstrate the
188 highest standards of personal integrity, truthfulness, honesty, and fortitude in all public
189 activities in order to inspire public confidence and trust in the governmental officials of the
190 Oneida Nation. Government officials are also expected to adhere to the laws, customs, and
191 traditions of the Nation. There are no conflicts between these bylaws and the Code of
192 Ethics.

193

194 E. Social Media Policy [see O.C. Chapter 218]

- 195 a. The bylaws require the Police Commission to abide by this law [see Article IV. 4-4]. This
196 law regulates social media accounts including how content is managed and who has

197 authority to post on social media on behalf of the Nation. Boards, committees and
198 commissions must register social media accounts with the Nation's Secretary's Office to
199 include specific information related to access to the account, acknowledgment and
200 compliance with the Computer Resource Ordinance and this policy, use a Nation issued
201 email address or ask for the Secretary to allow the entity to operate the account utilizing
202 the current e-mail address, and ensure all content complies with all applicable laws of the
203 Nation, state or federal laws. There are no conflicts between the bylaws and the Social
204 Media Policy.
205

206 F. Computer Resources Ordinance [see O.C. Chapter 215]

- 207 a. Police Commission members are considered users under this law and must comply with
208 the established requirements to ensure appropriate use of the Nation's computer resources.
209 There are no conflicts between these bylaws and the Computer Resources Ordinance.
210

211 G. Travel and Expense Policy [see O.C. Chapter 219]

- 212 a. Members of the Police Commission are eligible for reimbursement of approved travel
213 related expenses and per diem to attend a conference or training in accordance with the
214 Nation's travel policies. There are no conflicts between the bylaws and the Travel and
215 Expense Policy.
216

217 H. Open Records and Open Meetings [see O.C. Chapter 107]

- 218 a. Portions of the Police Commission meetings may be considered closed meeting sessions if
219 exception in this law related to personnel matters or contracts are being discussed and
220 deemed confidential. Maintenance of minutes and audio recordings of the Police
221 Commission comply with this law and there are no conflicts between the bylaws and this
222 law.
223

224 I. Budget Management and Control [see O.C. Chapter 121]

- 225 a. The Police Commission is considered a fund unit of the Nation under this law. Fund unit
226 managers are required to develop, submit and maintain a triennial strategic plan for the
227 fund unit's operations which aligns with the triennial strategic plan established by the OBC.
228 The Police Commission is required to comply with this law. There are no conflicts between
229 the bylaws and the Budget Management and Control law.
230



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



AGENDA REQUEST FORM

- 1) Request Date: February 26, 2019
- 2) Contact Person(s): Jen Falck
 Dept: LRO
 Phone Number: 869-4312 Email: jfalck@oneidation.org
- 3) Agenda Title: _____
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
Taxation- a draft tax law has been provided by Fletcher Law, PLLC. The
LOC has an opprotunity now to review the draft.

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

- | | |
|----------------------------------------------|----------|
| 1) <u>Oneida Draft Tax Code Presentation</u> | 3) _____ |
| 2) <u>Draft Oneida Taxation law</u> | 4) _____ |
- 5) Please list any laws, policies or resolutions that might be affected:

 - 6) Please list all other departments or person(s) you have brought your concern to:

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

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

Signature of Requester: A. Falck 2/26/19

Please send this form and all supporting materials to:

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

Handout D.3.
Confidential

ONEIDA DRAFT TAX CODE PRESENTATION 2.19.19

Burton W. Warrington

Fletcher Law, PLLC

OVERVIEW

The Process

- Phase I – Project initiation and planning
 - Tax methodologies presentation / Kick off meeting
- Phase II – Research
 - Research Oneida Laws, Wi tax treatment, tax agreements
 - Interviews with Oneida staff
 - Review of existing tax landscape
- Phase III – Drafting
 - Guidance
 - Code drafting

DRAFT TAX CODE

Goals:

- Create one chapter under Title 10 – Chapter 1015 Taxation (*Title 10 was used as an example*)
- Deliver a draft that could be modified through the Oneida legislative processes
- Deliver the draft tax code in Oneida’s legislative format
- Draft the foundational tax administration framework to support existing and future taxes
- Draft a user friendly tax code that is fair and encourages not discourages development
- Draft comprehensive tax administration rather than a collection of segmented tax laws
 - One set of definitions and tax administrative rules that primarily govern tax administration
 - Separate taxes that use the tax administrative rules (room tax / possessory interest tax)

Current Room Tax

Purpose & Policy (509.1)

509.1-1. Purpose

509.1-2. Policy

Adoption, Amendment, Repeal (509.2)

509.2-1. Adoption

509.2-2. Amendment and Repeal

509.2-3. Savings clause

509.2-4. Conflict of law

509.2-5. Authority for adoption

Definitions (509.3)

509.3-1. Definitions

Tax Imposed (509.4)

509.4-1. to 509.4-2. Tax Imposed

Operators Duties (509.5)

509.5-1. to 509.5-3. Operators Duties

Enforcement & Appeals (509.6)

509.6-1. to 509.6-5. Enforcement & Appeals

Purpose & Policy (1015.1)

1015.1-1. Purpose

1015.1-2. Policy

Adoption, Amendment, Repeal (1015.2)

1015.2-1. Adoption

1015.2-2. Amendment and Repeal

1015.2-3. Savings clause

1015.2-4. Conflict of law

1015.2-5. Authority for adoption

Definitions (1015.3)

1015.3-1. Definitions

Tax Administration (1015.4)

1015.4-1. Applicability.

1015.4-2. to 1015.4-4. Authority of tax office

1015.4-5. to 1015.4-9. Administrative regulations, rulings, instructions and orders

1015.4-10. to 1015.4-11. Notice and timely filing

1015.4-12. to 1015.4-14. Designation of agent, required records, information returns

1015.4-15 to 1015.4-19. Liability for tax, taxpayer returns, extensions

1015.4-20. Delinquent taxpayer

1015.4-21. to 1015.4-24. Assessment of taxes

1015.4-25. to 1015.4-27. Limitations period for assessments and collections

1015.4-28. Exhaustion of administrative remedies

1015.4-29. to 1015.4-30. Authority to abate tax assessments

1015.4-31. to 1015.4-35. Claims for refunds

1015.4-36. to 1015.4-43. Protest procedures

1015.4-44. to 1015.4-53. Appeal from the tax office decision and order

1015.4-54. to 1015.4-56. Audit of taxpayer records

1015.4-57. Taxes paid under protest

1015.4-58. to 1015.4-62. Interest on overpayment of taxes

1015.4-63. to 1015.4-65. Interest on deficiencies

1015.4-66. to 1015.4-67. Collection of penalties and interest

1015.4-68. to 1015.4-70. Seizure of property by levy

1015.4-71. to 1015.4-73. Surrender of property subject to levy

1015.4-74. to 1015.4-80. Assessment lien

1015.4-81. to 1015.4-88. Civil Penalties

1015.4-89. Attempts to evade or defeat taxes

1015.4-90. to 1015.4-92. Successor Liability

1015.4-93. Limited Waiver of Sovereign Immunity

1015.4-94. to 1015.4-95. Confidentiality of returns

1015.4-96. Notice of amendments

Room Tax (1015.5)

1015.5-1. Applicability.

1015.5-2. to 1015.5-3. Tax Imposed

1015.5-4. to 1015.5-8. Operators Duties

1015.5-9. to 1015.5-11. Penalties

1015.5-12. to 1015.5-14. Refunds, protests, appeals

Possessory Interest Tax (1015.6)

1015.6-1. Applicability.

1015.6-2. to 1015.6-3. Tax Imposed

1015.5-4. to 1015.5-8. Taxpayer Duties

1015.5-9. to 1015.5-11. Penalties

1015.5-12. to 1015.5-14. Refunds, protests, appeals

Draft Tax Code

ROAD MAP OF ROOM TAX MODIFICATIONS

Room Tax Modifications in draft tax code		
509. Room Tax Law	1015 Draft Tax Code	Notes
509.1-1 Purpose	Included into the overall general purpose of the tax code at 1015.1-1 & into the room tax law applicability at 1015.5-1.	Splits the old purpose and changes to "Nation"
509.1-2. Policy	Included into the overall policy at 1015.1-2	Changes to "Nation"
509.2. Adoption, Amendment, Repeal	Included into the overall adoption, amendment, repeal statement at 1015.2.	101.2-2. Add and/or GC?
509.3. Definitions	Included in the tax code's overall definitions at 1015.3.	Most definitions unaltered. Change "tax collector" to "tax office" which is determined through OBC resolution Change "Tribe" to "Nation" + "Hotel owned by a tribal member" + "Tribal member" + "Hotel owned by the Nation" + "Reservation" + "Agency" + "Nation's Court"
509.4. Tax imposed	Located at 1015.5-2. to 1015.5-3.	Added qualifying statement to clarify extinguishment of debt to account for direct payment. *Note Oneida tribal members are receiving an exemption although there is no exemption for them.
509.5. Operator's duties	Located at 1015.5-4. to 1015.5-7.	Changed "hereinafter provided" to "provided in this chapter". Changed "tax collector to "tax office" in certificate language Added 1015.5-7. "Updating registration" In 1015.5-8. Updated inspection language.
509.6. Enforcement and Appeals	Located in various provisions of 1015. See below	
509.6-1. & 509.6-1.(a) Failure to collect and report tax and assessment.	Located in 1015.4-21& 22 and 1015.4-66 & 67	Some modifications
509.6-1.(b) Notice & challenge provisions	Part addressed in 1015.4-22 & part in 1015.4-10 & 11(notice) Part addressed in 1015.4-31 – 35 (refund request), 1015.4-36 - 43 (protest) & 1015.4-44 - 53 (appeal)	Beefed up notice rules Some modifications to remedies and timelines designed to address multiple taxes not just the room tax.
509.6-2. Operator penalties	Located in various provisions of 1015. See below	
509.6-2(a) Original delinquency and 509.6-2(b) continued delinquency	Addressed in 1015.5-9. & 1015.4-81. (a) & (b)	Extends penalty to payment of tax or filing of refund Part of larger penalty rules (see 1015.4-81 – 89) Also, subject to extensions see 1015.4-15 to 1015.4-19
509.6-2(c) Fraud	Addressed in 1015.4-89., 1015.4-83., 1015.5-11.	Sets minimum penalty and designed to address multiple taxes not just room tax.

