



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center

October 2, 2019

9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

September 18, 2019 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Citations Law (pg. 4)
2. Curfew Law (pg. 26)
3. Pardon and Forgiveness Screening Committee Bylaws Amendments (pg. 64)
4. Oneida Gaming Commission Bylaws Amendments (pg. 96)
5. Southeastern Oneida Tribal Services (SEOTS) Advisory Board Bylaws Amendments (pg. 125)
6. Oneida Nation Arts Board Bylaws Amendments (pg. 162)
7. Oneida Nation School Board Bylaws Amendments (pg. 202)
8. Oneida Nation Commission on Aging (ONCOA) Bylaws Amendments (pg. 229)
9. Oneida Land Commission Bylaws Amendments (pg. 266)

IV. New Submissions

1. Oneida Nation Arts Program – Dollars for Arts Project Policies Amendments (pg. 312)

V. Additions

VI. Administrative Updates

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
September 18, 2019
9:00 a.m.

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

Excused: Kirby Metoxen

Others Present: Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Kristen Hooker, Lisa Liggins, Hon. Layatalati Hill, Hon. Denise Beans, JoAnne House, Ralinda Ninham-Lamberies, Jameson Wilson.

I. Call to Order and Approval of the Agenda

David P. Jordan called the September 18, 2019, Legislative Operating Committee meeting to order at 9:03 a.m.

Motion by Daniel Guzman King to adopt the agenda; seconded by Jennifer Webster. Motion carried unanimously.

II. Minutes to be Approved

Motion by Jennifer Webster to approve the September 04, 2019, Legislative Operating Committee meeting minutes and forward to the Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.

III. Current Business

1. Child Support Amendments (1:53-5:31)

Motion by Jennifer Webster to approve the updated draft and legislative analysis; seconded by Ernest Stevens III. Motion carried unanimously.

Motion by Ernest Stevens III to approve public meeting and forward to the Child Support law to a public meeting to be held on October 17, 2019; seconded by Jennifer Webster. Motion carried unanimously.

2. Oneida Police Commission Bylaws Amendments (5:33-13:56)

Motion by Jennifer Webster to accept the Police Commission Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

3. Anna John Resident Centered Care Community Board Bylaws Amendments (13:58-18:45)

Motion by Ernest Stevens III to accept the Anna John Resident Centered Care Community Board Bylaws Amendments and forward to the Oneida Business



- Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.
4. **Oneida Election Board Bylaws Amendments** (18:47-20:12)
Motion by Jennifer Webster to accept the Oneida Election Board Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.
 5. **Oneida Community Library Boards Bylaws Amendments** (20:15-23:05)
Motion by Jennifer Webster to accept the Library Board Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.
 6. **Oneida Nation Veteran Affairs Committee** (23:06-24:54)
Motion by Ernest Stevens III to accept the Oneida Nation Veteran Affairs Committee Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.
 7. **Oneida Powwow Committee Bylaws Amendments** (24:55-28:11)
Motion by Ernest Stevens III to accept the Powwow Committee Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

IV. New Submissions

V. Additions

VI. Administrative Items

1. **Judiciary Law Rule No. 1 – Oneida Trial Court Rules** (28:12-30:30)
Motion by Jennifer Webster to certify the Judiciary Law Rule No. 1 – Oneida Trial Court Rules and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Ernest Stevens III to adjourn the September 18, 2019, Legislative Operating Committee meeting at 9:34 a.m.; seconded by Daniel Guzman King. Motion carried unanimously.



Legislative Operating Committee
October 2, 2019

Citations Law

Submission Date: 5/15/19	Public Meeting: n/a
LOC Sponsor: Jennifer Webster	Emergency Enacted: n/a

Summary: *This item came to the LOC as a result of the development of the amendments to the Domestic Animals law. The development of a Citations law will ensure that the Nation provides a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved.*

5/15/19 LOC: Motion by Jennifer Webster to add the Citations Law to the active files list with Jennifer Webster as the sponsor; seconded by Kirby Metoxen. Abstained by Ernest Stevens III and Daniel Guzman King. Motion carried.

5/21/19: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck, Eric Boulanger, Chad Wilson, Kelly McAndrews, Wes Martin, Tsyoslake House. The purpose of this work meeting was to review and discuss the initial draft of the Citations law with the departments and entities that are currently involved in the handling of citations. The Oneida Law Office, Legal Resource Center, and Oneida Police Department provided suggestions and recommendations to the LRO staff. LRO will update the draft.

5/23/19: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker. The purpose of this work meeting was to discuss and plan for how the LOC will collaborate with the Judiciary on the development of this Law.

6/13/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Destiny Prendiville, Laura Laitinen-Warren. The purpose of this work meeting was to review the draft of the Law, and for the LOC to provide input. The LOC provided the LRO with revisions to be made to the law, and areas that should be researched. LOC also determined that the law should not move forward until the Judiciary has been consulted.

8/6/19: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Eric Boulanger, Lisa Skenandore, Patricia Degrand, Kristina Denny, Kelly McAndrews. The purpose of this work meeting was to review the proposed draft of the Law to ensure that the processes and timelines included are realistic and can be implemented successfully.

8/29/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and discuss the proposed revisions to the draft of the Citations law based on the comments collected from the Oneida Police Department, Oneida Law Office, and Judiciary.

Next Steps:

- Accept the draft of the Citations law and legislative analysis and defer to a work meeting for further consideration.

Title 8. Judiciary - Chapter 807
Kayanl'ásla Olí-wa?
Laws of issues/matters
CITATIONS

807.1. Purpose and Policy
807.2. Adoption, Amendment, Repeal
807.3. Definitions

807.4. Commencement of a Citation Action
807.5. Stipulations
807.6. Hearing Procedure

807.1. Purpose and Policy

807.1-1. *Purpose.* The purpose of this law is to provide a process that governs all citations that fall under the jurisdiction of the Oneida Nation.

807.1-2. *Policy.* It is the policy of the Nation to provide a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved.

807.2. Adoption, Amendment, Repeal

807.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__.

807.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

807.2-3. 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.

807.2-4. 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.

807.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

807.3. Definitions

807.3-1. 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) "Authorized attorney" means an attorney of the Nation who represents the department or entity of the officer who issued the citation.

(b) "Citation" means a legal document that serves as a notice or summons to appear in a court of the Nation in response to a charge against an individual of a violation of law.

(c) "Court" means the Nation's Trial Court, Family Court, or any other specific courts or divisions of the Nation's Judiciary created by a law of the Nation which have been granted jurisdiction to hear matters of citations.

(d) "Court of Appeals" means the branch of the Nation's Judiciary delegated the authority of final appeals within the Nation's Judiciary, as authorized by Oneida General Tribal Council resolution GTC-03-19-17-A.

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

(f) "Nation" means the Oneida Nation.

38 (g) “Officer” means an individual authorized by a law of the Nation to issue a citation for
39 a violation of said law.
40

41 **807.4. Commencement of a Citation Action**

42 807.4-1. *Action.* The issuance of a citation shall commence a civil action in the Judiciary for a
43 violation of a law of the Nation for the purpose of collecting a fine or penalty imposed by the law
44 in the name of the Nation.

45 807.4-2. *Authority to Issue.* An officer may issue a citation to any person he or she has reasonable
46 grounds to believe has committed a violation of a law of the Nation that expressly permits the
47 issuance of a citation.

48 807.4-3. *Form of Citation.* A citation shall contain the following information:

- 49 (a) The name of the officer who issued the citation.
50 (b) The name, address, and date of birth of the defendant.
51 (c) The enrollment number and/or license number of the defendant, if applicable.
52 (d) Information about the alleged violation including:
53 (1) the violation alleged;
54 (2) the law violated;
55 (3) the time and place of the occurrence of the violation; and
56 (4) a description of the violation.
57 (e) A notice to appear at a date, time and place for the citation pre-hearing, and a statement
58 as to whether the appearance at the pre-hearing is mandatory.
59 (f) Provisions for payment of citation and stipulation in lieu of an appearance in Court, if
60 applicable.
61 (g) Notice that if the defendant does not pay the citation or stipulate to an agreement prior
62 to the pre-hearing and fails to appear in Court at the time fixed in the citation or provide
63 written notice to the Court that he or she is contesting the citation, the Court may issue a
64 default judgment which may include any fine amount due, restitution and/or suspension of
65 any rights, privileges, or licensures, or any other penalty authorized by law.
66 (h) Notice that failure to satisfy a fine, restitution, or any other part of the judgment, may
67 result in per capita attachment, wage garnishment, revocation, suspension of any rights,
68 privileges, licensures, and/or any other action authorized by law and/or other collection
69 processes available to the Court.
70 (i) Any other relevant information.

71 807.4-4. *Service of a Citation.* The defendant is served with a citation when one of the following
72 occurs:

- 73 (a) *Personal Service.* The citation is provided to the defendant directly by the officer, or
74 a copy of the citation is left at the defendant’s home or usual place of abode by the officer:
75 (a) in the presence of a competent family member at least fourteen (14) years of
76 age who shall be informed of the contents of the citation; or
77 (b) in the presence of a competent adult who resides in the home or usual place of
78 abode of the defendant, who shall be informed of the contents of the citation.
79 (b) *Mail Service.* If personal service is not possible, and the defendant's address is known
80 or with reasonable diligence can be ascertained, then mail service may be used. For service
81 by mail, a copy of the citation may be delivered to the defendant’s last known address by
82 certified mail with return receipt. The certified mail return receipt shall be signed by the
83 defendant or a competent family member at least fourteen (14) years of age or an adult who
84 resides in the home of the defendant.

85 (1) The certified mail return receipt shall be filed with the Court as proof of service.
86 (c) *Service by Publication.* If after a showing of due diligence personal service and mail
87 service were not possible, then service may be completed by publication as a last resort.
88 The publication shall be in the Nation’s newspaper and shall be designated as “Legal
89 Notice.” The department of the officer and/or authorized attorney shall publish this notice
90 at least two (2) times within a thirty (30) day period. The two (2) notices shall be published
91 a minimum of ten (10) days before the citation pre-hearing.

92 (1) Copies of the two (2) published notices and written report stating the facts
93 surrounding the failure of personal and mail service shall be filed with the Court as
94 proof of service.

95 (2) If service by publication is required and there is insufficient time for proper
96 service before the pre-hearing, the Court may, on its own, order different time limits
97 for service by publication and/or re-schedule the pre-hearing appropriately in order
98 to provide for fair notice and opportunity for the defendant to respond.

99 (3) The Court may order the defendant to reimburse the department of the officer
100 and/or the authorized attorney for any costs incurred from service by publication.

101 **807.4-5. *Filing of a Citation.*** Absent exigent circumstances, the department of the officer who
102 issued the citation shall file the citation with the Court along with any applicable proof of service
103 at least thirty (30) days prior to the date of the pre-hearing.

104 (a) Citations may be filed in person or electronically transmitted to the Court. Citations
105 that are electronically transmitted to the Court are deemed filed upon confirmation of
106 receipt by the Clerk of Court assigned to the branch of the Judiciary that will hear the
107 citation.

108 (b) After filing the citation with the Court, the department of the officer who issued the
109 citation shall forward the citation and all relevant accompanying information to the
110 authorized attorney. Relevant information to accompany the citation may include, but is
111 not limited to, a narrative by the officer and/or history of violations by the defendant.

112 **304.4-6. *Amendments to the Citation.*** A citation may be amended by an officer or the authorized
113 attorney prior to the citation pre-hearing. A copy of the amended citation shall be provided to the
114 defendant in accordance with section 807.4-4, and filed with the Court, at least five (5) days before
115 the citation pre-hearing. After the hearing, the citation may only be amended at the discretion of
116 the Court, upon notice to the parties and an opportunity to be heard.

117 **807.5. Stipulations**

118 **807.5-1. *Authority for Stipulations and Case Settlement.*** An authorized attorney of the Nation is
119 granted the discretion to seek the settlement of a citation.

120 (a) When seeking to enter into a stipulation the authorized attorney shall explain to the
121 defendant all provisions included in the stipulation as required by section 807.5-2(a)-(d).

122 **807.5-2. *Form of Stipulation.*** Any stipulation between an authorized attorney and the defendant
123 shall be in writing and signed. The stipulation shall include the following:

124 (a) A summary of the citation violation information included on the citation;

125 (b) The details of the stipulation including any fine, penalty, condition, or payment plan
126 the defendant shall comply with;

127 (c) A statement that by entering into the stipulation the defendant is admitting that he or
128 she committed the act for which the citation was issued or is entering a plea of no contest
129 and thereby waives his or her right to contest the citation with the Court; and

130 (d) A statement that all parties signed the agreement free of duress and coercion.
131

132 807.5-3. *Submission of the Stipulation to the Court.* If the authorized attorney and defendant reach
133 an agreement through the stipulation, the stipulation shall be submitted to the Court for the Court's
134 approval.

135 (a) If the Court enters an order approving the stipulation as written, a copy of the order
136 shall be provided to the authorized attorney and defendant.

137 (b) If the Court does not enter an order approving the stipulation as written or requests
138 clarification, the Court shall schedule the matter for a hearing. The Court shall provide the
139 authorized attorney and defendant notice of the hearing date and written explanation as to
140 why the Court did not approve the stipulation of the parties.

141 807.5-4. If the authorized attorney and defendant do not reach an agreement as to a stipulation,
142 then the parties shall proceed with the citation hearing process.

143 807.5-5. Compliance with a stipulation shall be monitored by the authorized attorney. The
144 authorized attorney may file a motion with the Court to enforce the terms of a stipulation or file a
145 motion for contempt if the defendant is non-compliant with the terms of the stipulation.

146

147 **807.6. Hearing Procedure**

148 807.6-1. *Citation Pre-Hearing.* All citations shall include a pre-hearing date with the Court which
149 shall be set at least thirty (30) days after the citation was issued, unless stated otherwise by a law
150 of the Nation.

151 (a) Appearance at the pre-hearing shall be mandatory only when a law, policy, rule, or
152 resolution of the Nation requires a mandatory appearance for that specific violation of law.

153 (b) If an appearance is not mandatory, and a person does not wish to contest the citation,
154 a person may pay the fine and/or penalty as listed on the citation prior to the pre-hearing
155 date.

156 (1) If the person pays the fine and/or penalty as listed on the citation prior to the
157 pre-hearing date the citation shall be considered satisfied.

158 (c) If a person wishes to contest the citation, the person shall provide notice to the Court
159 in one (1) of the following manners:

160 (1) appear at the pre-hearing to contest the citation; or

161 (2) if an appearance is not mandatory, send written notice to the Court, with a copy
162 to the Oneida Law Office, prior to the pre-hearing notifying the Court that the
163 defendant wishes to contest the citation.

164 (d) At the pre-hearing the Court shall accept pleas which either contest or admit committing
165 the act for which the citation was issued, or a plea of no contest.

166 (1) If the defendant admits committing the act for which the citation was issued
167 the Court shall provide a statement that by admitting that he or she committed the
168 act for which the citation was issued the defendant thereby waives his or her right
169 to contest the citation with the Court. The Court shall obtain an affirmative
170 acknowledgment from the defendant of that waiver of rights.

171 (e) In addition to scheduling requested hearings, the Court may also make conditional
172 orders at the pre-hearing which are effective until the matter is resolved.

173 (f) If a defendant does not appear at the pre-hearing or submit written notice that he or she
174 is contesting the citation when there is a non-mandatory appearance, and the defendant has
175 not entered into a stipulation or paid the fine and/or penalty as listed on the citation, the
176 Court may proceed to enter a default judgment.

177 (1) A default judgment may include any fine amount due, restitution, suspension
178 of any rights, privileges, or licensures, and/or any other penalty authorized by law.

179 (2) Unless otherwise noted by the Court, a defendant shall have ninety (90) days
180 to satisfy a default judgment by paying any fine and/or complying with any
181 condition or penalty ordered.

182 807.6-2. *Citation Hearing.* For all persons entering a plea contesting the fact that he or she
183 committed the act for which a citation was issued, the Court shall schedule a hearing as
184 expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of
185 the pre-hearing when possible.

186 (a) The burden of proof at the citation hearing shall be by clear and convincing evidence.

187 (b) As a result of the citation hearing the Court may issue an order which includes a
188 determination as to the underlying violation of law as well as any fine amount, restitution,
189 suspension of any rights, privileges, or licensures, and/or any other penalty as authorized
190 by law.

191 (c) A defendant who fails to satisfy a lawful order of the Court shall be subject to
192 punishment for contempt of court which may include fines, revocation and/or suspension
193 of any rights, privileges, licensures, or any other action authorized by law.

194 (d) The defendant's failure to satisfy a fine and/or restitution may result in per capita
195 attachment, wage garnishment and/or other collection processes available to the Court.

196 807.6-3. *Appeals of the Court's Determinations.* Any person wishing to contest the determination
197 of the Court may appeal to the Nation's Court of Appeals in accordance with the Rules of Appellate
198 Procedure.

199
200 *End.*

201
202 _____
203 Adopted – BC-__-__-__-__



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CITATIONS LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

REQUESTER: LOC	SPONSOR: Jennifer Webster	DRAFTER: Clorissa N. Santiago	ANALYST: Brandon Wisneski
Intent of the Proposed Law	To establish a consistent process for citations issued for violations of laws of the Nation, including: <ul style="list-style-type: none"> - What must appear on a citation form; - How a citation must be served; - A process for entering into stipulation agreements to settle citations; - A process for how individuals can contest their citations in court; and - Timelines and procedures for citation hearings. 		
Purpose	To provide a process that governs all citations that fall under the jurisdiction of the Oneida Nation [8 O.C. 807.1-1].		
Affected Entities	Any person issued a citation under the laws of the Nation; Agencies responsible for enforcement and issuing citations under the laws of the Nation (Oneida Police Department, Conservation Wardens, Oneida Environmental Health Safety and Land Division, Licensing Department), the Nation’s Judiciary, Oneida Law Office, Oneida Utilities Department, and Oneida Land Commission.		
Related Legislation	Domestic Animals law; Hunting, Fishing and Trapping law; All-Terrain Vehicle law; Public Use of Tribal Land law; Recycling and Solid Waste Disposal law; Tribal Environmental Response law; Well Abandonment law; Onsite Waste Disposal Ordinance; Water Resources law; Emergency Management and Homeland Security law; Tobacco law; Oneida Food Service Code; Tattoo and Body Piercing law; Notary Act; Non Metallic Mine Reclamation law; Zoning and Shoreland Protection law; Marriage law, Sanitation Ordinance, Rules of Civil Procedure; Rules of Appellate Procedure, Judiciary Law Rule No. 1 – Oneida Trial Court Rules.		
Public Meeting	A public meeting has not yet been held.		
Fiscal Impact	A fiscal impact statement has not yet been requested.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A.** The Oneida Nation exercises its sovereignty through the enactment and enforcement of its own laws.
- 3 These laws cover a variety of topics, including health and public safety, environmental and natural
- 4 resources, property and land, and many others. When a person violates a law of the Nation, many laws
- 5 authorize the Nation to enforce that law through the issuance of citations, fines and penalties. However,
- 6 many of the Nation’s laws do not include a uniform process for what happens after a citation is issued.
- 7 This has led to implementation issues for departments involved in the citation process.
- 8 **B.** During development of the Domestic Animals law amendments, the LOC worked collaboratively with
- 9 several of the Nation’s departments. During this process, the need to develop a more detailed process
- 10 for the issuance and processing of citations was discussed. Rather than add a detailed process only to
- 11 the Domestic Animals law, the LOC decided to begin drafting a new Citations law that can apply to
- 12 violations of all laws of the Nation that allow for citations.

- 13 C. The LOC added the proposed Citations law to the Active Files List on May 15, 2019. Since that time,
14 a work group of representatives from Oneida Police Department, Environmental Resource Board,
15 Oneida Law Office and Oneida Legal Resource Center met to work on the proposed law.
- 16 D. This proposed law applies only to citations issued by the Nation for violations of the Nation’s laws.
17 Officers of the Oneida Police Department are cross-deputized by the Brown County Sheriff’s
18 Department and also have the authority to issue citations for violation of state laws that may be heard
19 in Wisconsin Circuit Courts (for example, violations for operating while intoxicated).

20

21 **SECTION 3. CONSULTATION AND OUTREACH**

- 22 A. Representatives from the following departments or entities participated in the development of this law
23 and legislative analysis: Oneida Police Department, Oneida Law Office, Oneida Judiciary, Oneida
24 Legal Resource Center, and Oneida Environmental Resource Board.
- 25 B. The following laws were reviewed in the drafting of this analysis: Domestic Animals law; Hunting,
26 Fishing and Trapping law; All-Terrain Vehicle law; Public Use of Tribal Land law; Recycling and
27 Solid Waste Disposal law; Tribal Environmental Response law; Well Abandonment law; Onsite Waste
28 Disposal Ordinance; Water Resources law; Emergency Management and Homeland Security law;
29 Tobacco law; Oneida Food Service Code; Tattoo and Body Piercing law; Notary Act; Non Metallic
30 Mine Reclamation law; Zoning and Shoreland Protection law; Motor Vehicle Registration law;
31 Marriage law; Sanitation Ordinance; Clean Air Policy; Alcohol Beverage Licensing law; Oneida
32 Woodcutting Ordinance; Building Code law; Rules of Civil Procedure; Rules of Appellate Procedure,
33 and Judiciary Law Rule No 1 – Oneida Trial Court Rules.

34

35 **SECTION 4. PROCESS**

- 36 A. Thus far, amendments to this law have followed the process set forth in the Legislative Procedures Act
37 (LPA).
- 38 B. The law was added to the Active Files List on May 15, 2019.
- 39 C. The following work meetings were held regarding the development of this law and legislative analysis:
- 40 ▪ May 21, 2019: Work meeting with Oneida Police Department, Oneida Law Office, Environmental
41 Resource Board and Legal Resource Center.
 - 42 ▪ May 23, 2019: Work meeting with LOC.
 - 43 ▪ June 13, 2019: Work meeting with LOC.
 - 44 ▪ August 6, 2019: Work meeting with Oneida Police Department, Oneida Law Office and Oneida
45 Judiciary clerks.
 - 46 ▪ August 29, 2019: Work meeting with LOC.

47

48 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 49 A. *Commencement of a Citation Action.*
- 50 ▪ *What is a Citation?* A citation is a “legal document that services as a notice or summons to appear
51 in a court of the Nation in response to a charge against an individual of a violation of law” [8 O.C.
52 807.3-1(b)]. The issuance of a citation begins a civil action in the Judiciary for violating a law of
53 the Nation for the purpose of collecting a fine or penalty imposed by the law [8 O.C. 807.4-1].
 - 54 ▪ *Authority to Issue.* An officer may issue a citation to any person he or she has reasonable grounds
55 to believe has committed a violation of a law of the Nation. For the purposes of this law, an “officer”
56 is defined as “any individual authorized by a law of the Nation to issue a citation for a violation of
57 said law” [8 O.C. 807.3-1(g)].
 - 58 ○ For most laws of the Nation, the individual authorized to issue a citation is an officer of the
59 Oneida Police Department or a Conservation Warden.

60 **B. Form of Citation.** This law creates a standard list of information that must be included on a citation
 61 form when it is issued. These requirements match the information included on the current citation form
 62 used by the Nation [8 O.C. 807.4-3].

- 63 ■ **Identifying Information:**
 - 64 ○ Name of the officer who issued citation;
 - 65 ○ Name, address, and date of birth of the defendant. Enrollment number and/or license
 - 66 number of the defendant, if applicable.
- 67 ■ **Information About the Alleged Violation:**
 - 68 ○ The violation alleged, the law violated, the time and place of the violation, and a description
 - 69 of the violation.
- 70 ■ **Court Hearing & Fine Information:**
 - 71 ○ A notice of when and where to appear at a citation pre-hearing and whether the pre-hearing
 - 72 is mandatory;
 - 73 ○ Provisions for payment of citation and stipulation in lieu of an appearance in Court, if
 - 74 applicable. In other words, the option for individuals to pay their fine without having to
 - 75 make a court appearance;
 - 76 ○ Notice that if the defendant does not pay the citation or stipulate an agreement prior to the
 - 77 pre-hearing and fails to appear in Court at the time listed on the citation, the Court may
 - 78 issue a default judgment which may include any fine amount due, restitution and/or
 - 79 suspension of any rights, privileges, or licensures, or any other penalty authorized by law;
 - 80 ○ Notice that failure to satisfy a fine, restitution, or any other party of the judgment may
 - 81 result in per capita attachment, wage garnishment, revocation, suspension of any rights,
 - 82 privileges, licensures, and/or any other action authorized by law and/or other collection
 - 83 processes available to the court.
 - 84
 - 85

Current Oneida Nation Citation Form – Front

ONEIDA NATION CITATION #20 _____ – IR# _____

Appearance Required <input type="checkbox"/> No <input type="checkbox"/> Yes		Date: _____		See back for court/ payment information		Fine/Other Penalties \$ _____	
Oneida Judiciary 2630 West Mason Street, Green Bay, WI 54303		Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM				Court Costs \$ _____	
Day of Week	Date of Violation	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	COUNTY	TWP-Village-City			
NAME (Last, First, MI)				Area Code - Telephone No.			
Tribal ID		Driver's License/ID #		State		Exp Year	
Street Address				City		State	
Date of Birth MM/DD/YYYY	Sex	Race	HT	WT	Hair	Eyes	Case Type <input type="checkbox"/> Adult <input type="checkbox"/> Juvenile
Parent's Name (Juvenile Only)		Parent's Phone (Juvenile Only)		Parents Notified <input type="checkbox"/> No <input type="checkbox"/> Yes			
Violation Code		Violation Name					
Description of Violation							
Print Officer Name		Officer Signature		Title		Badge Number	
Department/Agency							
YOU ARE HEREBY NOTIFIED TO APPEAR IN FRONT OF THE ONEIDA JUDICIARY A failure to appear and defend may result in a default judgment against the Defendant							
Issuance Information		Method of Service		Personal		Mail	
Left with _____ at defendant's residence							

Distribution: White-Court Yellow-Defendant Pink-Law Office Goldenrod-Agency

86 *Current Oneida Nation Citation Form – Back*

Mandatory Appearance If your citation is marked “Yes” under the “Appearance Required,” you **MUST** appear in Court.