509.6-2(d) Interest	Addressed in 1015.4-63 – 65	Also added interest on overpayments see 1015.4-58 - 62
509.6-2(e) Penalties merged with tax.	Addressed in 1015.4-66 & 67	Gives flexibility for merging them
509.6-3. Transient penalties	Addressed in 1015.5-10.	Provides one off min and max penalties for transients.
509.6-4. (a) Refunds	Addressed in 1015.4-31 – 35.	Provides a larger refund section that is designed to address multiple taxes. Provides timeless for decisions (can be modified).
509.6-4.(b) Operator refunds	Addressed in 1015.5-12(a)	Same language but subject to 1015.4-31 – 35 process.
509.6-4.(c) Transient refunds	Addressed in 1015.5-12(b)	Same language but subject to 1015.4-31 – 35 process.
509.6-4.(d) Burden of proof	Addressed in 1015.4-31.	Similar language
509.6-5. Appeals	Addressed in 1015.4-36 – 43 (protests) and 1015.4-44 – 53 (appeals)	Creates exhaustion of administrative remedies designed to address out of courts and build an administrative record if court action is needed

REFUNDS	Room Tax	Draft Tax Code
Step 1. Taxpayer applies for a refund	Within 1 year	Within 1 year
Step 2. Tax collector / tax office reviews	No decision timeframe	90 day maximum to decide or deemed denied
Step 3. Tax collector / tax office decision	Refund or credit	Refund or credit + allowable interest on overpayment
Step 4. Appeal rights from refund decision	Appeal directly to Oneida courts within 15 days	Appeal to the tax office through protest procedures within 15 days.
Step 5.	Court action	Tax office builds a record through an informal hearing and makes decision (or don't and protest deemed denied). 90 day maximum
Step 6.		Appeal to Oneida courts within 30 days.
Step 7.		Court action on the same basis as the protest unless court allows additional evidentiary hearing.

PROTESTS	Room Tax	Draft Tax Code
Step 1.	Appeal directly to Oneida Courts within 15 days if aggrieved by any decision of the tax collector with respect to the amount of any (tax, interest, penalties.)	File a protest with the tax office within 30 days of notice of assessment or at the time of payment under protest.
Step 2.	Court action – limited guidance	Tax office builds a record through an informal hearing and makes decision (or don't and deemed denied). 90 day maximum
Step 3.		Appeal to Oneida courts within 30 days.
Step 4.		Court action on the same basis as the protest unless court allows additional evidentiary hearing.

TAX ADMINISTRATION FRAMEWORK TO SUPPORT EXISTING AND POTENTIAL TAXES

- **Clarifies applicability of the tax chapter**
 - Ability for the OBC to enter into alternative tax agreements
- **Clarifies authority of the tax office**
 - Inspect and audit taxpayers' books
 - Request information from taxpayers
 - Issue subpoenas, regulations, rulings, instructions and orders
 - Conduct tax protest hearings
 - Recommend alternative tax agreements
 - Other activities necessary to carry out its responsibilities
- **Clarifies framework for administrative regulations, rulings, instructions & orders**
 - These functions are important in tax codes
- **Addresses administrative functions, processes and framework**
 - Notice and timely filings
 - Designation of agent
 - Liability for tax, taxpayer returns and extensions
 - Delinquent taxpayer
 - Assessment of taxes
 - Limitations period for assessments and collection
 - Exhaustion of administrative remedies

TAX ADMINISTRATION FRAMEWORK TO SUPPORT EXISTING AND POTENTIAL TAXES

- **Addresses administrative functions, processes and framework**
 - Authority to abate tax assessments
 - Claims for refunds
 - Protest procedures
 - Appeal from the tax office decision and order
 - Audit of taxpayer records
 - Taxes paid under protest
 - Interest on overpayment of taxes
 - Interest on deficiencies
 - Collection of penalties and interest
 - Seizure of property by levy
 - Surrender of property subject to levy
 - Assessment lien
 - Civil penalties
 - Attempts to evade or defeat taxes
 - Successor liability
 - **Limited waiver of sovereign immunity (can people really challenge?)**
 - Confidentiality of returns
 - Amendment notices

ONEIDA ROOM TAX

- **Merges the existing room tax into the overall tax chapter**
- **Places room tax definitions into the overall definitions section of the tax chapter**
- **Moves most administrative sections into the overall tax administration section**
- **Open question – Are more exemptions needed from the room tax ?**
 - **Tribal member specifically**

POSSESSORY INTEREST TAX

- **Possessory interest are interest held by third parties in real property within the Reservation**
- **Possessory Interest Tax is a way to derive value from property or provide incentives to outside companies**
- **Aimed at capturing revenue from leases and rights of ways (ability to provide incentives)**

Common possessory interest exemptions

- **Utilities exclusively services the Nation**
 - **Interests owned and used by Governments**
 - **Residential interests**
 - **Agricultural interests**
-
- **Challenges valuing possessory interests**
 - **Administrative challenges**

OTHER TAXES / FUTURE TAXES

The draft tax code is designed for future taxes to be integrated into the code and the tax administration portion to support them with minimal modifications

Respecting the Nation's position on certain taxes, if proper, there is room for discussion on other taxes in the future for example:

- Sales Tax
- Use Tax
- Cigarette Tax
- Tobacco Tax
- Fuel Tax
- Utility Tax

OTHER CONSIDERATIONS

Best if a tax code work in conjunction with other tribal laws and processes to streamline for the end user

- Business corporation / LLC codes, Tribal uniform commercial code, Leasing laws and processes
- Business registration, licensing, permitting, other

A good tax code balances the user and the regulators interests

- Fair taxes and processes
- Efficient to manage

Intergovernmental agreements

Contract expires on Feb 28th - Final steps to close out the contract

Title 10 - Business - Chapter 1015
TAXATION
 (Insert Oneida Language)
 (Insert translation)

1015.1 Purpose and Policy	1015.5 Room Tax
1015.2 Adoption, Amendment, Repeal	1015.6 Possessory Interest Tax
1015.3 Definitions	1015.7 Reserved
1015.4 Tax Administration	1015.8 Reserved

1015.1. Purpose and Policy

1015.1-1. *Purpose.* It is the purpose of this law to enact tax laws and tax administrative laws for the Nation. Unless otherwise provided for in this chapter, the Oneida Business Committee will determine, through resolution, the allocation of the funds collected under this law.

1015.1-2. *Policy.* It is the policy of this law to clarify jurisdictional sovereignty and to generate revenue for the Nation.

1015.2. Adoption, Amendment, Repeal

1015.2-1. This law was adopted by the Oneida Business Committee by resolution BC-X-X-X and amended by resolutions BC-X-X-X.

1015.2-2. This law may be amended or repealed by the Oneida Business Committee (and/or Oneida General Tribal Council?) pursuant to the procedures set out in the Legislative Procedures Act.

1015.2-3. 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.

1015.2-4. 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.

1015.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

1015.3. Definitions

1015.3-1. 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) "Agency" means any board, committee, commission, department, program or officer of the nation that has been granted the authority to carry out the functions of this chapter.

(b) "Alternative Tax Agreements" means tax agreements with persons subject to this chapter which provide alternative methods for addressing any provision of this chapter, provided they are approved by the Oneida Business Committee, upon the recommendation of the tax office.

(c) "Days" means calendar days, unless otherwise specifically stated.

(d) "Designated agent" means the person who has been identified in writing to the tax office as responsible for performing all the obligations of a taxpayer under this chapter, including all obligations to provide information necessary to permit the accurate computation of all applicable taxes, provided that if the designated agent is not a natural

person, it shall identify an individual officer, by name or position, to serve as the contact person for the tax office and to sign and submit all required forms.

(e) “Highest available ranking official” means the head of an agency, or in the absence of the head of an agency, the person delegated the functions normally performed by the head of an agency.

(f) “Hotel” means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, house, rooming house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

(g) “Hotel owned by a tribal member” means a hotel business or joint venture that is at least fifty-one (51) percent owned by the tribal member, including corporations chartered under tribal, federal or state law, unincorporated business enterprises, limited liability companies, partnerships, and all other forms of business organization

(h) “Hotel owned by the Nation” means a hotel business or joint venture that is at least fifty-one (51) percent owned by the Nation, including corporations chartered under tribal, federal or state law, unincorporated business enterprises, limited liability companies, partnerships, and all other forms of business organization

(i) “Levy” means the lawful power, hereby invested in the tax office, to take into possession or to require the present or future surrender to the tax office of any property or rights to property belonging to a delinquent taxpayer.

(j) “Nation” means the Oneida Nation

(k) “Nation’s Court” means the trial court and when applicable the court of appeals as established in Title 8. of the Oneida Code of Laws.

(l) “Operator” means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any other capacity, where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this law and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this law by either the principal or the managing agent shall, however, be considered to be compliance by both.

(m) “Person” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(n) “Personalty” means personal property.

(o) “Possessory interest” means possession or claim to or right in the possession of any leasehold in real property located on trust lands within the Reservation boundaries together with any improvements thereon whether considered personalty or realty not exempt under 1015.6-3 of this chapter.

(p) “Rent” means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credit and property and service of any kind or nature, without any deduction therefrom whatsoever.

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

(r) “Tax” means the total amount of each tax imposed and required to be paid under the provisions of this chapter, and unless the context otherwise requires, includes the amount of any interest or civil penalty relating thereto.

(s) “Tax office” means the agency of the Nation charged with carrying out the functions of the tax office under this chapter as determined through resolution of the Oneida Business Committee.

(t) “Taxpayer” means any person who is subject to a tax in this chapter.

(u) “Transient” means any person who exercises occupancy or is entitled to occupancy in a hotel by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant for providing a longer period of occupancy, or the occupant has paid in advance for over thirty (30) days occupancy.

(v) “Tribal member” means a person enrolled in the membership of the Oneida Nation in accordance with Article II of the Oneida Nation Constitution.

1015.4 Tax Administration

Applicability

1015.4-1. This chapter shall apply to and govern the administration and enforcement of all Nation taxes imposed by this chapter, as amended from time to time, provided the Oneida Business Committee shall possess the authority to enter into alternative tax agreements which may exempt or modify the application of any part of this chapter.

Authority of tax office

1015.4-2. In order to implement and enforce this chapter, a tax office of the Nation is hereby established to administer this chapter and keep all records and accounts concerning the Nation’s taxes. The Oneida Business Committee shall determine, through resolution, which agency of the Nation will serve as the tax office. The tax office is authorized to:

- (a) Inspect or audit the records and books of taxpayers and designated agents and examine property or other evidence at such time as the tax office deems necessary for the effective execution of the tax office’s responsibilities under this chapter;
- (b) Request and require taxpayers and designated agents to produce and make available for examination their records and books of account and other information or evidence;
- (c) Issue subpoenas, which shall be returnable no less than fourteen (14) days from the date of service;
- (d) Issue regulations, rulings, instructions or orders pursuant to this chapter;
- (e) Conduct tax protest hearings, pursuant to sections 1015.4-36. to 1015.4-43. of this chapter;
- (f) Recommend to the Oneida Business Committee alternative tax agreements which may exempt or modify application of any part of this chapter; and
- (f) Perform such other activities as the tax office may find necessary to carry out its responsibilities under this chapter, provided that the tax office shall have no independent authority to waive the sovereign immunity of the Nation.

1015.4-3. Any subpoena issued by the tax office pursuant to its authority under chapter shall state with reasonable certainty the nature of the evidence required to be produced, the time and place the evidence is to be produced, and the consequences of failure to obey the subpoena, and shall be attested to by the of the highest available ranking official in the agency.

1015.4-4. After service of a subpoena, if any person served neglects or refuses to produce records or other evidence or to allow the inspection of equipment, records, books, information or evidence in response to the subpoena, the tax office may assess civil penalties under sections 1015.4-81. to 1015.4-88. of this chapter and may invoke the aid of any court of competent jurisdiction or the United States Department of the Interior in enforcement of the subpoena.

Administrative regulations, rulings, instructions and orders

1015.4-5. Regulations of the tax office must comply with the Oneida Nation's Rulemaking Law.

1015.4-6. Rulings are written statements of the tax office, of limited application to one (1) or a small number of taxpayers, interpreting the tax laws to which they relate, ordinarily issued in response to a request for clarification of the tax consequences or a specified set of circumstances. The tax office shall seek the opinion of the Nation's legal counsel prior to issuing rulings.

1015.4-7. Instructions are other written statements or directives of the tax office not dealing with the merits of any tax but otherwise in aid of the accomplishment of the duties of the tax office.

1015.4-8. Orders are written statements of the tax office to implement a decision after a hearing.

1015.4-9. The extent to which regulations, rulings and orders will have retroactive effect shall be stated and, if no such statement is made, they will be applied prospectively only.

Notice and timely filing

1015.4-10. Any notice required or authorized to be given by mail is effective if mailed to or served by the tax office on the person in question at the last address shown in the records of the tax office. Any notice, return, application or payment required or authorized to be delivered to the tax office by mail shall be addressed to the Oneida Nation Tax Office, N7210 Seminary Rd. Oneida WI 54155, or such other address designated by the tax office.

1015.4-11. Except as otherwise provided by applicable law, all notices, returns, applications or payments authorized or required to be made or given by mail are timely if mailed on or before the date on which they are required, as shown by the postmark on the document.

- (a) When by any provision of this chapter the last day for performing any act falls on Saturday, Sunday or a legal holiday recognized by the Nation, the performance of the act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or a legal holiday.

Designation of agent, required records, information returns

1015.4-12. Each taxpayer shall designate, in writing to the tax office, an agent who shall represent and legally bind the taxpayer with respect to all obligations under this chapter.

(a) The written designation shall be signed by the taxpayer, shall identify the taxpayer for which the agent is designated, shall list the name, mailing address, email address, telephone and facsimile numbers of the designated agent, and shall state that the taxpayer acknowledges it is bound by the designated agent's actions, inactions or submissions with regard to this chapter and that it is bound by any orders issued to the designated agent by the tax office or the Nation's Court with regard to this chapter.

(b) Taxpayers may change their designated agent at any time, provided that the taxpayer files a new written designation with the tax office within fifteen (15) days of making the change in designated agent. The taxpayer will be bound by the previous designated agent until the tax office receives the written change of designation.

1015.4-13. Every designated agent and taxpayer shall maintain books and records of account or other records in a manner that will permit the accurate computation of the taxes due under this chapter.

1015.4-14. The tax office may, by regulation, require any person doing business within the Reservation to submit to the tax office information returns that are reasonable and necessary for the administration of this chapter.

Liability for tax, taxpayer returns, extensions

1015.4-15. Each taxpayer is required to make payment to the tax office for all taxes due under this chapter and shall be responsible for the performance of all the other obligations of taxpayers under this chapter.

1015.4-16. Incomplete or otherwise inadequate tax returns may result in the computation of additional tax by the tax office, and the taxpayer shall be liable for additional assessed taxes, interest, and penalties as provided in this chapter.

1015.4-17. A taxpayer is liable for any tax liability determined from information revealed in an audit of the taxpayer's records performed by the tax office pursuant to sections 1015.4-54 to 1015.4-56 of this chapter. Unless otherwise provided for in this chapter, liability for the tax, interest, and penalties is computed from the date the tax was originally due.

1015.4-18. Unless otherwise provided for in this chapter, payment of all taxes due under this chapter shall accompany the applicable tax return. Taxes shall be paid by check or money order made payable to the Oneida Nation.

1015.4-19. The tax office may grant an extension of time for the filing of a tax return and/or the payment of any tax, upon the timely request of the taxpayer. A request for extension is timely only if submitted on or before the due date of the return or payment at issue. No penalty for late payment or filing of a return shall be imposed on any payment or filing for which an extension has been granted. However, interest on the tax shall begin to accrue from the date the tax was originally due notwithstanding the extension.

Delinquent taxpayer

1015.4-20. Any taxpayer to whom taxes have been assessed or from whom payment has been demanded, as provided in sections 1015.4-21 to 1015.4-24 of this chapter, who does not within thirty (30) days after the date of assessment or demand for payment make payment, protest the assessment or demand for payment as provided in sections 1015.4-36 to 1015.4-43 of this chapter, or furnish security for payment acceptable to the tax office, becomes a delinquent taxpayer and remains delinquent until:

- (a) Payment of the total amount of all such taxes, interest and penalties is made;
- (b) Security is furnished for payment; or
- (c) No part of the assessment remains unabated.

Assessment of taxes

1015.4-21. If the tax office determines by whatever means that a taxpayer is liable for taxes that are due and that have not been previously assessed to the taxpayer, the tax office shall promptly assess the amount thereof to the taxpayer. If a taxpayer fails to comply with the provisions of this chapter and to make, within the time provided in this chapter, any report and/or remittance of tax or any portion thereof required by this chapter, the tax office shall obtain facts and information to determine an estimate of the tax due. The filing of a tax return with the tax office showing that a tax is due constitutes a self-assessment of the unpaid amount of the tax shown on the return.

1015.4-22. Assessments of tax are effective:

- (a) When a return of a taxpayer is received by the tax office showing a liability for taxes in excess of the tax payment accompanying the return; or
- (b) When a notice of tax assessment issued by the tax office is mailed or delivered in person to the taxpayer against whom the liability for tax payment is asserted, stating the nature and amount of taxes claimed, demanding immediate payment and informing the taxpayer of the remedies available to the taxpayer.

1015.4-23. When taxes have been assessed to a taxpayer and remain unpaid, the tax office may demand payment at any time.

1015.4-24. Any assessment of taxes or demand for payment made by the tax office is presumed to be correct, and the taxpayer has the burden of showing the assessment or demand is not correct. A self-assessment by the taxpayer is not presumed to be correct.

Limitations period for assessments and collections

1015.4-25. No assessment of tax may be made by the tax office for a tax reporting period more than three (3) years after the date on which the claim for the unpaid tax accrues.

1015.4-26. A claim for unpaid tax accrues when the tax is first payable, pursuant to this chapter, provided that claims for tax liability that can only reasonably be determined by the tax office from

information that the taxpayer has failed to disclose in a tax return or other submittal to the tax office are not barred and do not accrue until such information is provided to the tax office.

1015.4-27. No administrative or judicial action or proceeding shall be first brought to collect taxes assessed by the tax office more than three (3) years after the date of such assessment.

Exhaustion of administrative remedies

1015.4-28. No court has jurisdiction to entertain any proceeding by a taxpayer in which the taxpayer calls into question his or her liability for any tax or the application to him or her of any provision of this chapter, except as a consequence of the appeal by the taxpayer to the Nation's Court from the action and order of the tax office, as provided in sections 1015.4-44 to 1015.4-53 of this chapter.