Disputing a Citation If you wish to dispute the citation, you must appear in court for a pre-hearing where a “contest” or “admit” plea will be entered verbally. A hearing date will then be scheduled.

If you do not wish to dispute the Citation You may mail in a money order or cashier’s check made payable to the Oneida Judiciary; include a copy of your citation and send to Oneida Judiciary at P.O. Box 19 Oneida, WI 54155 before the Court date stated on your citation. Or you may pay in person at the Oneida Judiciary located at 2630 West Mason Street, Green Bay, WI 54303.

If you do nothing The Court may enter a default judgement which may include, but is not limited to, any fine amount that is due, restitution and/or suspension of any rights, privileges or licensures with the Oneida Nation.

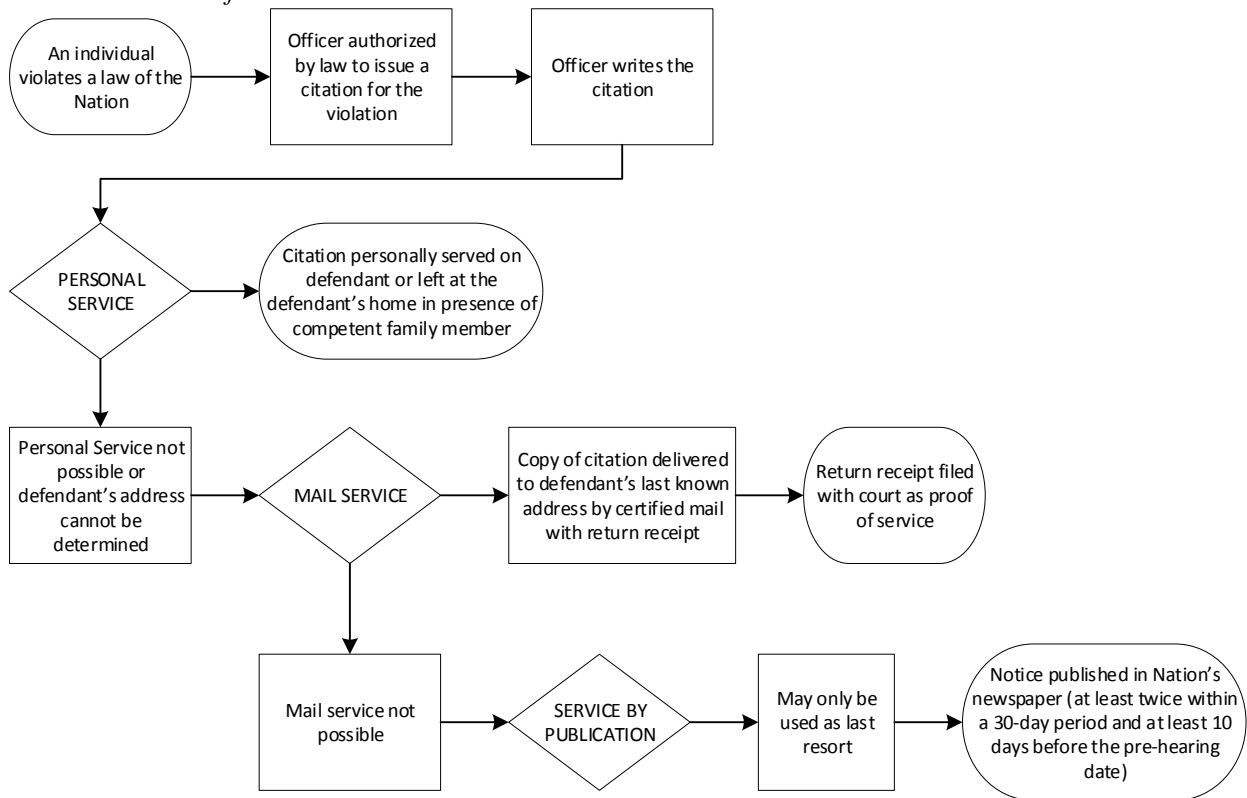
Failure to satisfy Penalty/Restitution A failure to satisfy and fine, restitution or any other part of the judgement, may result in the following, but is not limited to, intercept of Per Capita, wage garnishment, revocation and/or suspension of any rights, privileges, licensures, or any other action authorized by law with the Oneida Nation.

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- C. **Service of a Citation.** When an officer issues a citation, the citation must be “served” on the individual alleged to have violated the law [8 O.C. 807.4-4].
- **Personal Service.** An officer must first attempt to personally serve the citation on the defendant (i.e. hand the citation to the defendant) or leave a copy of the citation at the defendant’s home in the presence of a competent family member at least fourteen (14) years of age or an adult who resides in the home of the defendant.
 - *Why age 14?* In the state of Wisconsin, a service of summons may be left in the presence of a competent family member at least fourteen (14) years of age if, with reasonable due diligence, the defendant cannot be personally served [Wis. Stats 801.11]. This provision is modeled after WI statutes.
 - **Mail Service.** If personal service is not possible and the defendant’s address can be determined, then mail service may be used. For service by mail, a copy of the citation may be delivered to the defendant’s last known address by certified mail with return receipt. The certified mail return receipt will be signed by the defendant or competent family member at least fourteen (14) years of age or an adult who resides in the home of the defendant. The certified mail return receipt will be filed with the Court as proof of service.
 - **Service by Publication.** As a last resort, after a showing of due diligence that personal and mail service are not possible, then service may be completed by publication in the Nation’s newspaper (the Kalihwisaks). The notice must be published at least two (2) times within a 30-day period. The notices must be published at least ten (10) days before the citation pre-hearing.
 - **Filing a Citation.** The department of the officer who issued the citation must file the citation with the Court along with proof of service, if applicable, at least thirty (30) days prior to the date of the pre-hearing. Citations may be filed in person or electronically transmitted [8 O.C. 807.4-5].
 - *Amendments to Citations.* A citation may be amended by an officer or the authorized attorney prior to the citation pre-hearing. A copy of the amended citation must be provided to the defendant at least five (5) days prior to the citation pre-hearing.

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Chart 1. Service of a Citation.



116 **D. Stipulations.** An authorized attorney of the Nation is granted the discretion to seek the settlement of
 117 the citation. This means that the Nation and the defendant can agree to a lower fine amount or other
 118 condition to settle the case [8 O.C. 807.5].

- 119 ■ *Who is an Authorized Attorney of the Nation?* An attorney of the Nation who represents the
 120 department or entity of the officer who issued the citation, such as the attorney for the Oneida Police
 121 Department [8 O.C. 807.3-1]. Attorneys of the Nation work in the Oneida Law Office.
- 122 ■ *Form of Stipulation.* The stipulation, or agreement, between the Nation's attorney and defendant
 123 must be in writing, signed by both parties, and include the following information:
 124 ○ A summary of the violation that resulted in the citation,
 125 ○ The details of the stipulation including any fine, penalty, condition or payment plan the
 126 defendant must comply with,
 127 ○ A statement that the defendant admits that he or she committed the act or is entering a plea
 128 of no contest and waives his or her right to contest the citation in Court; and
 129 ○ A statement that all parties signed the agreement free of duress and coercion.
- 130 ■ *Current Practice.* It is the Nation's current practice to offer stipulations to defendants for violations
 131 of the Nation's Domestic Animals law. Stipulations typically involve the Nation lowering a fine
 132 amount. Currently, this practice is not outlined in detail in any law of the Nation.
 133 ○ *Comparison to State of WI.* For cases in Wisconsin circuit court, stipulations are typically
 134 handled by the prosecutor's office. Oneida Nation does not have a prosecutor or exercise
 135 criminal jurisdiction, so in this instance, the Nation is represented by an attorney of the
 136 Law office who assumes these responsibilities for violations the Nation's civil laws.
- 137 ■ *Effect.* Although offering stipulations is the current practice of the Nation, placing the process in
 138 the law will formally establish this authority for the authorized attorneys of the Nation.

139 **E. Citation Pre-Hearing.** All citations will include a pre-hearing date with the Court which will be set at
 140 least thirty (30) days after the citation was issued, unless stated otherwise by a law of the Nation [8

141 *O.C. 807.6-1*]. The Judiciary’s current practice is to hold citation pre-hearings on the third Thursday of
142 each month.

- 143 ■ *Mandatory Appearance.* Appearance at a pre-hearing is only mandatory when a law, policy, rule
144 or resolution of a Nation requires a mandatory appearance for that specific violation of the law.
145 Most violations of the Nation’s laws do not require a mandatory appearance.
 - 146 ○ Example: The Domestic Animals law fine, penalty and licensing fee schedule requires a
147 mandatory court appearance for mistreatment of animals [*BC Resolution 05-08-19-D*].
- 148 ■ *Paying Fine or Penalty.* If an appearance is not mandatory and the individual does not want to
149 contest (or challenge) the citation, the individual may pay the fine or penalty listed on the citation
150 before the pre-hearing date and the citation will be considered satisfied.
- 151 ■ *Contesting a Citation.* If an individual wants to contest their citation, that person can appear at the
152 pre-hearing to contest the citation. If an appearance at the pre-hearing isn’t mandatory, that
153 individual can also send a written notice to the Court with a copy to the Law Office notifying the
154 court that they wish to contest the citation.
- 155 ■ *Default Judgment.* If the defendant does not pay their fine or enter into a stipulation before their
156 pre-hearing date and fails to appear at their pre-hearing or provide notice to the court, then the court
157 may enter a default judgment against the defendant. In other words, if a defendant “ignores” their
158 citation, the court can automatically find them guilty of the violation.
 - 159 ○ *Consequences.* A default judgment can include the fine amount due, restitution, suspension
160 of rights, privileges and licenses, or any other penalty authorized by laws of the Nation.


161 **F. Citation Hearing.** If a defendant contests that they committed the violation that resulted in the citation,
162 then the Court will schedule a hearing within ninety (90) days of the pre-hearing date. In other words,
163 if the defendant argues that they did not commit the violation or that the citation was issued
164 inappropriately, the defendant has an opportunity to challenge their citation at a court hearing [*8 O.C.*
165 *807.6-2*].

- 166 ■ *Burden of Proof.* The burden of proof at a citation hearing is “clear and convincing evidence.” This
167 means that the Nation must provide evidence “indicating that the [allegation] to be proved is highly
168 probably or reasonably certain” [*see Black’s Law Dictionary*].
 - 169 ○ *Current Standard of Proof.* The Nation’s Rules of Civil Procedure state that the standard
170 of proof for all matters to be decided by the Court shall be proven by a “preponderance of
171 the evidence” standard, unless specified otherwise [*8 O.C. 803.4-8*]. “Preponderance of
172 the evidence” is the burden of proof in most civil trials and means that there is sufficient
173 evidence that there is a greater than 50% chance that the claim is true [*see Black’s Law*
174 *Dictionary*].
 - 175 ○ *Effect.* This law sets a higher burden of proof than the Judiciary is currently using for
176 citation hearings under the laws of the Nation. This means that the Nation and its agencies
177 (represented by its authorized attorney) will have to meet this higher burden of proof when
178 a citation is challenged by a defendant. This will only apply to citation hearings. All other
179 hearings of the court will utilize the “clear and convincing evidence” standard unless
180 otherwise noted in another law of the Nation.
- 181 ■ *Appeals.* Anyone who wishes to appeal a judgment of the court may appeal to the Nation’s Court
182 of Appeals in accordance with the Rules of Appellate Procedure.
 - 183 ○ The Rules of Appellate Procedure state that a notice of appeal must be filed within thirty
184 (30) days after the Trial Court’s order is rendered [*8 O.C. 805.5*].

186 **SECTION 6. EXISTING LEGISLATION**


187 **A. Which Laws of the Nation will this New Citations Process Apply to?** Many laws of the Nation authorize
188 citations, fines or forfeitures for violations. The intent of the proposed Citations law is to establish a uniform
189 process that can apply to all of these laws without conflict. Some of these laws were updated after the
190 creation of the Nation’s Judiciary and conform cleanly with the process in this proposed Citations Law.

191 However, other laws are decades-old and conform less clearly due to changes in drafting style and the
 192 Nation’s organizational structure over the years. The following charts provide a summary of all of the
 193 Nation’s laws that authorize citations, fines, forfeitures or penalties and whether the proposed Citations law
 194 will apply.

- 195  **Laws that Authorize Citations & Include Judiciary Appeals Process with Timelines.** The
 196 following laws of the Nation specifically authorize the issuance of citations and included a process
 197 for contesting citations in the Judiciary Trial Court with required timelines for citations hearings.
 198 The proposed Citations law conforms with these timeframes and adds additional process and
 199 requirements.
 - 200 *Conclusion:* The proposed Citations will apply to any citations issued under the following
 201 laws of the Nation:

202 *Chart 2. Oneida Laws that Authorize Citations & Include Judiciary Appeals Process.*

Chapter	Law	Authority to Enforce	Example Violation
304	<i>Domestic Animals</i>	Oneida Police Department and Oneida Conservation	Dangerous Animal, prohibited animal, animal running at large.
406	<i>Hunting, Fishing and Trapping</i>	Oneida Police Department and Oneida Conservation	Failure possess license; Failure to tag, Unlawfully hunting/shooting from a vehicle.
410	<i>All Terrain Vehicle</i>	Oneida Police Department and Oneida Conservation	Operating all-terrain vehicle in a careless manner, on private property without consent, on tribal lands without consent
609	<i>Public Use of Tribal Land</i>	Oneida Police Department and Oneida Conservation	Trespassing.
308 (proposed)	<i>Curfew (proposed)</i>	<i>Oneida Police Department (proposed)</i>	<i>Minor violating curfew</i>

- 204  **Laws that Authorize “Fines, Penalties and Forfeitures” and Include Judiciary Appeals Process with Timelines.** The following laws of the Nation authorize “fines, penalties or forfeitures” and
 205 include a process for contesting citations in the Judiciary Trial Court with required timelines for
 206 citation hearings. The proposed Citations law conforms with these timeframes and adds additional
 207 process and requirements.
 - 208 *Conclusion:* The proposed Citations appears to apply to any citations issued under the
 209 following laws of the Nation.

210 *Chart 3. Laws that Authorize Fines and Include Judiciary Appeals Process w/Timelines.*

Chapter	Law	Authority to Enforce	Example Violation
401	<i>Tribal Environmental Response Law</i>	Environmental Health, Safety and Land Division	Violating a compliance order issued by Division for discharging hazardous substance.
404	<i>Well Abandonment Law</i>	Environmental Health, Safety and Land Division (inferred)	Failure to comply within ten (10) days of written notice of violation.

407	<i>Onsite Waste Disposal Ordinance</i>	Environmental Health, Safety and Land Division (“Environmental Specialist”)	Failure to correct on-site waste disposal system, constituting threat to public health.
409	<i>Water Resources</i>	Oneida Conservation	Failure to report discharging substance to waters of reservation.

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 ■ **Laws that Authorize Citations and Do Not Include Judiciary Appeals Process.** The following laws of the Nation specifically authorize citations but do not specify a process or timeframe for how citations may be contested in the Judiciary. The process and timeframes included in the Citations law will now apply to any citations issued under these laws.
 - *Conclusion:* The proposed Citations law will apply to any citations issued under the following law of the Nation:

Chart 4. Oneida Laws that Authorize Citations and Do Not Include Judiciary Appeals Process.

Chapter	Law	Authority to Enforce	Example Violation
405	<i>Recycling and Solid Waste Disposal*</i>	Oneida Police Department and Oneida Conservation	Improperly dumping solid waste within reservation boundaries

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**The Recycling and Solid Waste Disposal Law is currently on the LOC’s Active Files List for amendments.*

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 ■ **Laws that Authorize “Fines, Penalties and Forfeitures” and Include Judiciary Appeals Process without Timelines.** The following laws of the Nation authorize “fines, penalties or forfeitures” and state that appeals may be filed with the Judiciary, but do not specify a process or timeframe for how those appeals will be handled. It appears that the process and timeframes included in the Citations law will likely apply to any citations issued under these laws.
 - *Conclusion:* The proposed Citations appears to apply to any citations issued under the following laws of the Nation:

Chart 5. Oneida Laws that Authorize Fines and Include Judiciary Appeals Process w/o Timelines

Chapter	Law	Authority to Enforce	Example Violation
302	<i>Emergency Management and Homeland Security</i>	Oneida Police Department	Willfully obstruct, hinder or delay the implementation of emergency response.
115	<i>Tobacco</i>	Oneida Police Department	Selling tobacco products in violation of the law.
305	<i>Oneida Food Service Code*</i>	Environmental Health, Safety and Land Division and Licensing.	Selling food or food products on tribal property without a license.
306	<i>Tattoo and Body Piercing</i>	Environmental Health, Safety and Land Division and Licensing.	Performing tattooing or body piercing without a license.
701	<i>Marriage</i>	Licensing Department	False statement to obtain a marriage license.


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**The Oneida Food Service Code is currently on the LOC’s Active Files List for amendments.*

- 237  **Laws that Authorize “Fines, Penalties and Forfeitures” and Do Not Include Judiciary Appeals**
 238 **Process.** The following laws of the Nation authorize “fines, penalties and forfeitures” but do not
 239 specify a process or timeframe for how citations may be contested in the Judiciary. It appears that
 240 the process and timeframes included in the Citations law will likely apply to any citations issued
 241 under these laws.
 242 ○ *Conclusion:* The proposed Citations law appears to apply to any citations issued under the
 243 following laws of the Nation:
 244


245 *Chart 6. Oneida Laws that Authorize Fines and Do Not Include Judiciary Appeals Process.*

Chapter	Law	Authority to Enforce	Example Violation
114	Notary Act	Official designated by Oneida Business Committee	Impersonating a notary public.
408	Sanitation Ordinance	Utilities Department	Continuing Violations

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 247 **Laws that Authorize Citations but include Land Commission Appeals Process.** The following
 248 laws of the Nation authorize citations, but direct that any appeals be filed with the Land
 249 Commission rather than the Nation’s Judiciary.
 250  ○ *Conclusion:* The proposed Citations law conflicts with the following laws. The identified
 251 conflicts must be resolved before it can be determined whether the Citations law will apply
 252 to citations issued under the following laws of the Nation:
 253

254 *Chart 7. Oneida Laws that Authorize Citations and Conflict with Proposed Citations Law*

Chapter	Law	Authority to Enforce	Example Violation
402	Non Metallic Mine Reclamation	Environmental Health, Safety and Land Division or designee	Violating an order requiring an operator to comply with the law.
605	Zoning and Shoreland Protection	Zoning Administrator.	Public Nuisance. Failure to obtain land use permit or conditional use permit.

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 257 **Laws that include Penalties but Do Not Fall Under Proposed Citations law.** The following laws
 258 of the Nation authorize various alternative penalties for violations of the law, but do not include a
 259 citation process or Judiciary appeals process. It can be reasonably concluded that the following
 260 laws would not fall under the jurisdiction of the proposed Citations law as currently drafted.
 261  ○ *Conclusion:* The proposed Citations law does not appear to apply to penalties issued under
 262 the following laws.
 263

264 *Chart 8. Oneida Nation Laws with Other Penalties Where Citations Law Does Not Apply.*

Chapter	Law
505	Motor Vehicle Registration
411	Clean Air Policy
507	Alcohol Beverage Licensing Law
403	Oneida Woodcutting Ordinance
602	Leasing Law
603	Building Code

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266 **B. Laws of the Nation that Conflict with the Proposed Citations Law.** The following laws of the Nation
267 authorize citations but conflict with the proposed Citations law.

268 ▪ **Zoning and Shoreland Protection law [6 O.C. 605]**

- 269 ○ *Purpose.* The purpose of the Zoning and Shoreland Protection law includes establish a
270 zoning plan for tribal lands, regulate the use of lands and buildings and provide for the
271 administration and enforcement of this law, among other purposes [3 O.C. 304.1-1].
- 272 ○ *Enforcement.* Any person who violates any provision of this law, or who shall take any
273 action on or with respect to any land or structure which is not in compliance with this law,
274 shall be guilty of a civil infraction and shall be issued a fine in accordance with the schedule
275 adopted by the Oneida Business Committee upon recommendation of the Land
276 Commission.
- 277 ○ *Appeals.* Any person issued a fine under this law may contest the fine by attending a
278 hearing before the Land Commission. The fine shall specify the date, time and place of the
279 hearing. The hearing shall take place at least five (5) days after the fine is issued. After the
280 hearing, the Land Commission shall determine whether the person is responsible for the
281 fine, as was issued by the Zoning Administrator and may set a new date for when the fine
282 shall be paid.
- 283 ○ *Conclusion.* The proposed Citations law conflicts with the enforcement provisions in the
284 Zoning and Shoreland Protection law. The proposed Citations law states that citation
285 hearings shall be heard in the Oneida Judiciary, while the Zoning and Shoreland Protection
286 law states that fines issued under that law must be contested at a hearing of the Oneida
287 Land Commission.

288 ▪ **Non Metallic Mine Reclamation law [4 O.C. 406]**

- 289 ○ *Purpose.* The purpose of the Non-Metallic Mine Reclamation law is to ensure the effective
290 reclamation of nonmetallic mining sites on which nonmetallic mining takes place within
291 the boundaries o the reservation [4 O.C. 402.1-1].
- 292 ○ *Enforcement.* The Oneida Zoning Department or designee may issue a citation to collect
293 fines to enforce this law, a permit issued pursuant to this law or a reclamation plan approved
294 under this law.
- 295 ○ *Appeals.* A person who is subject to a citation issued pursuant to this section shall have
296 sixty (60) days to either appeal the citation to the Land Commission or review or pay the
297 fine.
- 298 ○ *Conclusion.* The proposed Citations law conflicts with the enforcement provisions in the
299 Non Metallic Mine Reclamation law. The proposed Citations law states that citations
300 hearings shall be heard in the Oneida Judiciary, while the Non Metallic Mine Reclamation
301 Law states that appeals shall be heard by the Land Commission.

302 **C. Laws of the Nation that Authorize Citations.** The following laws of the Nation authorize citations, fines
303 or forfeitures and do not conflict with the proposed Citations law. The provisions of the proposed
304 Citations law will likely apply to citations issued under any of the following laws:

305 ▪ **Domestic Animals law [3 O.C. 304]**

- 306 ○ *Purpose.* The purpose of the Domestic Animals law is to protect the health, safety, and
307 welfare of the community set minimum standards for treatment of animals; prohibit certain
308 species of animals from being brought on the reservation; regulate the keeping of livestock
309 on lots zoned residential, and establish consequences for damages caused by domestic
310 animals [3 O.C. 304.1-1].
- 311 ○ *Enforcement.* The Oneida Police Department and Oneida Conservation Wardens have the
312 authority to issue citations according to the fine and penalty scheduled developed in
313 accordance with the Domestic Animals law.