Authority to abate tax assessments

1015.4-29. The tax office may abate any part of an assessment of tax, penalty and/or interest determined by the tax office to have been incorrectly, erroneously or illegally made, either in response to a written protest submitted in accordance with sections 1015.4-36 to section 1015.4-43. of this chapter or on the tax office's own motion, based on information otherwise available to the tax office.

1015.4-30. In the event of a final decision of the tax office under sections 1015.4-36 to 1015.4-43. of this chapter or the final decision of the Nation's Court under sections 1015.4-44 to 1015.4-53. of this chapter that a person is not required to pay any portion of a tax assessed to that person, the tax office shall cause that amount of the assessment to be abated. A final decision of the Nation's Court is a decision that not subject to further appeal within the Nation's Court system.

Claims for refund

1015.4-31. Any taxpayer who believes that he or she has paid any tax, interest, or penalty subject to this chapter in excess of the amount for which he or she is liable, may apply to the tax office for a refund within one (1) year from the date of payment. The taxpayer has the burden of proving that the tax has been erroneously paid.

1015.4-32. Every claim for refund shall be on forms furnished by the tax office, shall state under penalty of perjury the grounds upon which the claim is founded, and shall contain information sufficient to allow processing of the claim.

1015.4-33. In response to a claim for refund, the tax office may authorize the refund of any overpayment of tax determined by the tax office to have been erroneously made, together with allowable interest as described in sections 1015.4-58 to 1015.4-62. of this chapter.

1015.4-34. The tax office may authorize the claim in whole or in part or may deny the claim in whole or in part in writing. If the claim is denied in whole or in part, the taxpayer may, within fifteen (15) days after mailing of the tax office's decision, file a written protest of the denial pursuant to sections 1015.4-36 to 1015.4-43 of this chapter. If the tax office has neither granted,

nor denied any portion of the claim for refund within ninety (90) days after the date the claim was mailed or delivered to the tax office, the claim shall be deemed denied, and the taxpayer may file a protest of the denial pursuant to sections 1015.4-36 to 1015.4-43 of this chapter.

1015.4-35. Any refund may in the discretion of the tax office be in the form of cash or a credit against future tax payments. Credits may be applied by the taxpayer in the amounts and on the schedule (not exceeding two (2) years) approved by the tax office.

Protest procedures

1015.4-36. A taxpayer may dispute the assessment of any amount of tax under any provision of this chapter, the application to the taxpayer of any provision of this chapter, or the denial of a claim for refund made in accordance with sections 1015.4-31 to 1015.4-35. of this chapter, by filing with the tax office a written protest. Every protest shall identify the taxpayer and the tax or taxes involved and shall state the grounds for the protest and the affirmative relief requested.

1015.4-37. Any protest shall be filed:

- (a) Within thirty (30) days after mailing or personal delivery of a notice of assessment;
- (b) Within fifteen (15) days of denial of a claim for refund made in accordance with sections 1015.4-31. to 1015.4-35. of this chapter; or
- (c) At the time of payment of a tax that is being paid under protest, pursuant to section 1015.4-57. of this chapter.

1015.4-38. A protesting taxpayer must timely pay all accrued tax, penalty and interest on or before the date the protest is filed. Delinquent taxes may not be paid under protest.

1015.4-39. Taxes that have been timely paid under protest shall be deposited in a suspense account and held in such account until the protest is resolved, including any timely appeals as authorized by this chapter.

1015.4-40. If a protest is not filed in accordance with sections 1015.4-36 to 1015.4-43 of this chapter, the tax office may proceed to enforce collection of any delinquent tax.

1015.4-41. The tax office may request additional information or hold such hearings or meetings as it deems necessary before issuing a decision on the protest. If the tax office holds a hearing, the taxpayer shall appear at the hearing, either in person or through representatives of his or her choice. The hearing shall not be open to the public and shall be conducted in an informal manner. Technical rules of procedure and evidence shall not apply at the hearing, but the hearing shall be conducted to allow the tax office and the taxpayer to present their evidence and positions in a fair and reasonable manner. A written transcript shall be made of the hearing.

1015.4-42. The tax office shall issue a written decision on the protest, summarizing the basis for the decision, within ninety (90) days after the protest is filed. Failure to issue a final decision within that period shall constitute denial of the protest. The written decision shall include an order

granting or denying the relief requested or granting such part thereof as is appropriate and supported by evidence, and it shall inform the protesting taxpayer of the right to, and the requirements for perfection of, an appeal from the decision to the Nation's Court and of the consequences of a failure to appeal. The tax office shall serve the taxpayer with a copy of the decision by certified mail.

1015.4-43. Unless the decision is appealed pursuant to sections 1015.4-44. to 1015.4-53. of this chapter, a decision of the tax office that grants in whole or in part a tax refund to the taxpayer shall be paid to the taxpayer or credited against future tax liabilities of the taxpayer together with allowable interest as described in sections 1015.4-58. to 1015.4-62. of this chapter.

Appeal from the tax office's decision and order

1015.4-44. If the taxpayer is dissatisfied with the final decision and order of the tax office, or if the tax office fails to decide the protest within the time required by section 1015.4-42 of this chapter, the taxpayer or designated agent may appeal to the Nation's Court, but only to the same extent and upon the same theory as was asserted before the tax office. If an appeal is not so taken, the decision and order of the tax office are conclusive.

1015.4-45. An appeal shall be perfected by filing a notice of appeal with the Nation's Court, in the form prescribed by the court, along with any fees required by law. The date of filing shall be the date the notice of appeal is received and stamped by the clerk of court.

1015.4-46. Simultaneously with the filing of a notice of appeal, the taxpayer shall serve a true copy thereof on the tax office. A certificate stating the date and manner of service shall be filed with the notice of appeal.

1015.4-47. The notice of appeal must be filed within thirty (30) days from the date the decision and order of the tax office is served on the taxpayer or from the date the protest is deemed denied under section 1015.4-42. of this chapter.

1015.4-48. All appeals shall be upon the record made within the tax office, unless the Nation's Court, on motion of the taxpayer or the tax office, permits an evidentiary hearing to supplement the record. Any motion requesting an evidentiary hearing must be filed within fifteen (15) days following the date of filing the notice of appeal. If the court grants the motion, an evidentiary hearing shall be scheduled, and notice of the hearing shall be served on the taxpayer and the tax office no less than twenty (20) days prior to the date of the hearing.

1015.4-49. Except as otherwise provided in this chapter, the rules of procedure and evidence applicable to civil proceedings in the Nation's Court shall apply to the appeal.

1015.4-50. The Nation's Court shall independently weigh the evidence of record to assure that the applicable tax laws are lawfully administered and shall issue a written decision on the appeal.

1015.4-51. Nothing in this chapter shall authorize the Nation's Court to enter any money judgment against the tax office or any other agency of the Nation other than an order to refund the amount of any tax, interest or civil penalty erroneously paid by the taxpayer plus interest.

1015.4-52. The decision of the Nation's Court shall be subject to appeal as provided by applicable law.

1015.4-53. A final decision of the Nation's Court that grants in whole or in part a tax refund to the taxpayer shall be submitted to the tax office for payment. A final decision of the Nation's Court is a decision that not subject to further appeal within the Nation's Court system.

Audit of taxpayer records

1015.4-54. The tax office may, through an audit, examine and verify business records and tax returns of a taxpayer in order to determine whether the appropriate amounts of tax have been paid. The taxes and reporting periods included in an audit shall be determined by the tax office. An audit may involve requests that the taxpayer deliver additional information and records to the tax office, and/or the examination of information and records by the tax office at the taxpayer's place of business.

1015.4-55. Upon completion by the tax office of an audit of the taxpayer for a tax and reporting period, the tax office may assess any additional tax liability discovered from information provided in the audit.

1015.4-56. Any additional tax liability assessed by the tax office pursuant to this section shall be conclusive for the tax office's assessment for the report period treated in the audit; provided that, an audit may be reopened if the taxpayer has failed to disclose information material to the calculation of a tax or to the taxpayer's liability for a tax.

Taxes paid under protest

1015.4-57. Any person timely paying a tax subject to this chapter may pay the tax under protest, by filing a notice of protest with the tax office at the time of payment. Delinquent taxes may not be paid under protest. Any protest filed under this section shall be subject to the procedures established by sections 1015.4-36. to 1015.4-43. of this chapter.

Interest on overpayments of taxes

1015.4-58. Interest shall be allowed and paid on the amount of tax overpaid by a person that is subsequently refunded or credited to that person. Interest on overpayments of tax, when applicable, shall accrue and be paid at the rate established for individuals pursuant to Section 6621 of the United States' Internal Revenue Code.

1015.4-59. Unless otherwise provided by this chapter, interest on an overpayment resulting from a self-assessed tax or otherwise not arising from an assessment by the tax office shall accrue from the date of the claim for refund until a date preceding by not more than thirty (30) days from the date of the credit or refund to any person.

1015.4-60. Unless otherwise provided by this chapter, interest on an overpayment arising from an assessment by the tax office shall accrue from the date of overpayment until a date preceding by not more than thirty (30) days from the date of the credit or refund to any person.

1015.4-61. No interest shall be allowed or paid with respect to an amount credited or refunded if:

- (a) The amount of interest due is less than one dollar (\$1.00);
- (b) The credit or refund is made within forty-five (45) days of the date of the claim for refund or the payment of taxes under protest; or
- (c) The credit results from overpayments found in an audit of multiple reporting periods and applied to underpayments found in that audit or refunded as a net overpayment to the taxpayer.

1015.4-62. Nothing in this section shall be construed to require the payment of interest upon interest.

Interest on deficiencies

1015.4-63. If a tax imposed is not paid on or before the day on which it becomes due, interest shall be paid to the tax office on that amount from the first day following the day on which the tax becomes due, without regard to any extension of time or installment agreement, until it is paid, except that:

- (a) If the amount of interest due at the time payment is made is less than one dollar (\$1.00), then no interest shall be due;
- (b) If demand is made for payment of a tax, including accrued interest, and if the tax is paid within ten (10) days after the date of the demand, no interest on the amount paid shall be imposed for the period after the date of the demand; and
- (c) When, as the result of an audit, an overpayment of a tax is credited against an underpayment of tax, interest shall accrue from the date the tax was due until the tax is deemed paid.

1015.4-64. Interest due to the tax office under this section shall be at the rate of six (6) percent a year, computed on a daily basis.

1015.4-65. Nothing in this section shall be construed to impose interest on interest or interest on the amount of any penalty.

Collection of penalties and interest

1015.4-66. Any civil penalties and interest imposed under this chapter may be collected with the amount of tax to which it relates, without separate assessment.

1015.4-67. The tax office may, in its discretion, issue separate assessments of civil penalties provided for in this chapter. Any such assessment shall be subject to the provisions of this chapter governing tax assessments.

Seizure of property by levy

1015.4-68. The tax office may collect tax from a delinquent taxpayer by levy upon all property or rights to property of such person and the conversion thereof to money by appropriate and lawful means.

1015.4-69. A levy is made by taking possession of property pursuant to authority contained in a warrant of levy or by the service, by the tax office or any other person who is authorized by the Oneida Business Committee to enforce laws within the Reservation, of the warrant upon the taxpayer or other person in possession of property or rights to property of the taxpayer or upon any person owing or who will owe money to the taxpayer, ordering him or her to reveal the extent thereof and surrender it to the tax office forthwith or agree to surrender it or the proceeds therefrom in the future, on the terms and conditions stated in the warrant.

1015.4-70. A warrant of levy shall:

- (a) Bear on its face a statement of the authority for its service and compelling compliance with its terms and shall be attested by the highest available ranking official in the agency;
- (b) Identify the taxpayer whose liability for taxes is sought to be enforced, the amount thereof and the date or approximate date on which the tax became due;
- (c) Order the person on whom it is served to reveal the amount of property or rights to property in his or her own possession that belong to the taxpayer and the extent of his or her own interest therein, and to reveal the amount and kind of property or rights to property of the taxpayer that are, to the best of his or her knowledge, in the possession of others;
- (d) Order the person on whom it is served to surrender the property forthwith but may allow him or her to agree in writing to surrender the property or the proceeds therefrom on a certain date in the future when the taxpayer's right to it would otherwise mature;
- (e) State on its face the penalties for willful failure of the person upon whom it is served to comply with its terms; and
- (f) State that the tax office claims a lien for the entire amount of tax asserted to be due, including applicable interest and penalties.

Surrender of property subject to levy

1015.4-71. Any person in possession of or obligated with respect to property or rights to property subject to levy upon which a levy has been made shall surrender the property or rights, or discharge such obligation, to the tax office, except for that part of the property as is, at the time of such demand, the subject of a bona fide attachment, execution, levy or other similar process.

1015.4-72. Any person who wrongfully fails or refuses to surrender, as required by this chapter, any property or rights to property levied upon, upon demand by the tax office, is liable for a civil penalty in an amount equal to the lesser of the value of the property or rights to property not so surrendered or the amount of the taxes for the collection of which such levy has been made.

1015.4-73. The surrender by a person in possession of or obligated with respect to property, rights to property or proceeds from the sale or other disposition of property subject to levy upon which a levy has been made discharges such obligation to the tax office. A surrender by a person shall be a defense against the assertion of any obligation or liability to the delinquent taxpayer or any other person with respect to such property or rights to property arising from the surrender or payment.

Assessment lien

1015.4-74. If any taxpayer liable for any tax subject to this chapter neglects or refuses to pay the tax after assessment as provided in sections 1015.4-21. to 1015.4-24. of this chapter, the amount of the tax, including all accrued interest and penalties, shall be a lien in favor of the Nation upon all property and rights to property belonging to the person and found within the Reservation.

1015.4-75. The lien imposed by section 1015.4-74. of this chapter shall arise at the time assessment has been made and shall continue until the liability for payment of the amount assessed is satisfied and the lien is released by the tax office.

1015.4-76. As against any mortgagee, pledgee, purchaser, judgment creditor, lienor for value or other encumbrancer for value, the lien imposed by section 1015.4-74. of this chapter shall be considered to have arisen and become effective when notice of the lien has been filed by the tax office in the manner prescribed by the Nation's laws.

1015.4-77. A notice of lien shall identify the taxpayer whose liability for taxes is sought to be enforced, the date or approximate date on which the tax became due, and the amount of tax claimed to be due, and shall state that the Nation claims a lien for the entire amount of tax asserted to be due, including applicable interest and penalties. A copy of any notice of lien shall be served on the taxpayer affected.

1015.4-78. Partial payment of the amount due shall reduce the amount of the lien by the amount paid. The tax office may release the lien when payment of the tax, plus any penalty and interest, is adequately guaranteed by other security. The tax office shall file a document releasing the lien, completely or partially as applicable, in the manner prescribed by the Nation's laws.

1015.4-79. The tax office may foreclose upon the property subject to a lien imposed by section 1015.4-74. of this chapter by filing a civil action in the Nation's Court or other court of competent jurisdiction for that purpose. In the event of a foreclosure or surrender pursuant to sections 1015.4-71. to 1015.4-73., the property shall be sold in a commercially reasonable manner and the proceeds applied to the expenses of the foreclosure and then to the liability for costs, penalties, interest and tax. Any remaining balance shall be remitted to the taxpayer.

1015.4-80. In all instances where a notice of lien for taxes, penalties and interest has been filed, no foreclosure upon the property subject to the lien may be made by the tax office after more than three (3) years have elapsed following the date on which the lien was filed.

Civil Penalties

1015.4-81. In the case of failure, due to negligence or disregard of this chapter, to pay when due any amount of tax required to be paid or to file by the date required for a return regardless of whether any tax is due, there shall be added to the amount of the tax a penalty of:

- (a) Ten percent (10%) of the amount of tax due, for the initial infraction; and
- (b) An additional ten percent (10%) if the infraction continues beyond 30 days following the date on which the first infraction occurred.

1015.4-82. No penalty shall be assessed against a taxpayer if the failure to pay an amount of tax when due results from a mistake of law made in good faith and on reasonable grounds.

1015.4-83. In the case of failure, with willful intent to evade or defeat a tax, to pay when due the amount of tax required to be paid, there shall be added to the amount twenty-five percent (25%) percent of the tax or a minimum of twenty-five dollars (\$25.00), whichever is greater, as penalty. This penalty is in addition to other civil penalties provided by this chapter.

1015.4-84. If demand is made for payment of a tax, including penalty imposed pursuant to sections 1015.4-81. to 1015.4-88. of this chapter, and if the tax is paid within ten (10) days after the date of such demand, no penalty shall be imposed for the period after the date of the demand with respect to the amount paid.

1015.4-85. No penalty shall be imposed on tax that is deemed paid by crediting overpayments found in an audit of multiple periods.

1015.4-86. In the case of failure to respond to a subpoena issued pursuant to sections 1015.4-2. to 1015.4-4. of this chapter, or failure to comply with reasonable requests of the tax office authorized by this chapter, the tax office may impose a penalty of up to five hundred dollars (\$500.00), with the precise amount determined by the tax office in the tax office's discretion. If the taxpayer still fails to comply after thirty (30) days, the tax office may impose an additional penalty of up to one thousand dollars (\$1,000.00), with the precise amount determined by the tax office in the tax office's discretion. For every thirty (30) days thereafter that the taxpayer still fails to comply, the tax office shall assess an additional penalty of up to two thousand five hundred dollars (\$2,500.00), with the precise amount determined by the tax office in the tax office's discretion.

1015.4-87. If any payment required to be made under this chapter is attempted to be made by check which is not paid upon presentment, such dishonor shall be deemed proof of negligence for purposes of section 1015.4-81. of this chapter.

1015.4-88. The tax office may initiate a civil proceeding in the Nation's Court to enforce against a taxpayer any tax, including all accrued interest and penalties, authorized by this chapter.

Attempts to evade or defeat taxes

1015.4-89. Any taxpayer who willfully attempts to evade or defeat any tax or the payment thereof, in addition to other penalties provided by this chapter or another provision of the Nation's laws, shall be subject to the civil penalties in 1015.4-83 of this chapter.

Successor liability

1015.4-90. Any person who buys substantially all of the business assets of a taxpayer that are located on the Reservation shall withhold from the purchase price and pay to the tax office the amount of all unpaid taxes owed by the taxpayer at the time of the purchase.

1015.4-91. Any purchaser who fails to withhold and pay over the taxes described in section 1015.4-92 of this chapter, shall be personally liable for such unpaid taxes. The tax office is authorized to assess such taxes against the purchaser and to collect them as provided in this chapter.

1015.4-92. In response to a written request from the taxpayer, the tax office will identify the amount of any unpaid taxes for which the purchaser may be liable under this section. The purchaser shall not be liable to the tax office for any unpaid taxes of the taxpayer in excess of the amount so identified. If the taxpayer's actual liability exceeds the amount identified by the tax office under this section, the taxpayer shall remain liable for all taxes actually due and unpaid.

Limited waiver of sovereign immunity

1015.4-93. Any challenge to the validity or application of any tax subject to this chapter may be brought only in the Nation's Court, and only in accordance with the procedures established by this chapter. The Nation waives its sovereign immunity from suit solely for the purpose of filing an appeal as provided in sections 1015.4-44. to 1015.53. of this chapter. The Nation does not waive its sovereign immunity from suit in the courts of any other jurisdiction for any claim arising from the administration or enforcement of any tax subject to this chapter.