- 314 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
315 in the Domestic Animals law. The new requirements of the proposed Citations law will
316 now apply to any citations issued under the Domestic Animals law.
- 317 ■ ***Hunting, Fishing and Trapping law [4 O.C. 406]***
- 318 ○ *Purpose.* The purpose of the Hunting, Fishing and Trapping law is to protect and conserve
319 wildlife on the reservation and to promote respect among sportsmen and the environment
320 [4 O.C. 406.1-1].
- 321 ○ *Enforcement.* The Oneida Police Department and Oneida Conservation Wardens may issue
322 citations to any person found in violation of the law or corresponding rules. [4 O.C. 406.5-
323 4 and 406.10].
- 324 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
325 in the Hunting, Fishing and Trapping law. The new requirements of the proposed Citations
326 law will now apply to any citations issued under the Hunting, Fishing and Trapping law.
- 327 ■ ***All-Terrain Vehicle law [4 O.C. 410]***
- 328 ○ *Purpose.* The purpose of the All-Terrain Vehicle law is to govern the safe use of all-terrain
329 vehicles within the jurisdiction of the Oneida Reservation to allow enforcement for
330 protection of the community members and environment [4 O.C. 410.1-1].
- 331 ○ *Enforcement.* The Oneida Police Department and Oneida Conservation Wardens are
332 authorized to enforce and take any appropriate action to prevent or remove a violation of
333 this law. Citations for violations of this law and/or orders issued pursuant to this law
334 include sanctions, fines and penalties in accordance with the fine schedule developed in
335 accordance with the law [4 O.C. 410.6 and 410.7].
- 336 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
337 in the All-Terrain Vehicle law. The new requirements of the proposed Citations law will
338 now apply to any citations issued under the All-Terrain Vehicle law.
- 339 ■ ***Public Use of Tribal Land law [6 O.C. 609]***
- 340 ○ *Purpose.* The purpose of the Public Use of Tribal Land law is to prevent improper access,
341 use and trespass to tribal lands [6 O.C. 609.1-1].
- 342 ○ *Enforcement.* The Oneida Police Department and Oneida Conservation Wardens are
343 authorized to take any appropriate action to prevent or remove a violation of this law.
344 Citations for violation of this law may include fines, penalties and other orders in
345 accordance with the citation schedule applicable to this law [6 O.C. 609.7].
- 346 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
347 in the Public Use of Tribal Land law. The new requirements of the proposed Citations law
348 will now apply to any citations issued under the Public Use of Tribal Land law.
- 349 ■ ***Recycling and Solid Waste Disposal law [4 O.C. 405]***
- 350 ○ *Purpose.* The purpose of the Recycling and Solid Waste Disposal law is to promote the
351 health, safety and welfare of residents and members of the Oneida Nation through the
352 establishment of standards necessary to the sanitary and environmentally sound disposal
353 of recyclable materials [4 O.C. 405.1-1].
- 354 ○ *Enforcement.* All Oneida Reservation Conservation Enforcement Officers and Police
355 Officers shall be empowered to enforce the provisions of this law. Any person who violates
356 a provision of this “ordinance” may be issued a citation by the Oneida Conservation
357 Warden(s) [4 O.C. 405.12].
- 358 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
359 in the Recycling and Solid Waste Disposal law. The new requirements of the proposed
360 Citations law will now apply to any citations issued under the Recycling and Solid Waste
361 Disposal law.
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- 364 ▪ ***Tribal Environmental Response law [4 O.C. 401]***
- 365 ○ *Purpose.* The purpose of the Tribal Environmental Response law is to regulate the
- 366 identification, investigation and remediation of discharges of hazardous substances to the
- 367 environment, identify sites where discharge has occurred, and eliminate contamination
- 368 from and control the threat of discharge of hazardous substances [4 O.C. 401.1-1].
- 369 ○ *Enforcement.* Any person who does not comply with a compliance order issued by the
- 370 Environmental Health, Safety and Land Division may receive a penalty in accordance with
- 371 the fine schedule. Any order issued pursuant to this law that is not complied with may be
- 372 physically enforced by the Division [4 O.C. 401.10].
- 373 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
- 374 in the Tribal Environmental Response law. The new requirements of the proposed Citations
- 375 law will now apply to citations issued under the Tribal Environmental Response law.
- 376 ▪ ***Onsite Waste Disposal [4 O.C. 407]***
- 377 ○ *Purpose.* The purpose of the Onsite Waste Disposal law is to establish regulations to ensure
- 378 that private onsite sewage treatment systems will fulfill Oneida Tribal goals for improving
- 379 environmental health and safety [4 O.C. 407.1-2].
- 380 ○ *Enforcement.* The Environmental Specialist may issue an Administrative Enforcement
- 381 Order when a violation of any provision of this law occurs... the Order shall be given to
- 382 the party responsible for the violation and shall state the nature of the violation, possible
- 383 penalties for failure to correct, and shall state the right to contested the matter with the
- 384 Oneida Judiciary [4 O.C. 407.7-1].
- 385 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
- 386 in the Onsite Waste Disposal law. The new requirements of the proposed Citations law will
- 387 now apply to any citations issued under the Onsite Waste Disposal law.
- 388 ▪ ***Water Resources [4 O.C. 409]***
- 389 ○ *Purpose.* The purpose of the Water Resources law is to grant necessary powers and to
- 390 organize a comprehensive program under a single tribal department for the enhancement
- 391 of the quality management and protection of all waters of the Reservation, ground and
- 392 surface, public and private [4 O.C. 409.1-2].
- 393 ○ *Enforcement.* The Oneida Conservation Department shall enforce this law, and all rules
- 394 and orders issued by the Department [4 O.C. 409.6-3].
- 395 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
- 396 in the Water Resources law. The new requirements of the proposed Citations law will now
- 397 apply to any citations issued under the Water Resources law.
- 398 ▪ ***Emergency Management and Homeland Security law [3 O.C. 302]***
- 399 ○ *Purpose.* The purpose of the Emergency Management and Homeland Security law is to
- 400 provide for the development and execution of plans for the protection of residents, property
- 401 and the environment in an emergency or disaster [3 O.C. 302.1-1].
- 402 ○ *Enforcement.* Violators of this law may be subject to a fine of not more than two hundred
- 403 dollars (\$200) per violation to be issued by the Oneida Police Department [3 O.C. 302.9].
- 404 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
- 405 in the Emergency Management and Homeland Security law. The new requirements of the
- 406 proposed Citations law will now apply to any citations issued under the Emergency
- 407 Management and Homeland Security law.
- 408 ▪ ***Oneida Food Service Code [3 O.C. 305]***
- 409 ○ *Purpose.* The purpose of the Oneida Food Service Code is to protect and preserve the safety
- 410 of Oneida Nation citizens and others within its jurisdiction in conjunction with the most
- 411 current United States Public Health Service Food Code [3 O.C. 305.1-1].
- 412 ○ *Enforcement.* In addition to the suspension or closing down of a business that violates the
- 413 law, a food service vendor who violates any provision of the code shall forfeit not less than

- 414 five dollars (\$5) nor more than five hundred dollars (\$500) upon conviction. Environmental
415 Health, Safety and Land Division, Licensing Department and Oneida Police Department
416 have authority to enforce various provisions of this law.
- 417 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
418 in the current Oneida Food Service Code. The new requirements of the proposed Citations
419 law will appear to apply to any citations issued under the Oneida Food Service Code.
- 420 ■ ***Tattoo and Body Piercing [3 O.C. 306]***
 - 421 ○ *Purpose.* The purpose of the Tattoo and Body Piercing law is to regulate tattooists, tattoo
422 establishments, body piercers and body piercing establishments under the jurisdiction of
423 the Tribe in order to protect public health and safety [3 O.C. 306.1-1].
 - 424 ○ *Enforcement.* Environmental Health and Safety Division and Licensing Department [3
425 O.C. 306.13].
 - 426 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
427 in the Tattoo and Body Piercing law. The new requirements of the proposed Citations law
428 appear to apply to any citations issued under the Tattoo and Body Piercing law.
 - 429 ■ ***Tobacco law [1 O.C. 115]***
 - 430 ○ *Purpose.* The purpose of the Tobacco law is to regulate the sale, possession and distribution
431 of cigarettes within the Reservation [1 O.C. 115].
 - 432 ○ *Enforcement.* Violators subject to the jurisdiction of the Nation shall be subject to a fine of
433 not more than ten dollars (\$10) per pack of un-stamped cigarettes to be issued by the Oneida
434 Police Department and paid to the Nation [1 O.C. 115.8-1].
 - 435 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
436 in the Tobacco law. The new requirements of the proposed Citations law will now apply
437 to any citations issued under the Tobacco law.
 - 438 ■ ***Marriage law [7 O.C. 701]***
 - 439 ○ *Purpose.* The purpose of the Marriage law is to exercise the sovereign right of the Oneida
440 Nation to regulate the rights and responsibilities relating to marriages [7 O.C. 701.1-1].
 - 441 ○ *Enforcement.* The Department shall promulgate rules that establish a fine schedule for
442 persons who violate this law [7 O.C. 701.7-1].
 - 443 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
444 in the Marriage law. The new requirements of the proposed Citations law appear to apply
445 to any citations issued under the Marriage law.
 - 446 ■ ***Notary Act [1 O.C. 114]***
 - 447 ○ *Purpose.* The purpose of the Notary Act is to promote, serve and protect the public interest
448 and to simplify, clarify and modernize the law governing notaries [1 O.C. 114.1-2].
 - 449 ○ *Enforcement.* A notary who knowingly and repeatedly performs or fails to perform
450 any act prohibited or mandated, respectively, by this Act shall forfeit not less than \$50.00
451 nor more than \$500.00... Any and all of the sections of this Act may be enforced by an
452 official designated by the Oneida Business Committee for separate issues, or for all issues
453 [1 O.C. 114.6-4 – 114.6-9].
 - 454 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
455 in the Notary Act law. The new requirements of the proposed Citations law appear to apply
456 to any citations issued under the Notary Act.
 - 457 ■ ***Sanitation Ordinance [3 O.C. 306]***
 - 458 ○ *Purpose.* The purpose of the Sanitation Ordinance is to assure that any water and sanitary
459 utilities that are developed within the jurisdiction of the Oneida Tribe shall be operated and
460 maintained in a manner that is fiscally responsible, responsive to customer needs,
461 environmentally safe and governmentally functional [4 O.C. 408].
 - 462 ○ *Enforcement.* Any person who shall continue any violation beyond the time limit provided
463 for in sec. (b) may be assessed a fine of not more than \$250.00 [4 O.C. 408.11].

464 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions
465 in Sanitations Ordinance. The new requirements of the proposed Citations law appear to
466 apply to any citations issued under the Sanitation Ordinance law.

467 **D. References to Other Laws.** The following laws of the Nation are referenced in the Citations law. The
468 proposed Citations law does not conflict with any of the referenced laws.

- 469 ▪ *Garnishment law.* The defendant’s failure to satisfy a fine and/or restitution may result in per
470 capita attachment, wage garnishment and/or other collection processes available to the Court [8
471 O.C. 807.6-2(d)].
- 472 ▪ *Per Capita law.* The defendant’s failure to satisfy a fine and/or restitution may result in per capita
473 attachment, wage garnishment and/or other collection processes available to the Court [8 O.C.
474 807.6-2(d)].
- 475 ▪ *Rules of Appellate Procedure.* Any person wishing to contest the determination of the Court may
476 appeal to the Nation’s Court of Appeals in accordance with the Rules of Appellate Procedure [8
477 O.C. 807.6-3].

478 **E. Existing Judiciary Rules.** The Oneida Business Committee recently adopted Judiciary law Rule #1 –
479 Oneida Trial Court Rules. This new rule, developed by the Judiciary and adopted by the Oneida
480 Business Committee on September 25, 2019, includes procedures for how citation hearings are held at
481 the Judiciary [8 O.C. 801 Judiciary law Rule #1 – 1.17 Citation Hearings].

- 482 ▪ *Conclusion.* The proposed Citations law does not conflict with the citation hearing procedures in
483 Judiciary Law Rule No. 1 – Oneida Trial Court Rules.

484

485 **SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS**

- 486 **A. Effect on Existing Rights.** The proposed Citations law protects due process rights by:
- 487 ▪ Requiring that all citations be properly noticed, including a notice of the defendant’s rights and
488 privileges, hearing dates and information;
 - 489 ▪ Ensuring that defendants have the right to contest their citations in the Nation’s Judiciary;
 - 490 ▪ Establish a formal process for stipulations that require defendants to acknowledge that they are
491 waiving their rights to contest the citation in court and sign a statement that they enter into the
492 agreement free of duress and coercion.

493

494 **SECTION 8. ENFORCEMENT AND ACCOUNTABILITY**

- 495 **A. Enforcement.** Each law of the Nation typically includes an “enforcement” section which gives
496 authority to a specific agency or department to enforce the law. Most laws of the Nation are enforced
497 by the Oneida Police Department or Conservation Wardens. For more information, see “Section 6:
498 Existing Legislation.”

499

500 **SECTION 9. OTHER CONSIDERATIONS**

- 501 **A. Current Citation Data.** The following data is provided for information:
- 502 ▪ *Oneida Police Department (September 2018 – August 2019)*
 - 503 ○ Nineteen (19) Domestic Animals citations issued in the past year. The most common
504 citations were “mistreatment of animals” and “animal running at large.”
 - 505 ○ The department did not report issuing citations under any other laws of the Nation.
 - 506 ○ *Source: Email communication with OPD (9/9/19).*
 - 507 ▪ *Oneida Conservation Wardens*
 - 508 ○ Oneida Police Department reported that Conservation has no citations issued over the past
509 year.
 - 510 ○ *Source: Email communication with OPD (9/11/19).*
- 511 **B. Resolving Conflicts with Other Laws of the Nation.** As explained in “Section 6: Effect on Existing
512 Legislation,” the proposed Citations law conflicts with two laws of the Nation that retain the Land
513 Commission’s hearing authority over citations issued under those laws. The LOC should determine

- 514 how to resolve this conflict before proceeding with the Citations law:
- 515 ▪ *Option 1:* Amend the Zoning and Shoreland Protection law and Non-Metallic Mining Reclamation
- 516 law.
- 517 ○ Amendments could remove hearing authority from the Land Commission for these two
- 518 laws and transfer hearing authority to the Judiciary.
- 519 ▪ *Option 2:* Update the draft of the Citations law to state that all authorized hearing bodies of the
- 520 Nation, including both the Judiciary and Land Commission, must follow the provisions of this law
- 521 in regard to citation hearings.
- 522 ○ Drafting these changes will require consultation with the Land Commission, as the hearing
- 523 process in this draft was written for the Judiciary.
- 524 ▪ *Option 3:* Exclude Zoning and Shoreland Protection law and Non Metallic Mining Reclamation
- 525 law from the proposed Citations law.
- 526 ○ Add a provision to the law or adopting resolution excluding the Zoning and Shoreland
- 527 Protection law and Non-Metallic Mining Reclamation law from the proposed Citations
- 528 law. Such an exclusion could be specific or worded generally to refer to entities outside of
- 529 the Judiciary that retain hearing authority under the laws of the Nation.
- 530 **C. *Laws in Progress that Include Citations.*** At the time this analysis was drafted, the LOC is actively
- 531 working on drafting or amending the following laws which include citations:
- 532 ▪ The Oneida Food Service Code and Recycling and Solid Waste Disposal law are both on the LOC's
- 533 Active Files List for amendments.
- 534 ▪ The proposed Curfew Law is on the LOC's Active Files List and is expected to be forwarded to the
- 535 Oneida Business Committee for adoption in the near future.
- 536 **D. *Fiscal Impact.*** A fiscal impact statement has not yet been requested.
- 537 ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except
- 538 emergency legislation [*Legislative Procedures Act 1 O.C. 109.6-1*].
- 539 ▪ A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating
- 540 Committee and may be prepared by any agency who may receive funding if the legislation is
- 541 enacted; who may administer a program if the legislation is enacted; who may have financial
- 542 information concerning the subject matter of the legislation; or by the Finance Office, upon request
- 543 of the Legislative Operating Committee [*Legislative Procedures Act 1 O.C. 109.6-1(a) and (b)*].

544

545



Legislative Operating Committee
October 2, 2019

Curfew Law

Submission Date: 12/19/18	Public Meeting: 7/18/19
LOC Sponsor: Ernest Stevens III	Emergency Enacted: n/a

Summary: *This was a recommendation from the TAP Law and Policy Subcommittee, to develop a curfew law for the Oneida Nation.*

12/19/18 LOC: Motion by Jennifer Webster add the Curfew Law to the active files list and assign Ernest Stevens III as the sponsor; seconded Ernest Stevens III. Motion carried unanimously.

2/13/19: *Work Meeting.* Present: Clorissa N. Santiago, Eric Boulanger, Joel Maxam, Maureen Perkins. The purpose of this work meeting was to obtain information from the Oneida Police Department regarding any issues that may currently be occurring on the Reservation related to a lack of curfew, as well as discuss OPD's role in potentially enforcing a Curfew law.

2/14/19: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to provide the LOC an update on communications with the Oneida High School's Clan Council, and recent work meeting with OPD. The LOC also discussed potential dates for holding a community meeting potluck on the curfew law.

2/20/19 LOC: 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.

3/13/19: *Work Meeting.* Present: Clorissa N. Santiago, Maureen Perkins, student representatives from the Oneida Nation Clan Council. The purpose of this work meeting was to obtain information from the Oneida High School Clan Council regarding their thoughts and opinions on a potential curfew law.

3/21/19: *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Maureen Perkins. The purpose of this work meeting was to prepare for tonight's community meeting on the curfew law. The LOC discussed the format for the community meeting, potential discussion points, and questions the LOC members currently have themselves regarding this topic.

3/21/19: *Community Meeting.* Present: David P. Jordan, Lisa Summers, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Maureen Perkins. No community members attended the community meeting.

5/1/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Maureen Perkins. The purpose of this work meeting was for the LOC to review the draft of the Curfew law. The LOC made policy decisions for curfew, and directed minor changes be made to the draft. The LRO will update the draft and complete a legislative analysis to be brought back in the near future.

- 5/15/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Maureen Perkins. The purpose of this work meeting was to review and discuss a couple remaining questions that need to be determined before a draft is finalized. LOC provided direction, and a draft will be finalized and moved forward. On track to bring draft and analysis to June 5, 2019 LOC meeting.
- 6/5/19 LOC:** Motion by Jennifer Webster to accept the draft and legislative analysis of the Curfew law and defer these items to a work meeting for further consideration, replacing page four (4) of the packet with the handout; seconded by Ernie Stevens III. Motion carried unanimously.
- 6/5/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Maureen Perkins. The purpose of this work meeting was for the LOC to review the two (2) policy considerations contained in the legislative analysis. LOC discussed other potential amendments and directed that minor revisions be made to the law. Additionally, LOC made a decision as to who will be directed to complete the financial analysis – the Finance Department. A memo regarding the fiscal impact statement to Finance and the public meeting packet will be prepared for the next LOC meeting.
- 6/13/19:** E-Poll Conducted. E-Poll was titled “Approval of the Curfew Law Fiscal Impact Statement Request Memorandum to the Finance Department. The requested action of this e-poll was to approve the Curfew law fiscal impact statement request memorandum, with accompanying updated draft and legislative analysis, and forward to the Finance Department directing that a fiscal impact statement of the proposed Curfew law be prepared and submitted to the LOC by July 18, 2019. The e-poll was approved by David P. Jordan, Kirby Metoxen, Jennifer Webster, and Ernest Stevens III. Daniel Guzman King did not provide a response to the e-poll.
- 6/19/19 LOC:** Motion by Jennifer Webster to approve the public meeting packet and forward the Curfew law to a public meeting to be held on July 18, 2019; seconded by Ernest Stevens III. Motion carried unanimously.
- Motion by Jennifer Webster to enter the June 13, 2019 LOC E-poll titled “Approval of the Curfew Law Fiscal Impact Statement Request Memorandum” results into the record; seconded by Ernest Stevens III. Motion carried unanimously.
- 6/19/19:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Destiny Prendiville. The discussion during this work meeting centered around the LOC’s recent request for a fiscal impact statement to be completed by July 18, 2019 and a strategy for moving forward.
- 6/27/19:** *Work Meeting.* Present: Jennifer Webster, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Destiny Prendiville, Kristen Hooker, Maureen Perkins. The discussion during this work meeting centered around the update on the LOC’s communication with the Finance Department.
- 7/17/19 LOC:** Motion by Kirby Metoxen to approve the memorandum regarding the Curfew Law financial impact statement dated July 17, 2019; seconded by Daniel Guzman King. Motion carried unanimously.
- Motion by Kirby Metoxen to amend the June 13, 2019, directive to the Finance Department to direct the Finance Department to complete a fiscal impact statement within ten (10) business days after the LOC approves a final proposed draft of the Curfew law; seconded by Daniel Guzman King. Motion carried unanimously.
- 7/18/19:** *Public Meeting Held.* Present: Ernest Stevens III, Brooke Doxtator, Jennifer Falck, Clorissa N. Santiago, Rae Skenandore, Carol Silva, Amy Williams, Bella Mae Williams, Maureen Perkins. One (1) person gave public comment during this public meeting.
- 7/25/19:** Public Comment Period Closed.

8/7/19 LOC: Motion by Ernest Stevens III to accept the public comments and public comments review memorandum and defer this item to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

8/15/19: *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Ernest Stevens III, Jennifer Webster, Brandon Stevens, Jennifer Falck, Clorissa N. Santiago, Maureen Perkins, Jameson Wilson. The purpose of this work meeting was to review and consider the public comments that were received.

9/4/19 LOC: Motion by Jennifer Webster to accept the updated public comment review memorandum, draft, and legislative analysis; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to approve the Curfew Law fiscal impact statement request memorandum and forward to the Finance Committee requesting that a fiscal impact statement be prepared and submitted to the Legislative Operating Committee by September 18, 2019, seconded by Ernest Stevens III. Motion carried unanimously.

9/13/19: *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Kirby Metoxen, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Maureen Perkins, Jameson Wilson. The purpose of this work meeting was to review and discuss the Curfew Law resolution and Curfew Fine Schedule resolution. The LRO will update the resolutions based on the LOC's discussion.

9/18/19: *Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Jameson Wilson. The purpose of this work meeting was to review the updates to the Curfew Law Penalty and Fine Schedule resolution. The LRO will update the resolutions based on the LOC's discussion.

Next Steps:

- Approve the adoption packet for the Curfew law and forward to the Oneida Business Committee for consideration.
- Approve the resolution titled, "Curfew Law Penalty and Fine Schedule" and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson
DATE: October 9, 2019
RE: Curfew Law

Please find the following attached backup documentation for your consideration of the proposed Curfew law:

1. Resolution: Curfew Law
2. Statement of Effect: Curfew Law
3. Curfew Law Legislative Analysis
4. Curfew Law
5. Curfew Law Fiscal Impact Statement

Overview

On December 19, 2018, the Legislative Operating Committee decided to pursue the development of a Curfew law. The recommendation for the development of a Curfew law was brought to the Legislative Operating Committee by the Nation's Tribal Action Plan – Laws and Policy Subcommittee. The Legislative Operating Committee also received input requesting the development of a Curfew law during the November 2018 Community Budget Session.

The purpose of the proposed Curfew law is to protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor. [3 O.C. 308.1-1].

This resolution adopts the proposed Curfew law which will:

- Prohibit any minor from being on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation, unless the minor is accompanied by a parent, guardian, or legal custodian [3 O.C. 308.5-1];
- Prohibit any parent, guardian, or legal custodian from knowingly permitting or failing to take action to prevent a minor from being on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation [3 O.C. 308.5-2];
- Provide various exemptions to the curfew, where a minor will not be considered to be violating the curfew if at the time of the alleged violation the minor was engaged in specific activities [3 O.C. 308.5-3];

- Provide the enforcement procedure to be used by the Oneida Police Department when enforcing a suspected curfew violation [3 O.C. 308.6]; and
- Provide the various penalties that can be imposed by the Family Court against the minor and/or the minor's parent, guardian, or legal custodian upon a finding by Family Court that a violation of this Law has occurred [3 O.C. 308.7-1].

The Legislative Operating Committee developed the proposed Curfew law through collaboration with representatives from the Oneida Police Department and Oneida Nation High School Clan Council. The Legislative Operating Committee also reviewed various laws of the Nation, as well as twelve (12) curfew laws from other local municipalities and tribes. Additionally, the Legislative Operating Committee held a community meeting on March 21, 2019, to gather input, ideas, and concerns from members of the community regarding the proposed Curfew law. Unfortunately, no one attended this community meeting to participate in the development of this law.

In accordance with the Legislative Procedures Act, a public meeting on the Curfew law was held on July 18, 2019. One (1) person provided oral comments during the public meeting. The public comment period was then held open until July 25, 2019. The Legislative Operating Committee received one (1) submission of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on August 15, 2019. Any changes made based on those comments have been incorporated into this draft.