Confidentially of returns

1015.4-94. It is unlawful for any employee of the tax office or any former employee to disclose to any person any information contained in a tax return or an informational return or report required by this chapter or any other information about a taxpayer acquired as a result of his or her employment by the tax office, except:

- (a) To the Oneida Business Committee, provided that disclosure is necessary for the Oneida Business Committee to carry out an official duty and the information is kept confidential by the Oneida Business Committee. Nothing in this section shall prohibit the Oneida Business Committee from disclosing the tax information of taxpayers that are wholly owned or majority controlled by the Nation;
- (b) To another employee or contractor of the Nation, provided that disclosure is necessary for the employee or contractor to carry out an official duty and the information is kept confidential by the employee or contractor;

- (c) To the Nation's legal counsel;
- (d) To a court of competent jurisdiction in an action relating to taxation to which the tax office or the Nation and the taxpayer or designated agent are parties, or in an action to enforce any tax liability of the taxpayer to which the tax office or Nation is a party;
- (e) To the taxpayer or its designated agent or other authorized representative;
- (f) In a manner or form that the information revealed does not identify the particular taxpayer to which the information relates; or
- (g) When necessary to enforce the provisions of this chapter.

1015.4-95. Nothing in this chapter prohibits the tax office from disclosing to any person:

- (a) Whether a person is or is not registered with the tax office as a taxpayer; or
- (b) The final decision and order of the tax office in any protest filed under sections 1015.4-36. to 1015.4-43.

1015.4-96. Nothing in this chapter prohibits the Nation's courts from disclosing to any person decisions and orders of the Nations court, which may include information contained in a tax return or an informational return or report required by this chapter.

Notice of amendments

1015.4-97. The tax office shall notify taxpayers promptly of any amendments to this chapter. This notice is in addition to and does not replace any notice required under the Legislative Procedures Act or other law of the Nation.

1015.5 Room Tax

Applicability

1015.5-1. This room tax law applies to transient occupancy in any hotel owned by the Nation or a Tribal member within the exterior boundaries of the Reservation.

Tax imposed

1015.5-2. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of a percentage of the rent charged by the operator. The Oneida Business Committee shall establish, through resolution, the percentage of tax to be charged by the operator. Unless otherwise provided for herein, said tax constitutes a debt owed by the transient to the Nation which is extinguished only by payment to the operator.

- (a) The transient shall pay the tax to the operator at the time the rent is paid. If rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel.
- (b) If for any reason the tax due is not paid to the operator, the tax office may require the transient to pay such tax directly to the tax office.

1015.5-3. Exemptions.

(a) No tax shall be imposed upon:

- (1) Any person as to whom, or any occupancy as to which, it is beyond the power of the Nation to impose the tax herein provided;
- (2) Any tribal, federal or state officer or employee when on official business;
- (3) Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

(b) No exemption shall be granted unless a valid claim for an exemption is submitted at the time rent is collected upon a form prescribed by the tax office.

Operator's duties

1015.5-4. Each operator shall collect the tax imposed by this law at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner provided in this chapter.

1015.5-5. *Registration.* Within thirty (30) days after the effective date of this law, or within thirty (30) days after commencing business, whichever is later, each operator shall register said hotel with the tax office and obtain from the tax office a "Transient Occupancy Registration Certificate" to be at all times posted in a conspicuous place on the premises. The certificate shall, among other things, state the following:

(a) the name of the operator;

(b) the address of the hotel;

(c) the date upon which the certificate was issued; and

(d) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Oneida Room Tax Law by registering with the Tax Office for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Office. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the Nation. This certificate does not constitute a permit."

1015.5-6. *Updating Registration.* Operators are required to keep their registration active and obtain an updated registration should the name of the operator or the address of the hotel change. Operators who obtained certificates issued prior to [\[insert revision date of the Oneida Room Tax Law\]](#) are not required to obtain an updated certificate unless there are changes to the name of the operator or the address of the hotel which would require a new certificate to be issued.

1015.5-7. *Reporting and Remitting.* Each operator shall, on or before the last day of the month following the close of each calendar quarter, make a return to the tax office, on forms provided by the tax office, of the total rents charged and received and the amount of tax due for transient occupancies, unless the taxpayer requests an extension in accordance with section 1015.4-19 of this chapter and the tax office grants the extension. At the time the return is filed, the full amount of the tax due shall be remitted to the tax office. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this law shall be held in trust for the benefit of the Nation until payment thereof is made to the tax office.

1015.5-8. *Records.* It shall be the duty of every operator to keep and preserve, for a period of three (3) years, all records necessary to determine the amount of tax the operator was liable for collecting and paying to the Nation. The tax office shall have the right to inspect and audit the records in accordance with 1015.4 of this chapter.

Penalties

1015.5-9. *Operator Penalties.* Operators who violate the provisions of 1015.5. of this chapter are subject to the civil penalties in sections 1015.81 to 1015.4-88 of this chapter.

1015.5-10. *Transient Penalties.* Notwithstanding anything to the contrary in this chapter, any transient who violates any provision of this law shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

1015.5-11. *Fraud.* In the case of failure by an operator, with the willful intent to evade or defeat the room tax, to pay when due the amount of tax required to be paid, the civil penalty in section 1015.4-83. shall be assessed in addition to other penalties authorized by this chapter.

Refunds, protests, appeals

1015.5-12. *Refunds.* A claim for refund of the room tax shall follow the refund procedures in sections 1015.4-31. to 1015.4-35. of this chapter, subject to 1015.5-12. (a) and (b) below.

(a) An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received by the tax office when it is established in a manner prescribed by the tax office that the person from whom the tax has been collected was not a transient; provided however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator. Provided that, credits shall be given in all cases where the amount of refund would be less than fifty dollars (\$50.00).

(b) A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the tax office by filing a claim in the manner provided in sections 1015.4-31. to 1015.4-35. of this chapter, but only when the tax was paid by the transient directly to the tax office, or when the transient having paid the tax to the operator establishes to the satisfaction of the tax office that the transient has been unable to obtain a refund from the operator who collected the tax.

1015.5-13. *Protests.* Protests related to the room tax shall follow the protest procedures in sections 1015.4-36. to 1015.4-43 of this chapter.

1015.5-14. *Appeals.* Appeals related to the room tax shall follow the appeals procedures in sections 1015.4-44. to 1015.4-53. of this chapter.

1015.6. Possessory Interest Tax

Applicability

1015.6-1. This possessory interest tax applies to any person who possesses or has a claim to or has a right in the possession of any leasehold in real property located on trust lands within the Reservation boundaries together with any improvements thereon whether considered personalty or realty not exempt under 1015.6-3 of this chapter. This possessory interest tax only applies to possessory interest acquired after the date of enactment of section 1015.6. of this chapter.

Tax Imposed

1015.6-2. There is hereby imposed upon persons on account of their possessory interest in real property, a possessory interest tax as provided for in section 1015.6. of this chapter. The Oneida Business Committee shall establish, through resolution, the tax rate to be charged, provided the rate shall not exceed the average net property tax rate then in effect in Brown County, Wisconsin.

1015.6-3. Exemptions.

(a) No possessory interest tax shall be imposed upon:

- (1) Any person as to whom, it is beyond the power of the Nation to impose the tax herein provided;
- (2) A possessory interest which consists of a service line of a utility which exclusively serves the Reservation or a delivery or distribution facility of a utility which exclusively serves the Reservation.
- (3) A possessory interest owned and used by the Nation, the federal government, the State of Wisconsin, or a subdivisions of any such governmental entity.
- (4) A possessory interest used exclusively for residential or agricultural purposes.
- (5) A possessory interest of a person who has a valid alternative tax agreement with the Nation which addresses the Nation's possessory interest tax.

1015.6-4. *Determining the value of possessory interests.* The tax office shall use standard appraisal methods and techniques to determine the value of each possessory interest subject to the possessory interest tax. These standards shall be set forth in regulations adopted by the tax office pursuant to its authority in section 1015.4-2(d) of this chapter.

1015.6-5. *Date of valuation.* The tax office shall annually determine the value of the possessory interests as of November 1 of each year on which tax assessments for the following year shall be made.

1015.6-6. *Date of assessment.* The tax office shall mail a notice of assessment to each person subject to the possessory interest tax by December 15 of each year.

Taxpayer duties

1015.6-7. Each person who is subject to the possessory interest tax under this chapter shall comply with the requirements of this chapter and any other such requirements contained in regulations adopted by the tax office pursuant to its authority in section 1015.4-2(d) of this chapter.

1015.6-8. *Registration.* Each person subject to the possessory interest tax shall register with the tax office as a person with a nonexempt possessory interest. Registering with the tax office does not relieve any person with a nonexempt possessory interest from compliance with any other applicable registration or permitting requirements under the Nation's laws.

1015.6-9. *Remitting.* Unless otherwise provided for in an extension granted by the tax office, one half of the tax assessed shall be due by January 31 of the year following assessment and one half of the tax assessed shall be due July 31 of the year following assessment.

1015.6-10. *Records.* It shall be the duty of every person subject to the possessory interest tax to keep and preserve, for a period of three (3) years, all records necessary to determine the amount of tax the taxpayer was liable for paying to the Nation. The tax office shall have the right to inspect and audit the records in accordance with section 1015.4 of this chapter.

Penalties

1015.6-11. Taxpayers who violate the provisions of this chapter are subject to the civil penalties in sections 1015.81 to 1015.4-88 of this chapter.

1015.6-12. *Fraud.* In the case of failure by a taxpayer, with the willful intent to evade or defeat the possessory interest tax, to pay when due the amount of tax required to be paid, the civil penalty in section 1015.4-83. shall be assessed in addition to other penalties authorized by this chapter.

Refunds, protests, appeals

1015.6-13. *Refunds.* Claims for refund of the possessory interest tax shall follow the procedures in 1015.4-31. to 1015.4-35. of this chapter.

1015.6-14. *Protests.* Protests related to the possessory interest tax shall follow the procedures in 1015.4-36. To 1015.4-48 of this chapter.

1015.6-15. *Appeals.* Appeals related to the possessory interest tax shall follow the appeals procedures in sections 1015.4-44. to 1015.4-53. of this chapter.



HANDOUT

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



AGENDA REQUEST FORM

- 1) Request Date: March 1, 2019
- 2) Contact Person(s): Clorissa N. Santiago
Dept: Legislative Reference Office
Phone Number: (920) 869-4417 Email: LOC@oneidation.org
- 3) Agenda Title: Oneida Personnel Commission Bylaws Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
During a LOC work session on 3/1/19 the Nation's Secretary informed the LOC that while her and the BCSC were preparing the training for incoming OPC members gaps between resolution BC-09-26-18-F and the bylaws were discovered. It was recommended the byalws be amended to ensure all necessary information is included.

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

- 1) Oneida Personnel Commission Bylaws
- 2) _____
- 3) _____
- 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
Boards, Committees, and Commissions law
- 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:
LOC would like to address gap in training before new members are sworn in and trained.

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

ONEIDA PERSONNEL COMMISSION BY-LAWS

Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Personnel Commission, and may be referred to as the OPC.
- 1-2. *Establishment.* The OPC was created by the General Tribal Council as the Personnel Selection Committee and renamed the Personnel Commission by the Oneida Business Committee through resolution BC-04-13-90-A. The Oneida Business Committee dissolved the Personnel Commission on April 11, 2018 through resolution BC-04-11-18-A. On August 27, 2018, the General Tribal Council rescinded the dissolution of the Personnel Commission and the OPC was recreated by the Oneida Business Committee through resolution BC-09-26-18-F.
- 1-3. *Authority.*
- (a) The OPC was created by the General Tribal Council to represent the Oneida community-at-large in the selection of the Nation's employees and to shield those employees from inconsistent and unfair treatment by:
 - (1) Protecting against issues of nepotism;
 - (2) Enforcing Oneida and Indian preference;
 - (3) Hearing and deciding appeals of disciplinary action filed by employees of the Nation; and
 - (4) Carrying out all other powers and duties delegated by the laws of the Nation, including but not limited to, the Oneida Personnel Policies and Procedures.
 - (b) The OPC does not have authority to:
 - (1) Enter into contracts;
 - (2) Create policy or legislative rules; or
 - (3) Evaluate or rate a candidate on criteria qualifications unrelated to the following subject matter during candidate interviews:
 - (A) Oneida/Indian preference;
 - (B) Nepotism;
 - (C) Conflicts of interest;
 - (D) Veteran status; and
 - (E) Physical capacity requirements.
- 1-4. *Office.* The official mailing address of the OPC shall be:
Oneida Personnel Commission
P.O. Box 365
Oneida, WI 54155
- 1-5. *Membership.*
- (a) *Number of Members.* The OPC shall be made up of five (5) members and Pro Tem members to be selected by the Oneida Business Committee

Support Office in the event of an incumbent member's recusal based on a conflict of interest.

- (1) Each member shall hold office until his or her term expires, until his or her resignation, or until his or her appointment is terminated in accordance with the Boards, Committees and Commissions law.
- (b) *Appointment.* Each member shall be appointed in accordance with the Boards, Committees and Commissions law to serve a five (5) year term. The first term shall be staggered with one (1) member receiving a one (1) year term; one (1) member receiving a two (2) year term; one (1) member receiving a three (3) year term; one (1) member receiving a four (4) year term and one (1) member receiving a five (5) year term. Each appointment after the initial staggered terms shall receive a five (5) year term.
- (c) *Vacancies.*
 - (1) *Filling of Vacancies.* Vacancies shall be filled in accordance with the Boards, Committees and Commissions law.
 - (2) *Resignation.* A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the OPC Chairperson or his/her designee.
 - (A) *Effective Date of Resignation.* A resignation is effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.
 - (3) *Terms of Replacement Member.* A replacement member shall hold office through the unexpired portion of the term of the member whom he or she has replaced.
 - (A) A replacement member is defined as a member who fills a vacancy caused by resignation, removal or termination.
- (d) *Qualifications.* OPC members shall meet the following qualifications:
 - (1) Be an enrolled member of the Oneida Nation;
 - (2) Be at least twenty-one (21) years of age;
 - (3) Shall not be an employee of the Nation;
 - (4) Be available for meetings, training, interviews, prescreening, reassignments, grievance hearings and other duties as needed. Three (3) unexcused absences to attend to such duties may be reported to the Oneida Business Committee, if deemed appropriate by the OPC, for recommended termination;
 - (5) Be free of any and all direct conflicts of interest or appearances of conflict as defined under various laws and policies of the Nation, including but not limited to, the oath of office, the Oneida Rules of Civil Procedure, the Oneida Personnel Policies and Procedures and other laws/policies regarding employment, the Code of Ethics, and the Boards, Committees and Commissions law; and
 - (6) Have a minimum of two (2) years supervisory experience along with hiring experience, an Associate Degree, or equivalent experience or education.
- (e) *Duties and Responsibilities.* OPC members shall abide by the following:
 - (1) Both formal and informal communications to any entity on behalf

of the OPC must come from a member of the OPC through OPC directive. Specific policy governing all communications of the OPC may be set forth in an OPC Communications SOP to provide procedural guidance, consistent herewith, on determining when, how, and by which OPC member(s) communications are made;

- (2) Uphold all laws and policies of the Nation, including but not limited to, the Boards, Committees and Commissions law;
- (3) Conduct grievance hearings in accordance with the Oneida Personnel Policies and Procedures and the Oneida Judiciary Rules of Civil Procedure;
 - (A) If a conflict exists between the Oneida Personnel Policies and Procedures and the Oneida Judiciary Rules of Civil Procedure, the Oneida Personnel Policies and Procedures shall govern.
 - (B) Appeals from OPC decisions to the Judiciary shall be governed by the Oneida Code of Laws, Title 8. Judicial System.
- (4) Exclusively use the official Oneida e-mail address provided by the Nation upon appointment to the OPC to electronically conduct business on behalf of the OPC; and
- (5) *Dress Code.* OPC members are expected to be clean, well-groomed and dressed in business casual attire when conducting activities on behalf of the OPC, including but not limited to, employee interviews and grievance hearings.
 - (A) By way of example, business casual attire does not include:
 - (i) Tattered jeans or shorts;
 - (ii) Shirts with language or graphics that are vulgar; sexually explicit, or may otherwise be offensive;
 - (iii) Attire that is revealing or provocative;
 - (iv) Flip-flops or any type of loose footwear;
 - (v) Sweat suits;
 - (vi) See-through blouses or shirts;
 - (vii) Sports bras, halter tops, or similar attire;
 - (viii) Tank tops;
 - (ix) Clothing that allows bare midriffs; or
 - (x) Clothing that is ripped or stained.

1-6. *Termination.* An OPC member's appointment may be terminated in accordance with the Boards, Committees and Commissions law.

- (a) Any member whose appointment is terminated by the Oneida Business Committee after the adoption of these bylaws, as may be amended from time to time, shall not be eligible for re-appointment to the OPC for a minimum of five (5) years following his or her termination.

1-7. *Trainings.*

- (a) OPC members must complete the following training prior to participating

in any screenings, interviews and/or grievance hearings on behalf of the OPC:

- (1) Four (4) hours of e-Learning on interview certification and four (4) hours of orientation through the Oneida Human Resources Department, which shall include:
 - (A) EEO training;
 - (B) Training on Tribal laws, rules and regulations; and
 - (C) Training on the Oneida Personnel Policies and Procedures.
 - (2) Training on the grievance process, which shall include:
 - (A) A presentation developed by the Oneida Judicial System on the Oneida Judiciary Rules of Civil Procedure, an estimated three (3) hours in length;
 - (B) Up to three (3) hours of training in formal opinion writing and the basics of evidence; and
 - (C) Two (2) hours of training in professional ethics, including issues of confidentiality.
 - (3) Any other training deemed necessary by the Oneida Business Committee.
- (b) After serving on the OPC for one (1) year, all OPC members shall either accumulate a minimum of eight (8) hours of training annually in the above subject matter or shall review annually the lessons and materials connected with the above subjects.
 - (c) Completion of all training, including training under Section 1-7(b), shall be confirmed by receipt of a certificate or some other written documentation and kept on file with the OPC.

Article II. Officers

- 2-1. *Officers.* There shall be a Chairperson, a Vice-Chairperson and a Secretary.
- 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson are as follows:
 - (a) Shall preside over all meetings of the OPC;
 - (b) Shall be a member of all subcommittees of the OPC, may call emergency meetings, and shall keep the OPC informed as to the business of the OPC;
 - (c) Shall, with the assistance of the Secretary, submit annual and semi-annual reports to the General Tribal Council as required by the Boards, Committees and Commissions law;
 - (d) Shall, with the assistance of the Secretary, submit quarterly reports to the Oneida Business Committee as required by the Boards, Committees and Commissions law; and
 - (e) Shall, with the assistance of the Secretary, forward notice of meeting location, agenda and materials in the manner prescribed herein.
- 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson are as follows:
 - (a) In the absence of the Chairperson, shall conduct meetings of the OPC and

- (b) appoint a temporary Vice-Chairperson for those meetings; and
- (b) Shall work with the Chairperson in all matters that concern the OPC.