Requested Action

Approve the Resolution: Curfew Law.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Curfew Law

- 1
2
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
4 recognized by the laws of the United States of America; and
5
6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7
8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
10
11 **WHEREAS,** the purpose of the Curfew law (“the Law”) is to protect the health, safety, and welfare of
12 persons and property within the Reservation by regulating the activities of minors on the
13 Reservation during certain hours, while imposing certain obligations and responsibilities on
14 the parents, guardians, and/or legal custodians of a minor for the control and supervision
15 of that minor; and
16
17 **WHEREAS,** the Law prohibits any minor from being on any public space either on foot or in any vehicle
18 driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of
19 the Reservation, unless the minor is accompanied by a parent, guardian, or legal
20 custodian; and
21
22 **WHEREAS,** the Law prohibits any parent, guardian, or legal custodian from knowingly permitting or
23 failing to take action to prevent a minor from being on any public space either on foot or in
24 any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the
25 boundaries of the Reservation; and
26
27 **WHEREAS,** the Law provides various exemptions to the curfew, where a minor will not be considered
28 to be violating the curfew if at the time of the alleged violation the minor was engaged in
29 specific activities; and
30
31 **WHEREAS,** the Law provides the enforcement procedure to be used by the Oneida Police Department
32 when enforcing a suspected curfew violation; and
33
34 **WHEREAS,** the Law provides various penalties that can be imposed by the Family Court against the
35 minor and/or the minor’s parent, guardian, and/or legal custodian upon a finding by the
36 Family Court that a violation of this Law has occurred; and
37
38 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact
39 statement were developed for this Law; and
40
41 **WHEREAS,** a public meeting on the Law was held on July 18, 2019, in accordance with the Legislative
42 Procedures Act, and the public comment period was held open until July 25, 2019; and
43

44 **WHEREAS,** the Legislative Operating Committee accepted, reviewed, and considered the public
45 comments received on August 15, 2019; and
46

47 **NOW THEREFORE BE IT RESOLVED,** that the Curfew law is hereby adopted and shall be effective on
48 October 23, 2019.
49

50 **BE IT FINALLY RESOLVED,** the Legislative Reference Office shall conduct a one (1) year review of the
51 Curfew law and provide the Oneida Business Committee a report which details the number of citations
52 issued by the Oneida Police Department, frequency and types of penalties issued by the Oneida Family
53 Court, and any other relevant information.
54



Statement of Effect *Curfew Law*

Summary

This resolution adopts the Curfew law which will protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office
Date: September 23, 2019

Analysis by the Legislative Reference Office

This resolution adopts the proposed Curfew law. The proposed Curfew law will protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor. [3 O.C. 308.1-1]. It is the policy of the Nation to support all drug use prevention initiatives of the Nation by protecting the health, safety, and welfare of persons through the establishment of a curfew for minors in public spaces within the Reservation during certain hours in an effort to minimize the opportunity for harm to come to minors during those hours. [3 O.C. 308.1-2].

Adoption of any legislation is required to comply with the Legislative Procedures Act (“the LPA”), which was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a standardized process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. The Curfew law complied with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

A public meeting on the proposed Curfew law was held on July 18, 2019. One (1) person provided oral comments during the public meeting. The public comment period was then held open until July 25, 2019. The Legislative Operating Committee received one (1) submission of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on August 15, 2019. Any changes made based on those comments have been incorporated into this draft.

The Curfew law will become effective ten (10) business days after the adoption of this resolution in accordance with the LPA. [1 O.C. 109.9-3].

Conclusion

Adoption of this resolution would not conflict with any of the Nation’s laws.



tayethinatshawl·late? kayanlksla?
 (duh ye teen uh zah wah lahday guyan luh sla)
we'll put our arms across to stop them
CURFEW LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Tribal Action Plan Laws and Policy Subcommittee	SPONSOR: Ernest Stevens III	DRAFTER: Clorissa N. Santiago	ANALYST: Maureen Perkins
Intent of the Legislation	The Tribal Action Plan (TAP) Laws and Policy Subcommittee recommended the Legislative Operating Committee (LOC) draft a curfew law to protect the safety of youth in the community, as well as provide accountability to both youth and parents through consequences that reflect the circumstances and needs of the community. The Curfew law (“Law”) will protect the health, safety and welfare of persons and property on the Reservation by restricting access to public spaces by minors during certain night time and early morning hours.		
Purpose	To protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of minors for the control and supervision of minors [3 O.C. 308.1-1].		
Affected Entities	Oneida Police Department (OPD) and Oneida Judiciary		
Related Legislation	Family Court law, Per Capita law, Garnishment law, Rules of Appellate Procedure, Family Court Rules, Oneida Judiciary Rules of Evidence, Oneida Judiciary Rules of Civil Procedure, Landlord-Tenant law		
Enforcement	<p>The OPD will enforce suspected violations of this Law by issuing warnings and citations [3 O.C. 308.6].</p> <p>Citations issued result in a mandatory appearance at a citation pre-hearing for both the minor and his or her parent, guardian, or legal custodian.</p> <ul style="list-style-type: none"> • The Family Court may issue conditional orders as well as penalties that include fines, community service, mandatory participation in family counseling or parenting programs, and any other penalty the Family Court deems appropriate [3 O.C. 308.6-3(a) and (c)]. The Family Court may stay a penalty at its discretion [3. O.C. 308.7-2]. • All fines will be paid to the Judiciary within ninety (90) days after the order is issued or upheld on final appeal, whichever is later. This deadline may be extended at the discretion of the Family Court. If a fine is not paid the Family Court may seek to collect the money owed through the Nation’s garnishment and/or per capita attachment process or any other collection process available to the Family Court [3 O.C. 308.7-1(a)(3)]. 		
Due Process	A citation for a violation of this Law shall be processed in accordance with the procedure contained in the Nation’s laws and policies governing citations [3 O.C. 308.6-3(b)].		
Public Meeting	A public meeting was held on July 18, 2019. Comments were considered by the LOC and changes were directed to the law on August 15, 2019.		
Fiscal Impact	The LOC has directed the Finance Department to provide the LOC with a fiscal impact statement of the proposed Curfew law by September 18, 2019; in accordance with the Legislative Procedures Act.		

1 **SECTION 2. LEGISLATIVE DEVELOPMENT**

2 A. **Background.** The Nation does not currently have a law establishing a curfew governing minors in
3 public spaces during certain night time and early morning hours. This Curfew law was requested by
4 the Tribal Action Plan (TAP) Laws and Policy Subcommittee which included input from a cross
5 functional core team that included representatives from the Oneida Business Committee (OBC), Oneida
6 Police Department, Governmental Services Division, Oneida Gaming Commission, Oneida Family
7 Support Services, Legislative Operating Committee, Legislative Reference Office (LRO), Oneida
8 Human Resources Department and Retail Division. This team concluded that a curfew law would help
9 curtail opportunities for minors to be influenced by drugs by limiting their presence in public spaces
10 within the community during certain hours, including night time and early morning, without the
11 presence of a parent, guardian, or legal custodian.

12 *Outreach Efforts*

13 Outreach with the community was held during the Community Budget Session on November 30,
14 2018 where the LOC had an opportunity to collect input from participants by asking them to share their
15 ideas about new laws, amendments to existing laws or anything else they wanted to share. Participants
16 indicated the need for a curfew law for the Reservation [*LOC FY19 First Quarter Report*].
17 Additionally; a community outreach event was held on March 21, 2019 at the Norbert Hill Center
18 cafeteria from 5:00 p.m. to 7:30 p.m. to collect input from the community. No members of the
19 community participated in this event.

20 *Related Research*

21 Research conducted regarding curfew laws revealed that the most common goals of a curfew law
22 are to 1) protect children from becoming victims or perpetrators of crimes, 2) assist parents in exercising
23 their responsibility over minors, and 3) prevent all persons from the dangers posed by unsupervised
24 minors who are out late at night and in the early morning hours. Research indicates that curfew laws
25 may protect youth from victimization and prevent juvenile crimes and delinquency by reducing or
26 preventing exposure of youth to negative situations by restricting their access to public spaces at night
27 and early morning hours [*Grossman & Martin, 2015*]. Although some research has indicated that most
28 crimes involving minors take place during after school hours rather than late at night or early morning
29 hours [*Meyers, 2016*]; the goal of this legislation within the Oneida Reservation is to keep minors safe
30 and accounted for during curfew hours.

31 According to the Office of Juvenile and Delinquency Prevention; the following contribute to the
32 successful implementation of curfew policies:

- 33 ○ Community involvement;
- 34 ○ Creating specific procedures for repeat offenders such as recreational, educational, and job
35 opportunities as well as antidrug and antigang programs;
- 36 ○ Providing a hotline for community questions or problems related to curfews or juvenile
37 delinquency in general; and
- 38 ○ Providing intervention services for juveniles and their families.

39 B. **Previous Attempts to Implement a Curfew.** The LOC has considered a law that included a curfew in
40 the past. A curfew provision was considered in a Public Nuisances law drafted by the LOC in 2010;
41 however, this law was not completed or adopted.

- 42 • Previous attempts at regulating minors through a curfew that were not legislative include a curfew
43 requirement of 10:00 p.m. to 6:00 a.m. that was included in previous Oneida Housing Authority
44 tenant leases. This provision is not in current leases [*Email Communication 05/03/2019, Scott
45 Denny, Residential Rentals & Outreach Area Manager, Oneida Comprehensive Housing
46 Division*].

47 C. **Expected Benefits.** The purpose of this legislation is to provide a clear timeframe that minors must be
48 out of public spaces and accounted for by their parents, guardians or legal custodians. Members of the
49 Oneida Nation High School Clan Council indicated that a curfew law may help to prevent teens from
50 partying, staying out late and engaging in other bad behaviors; as well as helping with responsibility,
51 encouraging youth to stay out of trouble and encouraging safety and school attendance. A curfew law

52 provides a means for parents to enforce a curfew with their children to provide an additional measure
 53 of safety, accountability, obligation and responsibility to both the Nation’s minors and adults
 54 [McDowall, Loftin & Wiersema, 2009]. A curfew law provides OPD with a means to engage with
 55 suspected minors during curfew hours to tell them to go home and to encourage adult supervision of
 56 minors during curfew hours. OPD has expressed that the goal is to keep minors safe and to prevent
 57 vandalized property, arson, graffiti, petty theft and drug issues.
 58

59 **SECTION 3. CONSULTATION AND OUTREACH**

60 **A. Departments and Groups.** The following departments and groups participated in the development of
 61 this Law:

- 62 1. Oneida Police Department; and
- 63 2. Members of the Oneida Nation High School Clan Council.

64 **B. Laws of the Nation.** The drafting of this legislative analysis included a review of the following laws of
 65 the Nation: Family Court law, Family Court Rules, Rules of Appellate Procedure, Oneida Judiciary
 66 Rules of Evidence, Oneida Judiciary Rules of Civil Procedure, Per Capita law, Garnishment law, Public
 67 Use of Tribal Lands law, and Landlord-Tenant law.

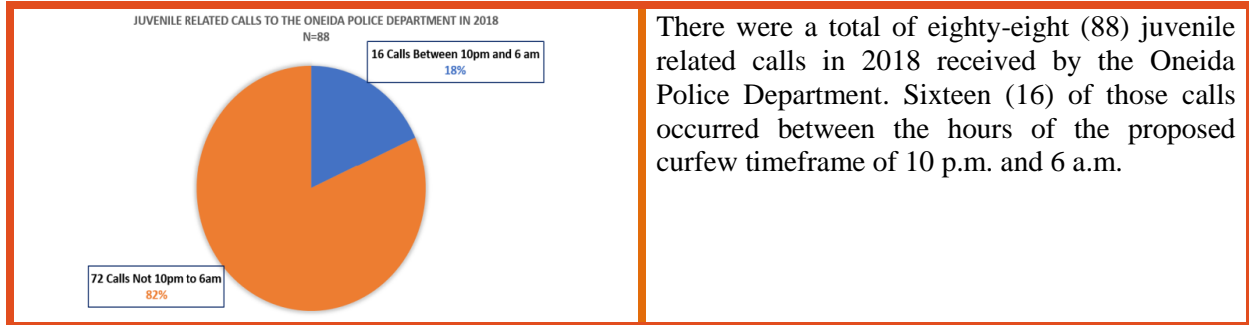
68 **C. Area and Tribal Laws.** The following curfew laws from surrounding municipalities and other tribal
 69 communities were reviewed. The chart provides a breakdown of the ages and curfew time frames the
 70 laws apply to.

Municipality or Tribe	Curfew Applies to Ages:	Curfew in Effect From:
Brown County	Under 17	10pm to 6am
Village of Hobart	Under 17	10pm to 6am
City of Green Bay	Under 17	10pm to 6am
City of De Pere	Under 17	10pm to 6am
Village of Ashwaubenon	Under 17	10pm to 6am
City of Seymour	Under 17	11pm to 6am
Village Howard	Under 17	10pm to 6am
Ho-Chunk Nation	Under 16	10pm to 5am
	16-17	12am to 5am
Lac Du Flambeau Band of Lake Superior Chippewas	Under 18	9pm to daylight during central standard time
		10pm to daylight during daylight savings time
Hoopa Valley Tribe	Under 18	10pm to 5am
Prairie Island Indian Community	Under 16	10pm to 6am
	Over 16 and under 18	11pm to 6am
Ely Shoshone Tribe	Under 18	10pm to 5am Sunday - Thursday
		12am to 5am Friday - Saturday

71
 72 *The State of Wisconsin, Outagamie County and Town of Oneida do not have curfew laws in place.
 73

74 **D. Data.** A memorandum from the TAP Laws and Policy Subcommittee suggested that data related to
 75 police interactions with youth ages seventeen (17) years and younger be requested from the Oneida
 76 Police Department and other neighboring jurisdictions to provide a background for juvenile activity in
 77 the area.

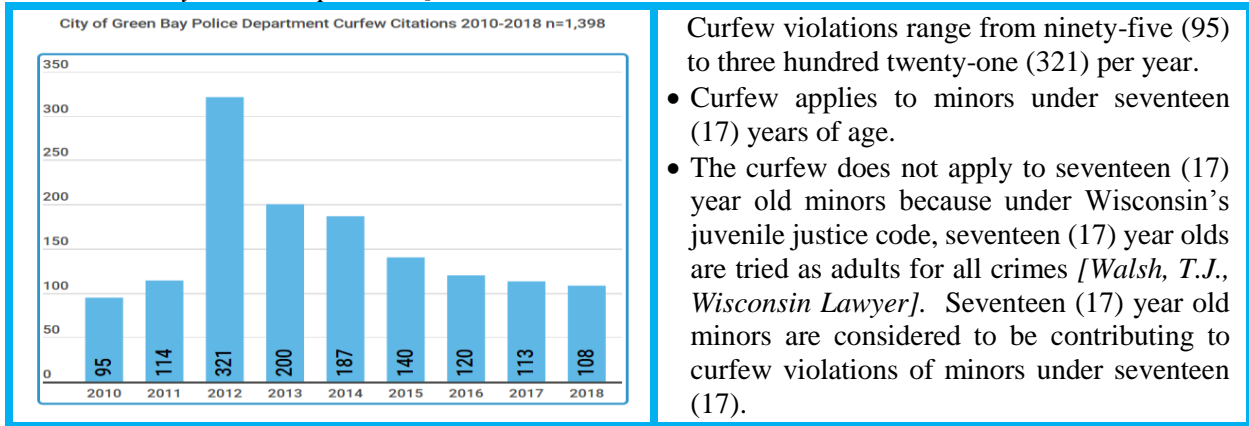
- 78 1. The Oneida Police Department does not currently enforce any curfew laws. The following is
 79 a breakdown of juvenile related calls received by the Oneida Police Department in 2018 [Email
 80 communication 05/06/2019, Eric Boulanger, Chief of Police, Oneida Police Department].



There were a total of eighty-eight (88) juvenile related calls in 2018 received by the Oneida Police Department. Sixteen (16) of those calls occurred between the hours of the proposed curfew timeframe of 10 p.m. and 6 a.m.

81
 82
 83
 84

2. The City of Green Bay has issued the following citations related to curfew violations from 2010 to 2018 [Email communication 05/03/2019, Michelle Belongie, Crime Analyst, Green Bay Police Department].



Curfew violations range from ninety-five (95) to three hundred twenty-one (321) per year.

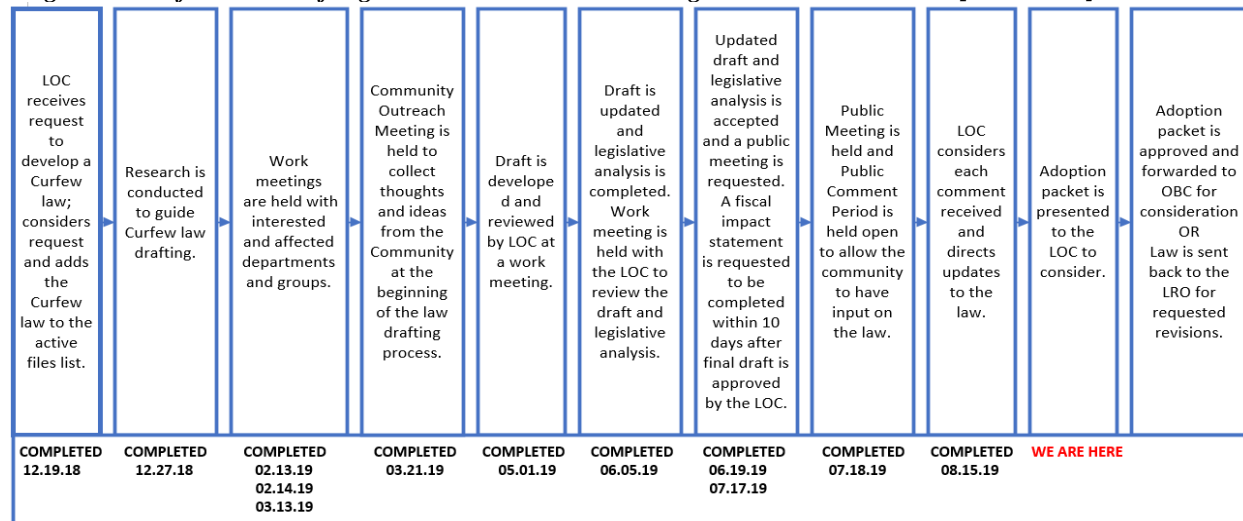
- Curfew applies to minors under seventeen (17) years of age.
- The curfew does not apply to seventeen (17) year old minors because under Wisconsin’s juvenile justice code, seventeen (17) year olds are tried as adults for all crimes [Walsh, T.J., Wisconsin Lawyer]. Seventeen (17) year old minors are considered to be contributing to curfew violations of minors under seventeen (17).

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SECTION 4. PROCESS

A. Below is a diagram of the legislative process contained in the Legislative Procedures Act [1 O.C. 109] with some additional useful information. A public meeting has been held and the LOC has considered each comment collected and made changes to the draft law based on public comment. The LOC is currently at the stage of reviewing the final law for consideration of adoption by the OBC.

Diagram 1. Curfew Law Drafting Process Contained in the Legislative Procedures Act [1 O.C. 109].




92
 93
 94

C. The following meetings, work meetings, and outreach events took place at the time of the development of this legislative analysis:

- 95 • December 19, 2018: A request for a Curfew law was received from the TAP Laws and Policy
- 96 Subcommittee, considered by the LOC and the Curfew law was added to the active files list.
- 97 • February 13, 2019: A work meeting was held with the LRO staff and the OPD.
- 98 • February 14, 2019: A work meeting was held with the LOC and the LRO staff.
- 99 • March 13, 2019: A work meeting was held with the LRO staff and the Oneida Nation High School
- 100 Clan Council.
- 101 • March 21, 2019: A Community Outreach Meeting was held. Although no one attended this
- 102 meeting; the opportunity was presented to the community to gather input on the development of
- 103 the Law.
- 104 • May 1, 2019: A work meeting was held with the LOC and the LRO.
- 105 • May 15, 2019: A work meeting was held with the LOC and the LRO.
- 106 • June 5, 2019: The draft and legislative analysis presented to the LOC for further consideration.
- 107 • June 19, 2019: LOC approved the Public Meeting Packet and forwarded the Curfew law to a public
- 108 meeting to be held on July 18, 2019.
- 109 • July 18, 2019: Public meeting held.
- 110 • August 18, 2019: A work meeting was held with the LOC and the LRO to consider each comment
- 111 made and direct changes to the draft law.
- 112 • September 4, 2019: The LOC accepted the public comment review memorandum, draft and
- 113 legislative analysis. LOC requested a fiscal impact statement from the Finance Committee.
- 114 • September 13 and 18, 2019: The LOC held a work meetings to discuss the Curfew Law resolution
- 115 and Curfew Law Penalty and Fine Schedule resolution.

Community Outreach Event March 21, 2019



March 21, 2019
The LOC hosted a community pot luck to discuss a Curfew Law. While the community expressed interest in the event, no one attended the meeting. This highlights how collecting public comment is difficult.

LEGISLATIVE OPERATING COMMITTEE OUTREACH EVENT

COMMUNITY POT LUCK
WWW.ONEIDA-NSN.GOV/GOVERNMENT

Thursday, March 21, 2019, 5:00-7:30pm
Norbert Hill Center Cafeteria
7210 Seminary Rd., Oneida, Wisconsin

PROPOSED CURFEW LAW

This will be an exploratory meeting that will gather input from the community regarding issues and concerns related to the implementation of a curfew for minors seventeen (17) years old or younger, and the consequences that would result from violating the curfew.

OUTREACH
The Legislative Operating Committee (LOC) holds community outreach events in an effort to collect thoughts and ideas from the community at the beginning of the legislative process. This provides insight and ideas early and is a more efficient way of getting work done. Outreach events also provide the community with additional opportunities to share their thoughts with the LOC. When the LOC feels that the community may have a particular interest in proposed legislation these events are held in addition to the formal public meetings required by the Legislative Procedures Act.

-FOR MORE INFORMATION-
www.oneida-nsn.gov/Register/PublicMeetings or contact Oneida Nation Legislative Reference Office located in the Norbert Hill Center, PO Box 365, Oneida, Wisconsin 54155
Email: LOC@oneidation.org Phone: 920-869-4376

- 116
- 117 **SECTION 5. CONTENTS OF THE LEGISLATION**
- 118 **A. Purpose and Policy [3 O.C. 308.1]**
- 119 • The purpose of the Law is to restrict access to public spaces by minors not accompanied by
 - 120 certain adults during established night and early morning hours, while imposing obligations and
 - 121 responsibilities upon adults to protect the health, safety and welfare of youth, adults and public
 - 122 property of the Nation. It is the policy of the Nation to support substance abuse prevention
 - 123 initiatives to minimize the opportunities of for minors to encounter harmful situations.
- 124 **B. Jurisdiction [3 O.C. 308.4]**
- 125 • Jurisdiction of the Court. The Oneida Family Court has jurisdiction over any action brought
 - 126 under this law [3 O.C. 308.4-1].
 - 127 • Personal Jurisdiction. This Law applies to: 1) all members of the Nation and those eligible for
 - 128 enrollment with the Nation, as well as members of other federally recognized tribes, 2)

129 individuals and their households who lease, occupy or otherwise use fee land or trust land owned
130 by the Nation or by individual members of the Nation; through consensual contract or other
131 agreement, 3) individuals who have consented to the jurisdiction of the Nation through other
132 consensual relationships with the Nation or Nation's entities, corporations or members of the
133 Nation through contracts or agreements; and 4) any other facts that manifest consent to
134 jurisdiction consistent with federal law and policy including failure to object to the exercise of
135 personal jurisdiction in a timely manner.

136 i. In accordance with section 308.4-1(b), the Law applies to individuals and their
137 households who lease, rent, or occupy any home involved in a housing program
138 with the Nation's Comprehensive Housing Division, including children who are
139 not enrolled or eligible for enrollment with the Nation or any other federally
140 recognized tribe. The Landlord-Tenant law requires all tenants of the Nation's
141 housing programs to abide by the Nation's laws [6 O.C. 611.6-3(b)(3)].

- 142 • *Territorial Jurisdiction.* This Law applies to the Reservation to all land owned by the Nation
143 and individual trust and/or fee land of a member of the Nation.

144 **C. Curfew [3 O.C. 308.5]**

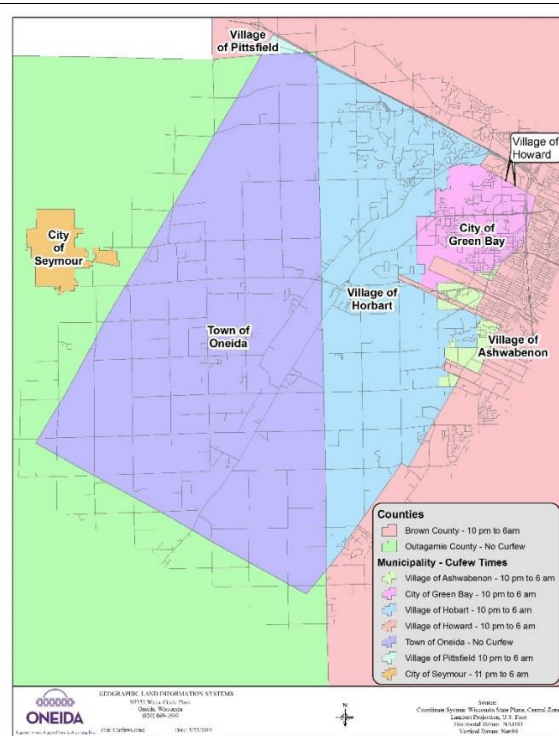
- 145 • The curfew is established from 10:00 p.m. to 6:00 a.m. for ages sixteen (16) years old or younger
146 in any public space either on foot or in a vehicle driven or parked within the boundaries of the
147 Reservation. No adult shall knowingly permit or fail to take action to prevent a minor to be in
148 a public space after curfew unless an exemption is met [3 O.C. 308.5-3].

149 i. Exemptions include common reasons minors would be out at night without the
150 presence of their parent, guardian, or legal custodian such as traveling home from
151 work, participating in cultural and sports activities chaperoned by an adult, and
152 traveling home from the movies; as well as a discretionary measure for OPD to
153 determine if the law has been violated or not.

- 154 • The map below demonstrates the curfew in the proposed Law is consistent with the curfew
155 established by municipalities surrounding the Reservation. Members of the Oneida Nation High
156 School Clan Council indicated during a work meeting that Oneida's curfew should be similar to
157 area curfew laws for consistency purposes.

158 This is a map of the Reservation and surrounding jurisdictions with any curfew
159 currently in place. The curfew timeframe of 10 p.m. to 6 a.m. in the proposed law is consistent
160 with most jurisdictions near the Reservation.

- 161 • The State of Wisconsin, Outagamie County, and the Town of Oneida all lack curfew laws.
162 This means nearly half the Reservation does not currently have any curfew law in place.
- 163 • OPD does not currently enforce any curfew laws of area jurisdictions [Verbal
164 Communication, February 13, 2019].



166 **D. Enforcement of Curfew Violations** [3 O.C. 308.6]

- 167 • Oneida Police Department (OPD) officers may stop any minor suspected of violating this law.
168 OPD must ask, and the minor must provide, their name, age and reason for violating curfew. If
169 an OPD officer believes the Curfew law has been violated; the officer may take the minor into
170 custody and contact their parents, guardian or legal custodian to return the minor to their care
171 and custody. If the OPD officer cannot locate a parent, guardian or legal custodian, they may
172 find and release the child to an adult relative or other responsible adult willing and able to accept
173 the care and custody of the minor.
- 174 i. The first time a minor is taken into custody results in a warning by OPD to both
175 the minor and the minor’s parent, guardian or legal custodian advising them of the
176 law and informing them that any additional violations of the curfew law may result
177 in a fine, community service, mandatory parenting program, mandatory family
178 counseling, or other penalties at the discretion of the Family Court [3 O.C. 308.6-
179 2].
 - 180 ii. Subsequent curfew violations that result in a minor being taken into custody by
181 OPD may result in the issuance of a citation which will require the attendance of
182 the minor and their parent, guardian, or legal custodian at a mandatory pre-hearing
183 with the Family Court. Additionally; subsequent violations of the Curfew law may
184 include a fine, mandatory or voluntary community service, mandatory parenting
185 program, mandatory family counseling, or any other penalty at the discretion of
186 the Family Court, as well as any conditional orders made by the Family Court [3
187 O.C. 308.6-3].
 - 188 iii. The Family Court may issue conditional orders at the mandatory pre-hearing until
189 the matter is resolved [3 O.C. 308.6-3(a)].
 - 190 iv. The Family Court may stay the enforcement any penalty issued as a result of a
191 curfew violation at its discretion [3 O.C. 308.7-2].

192 **E. Penalties of Curfew Violations** [3.O.C. 308.7]

- 193 • The following penalties may be issued to those that violate the law; focusing on specific
194 programs that aim to improve family dynamics and parenting; at the discretion of Family Court:
- 195 i. Fines (community service may be a substitute for all or part of fines at the
196 discretion of the Family Court);
 - 197 1. The Law contains detailed procedures related to fines issued under this
198 Law [3 O.C. 308.7-1(a)]. More detail is provided in Section 7 of this
199 analysis.
 - 200 ii. Community service;
 - 201 1. The Law contains detailed procedures related to community service
202 requirements [3 O.C. 308.7-1(b)]. More detail is provided in Section 7
203 of this analysis.
 - 204 iii. Family counseling;
 - 205 iv. Parenting programs; and/or
 - 206 v. Any other penalty deemed appropriate by the Family Court.
- 207 • The Family Court may seek to collect unpaid fines through the Nation’s garnishment and/or
208 per capita attachment process or any other collection process available to the Family Court [3
209 O.C. 308.7-1(a)(3)].

211 **SECTION 6. EFFECT ON EXISTING LEGISLATION**

212 **A. References to Other Laws.** The following laws of the Nation are referenced in this law and are required
213 to be followed:

- 214 • **Family Court** [8 O.C. 806]. The Family Court law delegates authority to the Family Court
215 over all matters pertaining to the family, children and elders, except for probate matters [8 O.C.
216 806.4-1]. The Family Court has been delegated authority to make all orders and judgments as

217 may be necessary to carry into effect the powers and jurisdiction of the Court [8 O.C. 806.8-
218 1(c)]. The Family Court law governs the administration of law, justice, judicial procedures
219 and practices by the Oneida Family Court as it pertains to Oneida families and/or children to
220 create a knowledgeable, fair, and impartial forum for resolution of all family law matters that
221 come before it. The Family Court is delegated authority under this law to hear contested
222 citations, make conditional orders at the pre-hearing and issue penalties [3 O.C. 308.6-4(b) and
223 308.7-1]. All orders of the Family Court are appealable to the Court of Appeals [8 O.C. 806.6].
224 • **Per Capita** [1 O.C. 123]. The Family Court is considered an Oneida entity [1 O.C. 123.3-
225 1(n)] under the Per Capita law and has the authority to pursue attachments of any money owed
226 and any nonpayment of any citations issued to parents, guardians or legal custodians under this
227 law [3 O.C. 308.7-1(a)(3)]. An attachment means the citation is paid for from the debtors per
228 capita payment using the process contained in the Per Capita law [1 O.C. 123.4-9(a)(2)].
229 • **Garnishment** [2 O.C. 204]. The Family Court is considered an Oneida entity [2 O.C. 204.3-
230 1(p)] under the Garnishment law as a branch of the Judiciary and has the authority to initiate a
231 garnishment of employee wages to pursue payment from parents, guardians or legal custodians
232 who have failed to make the required payments for citations issued to them in accordance with
233 this law [3 O.C. 308.7-1(a)(3)]. Garnishment means the legal process in which the earnings of
234 the debtor are required to be withheld by the Nation for a payment of a debt [2 O.C. 204.3-1(j)]
235 using the process outlined in the Garnishment law.
236

237 **B. Other Laws of the Nation that Interact with this Legislation.** The following laws of the Nation
238 interact with this law and are required to be followed:

- 239 • **Family Court Rules** [8 O.C. 807]. The Family Court Rules supplement the Oneida Judiciary
240 Rules of Civil Procedure and govern appearances in Court, provides rules of decorum while
241 in Court, governs default judgments, as well as other aspects of the Family Court proceedings.
242 The Family Court Rules will govern behavior during curfew citation hearings.
- 243 • **Oneida Judiciary Rules of Civil Procedure** [8 O.C. 803]. The Oneida Judiciary Rules of
244 Civil Procedure create a consistent set of rules that govern the process of civil actions of the
245 Family Court and the Judiciary. The Oneida Judiciary Rules of Civil Procedures will govern
246 hearings for all curfew citation hearings.
- 247 • **Oneida Judiciary Rules of Evidence** [8 O.C. 804]. The Oneida Judiciary Rules of Evidence
248 apply to proceedings held in the Family Court, including curfew citation proceedings, and
249 govern the rules related to evidence presented to the Court.
- 250 • **Rules of Appellate Procedure** [8 O.C. 805]. The Rules of Appellate Procedure govern the
251 process for anyone who wishes to contest the determination of a lower Court's decision to
252 the Nation's Court of Appeals and will govern appeals the Family Court's decisions. All
253 orders of the Family Court are appealable to the Court of Appeals [8 O.C. 806.6].
- 254 • **Landlord-Tenant** [6 O.C. 611]. This law applies to all individuals (tenants) granted the
255 right to use or occupy a premises pursuant to a rental agreement with the Oneida Nation. All
256 tenants are required to follow all laws of the Nation [6 O.C. 611.6-3(b)(3)], including the
257 Curfew law; even if the tenant is not enrolled or eligible for enrollment with the Oneida
258 Nation or is not enrolled with another federally recognized tribe [3 O.C. 308.4-1].
259

260 SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- 261 A. The Law will be enforced by OPD utilizing existing resources.
- 262 B. Minors and parents, guardians and/or legal custodians who are issued citations under this law may
263 contest the citation at the mandatory citation pre-hearing at the Family Court [3 O.C. 308.6-3(c)].
- 264 C. Implementation of this Law is as follows:
 - 265 • OPD is responsible for implementing and enforcing this law and issuing citations which may
266 include fines and other penalties to both the minor and/or their parents, guardians or legal
267 custodians [3 O.C. 308.6-3].

- 268 • The Family Court may, at its discretion, order penalties under this law to both minors and
269 adults [3 O.C. 308.7]. Penalties include fines, community service, parenting programs, family
270 counseling and any other penalties deemed appropriate by the Family Court. The Family
271 Court may stay the enforcement of a penalty at its discretion [3 O.C. 308.7-2].
- 272 i. The Family Court may allow community service to be substituted for fines [3
273 O.C. 308.7-1(a)(5)].
 - 274 ii. Community service may be ordered by the Court in lieu or in addition to a fine
275 [3 O.C. 308.7-1(b)]. The individual will be responsible for finding his or her
276 community service and getting approval from the Court [3 O.C. 308.7-
277 1(b)(1)]. The Family Court will provide a written statement of the
278 requirements of the community service assignment including the number of
279 hours, the timeframe for completion, how hours will be reported and any other
280 relevant information and the requirement that community service is monitored
281 [3 O.C. 308.7-1(b)(2) and (3)].
 - 282 iii. Family counseling or parenting programs may be required by the Family Court
283 [3 O.C. 308.7-1(c)].
 - 284 1. Oneida Family Support Services Department offers family
285 counseling, parenting classes and other programs. These programs
286 may be an option for violators of this Law to fulfill the penalties issued
287 by the Family Court.
 - 288 a. Clientele of services offered by this Department are typically
289 determined by enrollment or eligibility for enrollment with
290 the Nation. Consideration is given to significant others or
291 family members who are not eligible for enrollment
292 [<https://oneida-nsn.gov/resources/child-family-services/>].
 - 293 2. Those who violate the Law may seek other services offered outside of
294 the Oneida community to fulfill the penalties issued by the Family
295 Court.
- 296 • The OBC is responsible for adopting a fine schedule by resolution that determines specific
297 fine amounts for violations of this law [3 O.C. 308.7-1(a)].
298

299 SECTION 8. OTHER CONSIDERATIONS

300 A. **Citations law.** A citation for a violation of this law will be processed in accordance with the procedure
301 contained in the Nation's laws and policies governing citations [3 O.C. 308.6-3(b)].

- 302 • There are currently no laws of the Nation governing citations. There is a Citations law on the
303 LOC's active files list that is currently being developed at the same time as this Curfew law.

304 B. **Fiscal Impact.** Please refer to the fiscal impact statement for any fiscal impacts.

- 305 • Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation
306 except emergency legislation [1 O.C. 109.6-1].
- 307 • A fiscal impact statement shall be submitted by any agencies as directed by the Legislative
308 Operating Committee and may be prepared by any agency who may receive funding if the
309 legislation is enacted, any agency who may administer a program if the legislation is enacted,
310 any agency who may have financial information concerning the subject matter of the
311 legislation, or by the Finance Office, upon request of the Legislative Operating Committee [1
312 O.C. 109.6-1(a) and (b)].
313

314 **Research Citations**

315 Grossman, E.R. and Miller, N.A. (2015). A Systematic Review of the Impact of Juvenile Curfew Laws
316 on Public Health and Justice Outcomes. *Am J Prev Med.* 49(6): 945-951.

317 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4656116/>
318

319 McDowell, D. Loftin C. and Wiersema, B. (2009). The Impact of Youth Curfew Laws on Juvenile Crime
320 Rates.
321 [https://www.researchgate.net/publication/249718752_The_Impact_of_Youth_Curfew_Laws_on_Juvenile](https://www.researchgate.net/publication/249718752_The_Impact_of_Youth_Curfew_Laws_on_Juvenile_Crime_Rates)
322 [_Crime_Rates](https://www.researchgate.net/publication/249718752_The_Impact_of_Youth_Curfew_Laws_on_Juvenile_Crime_Rates)
323
324 Myers, D.L. (2016). Juvenile curfew laws: A consideration of something that “doesn’t work”.
325 EBPSOCIETY: Evidence Based Society.
326 <https://www.ebpsociety.org/blog/education/206-juvenile-curfew-laws>
327
328 Office of Juvenile Justice and Delinquency Prevention. Juvenile Justice Reform Initiatives in the States
329 1994-1996.
330 https://www.ojjdp.gov/pubs/reform/ch2_c.html
331
332 Walsh, T.J. (2019). Adults Only: Returning 17 Year Olds to Juvenile Court. Wisconsin Lawyer.
333 <https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?ArticleID=23659>
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Title 3. Health and Public Safety - Chapter 308
Tłyethinatshawk·late? Kayanłsla?
We'll put our arms across to stop them
CURFEW

308.1. Purpose and Policy
308.2. Adoption, Amendment, Repeal
308.3. Definitions
308.4. Jurisdiction

308.5. Curfew
308.6. Enforcement of Curfew Violations
308.7. Penalties of Curfew Violations

1
2 **308.1. Purpose and Policy**
3 308.1-1. *Purpose.* The purpose of this law is to protect the health, safety, and welfare of persons
4 and property within the Reservation by regulating the activities of minors on the Reservation
5 during certain hours, while imposing certain obligations and responsibilities upon the parents,
6 guardians, and/or legal custodians of a minor for the control and supervision of that minor.
7 308.1-2. *Policy.* It is the policy of the Nation to support all drug use prevention initiatives of the
8 Nation by protecting the health, safety, and welfare of persons through the establishment of a
9 curfew for minors in public spaces within the Reservation during certain hours in an effort to
10 minimize the opportunity for harm to come to minors during those hours.
11
12 **308.2. Adoption, Amendment, Repeal**
13 308.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__-__.
14 308.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General
15 Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.
16 308.2-3. Should a provision of this law or the application thereof to any person or circumstances
17 be held as invalid, such invalidity shall not affect other provisions of this law which are considered
18 to have legal force without the invalid portions.
19 308.2-4. In the event of a conflict between a provision of this law and a provision of another law,
20 the provisions of this law shall control.
21 308.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.
22
23 **308.3. Definitions**
24 308.3-1. This section shall govern the definitions of words and phrases used within this law. All
25 words not defined herein shall be used in their ordinary and everyday sense.
26 (a) “Court of Appeals” means the branch of the Nation's Judiciary delegated the authority
27 of final appeal within the Nation’s Judiciary, as authorized by Oneida General Tribal
28 Council resolution GTC-03-19-17-A .
29 (b) “Family Court” means the branch of the Nation’s Judiciary delegated the authority to
30 administer the judicial authorities and responsibilities of the Nation related to the family
31 and/or children, as authorized by Oneida General Tribal Council resolution GTC-03-19-
32 17-A.
33 (c) “Guardian” means the person, department, and/or agency appointed the duty and
34 authority of guardianship of a child by a Court for the purpose of managing and caring for
35 the child. A guardian has the right to make major decisions affecting a child including
36 education, religious and cultural upbringing, the right to consent to marriage, to enlistment

37 in the armed forces, to major surgery and medical treatment and to adoption, or make
38 recommendations as to adoption.

39 (d) “Legal custodian” means any person, department, and/or agency, other than a parent
40 or guardian, to whom legal custody of a child has been granted by Court order and has the
41 rights and responsibilities for the following:

42 (1) To have physical custody of the child as determined by the Court, if physical
43 custody is not with the person having legal custody;

44 (2) To protect, educate and discipline the child so long as it is in the child’s best
45 interest; and

46 (3) To provide the child with adequate food, shelter, education, ordinary medical
47 care and other basic needs, according to court order. In an emergency situation, a
48 custodian shall have the authority to consent to surgery as well as any other
49 emergency medical care needs.

50 (e) “Member of the Nation” means an individual enrolled in the Oneida Nation.

51 (f) “Minor” means a person age sixteen (16) years old or younger.

52 (g) “Nation” means the Oneida Nation.

53 (h) “Parent” means the biological or adoptive parent of a child.

54 (j) “Public space” means any public streets, highways, roads, alleys, parks, vacant lots, or
55 any public lands.

56 (j) “Relative” means any person connected with a child by blood, marriage or adoption.

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

61 **308.4. Jurisdiction**

62 304.4-1. *Jurisdiction of the Court.* The Family Court has jurisdiction over any action brought
63 under this law.

64 308.4-2. *Personal Jurisdiction.* This law applies to:

65 (a) All members of the Nation, individuals eligible for enrollment in the Nation, and
66 members of other federally-recognized tribes.

67 (b) Individuals leasing, occupying or otherwise using fee land owned by the Nation or by
68 individual members of the Nation; and/or lands held in trust on behalf of the Nation or
69 individual members of the Nation.

70 (c) Individuals who have consented to the jurisdiction of the Nation or as otherwise
71 consistent with federal law. An individual shall be considered to have consented to the
72 jurisdiction of the Nation:

73 (1) By entering into a consensual relationship with the Nation, or with the Nation’s
74 entities, corporations, or members of the Nation, including but not limited to
75 contracts or other agreements; or

76 (2) By other facts which manifest an intent to consent to the authority of the Nation,
77 including failure to raise an objection to the exercise of personal jurisdiction in a
78 timely manner.

79 308.4-3. *Territorial Jurisdiction.* This law extends within the Reservation to all land owned by
80 the Nation and individual trust and/or fee land of a member of the Nation.

81

82 **308.5. Curfew**

83 308.5-1. *Curfew Established.* No minor shall be on any public space either on foot or in any
84 vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of
85 the Reservation, unless the minor is accompanied by a parent, guardian, or legal custodian.

86 308.5-2. *Parental Responsibility.* No parent, guardian, or legal custodian shall knowingly permit
87 or fail to take action to prevent the minor from being on any public space either on foot or in any
88 vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of
89 the Reservation.

90 308.5-3. *Exemptions to Curfew.* A minor shall not be in violation of the curfew, if at the time of
91 the alleged violation the minor was:

92 (a) in the performance of a duty directed by such parent, guardian, or legal custodian;

93 (b) engaged in employment or an employment related activity, or traveling to or returning
94 home from employment;

95 (c) engaged in interstate travel;

96 (d) attending an educational, cultural, religious, or recreational activity that was supervised
97 by adults, or traveling to or returning home from such activity;

98 (e) on the sidewalk in front of his or her home or an adjacent home;

99 (f) going to, attending, or returning home from a movie theatre;

100 (g) engaged in hunting, fishing, or trapping in accordance with the laws, policies, and rules
101 of the Nation;

102 (h) exercising rights protected by the Nation's Constitution and the United States
103 Constitution, such as free exercise of religion, freedom of speech, and the right of
104 assembly;

105 (i) involved in an emergency situation; and/or

106 (j) engaged in any other activity as deemed appropriate by the Oneida Police Department
107 officer.

108

109 **308.6. Enforcement of Curfew Violations**

110 308.6-1. *Enforcement Procedure.* A suspected violation of curfew shall be enforced by the Oneida
111 Police Department in the following ways:

112 (a) A minor who is suspected of violating curfew may be stopped by an Oneida Police
113 Department officer. No person shall assault, obstruct or flee from any Oneida Police
114 Department officer enforcing or attempting to enforce the provisions of this law.

115 (b) The Oneida Police Department officer shall ask the minor's name, age, and reason for
116 violating curfew. The minor shall provide the Oneida Police Department officer
117 identification if available. No person shall falsely represent his or her name or age to an
118 Oneida Police Department officer.

119 (c) If the Oneida Police Department officer reasonably believes based on the totality of the
120 circumstances that a violation of curfew has occurred and not one of the exemptions in
121 section 308.5-3 apply, the Oneida Police Department officer may take custody of the minor
122 for the purpose of returning such minor to the care and custody of a parent, guardian, or
123 legal custodian.

124 (d) Once the Oneida Police Department officer has taken the minor into his or her custody,
125 the minor shall provide the Oneida Police Department officer with contact information for
126 his or her parent, guardian, or legal custodian. The Oneida Police Department officer shall
127 contact the minor's parent, guardian, or legal custodian to come and pick up the minor and
128 take the minor into his or her care and custody. If the minor's parent, guardian, or legal

129 custodian is unable to pick the minor up, then the Oneida Police Department officer may
130 bring the minor home to release the minor to the custody and care of the minor's parent,
131 guardian, or legal custodian.

132 (e) If the Oneida Police Department officer is unable to contact the minor's parent,
133 guardian, or legal custodian after reasonable efforts are made, the Oneida Police
134 Department officer shall attempt to locate an adult relative or other responsible adult
135 willing and able to accept the care and custody of the minor, and may release the minor
136 into the care and custody of such person.

137 308.6-2. *Warning.* The first time a minor is held in custody by an Oneida Police Department
138 officer for a curfew violation the Oneida Police Department officer shall provide the minor and
139 the minor's parent, guardian, or legal custodian a warning and advise the minor and parent,
140 guardian, or legal custodian of the provisions of this law and that any subsequent curfew violations
141 may result in the issuance of a citation and the imposition of a penalty.

142 308.6-3. *Issuance of a Citation.* Any subsequent time a minor is held in custody by an Oneida
143 Police Department officer for a curfew violation the Oneida Police Department officer may issue
144 a citation to the minor and the minor's parent, guardian, or legal custodian.

145 (a) A citation for a violation of this law and/or any orders issued pursuant to this law may
146 include fines and other penalties, as well as conditional orders made by the Family Court.

147 (b) A citation for a violation of this law shall be processed in accordance with the
148 procedure contained in the Nation's laws and policies governing citations.

149 (c) All citations for violations of this law require a mandatory appearance at the citation
150 pre-hearing by the minor and his or her parent, guardian, or legal custodian.

151

152 **308.7. Penalties of Curfew Violations**

153 308.7-1. Upon a finding by the Family Court that a violation of this law has occurred, the minor
154 and/or the minor's parent, guardian, or legal custodian may be subject to the following penalties:

155 (a) *Fines.* An individual may be ordered to pay a fine as a result of a violation of this law.
156 The Oneida Business Committee shall hereby be delegated the authority to adopt through
157 resolution a fine schedule which sets forth specific fine amounts for violations of this law.

158 (1) All fines shall be paid to the Judiciary.

159 (2) Fines shall be paid within ninety (90) days after the order is issued or upheld
160 on final appeal, whichever is later.

161 (A) The ninety (90) day deadline for payment of fines may be extended if
162 an alternative payment plan is approved by the Family Court.

163 (3) If an individual does not pay his or her fine the Family Court may seek to collect
164 the money owed through the Nation's garnishment and/or per capita attachment
165 process or any other collection process available to the Family Court.

166 (4) Community service may be substituted for part or all of any fine at the minimum
167 wage rate of the Nation for each hour of community service.

168 (b) *Community service.* An individual may be ordered to perform community service.
169 Community service can be used in lieu of, or in addition to, a fine.

170 (1) All community service assignments shall be approved by the Family Court.
171 The Family Court shall give preference to culturally relevant community service
172 assignments and/or community service assignments that focus on the betterment of
173 the individual's community.

174 (2) The Family Court shall provide the individual a written statement of the terms
175 of the community service order, and a statement that the community service order
176 is monitored.

177 (3) The Family Court's community service order shall specify:
178 (A) how many hours of community service the individual is required to
179 complete;
180 (B) the time frame in which the hours shall be completed;
181 (C) how the individual shall obtain approval for his or her community
182 service assignment;
183 (D) how the individual shall report his or her hours; and
184 (E) any other information the Family Court determines is relevant.

185 (c) *Family counseling and/or parenting programs.* An individual may be ordered to
186 participate in a family counseling and/or a parenting program.

187 (d) Any other penalty as deemed appropriate by the Family Court.

188 308.7-2. *Staying a Curfew Penalty.* The Family Court may stay the enforcement of a penalty
189 issued as a result of a curfew violation for a period of time to be determined by the Family Court.
190 If the individual maintains compliance with the law during the time period in which the penalty is
191 stayed, then the Family Court may dismiss the citation. If the individual commits another violation
192 of the law during the time period in which the penalty is stayed, then the penalty shall go into
193 effect.