2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary are as follows:

- (a) Shall keep accurate minutes and/or assure that accurate minutes are kept of all OPC meetings as required by the Boards, Committees and Commissions law and as further prescribed herein;
- (b) Along with the Chairperson, shall provide notice of regular, joint and emergency meetings, as well as agendas and materials, in the manner prescribed herein;
- (c) Shall act as custodian of the records;
- (d) Shall attend to, or ensure proper attendance to, all correspondence and present to the OPC all official communications received by the OPC;
- (e) Shall, along with the Chairperson, submit annual and semi-annual reports to the General Tribal Council, as well as quarterly reports to the Oneida Business Committee as required by the Boards, Committees and Commissions law; and
- (g) Shall work with the Business Committee Support Office to administer the budget.

2-5. *Standing and Special Committees.* Standing and special committees may be created when deemed necessary by the OPC. In accordance with the Boards, Committees and Commissions law, OPC members who attend any meetings of a standing or special committee shall not be eligible to receive a stipend for their attendance.

2-6. *Selection of Officers.* Officers of the OPC shall be appointed by the OPC for two (2) year terms. Officers may hold only one (1) officer position.

- (a) Each officer shall hold his or her office until:
 - (1) The member resigns; or
 - (2) The member has his or her appointment terminated in the manner set forth in the Boards, Committees and Commissions law.
- (b) A vacancy of any officer position shall be filled by the OPC for the unexpired term at the next regular or emergency meeting.

2-7. *Budgetary Sign-Off Authority and Travel.*

- (a) Two (2) of the three (3) OPC Officers must sign-off on budgetary requests.
- (b) The OPC shall follow the Nation's policies and procedures regarding purchasing, travel and sign-off authority.
- (c) The OPC shall approve a member's request to travel on behalf of the OPC by a majority vote at a regular or emergency OPC meeting.
- (d) The OPC must review its budget on a monthly basis and have one or more members in attendance at all budget meetings.

2-8. *No Authorized Personnel.* The Oneida Business Committee Support Office and the Oneida Human Resources Department shall assist the OPC with administrative

- duties relating to the employee selection and grievance process.
- (a) The Oneida Human Resources Department shall be responsible for the scheduling of employee interviews.

Article III. Meetings

- 3-1. *Regular Meetings.* Regular meetings shall occur on a monthly-basis. The regular meeting time, place and agenda shall be determined by the OPC at a regular meeting. If no alternative designation is made by the OPC, the regular meeting shall be the last Tuesday of every month. Notice of meeting location, agenda and materials shall be forwarded by the Chairperson with the assistance of the Secretary. Meetings shall run in accordance with Robert's Rules of Order or another method approved by the Oneida Business Committee. Meetings shall comply with the Nation's Open Records and Open Meetings law.
- 3-2. *Emergency Meetings.* Emergency meetings shall only be called when time sensitive issues require immediate action. Emergency meetings of the OPC may be called by the Chairperson or upon written request of any two (2) members. Notice of the meeting location, agenda and materials shall be forwarded by the Chairperson with the assistance of the Secretary.
- (a) Within seventy-two (72) hours after an emergency meeting, the OPC 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.
- 3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held in March and September of each year. Notice of the meeting location, agenda and materials shall be forwarded by the Chairperson with the assistance of the Secretary.
- 3-4. *Quorum.* A majority of the OPC members shall constitute a quorum for the transaction of business, which shall include the Chairperson or Vice-Chairperson.
- 3-5. *Order of Business.* The regular meetings of the OPC shall follow the order of business as set out herein:
- (a) Call to Order
 - (b) Roll Call
 - (c) Approving of Previous Meeting Minutes
 - (d) Reports
 - (e) Old Business
 - (f) New Business
 - (g) Adjournment
- 3-6. *Voting.* Voting shall be in accordance with the simple majority vote of the OPC members present at a duly called meeting.
- (a) The Chairperson shall vote only in case of a tie.

- (b) The OPC is permitted to e-poll; provided, it does so in accordance with the procedures set forth in the Boards, Committees and Commissions law.

Article IV. Expectations

4-1. *Behavior of Members.* Members are expected to treat each other in accordance with the Nation's core values of The Good Mind as expressed by OnΛyote?a·ka, which includes:

- (a) Kahletsyalúsla. The heart felt 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?tshatstΛsla. 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) TwahwahtsílawayΛ. All of us are family.
- (g) YukwatsístayΛ. Our fire, our spirit within each one of us.

Failure to treat each other with respect shall be cause for a recommendation for termination from the OPC. Appointed members of the OPC serve at the discretion of the Oneida Business Committee. Upon the recommendation of a member of the Oneida Business Committee or the OPC, a member of the OPC may have his or her appointment terminated by the Oneida Business Committee.

4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the OPC that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property during a meeting or when acting in an official capacity are strictly prohibited and grounds for an immediate recommendation for termination of appointment from the OPC and/or the imposition of sanctions and/or penalties according to laws and policies of the Nation.

4-3. *Drug and Alcohol Use.* Use of alcohol and prohibited drugs by a member of the OPC when acting in his or her official capacity is strictly prohibited. Prohibited drugs are defined as 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.

4-4. *Social Media.* OPC members shall abide by the Nation's Social Media Policy. OPC members shall further refrain from posting, attaching or writing anything relating to OPC business or activities on any social media outlet except for notices of meetings and notices of meeting cancellations.

4-5. *Conflict of Interest.* OPC members shall abide by all laws of the Nation governing conflicts

of interest. Members must submit a Conflict of Interest Disclosure form upon Oath of Office and annually.

Article V. Stipends and Compensation

- 5-1. *Stipends.* OPC members are eligible for the following stipends as set forth in the Boards, Committees and Commissions law and resolution BC-09-26-18-D, titled Boards, Committees and Commissions Law Stipends:
- (a) One (1) monthly meeting stipend.
 - (b) One (1) stipend per day for participating in interviews and/or job description pre-screens conducted by the Human Resources Department.
 - (c) Stipends for holding grievance hearings.
 - (d) Stipends for Judiciary hearings.
 - (1) A member of the OPC may receive a stipend for attending an Oneida Judiciary hearing if that member is specifically subpoenaed.
 - (e) Stipend for each full day of training that is required by law, bylaw or resolution.
 - (f) A member shall receive a stipend for his or her attendance at a duly called joint meeting as defined under the Boards, Committees and Commissions law.
- 5-2. *Compensation.* OPC members are not eligible for any other type of compensation for duties /activities they perform as members of the OPC.
- (a) OPC members shall not act in any other official or personal business capacity or on behalf of any other entity or individual while acting in the capacity of an OPC member or on behalf of the OPC.

Article VI. Records and Reporting

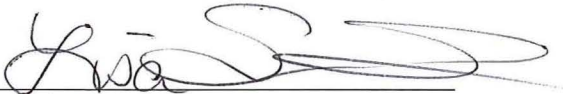
- 6-1. *Agenda Items.* Agendas shall be maintained in a consistent format as identified in Article III, Section 3-5 of these bylaws.
- 6-2. *Minutes.* All minutes shall be typed in a consistent format and shall be submitted to the Oneida Business Committee Support Office within thirty (30) days after approval by the OPC.
- 6-3. *Attachments.* Handouts, attachments, memoranda, etc. shall be attached to the corresponding minutes and the agenda, minutes and attachments shall be kept electronically by the Oneida Business Committee Support Office.
- 6-4. *Oneida Business Committee Liaison.* The OPC shall regularly communicate with the Oneida Business Committee member who is their designated liaison. The frequency and method of communication shall be agreed upon by the OPC and the Liaison.
- 6-5. *Audio Recordings.* The OPC shall audio record meetings and submit the recordings to the Oneida Business Committee Support Office within two (2) business days for purposes of maintaining the audio records.

- (a) Audio recordings of executive session portions of a meeting are not required.

Article VII. Amendments

7-1. *Amendments to Bylaws.* Any amendments to these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other policy of the Nation. Amendments to these bylaws shall be approved by the Oneida Business Committee prior to implementation.

These By-laws, as amended and revised, are hereby approved by the Oneida Business Committee at a duly called meeting held on January 9, 2019, signed by the Tribal Secretary of the Oneida Business Committee.



Oneida Tribal Secretary
Oneida Business Committee

March 2019

March 2019							April 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2		1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
						31							

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 24	25	26	27	28	Mar 1 9:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	2
3	4 2:30pm LOC MEETING (BC_Conf_Room) - Clorissa N. Santiago	5	6	7	8	9
10	11 12:15pm PUBLIC MEETING: Domestic Animals Law Amendments (BC_Conf_Room) - Clorissa	12	13	14	15 10:00am LOC Work Session (BC_Conf_Room) - Clorissa N. Santiago	16
17 GTC (Radisson) 10:00am GTC meeting - Special (Radisson Hotel & Conf. Center) -	18	19	20 9:00am LOC Meeting (BCCR) - LOC	21 5:00pm COMMUNITY MEETING: Proposed Curfew Law (Norbert Hill Center)	22	23
24	25 6:00pm GTC (Radisson)	26	27	28 9:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	29	30
31	Apr 1	2	3	4	5	6

April 2019

April 2019

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
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14	15	16	17	18	19	20
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28	29	30				

May 2019

Su	Mo	Tu	We	Th	Fr	Sa
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mar 31	Apr 1	2	3 9:00am LOC (BC_Conf_Room) - LOC 9:00am LOC Meeting (BC_Conf_Room) 9:00am LOC Meeting	4	5	6
7	8	9	10	11 2:00pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	12	13
14	15	16	17 9:00am LOC Meeting (BCCR) - LOC	18	19	20
21	22	23	24	25 9:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	26	27
28	29	30	May 1	2	3	4