194
195 *End.*

196
197 _____
198 Adopted – BC-__-__-__-__

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: Larry Barton, Chief Financial Officer
 RaLinda Ninham-Lamberies, Assistant Chief Financial Officer

FROM: Rae Skenandore, Financial Management Analyst

DATE: September 17, 2019

RE: **Fiscal Impact of the Curfew Law**

I. Estimated Fiscal Impact Summary

Law: Curfew Law		Draft 3
Implementing Agency	Oneida Police Department Oneida Judiciary Social Services	
Estimated time to comply	10 days, in compliance with the Legislative Procedures Act	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	Indeterminate	Indeterminate

II. Background

This is a new Law that the Tribal Action Plan (TAP) subcommittee recommended. The Law and the Legislative Reference Office describe the legislation as the following:

- A. The purpose is to regulate the activities of minors on the Reservation during certain hours.
- B. The Law applies to Oneida Tribal Members, members of other federally recognized Tribes, on Fee or Trust Lands owned by the Nation and to any other individuals consenting to the jurisdiction of the Nation.
- C. It is prohibited for minors (Individuals 16 and under) to be on any public space between 10:00 p.m. and 6:00 a.m. unless the following condition apply and the minor was:
 1. In the performance of a duty directed by such parent, guardian, or legal custodian;

2. Engaged in employment or an employment related activity, or traveling to or returning home from employment;
 3. Engaged in interstate travel;
 4. Attending an educational, cultural, religious, or recreational activity that was supervised by adults, or traveling to or returning home from such activity;
 5. On the sidewalk in front of his or her home or an adjacent home;
 6. Going to, attending, or returning home from a movie theatre;
 7. Engaged in hunting, fishing, or trapping in accordance with the Laws, policies, and rules of the Nation;
 8. Exercising rights protected by the Nation’s Constitution and the United States Constitution, such as free exercise of religion, freedom of speech, and the right of assembly;
 9. Involved in an emergency situation; and/or
 10. Engaged in any other activity as deemed appropriate by the Oneida Police Department officer.
- D. The Oneida Police Department (OPD) is responsible for enforcing the Law and may take the minor into custody to release them to a legally responsible adult.
1. The first offense will result in a warning.
 2. Subsequent violations may result in the issuance of a citation.
 - a) Citations may include fines or penalties or other conditional orders of the Family Court.
 - (1) The Law states that citations shall be processed in accordance with Laws or policies governing citations.
 - b) Citations require a mandatory per hearing.
- E. The Family Court may:
1. Impose a fine to be paid in 90 days to the Judiciary.
 - a) Unpaid fines may result in garnishment and/or attachment of per capita or be subject to any other collection process available to the Family Court.
 2. Order Community Service monitored by the Family Court.
 3. Order Family counseling and/or parenting programs.
 4. Order any other penalty deemed appropriate by the Family Court.
 5. Stay a penalty.

III. Methodology and Assumptions

A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

III. Executive Summary of Findings

- No fine/fee schedule was provided to include in the analysis.
- It is unclear what fines are to be used for.
- The Law states that citations shall be processed in accordance with Laws or policies governing citations, however, there are no Laws or policies currently in place governing citations.
- There is a 90-day timeline listed for the payment of fines, however, there is no timeline listed for a pre-hearing or hearing date.
- It appears that both OPD (citations) and the court can issue fines, but it is unclear what the parameters are for those fines. According to the Law, the court can waive fines. It is unclear if they can waive both the citation fine and any court imposed fine. There is also the potential that a fine paid from a citation would need to be reimbursed by the time of a hearing or pre-hearing based on these awkward timelines or lack thereof.
- According to the Law, “the Oneida Police Department officer may issue a citation to the minor and the minor’s parent, guardian, or legal custodian”. Also, according to the Law, “Upon a finding by the Family Court that a violation of this Law has occurred, the minor and/or the minor’s parent, guardian, or legal custodian may be subject to the following penalties: (a) Fines”. The Law goes on to state that “If an individual does not pay his or her fine the Family Court may seek to collect the money owed through the Nation’s garnishment and/or per capita attachment. However, according to the Trust Enrollment Director, Minor’s Trust assets cannot be attached for any reason. The Per Capita Law 123.4-9 Attachments. “All per capita payments, except distributions to or from a trust account for a beneficiary, may be subject to attachment prior to distribution in accordance with this section.” The Minor’s Trust is an example of a trust account that doesn’t allow attachments on payments into or distributions out of the account. The analysis specifically states that parents, guardians or legal custodians can be garnished or their Per Capita attached. The Law is not as clear on this point that it does not apply to any fines of the minor.
- The Family Court has the ability to order Community Service, however there are no programs in place within the Nation that provide and/or monitor community service.

Therefore, this is an additional burden on the Court. Also, in the absence of any specific program for community service, what is acceptable for this order is ambiguous.

- It is unclear how the costs of ordered counseling or other parental programs will be accounted for. It is unclear if this is going to be an additional cost to the parents or if the Judiciary will be charged by Social Services.
- According to the analysis, OPD received a total of eighty-eight (88) juvenile related calls in 2018. Of that, only sixteen (16) of those calls occurred between the hours of 10 p.m. and 6 a.m. Given this, it is still not possible to calculate the potential volume of the impact of implementing this Law on the demands of the Family Court docket or the other Social Service programs.
- According to the Governmental Services Division (GSD), Parenting may be able to handle the referrals from the Family Court, but it really depends on the volume. Their priority for Parenting at this time is for families who are involved with Child Welfare. They are also concerned with the curriculum of their parenting programs and meeting the requirements of a court order. This fact alone would require GSD to meet with the Judiciary to determine their requirements. GSD, or more specifically Family Services, was not familiar with impacts to their area and believes that is a topic that still needs to be explored.
- According to the Oneida Police Department and the Oneida Judiciary the Law can be implemented within the 10-day time frame and any associated costs will be born within their existing budgets. However, given the other unknown variables, the Fiscal Impact is indeterminate.

III. Financial Impact Indeterminate.

IV. Recommendation

Finance Department does not make a recommendation in regard to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of this legislation, so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.



HANDOUT

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

53 of 318



TO: Lawrence E. Barton, Chief Financial Officer
Ralinda R. Ninham-Lamberies, Assistant Chief Financial Officer
Rae M. Skenandore, Financial Management Analyst

FROM: Legislative Operating Committee

DATE: October 2, 2019

RE: Response to the Curfew Law Fiscal Impact Statement

On September 18, 2019, the Legislative Operating Committee received the fiscal impact statement for the proposed Curfew law developed by the Finance Department. The Legislative Operating Committee is providing this memorandum to express dissatisfaction with the Curfew law fiscal impact statement.

The Legislative Procedures Act requires that a fiscal impact statement be provided for all proposed legislation of the Nation. [1 O.C. 109.6-1]. The fiscal impact statement is an estimate of the total fiscal year financial effects associated with the proposed legislation, and can include:

- startup costs;
- personnel;
- office costs;
- documentation costs; and
- an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation. [1 O.C. 109.3-1(c)].

The fiscal impact statement identifies that the Oneida Police Department and the Oneida Judiciary provided that the Law can be implemented within the ten (10) day time frame, and that any associated costs will be born within their existing budgets. Although this information appears to answer what is required of a fiscal impact statement, the Finance Department came to an indeterminate conclusion for the total estimated fiscal impact. The fiscal impact provides that the indeterminate conclusion is based on “the other unknown variables.” Although the fiscal impact statement states other variables prevent the Finance Department from coming to a determination, the fiscal impact statement lacks any discussion or explanation as to what variables prevent the fiscal determination.

Instead, the fiscal impact statement provides an “Executive Summary of Findings.” The Executive Summary of Findings is composed of various comments and questions, most of which are outside the scope of what a fiscal impact statement should address. The comments and questions provided in the Executive Summary are inappropriate for inclusion in a fiscal impact statement and would be more appropriately submitted during the public comment period for proposed legislation where members of the community are encouraged to share personal opinions and questions on proposed legislation.

The Legislative Operating Committee is responding to the Executive Summary of Findings in the fiscal impact statement in an effort to ensure that there is no confusion or misleading information

left unaddressed before the proposed law moves forward to the Oneida Business Committee for adoption.

1. No fine/fee schedule was provided to include in the analysis.

This comment expresses that no fine or fee schedule was provided to the Finance Department for inclusion in the fiscal impact statement. The Curfew law clearly provides that the Oneida Business Committee shall be delegated the authority to adopt through resolution a fine schedule which sets forth specific fine amounts for a violation of this law. [3 O.C. 308.7-1(a)].

Although the Legislative Procedures Act requires that a fiscal impact statement be provided for all proposed legislation of the Nation, a fiscal impact statement is not required for resolutions.

Therefore, it was not required to provide the Finance Department a copy of the penalty and fine schedule as the fiscal impact statement should be focused on the fiscal impact of the provisions included in the proposed law itself, and not any accompanying resolutions.

2. It is unclear what fines are to be used for.

This comment expresses concern that the Law is unclear as to what the curfew fines are to be used for. The only thing unclear about this statement is how the specific use of fines collected for violations of a law is relevant to a fiscal impact statement.

Typically, fines collected as a result of a citation or fine are contributed back to the Nation's General Fund.

In accordance with section 308.7-1(a) the Oneida Business Committee will be asked to consider the adoption of a resolution which contains a fine schedule for curfew violations. The resolution that the Legislative Operating Committee is proposing to the Oneida Business Committee titled, "Curfew Law Penalty and Fine Schedule" contains a provision which states that any money received from fines collected for violations of the Curfew law shall be contributed to drug use prevention initiatives such as the Tribal Action Plan. Adoption of the fine schedule resolution and its contents is at the discretion of the Oneida Business Committee.

3. The Law states that citations shall be processed in accordance with Laws or policies governing citations, however, there are no Laws or policies currently in place governing citations.

It is unclear how this comment regarding current laws and policies of the Nation related to governing citations relates to the development and determinations of a fiscal impact statement.

This statement that "A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations" is a general statement providing that any and all current or future laws of the Nation that provide procedures relating to citations will be followed. [3 O.C. 308.6-3(b)]. This statement informs the reader that the Curfew law will not provide the citations process, and instead this information will be provided elsewhere.

The Legislative Operating Committee is currently developing a Citations law which will provide a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved. In the absence of a Citations law, the Oneida Judiciary and the Oneida Police Department will use existing laws, policies, and procedures such as the Oneida Judiciary Rules of Civil Procedure.

4. There is a 90-day timeline listed for the payment of fines, however, there is no timeline listed for a pre-hearing or hearing date.

A timeline for a pre-hearing or hearing date is irrelevant to the fiscal impact statement. Without any legislative requirements for the scheduling of pre-hearings or hearings, the scheduling of these citation hearings will be at the discretion of the Oneida Judiciary.

Additionally, the Legislative Operating Committee is currently developing a Citations law which will set forth the process, procedures, and timelines that will be used for handling the Nation's citations.

5. It appears that both OPD (citations) and the court can issue fines, but it is unclear what the parameters are for those fines. According to the Law, the court can waive fines. It is unclear if they can waive both the citation fine and any court imposed fine. There is also the potential that a fine paid from a citation would need to be reimbursed by the time of a hearing or pre-hearing based on these awkward timelines or lack thereof.

Not only is the relevancy of this comment to the scope of the fiscal impact statement unclear, but the comment demonstrates a general lack of understanding of how citations work. The Law delegates authority to the Oneida Police Department to issue citations to a minor who violates the curfew and the minor's parent, guardian, or legal custodian. [3 O.C. 308.6-3]. A citation is a legal document that serves as a notice or summons to appear in a court in response to a charge against an individual of a violation of law. Although the citation may contain information such as the fine or penalty that may be imposed against the defendant for a violation of a law, it is not the Oneida Police Department that is imposing a penalty against an individual. [3 O.C. 308.6-3(a)]. The Law clearly states that it is the Oneida Family Court that may impose a penalty against the minor and/or the minor's parent, guardian, or legal custodian upon a finding that a violation of this Law has occurred. [3 O.C. 308.7-1]. The Family Court is then delegated the authority to stay the enforcement of a penalty issued as a result of a curfew violation for a period of time to be determined by the Family Court. [3 O.C. 308.7-2]. This means that if the individual maintains compliance with the law during the time period in which the penalty is stayed, the Family Court may dismiss the citation. [3 O.C. 308.7-2].

The additional questions in this comment regarding what fines the Oneida Family Court may waive, or the reimbursement of fines based on "these awkward timelines or lack thereof" are irrelevant as they are misguided and unrelated to how the Family Court will handle citations.

6. **According to the Law, “the Oneida Police Department officer may issue a citation to the minor and the minor’s parent, guardian, or legal custodian”. Also, according to the Law, “Upon a finding by the Family Court that a violation of this Law has occurred, the minor and/or the minor’s parent, guardian, or legal custodian may be subject to the following penalties: (a) Fines”. The Law goes on to state that “If an individual does not pay his or her fine the Family Court may seek to collect the money owed through the Nation’s garnishment and/or per capita attachment. However, according to the Trust Enrollment Director, Minor’s Trust assets cannot be attached for any reason. The Per Capita Law 123.4-9 Attachments. “All per capita payments, except distributions to or from a trust account for a beneficiary, may be subject to attachment prior to distribution in accordance with this section.” The Minor’s Trust is an example of a trust account that doesn’t allow attachments on payments into or distributions out of the account. The analysis specifically states that parents, guardians or legal custodians can be garnished or their Per Capita attached. The Law is not as clear on this point that it does not apply to any fines of the minor.**

This comment implies that the Curfew law is not clear as to its application to the Per Capita law. However, it is only the relevancy of this comment to the scope of the fiscal impact statement that is unclear.

The Curfew law simply provides that if an individual does not pay his or her fine the Family Court may seek to collect the money owed through the Nation’s garnishment and/or per capita attachment process or any other collection process available to the Family Court. [3 O.C. 308.7-1(a)(3)]. Many laws of the Nation contain a provision specifically delegating authority to a department of the Nation to use the attachment process contained in the Per Capita law to pursue uncollected fines.

The purpose of this provision is to allow the Family Court the option to pursue per capita attachment for unpaid fines when appropriate. Any attempt by the Family Court to attach the per capita of an individual must comply with the provisions found in the Nation’s Per Capita law. [1 O.C. 123.4-9(d)]. Therefore, it is the Per Capita law, and not this Curfew law, that would provide the detail as to when the Family Court may attach the per capita of an individual.

Per capita attachment may not be appropriate as a means to address fines owed by a minor child, but it may be an appropriate measure to seek unpaid fines from a minor’s parent, guardian, or legal custodian. The Family Court is not required to use the Nation’s per capita attachment process, just as the Family Court is not required to impose fines as a penalty for curfew violations. The discretion lies with the Family Court.

7. **The Family Court has the ability to order Community Service, however there are no programs in place within the Nation that provide and/or monitor community service. Therefore, this is an additional burden on the Court. Also, in the absence of any specific program for community service, what is acceptable for this order is ambiguous.**

The comment that the use of community service as a penalty for curfew violations is a burden for the Family Court is irrelevant to the determination of this fiscal impact. The Family Court has already provided that the Judiciary can implement the Law within ten (10) business days with any costs being born within its existing budget.

Other laws of the Nation, such as the Domestic Animals law [3 O.C. 304.13-5(b)] and the Child Support law Rule No. 2 Enforcement Tools [Rule No.2 - 2.8-2(c)] also delegate authority to the Judiciary to utilize community service.

Additionally, the comment that in the absence of any specific program for community service, what is acceptable for this order is ambiguous is also mistaken. The Family Court is provided the discretion to order community service as a penalty for violations of the Curfew law. [3 O.C. 308.7-1(b)]. The Law does not require the Family Court to find potential community service assignments for individuals. Ultimately, it is up to the individual to secure a community service assignment – whether that community service assignment is within a department of the Nation or held outside of the Nation. The Family Court is required to approve community service assignments, and the Law is clear that the Family Court is directed to give preference to those community service assignments that are culturally relevant or focus on the betterment of the individual’s community. [3 O.C. 308.7-1(b)(1)].

The Law also requires that the Family Court’s order for community service include the following specific information:

- Statement that the community service order is monitored;
 - How many hours of community service the individual is required to complete;
 - The time frame in which the hours shall be completed;
 - How the individual shall obtain approval for his or her community service assignment;
 - How the individual shall report his or her hours; and
 - Any other information the Family Court determines is relevant.
- [3 O.C. 308.7-1(b)(1)-(3)].

It is unclear what the Finance Department has determined is ambiguous about the requirements of the Family Court’s potential orders for community service.

8. It is unclear how the costs of ordered counseling or other parental programs will be accounted for. It is unclear if this is going to be an additional cost to the parents or if the Judiciary will be charged by Social Services.

Although this comment questions whether the cost of participation in a parenting program or counseling will be imposed by Social Services against the parent or the Judiciary, it lacks any discussion or analysis of what that potential cost imposed by Social Services may be.

This comment also is misguided in its assumption that it will be the Nation’s Social Services parenting program that is used. An order to participate in family counseling or a parenting program may not be exclusive to those programs provided by the Nation. Individuals may use family counseling and/or parenting programs from other entities if available.

Additionally, due to the fact that participation in the family counseling and/or parenting program is a penalty imposed against an individual for violations of the Curfew law, it is the responsibility of the individual and not the Family Court to cover the costs associated with participation in any counseling and/or parenting program.

- 9. According to the analysis, OPD received a total of eighty-eight (88) juvenile related calls in 2018. Of that, only sixteen (16) of those calls occurred between the hours of 10 p.m. and 6 a.m. Given this, it is still not possible to calculate the potential volume of the impact of implementing this Law on the demands of the Family Court docket or the other Social Service programs.**

Despite being provided specific data as to volume of calls regarding juveniles placed to the Oneida Police Department during what would be curfew hours, this comment provides that it is not possible to calculate the potential volume of impact of implementing this Law on the demands of the Family Court.

Although the Legislative Operating Committee understands that it is impossible to predict the future and know exactly how many citations may come forward for curfew violations, the Legislative Operating Committee does not understand why the Finance Department chose not to use the available data to provide an estimation or projection as to what the impact may be based on what has occurred within previous years. This information would have been useful for a greater understanding of potential fiscal impacts of this law.

- 10. According to the Governmental Services Division (GSD), Parenting may be able to handle the referrals from the Family Court, but it really depends on the volume. Their priority for Parenting at this time is for families who are involved with Child Welfare. They are also concerned with the curriculum of their parenting programs and meeting the requirements of a court order. This fact alone would require GSD to meet with the Judiciary to determine their requirements. GSD, or more specifically Family Services, was not familiar with impacts to their area and believes that is a topic that still needs to be explored.**

This comment expresses concern regarding the communication between the Judiciary and the Governmental Services Division on requirements or impact of participation in a parenting program as a penalty for violations of this Law. This comment is inappropriate to be included in the fiscal impact statement as it is outside the scope of a fiscal impact statement.

An order by the Family Court for an individual to participate in family counseling and/or a parenting program does not necessarily mean that the individual will be utilizing the services of the Nation for that programming. Individuals may use family counseling and/or parenting programs from other entities if available.

Additionally, the Legislative Operating Committee has also been in communication with the Governmental Services Division Director on the implementation of the Curfew law and how it may impact the various areas in the Governmental Services Division.

Conclusion

The Legislative Operating Committee believes the Finance Department failed to adequately explain the indeterminate conclusion. Additionally, the Legislative Operating Committee determined that the Curfew law fiscal impact statement went beyond the purpose and scope of a fiscal impact statement by providing personal comments and questions.

The Legislative Operating Committee hopes this communication can ensure that any future fiscal impact statements provided for proposed legislation remain focused on providing an estimate of the total fiscal year financial effects associated with the proposed legislation, and are void of any personal opinions or questions of the Finance Department may have.

Requested Action

The Legislative Operating Committee requests that future fiscal impact statements provided by the Finance Department stay within the scope of a fiscal impact statement as provided by the Legislative Procedures Act. The Legislative Operating Committee additionally requests that any extraneous comments or questions not directly related to the fiscal impact statement be submitted through the public comment process.

Oneida Nation

Post Office Box 365

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Oneida, WI 54155

BC Resolution # _____ Curfew Law Penalty and Fine Schedule

- 1
2
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
4 recognized by the laws of the United States of America; and
5
6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7
8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
10
11 **WHEREAS,** the Curfew law (“the Law”) was adopted by the Oneida Business Committee through
12 resolution **BC- - - -**; and
13
14 **WHEREAS,** the purpose of the Law is to protect the health, safety, and welfare of persons and property
15 within the Reservation by regulating the activities of minors on the Reservation during
16 certain hours, while imposing certain obligations and responsibilities upon the parents,
17 guardians, and/or legal custodians of a minor for the control and supervision of that minor;
18 and
19
20 **WHEREAS,** the Law prohibits any minor from being on any public space either on foot or in any vehicle
21 driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of
22 the Reservation, unless the minor is accompanied by a parent, guardian, or legal
23 custodian; and
24
25 **WHEREAS,** the Law prohibits any parent, guardian, or legal custodian from knowingly permitting or
26 failing to take action to prevent a minor from being on any public space either on foot or in
27 any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the
28 boundaries of the Reservation; and
29
30 **WHEREAS,** the Law allows the Family Court to impose various penalties against a minor and/or a
31 minor’s parent, guardian, and/or legal custodian if the Family Court finds a violation of this
32 Law has occurred; and
33
34 **WHEREAS,** penalties available under this Law include community service, family counseling and/or
35 parenting programs, fines, and/or any other penalty as deemed appropriate by the Family
36 Court; and
37
38 **WHEREAS,** the Law delegates authority to the Oneida Business Committee to adopt through resolution
39 a fine schedule which sets forth specific fine amounts for violations of this Law; and
40
41 **NOW THEREFORE BE IT RESOLVED,** that upon a finding by the Family Court that a violation of this Law
42 occurred section 308.7-1(a)-(d) of the Law allows the Family Court to impose various penalties including

43 community service, family counseling and/or parenting programs, fines, and/or any other penalty as
 44 deemed appropriate by the Family Court, upon a finding that a violation of this Law has occurred.
 45

46 **BE IT FURTHER RESOLVED**, that the Oneida Business Committee hereby sets forth the following fine
 47 schedule to be used by the Family Court if deemed an appropriate penalty in accordance with the Curfew
 48 law:
 49

FINE SCHEDULE				
Violation	Reference	1st Offense	2nd Offense	3rd Offense and Up
Failure of a minor to comply with the Nation's curfew	308.5-1	\$50	\$100	\$200
Failure of a parent, guardian, or legal custodian to ensure a minor complies with the Nation's curfew	308.5-2	\$50	\$100	\$200

50
 51 **BE IT FURTHER RESOLVED**, criminal charges and referrals may be appropriate in certain cases and are
 52 not prohibited.
 53

54 **BE IT FURTHER RESOLVED**, the issuance of a citation for a violation of this Law shall require the
 55 mandatory appearance of the minor and minor's parent, guardian, and/or legal custodian at the citation pre-
 56 hearing.
 57

58 **BE IT FURTHER RESOLVED**, any money received from fines collected for violations of the Curfew law
 59 shall be contributed to drug use prevention initiatives such as the Tribal Action Plan.
 60

61 **BE IT FINALLY RESOLVED**, the Oneida Business Committee hereby adopts this resolution which shall
 62 become effective on October 23, 2019.
 63
 64



Statement of Effect
Curfew Law Penalty and Fine Schedule

Summary

Through this resolution the Oneida Business Committee adopts a fine schedule for violations of the Curfew law.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office
Date: September 23, 2019

Analysis by the Legislative Reference Office

The Curfew law (“the Law”) was adopted for the purpose of protecting the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor. [3 O.C. 308.1-1].

The Law prohibits any minor from being on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation, unless the minor is accompanied by a parent, guardian, or legal custodian. [3 O.C. 308.5-1]. The Law also requires that no parent, guardian, or legal custodian knowingly permit or fail to take action to prevent the minor from being on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation. [3 O.C. 308.5-2].

The Law allows the Family Court to impose various penalties against a minor and/or the minor’s parent, guardian, and/or legal custodian upon a finding by the Family Court that a violation of this Law has occurred. [3 O.C. 308.7-1]. Penalties may include community service, family counseling and/or parenting programs, fines, and/or any other penalty as deemed appropriate by the Family Court. [3 O.C. 308.7-1].

The Law delegates authority to the Oneida Business Committee to adopt through resolution a fine schedule which sets forth specific fine amounts for violations of this Law to be used if the Family Court determines a fine is an appropriate penalty. [3 O.C. 308.7-1(a)]. This resolution sets forth the fine schedule which includes the specific fine amounts for various violations of this Law.

The resolution also clarifies that the Law allows for other penalties to be imposed against a minor and/or the minor’s parents, guardian, and/or legal custodian such as community service, participation in family counseling and/or parenting programs, as well as any other penalty deemed appropriate by the Family Court. [3 O.C. 308.7-1(b)-(d)].

The resolution further provides the allowance for criminal charges and referrals in addition to penalties under this Law, that violations under the Law require a mandatory appearance at the pre-hearing, and that any money received from the fines collected for violations of this Law shall be contributed to drug use prevention initiatives such as the Tribal Action Plan.

Conclusion

Adoption of this resolution would not conflict with any of the Nation's laws.



Legislative Operating Committee
October 2, 2019

Pardon and Forgiveness Screening Committee ByLaws Amendments

Submission Date: 10/3/18	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 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 the Pardon and Forgiveness Screening Committee By-Laws Amendments to the active files list; Seconded by Kirby Metoxen. Motion carried.

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 (OBCSO), 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 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 & Pow-wow), 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 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 second of the two informational meetings.

1/31/19: *LOC Work Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, David P. Jordan, Daniel Guzman-King, Kirby Metoxen, Jennifer Webster. The purpose of this meeting was to discuss the progress, in general, of the Nation's boards, committees and commissions on getting their bylaws amended and their likelihood of meeting the March 26, 2019 deadline set forth in resolution BC-09-26-18-C to present their bylaws to the Oneida Business Committee for adoption. Based on the discussion, a decision was made to have the LOC draft a memorandum to the Oneida Business Committee seeking an extension of the March 26, 2019 deadline for all boards, committees and commissions to present their bylaws amendments to the Oneida Business Committee for adoption.

2/1/19: *LOC Work Meeting.* Present: Maureen Perkins, Kristen M. Hooker, Jennifer Falck, Jennifer Webster, David P. Jordan, Kirby Metoxen. The purpose of this meeting was to go through the Pardon and Forgiveness Screening Committee'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/adopting resolution BC-09-26-18-C.

2/6/19 LOC: Motion by Jennifer Webster to approve the memorandum from Chairman David P. Jordan to the Oneida Business Committee seeking an extension of the March 26, 2019 bylaws amendments deadline and to forward the memorandum to the Oneida Business Committee to be placed on the February 13, 2019 Oneida Business Committee meeting agenda for consideration; Seconded by Kirby Metoxen. Motion carried.

2/20/19 LOC: 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.

2/22/19: *OBC Work Session.* Present: Jennifer Falck, Kristen M. Hooker, Lisa Summers, Daniel Guzman-King, Jennifer Webster, Tehassi Hill, Brandon Stevens, Trish King, David P. Jordan, Kirby Metoxen. The purpose of this meeting was to discuss the February 13, 2019 memo from the LOC Chairman to the OBC regarding Amendments to Boards, Committees and Commissions By-Laws Timeline in which it requested an extension of the deadline for submitting bylaws to the OBC for adoption. During the meeting, the LRO Staff Attorney assigned this item provided a status update on the progress of the boards, committees and commissions on the amending of their bylaws to comply with the Boards, Committees and Commissions law within the six (6) month deadline imposed by resolution BC-09-26-18-C. The OBC decided not to grant an extension of the six (6) month deadline. Instead, the OBC directed the LRO to continue pushing the bylaws forward and to return to the March 19, 2019 OBC work session to provide a progress report on the boards, committees and commissions' bylaws amendments.

2/27/19 OBC: Motion by Jennifer Webster to approve the Pardon and Forgiveness Screening Committee Bylaws with one (1) change [insert language regarding the frequency of the update/review of the bylaws which will be formulated by the Legislative Reference Office based on the discussion today], Seconded by Kirby Metoxen. Motion carried.

3/14/19: *LOC Work Meeting.* Present: Kirby Metoxen, David P. Jordan, Jennifer Webster, Ernest Stevens III, Lisa Summers, Kristen M. Hooker, Clorissa Santiago, Jennifer Falck, Maureen Perkins. The purpose of this work meeting was to discuss the portion of the 3/13/19 OBC Meeting relating the bylaws amendments that were on the agenda and OBC's directive to now have all bylaws amendments reviewed by the OBC during a work session before being added to an OBC Meeting agenda for consideration and possible adoption. The next step is for the LRO drafting attorney to attend the OBC work session on March 19, 2019 to discuss further.

3/19/19: *OBC Work Session.* Present: Lisa Summers, Patricia King, Brandon Stevens, David P. Jordan, Daniel Guzman-King, Jo Anne House, Jennifer Falck, Clorissa Santiago, Kristen M. Hooker, Lisa Liggins, Cathy Bachhuber. The purpose of this OBC work session was for the Legislative Reference Office Staff Attorney to provide the OBC with a status update on the progress made by the boards, committees and commissions on the amending of their bylaws to conform to the Boards, Committees and Commissions law. Based on the update and the discussion that followed, the OBC: (1) decided to grant an exception to the March 26, 2019 deadline set forth in resolution BC-09-26-19-C for the Nation's boards, committees and commissions to present their bylaws to the OBC for adoption; and (2) directed the LRO to draft a memo for the next LOC meeting to be forwarded to the OBC indicating the same.

**During its subsequent review of the Oneida Gaming Commission's proposed bylaws amendments, the OBC decided to add the following requirements to all of the boards, committees and commissions' bylaws amendments: (1) that, the recommendations for termination be by a majority vote of the members in attendance at a meeting of the entity's established quorum; (2) that, notice of meetings be provided to all members of the entity without exception (per request of LOC that all meetings be duly called); (3) that, the sign-off level for all entities, not assigned a specific level therein, be the same as the Area*

Director/Enterprise Director level set forth in the Nation's purchasing manual, and that, two (2) of the entity's Officers be required to sign-off on all such purchases; (4) that, under the "Selection of Officers" section, a provision be added (as its own separate subsection) to allow members to be dismissed (not removed as initially proposed) from their Officer positions by a simple majority vote of the entity; (5) that, the entities review their bylaws each time a vacancy is filled by a new member; (6) that, stipend amounts not be listed in the entity's bylaws; and (7) that, assuming its adoption, the resolution governing joint meetings be referenced in the joint meeting section of the entity's bylaws.

3/20/19 LOC: Motion by Ernest Stevens III to approve the Boards, Committees and Commissions Bylaws Update Memo and forward to the Oneida Business Committee; Seconded by Daniel Guzman-King. Motion carried.

3/27/19 OBC: Motion by Lisa Summers to grant the seventeen (17) entities that have begun the process of amending their bylaws to conform to the Boards, Committees and Commissions law, an exception to the March 26, 2019, deadline set forth in resolution BC-09-26-18-C for presenting bylaws amendments to the Business Committee for adoption; Seconded by David P. Jordan. Motion carried.

**Although the Pardon and Forgiveness Screening Committee's By-Laws Amendments were adopted by the OBC on February 27, 2019 subject to one (1) revision, the OBC has since directed that additional items be placed within all bylaws of the Nation, and thus, the Committee will have to further amend its bylaws to include those items.*

4/16/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens, Ernest Stevens III, Lisa Summers, Jo Anne House, Lisa Liggins, Kristen M. Hooker, Clorissa Santiago. The purpose of this OBC work session was to review the Election Board's bylaws amendments. During this meeting, the OBC also decided that all boards, committees and commissions must add the word "titled" next to the name of the purchasing manual they are required to reference in the "sign-off" section of their bylaws to provide clarification on why the term "Oneida Tribe of Indians" is being used instead of the "Nation".

5/1/19: *LOC Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Kristen M. Hooker, Brandon Wisneski, Jennifer Falck, Clorissa Santiago, Maureen Perkins. The purpose of this meeting was to discuss some of the hurdles the LRO has encountered under the current bylaws amendments process and to consider whether a more efficient process should be implemented to get the Nation's boards, committees and commissions' bylaws amendments before the Oneida Business Committee for adoption.

7/29/19-7/30/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens (7/29 only), Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Tehassi Hill (7/29 only), Kristen Hooker, Jennifer Falck, Maureen Perkins, Brooke Doxtator, Laura Laitinen-Warren. The purpose of this work session was to provide the OBC an opportunity to review and consider all drafts of the Boards, Committees and

Commissions' bylaws amendments in advance of being added to the OBC agenda for formal consideration and possible adoption.

Next Steps:

- Accept the Pardon and Forgiveness Screening Committee's Bylaws Amendments.
- Forward the Pardon and Forgiveness Screening Committee's Bylaws Amendments to the Oneida Business Committee for consideration.

PARDON AND FORGIVENESS SCREENING COMMITTEE BYLAWS

Article I. Authority

1-1. *Name.* The name of this entity shall be the Pardon and Forgiveness Screening Committee and may hereinafter be referred to as the “PFSC.”

1-2. *Establishment.* The PFSC was originally established by the Oneida Pardon Ordinance through adoption of resolution BC-07-31-02-A, which was repealed by and replaced with the Pardon and Forgiveness law, through adoption of resolution BC-05-25-11-A as amended by resolution BC-01-22-14-B.

1-3. *Authority.*

(a) *Purpose.* The purpose of the PFSC is to provide a fair, efficient and formal process for considering pardons and forgiveness by:

- (1) Promulgating internal standard operating procedures necessary to govern its proceedings;
- (2) Reviewing and processing applications for a pardon or forgiveness in an orderly and expeditious manner;
- (3) Reviewing an applicant’s background investigation report received from the Oneida Human Resources Department;
- (4) Conducting and presiding over hearings to obtain a pardon or forgiveness from the Nation;
- (5) Providing formal, written recommendations to the Oneida Business Committee to approve or deny a pardon or forgiveness application;
- (6) Taking other actions reasonably related to the purpose of the PFSC; and
- (7) Carrying out all other powers and duties delegated by the laws of the Nation, including, but not limited to, the Pardon and Forgiveness law.

(b) The PFSC does not:

- (1) Have authority to enter into contracts; or
- (2) Have authority to create policy or legislative rules.

1-4. *Office.* The Official mailing address of the PFSC shall be:
Pardon and Forgiveness Screening Committee
P.O. Box 365
Oneida, WI 54155

1-5. *Membership.*

(a) *Number of Members.* The PFSC shall consist of four (4) members and four (4) alternates from three (3) representative areas who shall serve a term consistent with that of the Oneida Business Committee’s term of office.

- (1) The three (3) representative areas shall be made up of:
 - (A) One (1) member and one (1) alternate representative from the Oneida Police Department;

- 46 (B) Once (1) member and one (1) alternate representative from
47 the Oneida Social Services Department; and
48 (C) Two (2) member and two (2) alternate representatives from
49 the community-at-large.
50 (i) One (1) member and one (1) alternate representative
51 of the community-at-large shall be an elder of fifty-
52 five (55) years of age or older; and
53 (ii) One (1) member and one (1) alternate representative
54 of the community-at-large shall be twenty-five (25)
55 years of age or older.
- 56 (b) *Appointment.* PFSC members and alternates shall be appointed by the
57 Oneida Business Committee in accordance with the Boards, Committees
58 and Commissions law. Each member and alternate shall remain in office as
59 follows:
60 (1) If his or her term has expired, until a successor has been sworn in by
61 the Oneida Business Committee;
62 (2) Until his or her resignation; or
63 (A) A member or alternate may resign any time verbally at a
64 meeting or by delivering written notice to the Oneida
65 Business Committee Support Office and PFSC Chairperson
66 or the Chairperson's designee. The resignation is effective
67 upon acceptance by motion of a member's or alternate's
68 verbal resignation or upon delivery of the written notices.
69 (3) Until his or her appointment is terminated in accordance with the
70 Boards, Committees and Commissions law.
- 71 (c) *Vacancies.* Vacancies for any reason, whether caused by term expiration,
72 death, termination or resignation, shall be filled in accordance with the
73 Boards, Committees and Commissions law for the remainder of the term.
74 (1) The PFSC's Chairperson shall provide the Oneida Business
75 Committee recommendations on all applications for appointment by
76 the executive session in which the appointment is intended to be
77 made.
- 78 (d) *Qualifications.* PFSC members and alternates shall meet the following
79 qualifications:
80 (1) The PFSC member and alternate representative from the Oneida
81 Police Department shall:
82 (A) Be an enrolled member of the Oneida Nation; and
83 (B) Have a written recommendation from the Chief of Police for
84 appointment to the PFSC.
85 (2) The PFSC member and alternate representative from the Oneida
86 Social Services Division shall:
87 (A) Be an enrolled member of the Oneida Nation; and
88 (B) Have a written recommendation from the Division Director
89 for the Governmental Services Division for appointment to
90 the PFSC.

- (3) The PFSC member and alternate representatives from the community-at-large shall:
 - (A) Be an enrolled member of the Oneida Nation;
 - (B) Reside in Brown or Outagamie County;
 - (C) For one (1) member and one (1) alternate, be at least twenty-five (25) years of age, and for the other one (1) member and one (1) alternate, be an elder of fifty-five (55) years of age or older; and
 - (D) Pass a background check.

- 1-6. *Termination.* A PFSC member or alternate may have his or her appointment terminated in accordance with the Boards, Committees and Commissions law.
- (a) In addition to any of the causes for termination already identified within the laws and policies of the Nation, a violation of these bylaws may result in the PFSC making a recommendation to the Oneida Business Committee for the termination of a member's or alternate's appointment.
 - (1) Recommendations to the Oneida Business Committee for termination of a PFSC member's or alternate's appointment must be determined by a majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum.

- 1-7. *Trainings and Conferences.* None required.

Article II. Officers

- 2-1. *Officers.* The PFSC shall have two (2) Officers: Chairperson and Vice-Chairperson.

- 2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of the PFSC Chairperson shall be as follows:
- (a) Call and preside over all meetings and hearings of the PFSC;
 - (b) Along with the Oneida Business Committee Support Office, provide notice of regular meetings, emergency meetings and hearings of the PFSC in accordance with the Boards, Committees and Commissions law, the Pardon and Forgiveness law, and the Open Records and Open Meetings law;
 - (c) Forward, or through a designee have forwarded, the notice of meeting locations, agendas, materials and minutes in accordance with these bylaws and the Open Records and Open Meetings law;
 - (d) Along with the Oneida Business Committee Support Office, submit annual and semi-annual reports to the Oneida General Tribal Council and submit quarterly reports to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law;
 - (e) Attend, or designate a PFSC member to attend, the Oneida Business Committee meeting in which the PFSC's quarterly report appears on the agenda;
 - (f) Draft and sign recommendations of the PFSC;
 - (g) Submit applicant recommendations to fill vacancies to the Oneida Business Committee for consideration; and

- 137 (h) Perform all other duties as assigned by majority vote of the members/
138 alternates in attendance at a PFSC meeting of an established quorum.
139
- 140 2-3. *Responsibilities of the Vice-Chairperson.* The responsibilities, duties and limitations of the
141 PFSC Vice-Chairperson shall be as follows:
142 (a) In the absence or incapacity of the PFSC Chairperson, the PFSC Vice-
143 Chairperson shall perform the duties of the PFSC Chairperson.
144
- 145 2-4. *Selection of Officers.* The PFSC shall elect Officer positions at the first duly called PFSC
146 meeting.
147 (a) The Officer positions shall be chosen by majority vote of the members or
148 their alternates in attendance at the PFSC meeting of an established quorum.
149 (b) The vote shall be made part of the PFSC record.
150 (c) PFSC Officers may hold only (1) Officer position at any one (1) time.
151 (d) PFSC Officers may be dismissed from their Officer position by majority
152 vote of the members or their alternates in attendance at a PFSC meeting of
153 an established quorum.
154
- 155 2-5. *Personnel.* The PFSC shall not have authority to hire personnel for the benefit of the
156 PFSC.
157 (a) The Oneida Business Committee Support Office shall assist the PFSC on
158 behalf of the Tribal Secretary and in accordance with the Pardon and
159 Forgiveness law with fulfilling the following administrative duties in
160 accordance with these bylaws and the governing law:
161 (1) Keeping minutes of the PFSC meetings;
162 (2) Along with the Chairperson, providing notice of regular meetings,
163 emergency meetings and hearings of the PFSC;
164 (3) Acting as custodian of the records;
165 (4) Attending to all correspondence and presenting to the PFSC all
166 official communications received by the PFSC;
167 (5) Along with the Chairperson, submitting annual and semi-annual
168 reports to the Oneida General Tribal Council and submitting
169 quarterly reports to the Oneida Business Committee in accordance
170 with the Boards, Committees and Commissions law; and
171 (6) Administering the PFSC budget.
172
- 173 2-6. *Budgetary Sign-Off Authority and Travel.* The PFSC shall follow the Nation's policies and
174 procedures regarding purchasing and sign-off authority.
175 (a) Levels of budgetary sign-off authority for the PFSC shall be as set forth
176 in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing*
177 *Policies and Procedures*, for Area Directors/Enterprise Directors.
178 (1) All PFSC Officers have sign-off authority and two (2) Officers shall
179 be required to sign-off on all budgetary requests, except as follows:
180 (A) The Oneida Business Committee Support Office shall have
181 sign-off authority over requests for stipends, travel per diem
182 and business expense reimbursement.

- 183 (b) The PFSC shall approve a member's or alternate's request to travel on
184 behalf of the PFSC by majority vote of the members or their alternates
185 present at a regular or emergency PFSC meeting of an established quorum.
186

187 **Article III. Meetings**

188 3-1. *Regular Meetings.* Regular meetings shall occur on a quarterly basis and be held on the
189 third Monday of the month each quarter at the Norbert Hill Center located
190 in Oneida, Wisconsin, commencing at 10:00 a.m.

- 191 (a) The regular meeting date, time and/or place may be reviewed by the PFSC
192 from time-to-time and changed as determined necessary by a majority vote
193 of the members or their alternates in attendance at a PFSC meeting of an
194 established quorum so long as advance notice is provided to all members in
195 writing and, along with the public, in accordance with the Nation's Open
196 Records and Open Meetings law prior to the implementation of a new date,
197 time and/or location.
198 (b) Notice of meeting location, agenda, materials and minutes shall be
199 forwarded by the Chairperson or the Chairperson's designee to all PFSC
200 members in writing and, along with the public, in accordance with the
201 Nation's Open Records and Open Meetings law.
202 (c) Meetings shall be run in accordance with Robert's Rules of Order or another
203 method approved by the Oneida Business Committee.
204

205 3-2. *Emergency Meetings.* Emergency meetings shall only be called when time sensitive issues
206 require immediate action.

- 207 (a) Emergency meetings of the PFSC may be called by the Chairperson or upon
208 written request of any two (2) PFSC members.
209 (b) Notice of the meeting location, agenda and materials shall be forwarded by
210 the Chairperson or Chairperson's designee to all PFSC members by
211 telephone call, as well as in writing, and, along with the public, in
212 accordance with the Nation's Open Records and Open Meetings law.
213 (c) Within seventy-two (72) hours after an emergency meeting, the PFSC shall
214 provide the Nation's Secretary with notice of the emergency meeting, the
215 reason for the emergency meeting, and an explanation of why the matter
216 could not wait for a regular meeting.
217

218 3-3. *Joint Meetings.* Joint meetings between the PFSC and the Oneida Business Committee
219 shall not be held.
220

221 3-4. *Hearings.* Hearings shall be held in accordance with the Pardon and Forgiveness law.
222

223 3-5. *Quorum.* A quorum shall consist of at least three (3) PFSC members or their alternates
224 and shall include the Chairperson or Vice-Chairperson.

- 225 (a) The alternate will assume the role of the member that he or she is replacing,
226 including the Chairperson and/or Vice-Chairperson.
227

- 228 3-6. *Order of Business.* The regular meetings of the PFSC shall follow the order of business as
229 set out herein:
230 (a) Call to Order
231 (b) Adopt the Agenda
232 (c) Approval of Previous Minutes
233 (d) Old Business
234 (e) New Business
235 (f) Executive Session
236 (g) Adjournment
237
- 238 3-7. *Voting.* Decisions of the PFSC shall be by majority vote of the members or their
239 alternates in attendance at a PFSC meeting or hearing of an established
240 quorum.
241 (a) The Chairperson, or Vice-Chairperson when presiding in lieu of the Chair-
242 person, shall not be allowed to vote unless a tie needs to be broken.
243 (b) E-polls are permissible so long as conducted in accordance with the Boards,
244 Committees and Commissions law.
245 (1) The Vice-Chairperson shall serve as the Chairperson’s designee for
246 the responsibility of conducting an e-poll in the Chairperson’s
247 absence or discretion.
248

249 **Article IV. Expectations**

- 250 4-1. *Behavior of Members.* PFSC members and alternates are expected to treat each other in
251 accordance with the Nation’s core values of The Good Mind as expressed
252 by Onlayote?aka, which includes:
253 (a) Kahletsyal&sla. The heart felt encouragement of the best in each of us.
254 (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.
255 (c) Ka?nikuhli-yó. The openness of the good spirit and mind.
256 (d) Ka?tshatstásla. The strength of belief and vision as a People.
257 (e) Kalihwi-yó. The use of the good words about ourselves, our Nation, and our
258 future.
259 (f) Twahwahtsílaya. All of us are family.
260 (g) Yukwatsístaya. Our fire, our spirit within each one of us.
261 (1) A failure by a member or alternate to act in accordance with this or
262 any other section of these bylaws and/or any governing laws of the
263 Nation may be cause for:
264 (A) The PFSC to recommend to the Oneida Business Committee
265 that it terminate his or her appointment in accordance with
266 the Boards, Committees and Commissions law; and/or
267 (B) The PFSC taking disciplinary action against him or her in
268 accordance with any law or policy of the Nation providing
269 sanctions and/or penalties for appointed officials.
270 (2) Recommendations to the Oneida Business Committee for
271 termination of a PFSC member’s or alternate’s appointment must be
272 determined by a majority vote of the members or their alternates in
273 attendance at a PFSC meeting of an established quorum.

274
275 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member or alternate of
276 the PFSC that inflicts, attempts to inflict, or threatens to inflict emotional or
277 bodily harm on another person, or damage to property, during a meeting or
278 when acting in an official capacity are strictly prohibited and grounds for
279 an immediate recommendation for termination of appointment from the
280 PFSC and/or the imposition of sanctions and/or penalties according to laws
281 and of the Nation as determined by majority vote of the members or their
282 alternates in attendance at a PFSC meeting of an established quorum.

283
284 4-3. *Drug and Alcohol Use.* Use of alcohol and illegal drugs by members or alternates of the
285 PFSC when acting in their official capacity is strictly prohibited.
286 (a) Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines,
287 phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics,
288 and any other substance included in Schedules I through V, as defined by
289 Section 812 of Title 21 of the United States Code. This also includes
290 prescription medication or over-the-counter medicine used in an
291 unauthorized or unlawful manner.

292
293 4-4. *Social Media.* PFSC members and alternates shall use social media in accordance with
294 their Oath of Office and the Nation’s Social Media Policy.
295 (a) PFSC members and alternates shall further refrain from posting, attaching
296 or writing anything relating to PFSC business or activities on any social
297 media outlet.
298 (1) Posting notices of meetings, public hearings, and/or cancellations on
299 social media outlets is acceptable.

300
301 4-5. *Conflict of Interest.* PFSC members and alternates shall abide by all laws of the Nation
302 governing conflicts of interest. PFSC members and alternates must submit
303 a Conflict of Interest Disclosure form upon Oath of Office and annually.

304
305 **Article V. Stipends and Compensation**

306 5-1. *Stipends.* Stipend eligibility shall be governed by these bylaws; the Boards,
307 Committees and Commissions law; resolution BC-05-08-19-B titled,
308 Amending Resolution BC-09-26-18-D Boards, Committees and
309 Commissions Law Stipends, as may be further amended from time-to-time
310 hereafter; and as follows:
311 (a) Community-at-large PFSC members and alternates shall be paid one (1)
312 monthly meeting stipend.
313 (b) Community-at-large PFSC members and alternates shall be paid a stipend
314 for conducting an official hearing of the PFSC.
315 (c) Member and alternate representatives from the Oneida Police Department
316 and the Oneida Social Services Department shall not collect stipends despite
317 their eligibility.

318

319 5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement
320 authorized by the Boards, Committees and Commissions law, PFSC
321 members and alternates are not eligible for any other type of compensation
322 for duties/activities they perform on behalf of the PFSC.
323

324 **Article VI. Records and Reporting**

325 6-1. *Agenda Items.* Agendas shall be maintained in a format approved by the Oneida Business
326 Committee Support Office.
327

328 6-2. *Minutes.* PFSC minutes shall be typed in a format approved by the Oneida Business
329 Committee Support Office to generate the most informative record of the
330 meeting, including, but not limited to, showing a summary of the action
331 taken by the PFSC.

332 (a) When minutes are not taken by the Oneida Business Committee Support
333 Office or if the PFSC requires approval of the minutes in advance thereof,
334 the PFSC shall submit minutes to the Oneida Business Committee Support
335 Office within thirty (30) days of the PFSC's meeting or receipt of the
336 minutes for approval.
337

338 6-3. *Attachments.* Handouts, attachments, memoranda, and the like shall be attached to the
339 corresponding meeting minutes and agenda.

340 (a) Agendas, minutes and attachments shall be kept electronically by the
341 Oneida Business Committee Support Office.
342

343 6-4. *Oneida Business Committee Liaison.* The PFSC shall regularly communicate with the
344 Oneida Business Committee member who is its designated liaison.

345 (a) The frequency and method of communication shall be as agreed upon by
346 the PFSC and the liaison, but no less than that required in any law or policy
347 on reporting developed by the Oneida Business Committee or Oneida
348 General Tribal Council.

349 (b) The purpose of the liaison relationship is to uphold the ability of the liaison
350 to act as a support to the PFSC.
351

352 6-5. *Audio Recordings.* All meetings and hearings of the PFSC shall be audio recorded by the
353 Oneida Business Committee Support Office using a device supplied by
354 either the Oneida Business Committee Support Office or the PFSC.

355 (a) Audio recordings of the PFSC meetings shall be maintained by the Oneida
356 Business Committee Support Office.

357 (b) *Exception.* Audio recordings of executive session portions of a meeting or
358 hearing shall not be required.
359

360 **Article VII. Amendments**

361 7-1. *Amendments.* Upon written notice, the PFSC may amend these bylaws by a majority vote
362 of the members or their alternates in attendance at a PFSC meeting of an
363 established quorum.

- 364 (a) Amendments to these bylaws shall conform to the requirements of the
- 365 Boards, Committees and Commissions law and any other governing
- 366 policies of the Nation.
- 367 (b) Amendments to these bylaws shall be approved by the Oneida Business
- 368 Committee prior to implementation.
- 369 (c) The PFSC shall review these bylaws no less than on an annual basis.

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[SIGNATURE BLOCK FOR APPROVAL OF PFSC AND OBC]



Pardon and Forgiveness Screening Committee 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 Boards, Committees and Commissions law [1 O.C. 105.10].		
Intent of the Bylaws	The intent of these amendments is to comply Oneida Business Committee (OBC) directives for amendments included in all boards, committees and commissions bylaws.		
Purpose	The purpose of the Pardon and Forgiveness Screening Committee (PFSC) is to provide a fair, efficient and formal process for considering pardons and forgiveness by creating internal standard operating procedures necessary to govern proceedings, reviewing and processing applications for pardons and forgiveness, conducting and presiding over hearings and interviewing applicants, and providing formal written recommendations to the OBC to deny or approve pardon and forgiveness applications [Proposed Bylaws 1-3(a)].		
Related Legislation	Oneida Nation Constitution, Pardon and Forgiveness law, Boards, Committees and Commissions law, Open Records Open Meetings Law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	The Boards, Committees and Commissions law provides the enforcement process for appointed members. Members of the PFSC serve at the discretion of the OBC. Upon the recommendation of a member of the OBC or by majority vote of the PFSC, a member of the PFSC may have his or her appointment terminated by the OBC. A two-thirds majority vote of the OBC shall be required to terminate the appointment of an individual. The OBC's decision to terminate an appointment is final and not subject to appeal [1 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.		

SECTION 2. BACKGROUND

- 1
- 2 A. The PFSC bylaws amendments were added to the active files list on October 3, 2018, with David P.
- 3 Jordan as the sponsor.
- 4 B. The PFSC was originally established in the Pardon and Forgiveness law as adopted by Resolution BC-
- 5 07-31-02-C. Previous versions of this committee existed in conjunction with the Pardon Ordinance
- 6 originally adopted by Resolution BC-02-19-93-J.
- 7 C. The current PFSC bylaws were approved by the OBC on February 27, 2019. There are additional
- 8 changes the OBC directed for all the Nation's boards, committees and commissions bylaws in addition
- 9 to those changes required per the Boards, Committees and Commissions law. This analysis reviews
- 10 those additional directed changes.

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

- A. The bylaws comply with the Boards, Committees and Commissions law.
- B. The bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends” which details the types, specific dollar amounts and eligibility requirements of stipends.
- C. The bylaws comply with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.

SECTION 4. AMENDMENTS

This section details the changes from the bylaws amendments adopted on February 27, 2019.

- A. Termination. A provision was added requiring any recommendation from the PFSC to the OBC to consider terminating an appointment on the PFSC must be by majority vote of PFSC members present at a meeting with an established quorum [*Proposed Bylaws 1-6(a)(1)*] and [*Proposed Bylaws 4-1(g)(2)*].
- B. Open Records and Open Meetings. A reference was added that notice of meetings will meet requirements in the Nation’s Open Records and Open Meetings [*Proposed Bylaws 2-2(b) and 3-2(b)*] and [*1 O.C. 105.10-3(f)*] and [*1 O.C. 107.15*]. Meeting locations, agendas, materials and minutes will be forwarded by the Chairperson or designee in accordance with the Nation’s Open Records and Open Meetings law [*Proposed Bylaws 2-2(c)*]. Notification of meetings will be provided in writing to all PFSC members in accordance with the Open Records and Open Meetings law [*Proposed Bylaws 3-1(b)*] and [*1 O.C. 107.15*].
- C. Officers. A reference was added that the Chairperson will notice regular meetings, emergency meetings and hearings of the PFSC in accordance with the Pardon and Forgiveness law [*Proposed Bylaws 2-2(b)*] [*1 O.C. 126.8-1*]. A provision was added that Officers may only hold one (1) Officer position at a time [*Proposed Bylaws 2-4(c)*]. A provision was added that PFSC members may be dismissed from an Officer position by majority vote of members or alternates at a meeting with an established quorum [*Proposed Bylaws 2-4(d)*].
- D. Budgetary Sign-Off Authority and Travel. The sign-off authority levels have changed. The PFSC will follow the Nation’s policies and procedures regarding purchasing and sign-off authority and will use levels for budgetary sign-off authority that are set forth in the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors. The BCSO will have sign-off authority over requests for stipends, travel per diem and business expense reimbursement. All PFSC Officers shall have sign-off authority and two (2) Officers must sign-off on budgetary requests [*Proposed Bylaws 2-6(a)*].
 - Although not applicable to the PFSC; the PFSC will follow the budgetary sign-off levels dictated by the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors, page 217, which includes the following levels of sign-off authority:
 - i. Budgeted items with three bids for items between \$3,000 and \$10,000;
 - ii. Unbudgeted items between \$1,000 and \$5,000; and
 - iii. Budgeted but sole source items between \$1,000 and \$5,000.
 - All travel must be authorized by two (2) Officers in accordance with the Travel and Expense Policy [*2 O.C. 219.4-2*]. All travel must be approved through majority vote of a quorum of PFSC members in attendance at a regular or emergency PFSC meeting [*Proposed Bylaws 2-6(b)*] in accordance with the Boards, Committees and

60 Commissions law [1 O.C. 105.10-3(b)(6)(B)]. PFSC members may travel in the
61 Nation's vehicles when certified and must follow the Vehicle Driver Certification and
62 Fleet Management law [2 O.C. 210].
63

- 64 E. Social Media. PFSC members are required to follow their Oath of Office with respect to their use of
65 social media [Proposed Bylaws 4-4].
66
- 67 F. Compensation. PFSC members are only eligible for travel, per diem and business expense
68 reimbursement [Proposed Bylaws 5-2] as authorized in the Boards, Committees and Commissions law
69 [1 O.C. 105.13-9] in accordance with the Nation's Travel and Expense Policy [2 O.C. 219.4-2].
70
- 71 G. Minutes. If the minutes were not taken by the BCSO or if the PFSC requires approval of the minutes
72 in advance; the PFSC will submit minutes to the BCSO within thirty (30) days of the PFSC's meeting
73 or receipt of the minutes for approval [Proposed Bylaws 6-2(a)].
74
- 75 H. Amendments. Amendments to bylaws may be approved by members or their alternates in attendance
76 at a PFSC meeting. Bylaws will be reviewed by the PFSC no less than on an annual basis [Proposed
77 Bylaws 7-1].
78
- 79 I. Minor Changes. Minor changes were made throughout the bylaws amendments for clarity.
80

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

82 There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of
83 laws related to the proposed PFSC bylaws.

- 84 A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows
85 for the creation of committees for the proper conduct of tribal business of the Nation [Oneida Nation
86 Constitution, Article IV, Section 1(g)]. There are no conflicts between these bylaws and the Oneida
87 Nation Constitution.
88
- 89 B. Pardon and Forgiveness [1 O.C. Chapter 126]. This law defines the duties and responsibilities of the
90 PFSC, OBC, Oneida Nation Secretary's Office, and other persons involved in the granting or denial of
91 pardons and forgiveness. Additionally; the law contains notice requirements that the PFSC must meet
92 [1 O.C. 126.8-1]. The Pardon and Forgiveness Screening Committee responsibilities in relation to this
93 law are contained in the proposed bylaws Article I. 1-3(a)(1) through (6). The proposed bylaws comply
94 and there are no conflicts with the Pardon and Forgiveness law.
95
- 96 C. Boards, Committees and Commissions [1 O.C. Chapter 105]. This law establishes all requirements
97 related to elected and appointed boards, committees and commissions of the Nation. The law governs
98 the procedures regarding the appointment and election of persons to boards, committees and
99 commissions, creation of bylaws, maintenance of official records, compensation, and other items
100 related to boards, committees and commissions. The PFSC is appointed by the OBC [Proposed Bylaws
101 1-5(b)]. The requirements for entity bylaws are contained in this law as well as a requirement that all
102 existing entities of the Nation comply with the format detailed in the law and present the bylaws for
103 adoption by the OBC within a reasonable timeframe [1 O.C. 105.10-1(a)]. The proposed bylaws
104 comply and there are no conflicts with the Boards, Committees and Commissions law.
105
- 106 D. Open Records and Open Meetings [1 O.C. Chapter 107]. This law details how records must be
107 maintained and made available to the public. Meetings are open to the public unless specific criteria
108 are met which allow the meetings to be closed [1 O.C. 107.15 and 107.17]. Public notice of meetings

109 is also required by this law [1 O.C. 107.15-1]. The bylaws delegate the maintenance of the records to
110 the BCSO [Proposed Bylaws 6-3(a)]. PFSC meetings are open to the public except portions that meet
111 the exceptions in this law related to when personnel matters or contracts are being discussed and
112 deemed confidential [Proposed Bylaws 3-1(a)]. Meeting packets and backup materials are available
113 to all PFSC members [Proposed Bylaws 3-1(b)] and in accordance with this law which states that any
114 requestor has the right to make or receive a copy of a public record [1 O.C. 107.7-2]. PFSC hearings
115 are open to the public in accordance with the Pardon and Forgiveness law [1 O.C. 126.3-1(j)]. The
116 Pardon and Forgiveness law requires that deliberation and recommendation meetings are held in
117 executive session which are considered closed to the public [1 O.C. 126.8-5]. The proposed bylaws
118 comply and there are no conflicts with the Open Records and Open Meetings law.
119

120 E. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The PFSC is considered an entity
121 [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)] under this law
122 and are authorized to travel in the Nation's vehicles. The law requires the Human Resources
123 Department or designee to ensure drivers, including PFSC members, are certified to drive a vehicle of
124 the Nation or a personal vehicle on Tribal business. The law requires PFSC members (officials) to
125 have written consent from the PFSC prior to being approved to use a Tribal vehicle [2 O.C. 210.6-
126 1(b)(2)]. Certification includes providing the Human Resources Department with the appropriate
127 license, training certifications, and insurance information [2 O.C. 210.8-1]. Additionally, PFSC
128 members must abide by all reporting requirements in this law [2 O.C. 210.9-2].

129 a. PFSC members who violate this law may be subject to:

- 130 i. any laws regarding sanctions or penalties; and
- 131 ii. termination of appointment following the Boards, Committees and Commissions
132 law [1 O.C. 105].
133

PARDON AND FORGIVENESS SCREENING COMMITTEE BYLAWS

Article I. Authority

1-1. *Name.* The name of this committee shall be the Pardon and Forgiveness Screening Committee, hereinafter referred to as "PFSC."

1-2. *Authority.* A PFSC was originally established in the Pardon and Forgiveness Law as adopted by Resolution BC-07-31-02-C.

1-3. *Office.* The official mailing address of the PFSC shall be:

Pardon and Forgiveness Screening Committee

P.O. Box 365

Oneida, WI 54155

1-4. *Membership.* The PFSC shall consist of five (5) enrolled Tribal members from three (3) representative areas who shall serve a term consistent with that of the Oneida Business Committee term of office.

(a) *How Chosen.* PFSC members shall be appointed by motion or resolution of the Oneida Business Committee. PFSC members shall include:

(1) A representative from the Oneida Police Department, recommended in writing by the Chief of Police, including two (2) alternates, submitted to the Tribal Secretary;

(2) A representative from the Oneida Social Services Department, recommended in writing by the Division Director for the Governmental Services Division, including two (2) alternates, submitted to the Tribal Secretary; and

(3) Three (3) representatives from the Oneida community-at-large, including three (3) alternates.

(A) At least one (1) community-at-large representative and one (1) alternate shall be an elder over the age of fifty-five (55).

(B) Preference for community-at-large representatives shall be given to Tribal members with a background in social services, probation/parole, law enforcement, legal services, public policy and similar fields.

(b) *Alternates.* If a PFSC member is absent or unable to participate in a meeting due to a conflict of interest, an alternate may serve in his or her place, provided that the alternate does not have a conflict of interest.

(c) *How Vacancies are Filled.* In case of a vacancy for any reason, including death, removal or resignation, the vacancy shall be filled in accordance with 1.4(a), for the remainder of the term.

(d) *Termination.* Termination of PFSC members' appointments shall be terminated in accordance with Section 6-5 of the Comprehensive Policy Governing Boards, Committees and Commissions.

(e) 2-5. *Resignations.* The resignation of a PFSC member is effective upon:

(1) Deliverance of a letter of resignation to the PFSC Chairperson, or designee, in accordance with Section 5-2(c)(1) of the Comprehensive Policy Governing Boards, Committees and Commissions; or

(2) In the event of a verbal resignation, the resignation is effective upon the PFSC's passage of a motion to accept such resignation, in accordance with Section 5-2(c)(2) of the Comprehensive Policy Governing Boards, Committees and Commissions.

1-5. *Purpose and Mission.* The purpose and mission of the PFSC is to provide a fair, efficient

and formal process for considering pardons and forgiveness.

Article II. Officers

2-1. *Officers.* The PFSC shall have two (2) officers: Chairperson and Vice-Chairperson.

2-2. *Duties of the Chairperson.* The PFSC Chairperson shall:

- (a) Preside at all meetings of the PFSC;
- (b) Draft and sign recommendations of the PFSC;
- (c) Submit recommendations to the Tribal Secretary for consideration by the Oneida Business Committee;
- (d) Record meeting minutes in accordance with section 4-2 or delegate the responsibility; and
- (e) Other duties as assigned by the PFSC.

2-3. *Duties of the Vice-Chairperson.* In the absence or incapacity of the PFSC Chairperson, the PFSC Vice-Chairperson shall perform the duties of the PFSC Chairperson.

2-4. *How Chosen.* The PFSC shall elect officer positions at the first duly called PFSC meeting. The officer positions shall be chosen by majority vote of all PFSC members in attendance at the meeting. Said vote shall be made part of the PFSC record.

(a) *Length of Term.* The term of office for a PFSC officer shall coincide with his or her term on the PFSC.

(b) *Officer Vacancy.* In the event of a vacancy in an officer position, the PFSC shall vote to elect, for the remainder of the term, a new officer at a duly called PFSC meeting. The officer position shall be elected by majority vote of all present PFSC members.

2-5. *Tribal Secretary's Office.* The Tribal Secretary's Office shall assist the PFSC as set out in the Pardon and Forgiveness Law.

Article III. Meetings

3-1. *Regular Meetings.* With the assistance of the Tribal Secretary, the PFSC shall schedule quarterly meetings.

(a) The meeting dates, time and location may change from time to time, as determined by the PFSC, with at least twenty-four (24) hour notice, but shall be within the Reservation boundaries unless notified to the PFSC membership prior to designating the meeting location.

(b) Notice of meeting location, agenda, and materials shall be forwarded by the Chairperson with the assistance of the Tribal Secretary's Office.

(c) PFSC 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. More than two (2) unexcused absences may result in termination.

3-2. *Special Meetings.* Special meetings of the PFSC may be called by a majority vote of the PFSC.

(a) Special meetings shall address a specific purpose(s) and convene at a time outside of the regularly scheduled quarterly meeting time.

(b) Special meetings shall require a written notice to each member of the PFSC at least twenty-four (24) hours prior to the meeting start time.

3-3. *Quorum.* A quorum shall consist of three (3) PFSC members or their alternates and shall include the Chairperson or Vice-Chairperson.

3-4. *Order of Business.* The agendas for the regular meetings of the PFSC shall contain the order of business as follows:

- (a) Call to Order and Approval of the Agenda
- (b) Current Business
- (c) Recess/Adjourn

3-5. *Voting.* Voting shall be in accordance with simple majority vote of the PFSC members present at a duly called meeting.

3-6. *Stipends.* The community-at-large PFSC members shall be paid a stipend for each meeting which has established a quorum in the amount specified according to the Comprehensive Policy Governing Boards, Committees and Commissions. One (1) stipend shall be paid for each quarterly meeting which consists of:

- (a) Pre-public hearing meeting to deliberate the files;
- (b) Public hearing; and
- (c) Post-public hearing meeting to make a decision/recommendation.

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 PFSC meetings.

(a) All minutes shall be submitted to the Tribal Secretary's Office within thirty (30) calendar days after approval by the PFSC.

(b) Copies of the minutes shall be available for review and copy in accordance with the Open Records and Open Meetings Law.

4-3. *Backup.* 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 PFSC shall not be subject to the quarterly reporting requirements to the Oneida Business Committee.

Article V. Amendments

5-1. *Amendments to Bylaws.* The PFSC may amend the Bylaws upon approval of the PFSC at a regularly scheduled meeting and with subsequent approval of the Oneida Business Committee.

PFSC Approval Date of July 1, 2014

Oneida Business Committee Approval Date of August 13, 2014.



Victoria Deer, Chairperson
Pardon and Forgiveness Screening Committee



Lisa Summers, Tribal Secretary
Oneida Business Committee

PARDON AND FORGIVENESS SCREENING COMMITTEE BYLAWS

Article I. -Authority

1-1. ~~Name.~~ The name of this ~~committee~~entity shall be the Pardon and Forgiveness Screening _____ Committee, and may hereinafter be referred to as the "PFSC."

1-2. ~~Authority. A~~ Establishment. The PFSC was originally established ~~in~~by the Oneida Pardon Ordinance through adoption of resolution BC-07-31-02-A, which was repealed by and replaced with the Pardon and Forgiveness ~~law as~~ adopted by Resolution BC-07-31-02-C. law, through adoption of _____ resolution BC-05-25-11-A as amended by resolution BC-01-22-14-B.

1-3. Authority.

(a) Purpose. The purpose of the PFSC is to provide a fair, efficient and formal process for considering pardons and forgiveness by:

- (1) Promulgating internal standard operating procedures necessary to govern its proceedings;
- (2) Reviewing and processing applications for a pardon or forgiveness in an orderly and expeditious manner;
- (3) Reviewing an applicant's background investigation report received from the Oneida Human Resources Department;
- (4) Conducting and presiding over hearings to obtain a pardon or forgiveness from the Nation;
- (5) Providing formal, written recommendations to the Oneida Business Committee to approve or deny a pardon or forgiveness application;
- (6) Taking other actions reasonably related to the purpose of the PFSC; and
- (7) Carrying out all other powers and duties delegated by the laws of the Nation, including, but not limited to, the Pardon and Forgiveness law.

(b) The PFSC does not:

- (1) Have authority to enter into contracts; or
- (2) Have authority to create policy or legislative rules.

1-4. ~~1-3.~~ Office. _____ The ~~official~~Official mailing address of the PFSC shall be:

Pardon and Forgiveness Screening Committee

P.O. Box 365

Oneida, WI 54155

1-5. ~~1-4.~~ Membership.

(a) Number of Members. The PFSC shall consist of ~~five (5) enrolled Tribal~~ four (4) members and four (4) alternates from three (3) representative areas who shall

44 serve a term _____ consistent with that of the Oneida Business
 45 ~~Committee~~Committee's term of office.

46 ~~How Chosen-~~ (1) The three (3) representative areas shall be made up of:
 47 (A) One (1) member and one (1) alternate representative from
 48 _____ the Oneida Police Department;
 49 (B) One (1) member and one (1) alternate representative from
 50 _____ the Oneida Social Services Department; and
 51 (C) Two (2) member and two (2) alternate representatives from
 52 _____ the community-at-large.
 53 (i) One (1) member and one (1) alternate representative
 54 _____ of the community-at-large shall be an elder of fifty-
 55 _____ five (55) years of age or older; and
 56 (ii) One (1) member and one (1) alternate representative
 57 _____ of the community-at-large shall be twenty-five (25)
 58 _____ years of age or older.

59 (b) *Appointment.* PFSC members and alternates shall be appointed by the
 60 _____ Oneida Business Committee in accordance with the Boards, Committees
 61 _____ and Commissions law. Each member and alternate shall remain in office as
 62 _____ follows:

63 (1) If his or her term has expired, until a successor has been sworn in by
 64 _____ the Oneida Business Committee;

65 (2) Until his or her resignation; or

66 (A) A member or alternate may resign any time verbally at a
 67 _____ meeting or by delivering written notice to the Oneida
 68 _____ Business Committee Support Office and PFSC Chairperson
 69 _____ or the Chairperson's designee. The resignation is effective
 70 _____ upon acceptance by motion of a member's or

71 ~~resolution~~alternate's verbal resignation or upon
 72 ~~delivery~~ of the written notices.

73 (3) Until his or her appointment is terminated in accordance with the
 74 _____ Boards, Committees and Commissions law.

75 (c) *Vacancies.* Vacancies for any reason, whether caused by term expiration,
 76 _____ death, termination or resignation, shall be filled in accordance with the
 77 _____ Boards, Committees and Commissions law for the remainder of the term.

78 (1) The PFSC's Chairperson shall provide the Oneida Business
 79 _____ Committee- recommendations on all applications for appointment
 80 by the executive session in which the appointment is intended to be
 81 _____ made.

82 (a) (d) *Qualifications.* PFSC members ~~shall include~~and alternates shall meet
 83 the following _____ qualifications:

84 A (1) The PFSC member and alternate representative from the Oneida
 85 _____ Police Department, ~~recommended in writing by the~~ shall:

86 (A) Be an enrolled member of the Oneida Nation; and

87 ~~(1)~~ (B) Have a written recommendation from the Chief of
88 ~~Police, including two (2) alternates, submitted for~~ appointment to
89 ~~the Tribal Secretary; PFSC.~~

90 A (2) The PFSC member and alternate representative from the Oneida
91 Social Services Department, recommended in writing by Division
92 shall:

93 (A) Be an enrolled member of the Oneida Nation; and
94 ~~(2)~~ (B) Have a written recommendation from the Division
95 Director for the Governmental Services Division,
96 ~~including two (2) alternates, submitted to the Tribal Secretary; and for appointment to~~
97 the PFSC.

98 ~~(3) Three~~ (3) The PFSC member and alternate representatives from the
99 ~~Oneida~~ community-at-large, including
100 ~~three (3) alternates. shall:~~

101 At least (A) Be an enrolled member of the Oneida Nation;

102 (B) Reside in Brown or Outagamie County;

103 (A) (C) For one (1) community at large representative member
104 and one (1) alternate shall, be at least twenty -five (25) years of age,
105 and for the other one (1) member and one (1) alternate, be an
106 elder over the age of fifty-five (55) years of age or
107 older; and

108 ~~(B) Preference for community at large representatives shall be given to Tribal~~
109 ~~members with a background in social services, probation/parole, law~~
110 ~~enforcement, legal services, public policy and similar fields.~~

111 ~~(b) Alternates. If a PFSC member is absent or unable to participate in a meeting due to a conflict~~
112 ~~of interest, an alternate may serve in his or her place, provided that the alternate does not~~
113 ~~have a conflict of interest.~~

114 ~~(c) How Vacancies are Filled. In case of a vacancy for any reason, including death, removal or~~
115 ~~resignation, the vacancy shall be filled in accordance with 1.4(a), for the remainder of the term.~~

116 (D) Pass a background check.

117
118 ~~(d) 1-6. Termination. Termination of PFSC members' appointments shall be terminated~~
119 ~~in accordance with Section 6-5 of the Comprehensive Policy Governing Boards, Committees and~~
120 ~~Commissions.~~

121 ~~(e) 2-5. Resignations. The resignation of a A PFSC member is effective upon:~~

122 ~~(1) Deliverance of a letter of resignation to the PFSC Chairperson, or designee, in~~
123 ~~accordance with Section 5-2(c)(1) of the Comprehensive Policy Governing Boards,~~
124 ~~Committees and Commissions; alternate may have his or~~

125 ~~(2) In the event of a verbal resignation, the resignation is effective upon the PFSC's passage of a~~
126 ~~motion to accept such resignation, her appointment terminated~~ in
127 ~~accordance with Section 5-2(c)(2) of the Comprehensive Policy Governing Boards, Committees~~
128 ~~and Commissions law.~~

129 ~~1-5. Purpose and Mission. The purpose and mission of the PFSC is to provide a fair, efficient and formal~~
130 ~~process for considering pardons and forgiveness.~~

131 (a) In addition to any of the causes for termination already identified within the
132 laws and policies of the Nation, a violation of these bylaws may result in
133 the PFSC making a recommendation to the Oneida Business Committee for
134 the termination of a member's or alternate's appointment.

135 (1) Recommendations to the Oneida Business Committee for
136 termination of a PFSC member's or alternate's appointment must be
137 determined by a majority vote of the members or their alternates in
138 attendance at a PFSC meeting of an established quorum.

139
140 1-7. *Trainings and Conferences.* None required.

141
142 **Article II. -Officers**

143 2-1.-*Officers.-* The PFSC shall have two (2) ~~officers~~Officers: Chairperson and Vice-
144 Chairperson.

145 ~~2-2.-*Duties of the Chairperson.* The PFSC Chairperson shall:~~

146 Preside at 2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of
147 the PFSC Chairperson shall be as follows:

148 (a) Call and preside over all meetings and hearings of the PFSC;

149 (b) Along with the Oneida Business Committee Support Office, provide notice
150 of regular meetings, emergency meetings and hearings of the PFSC in
151 accordance with the Boards, Committees and Commissions law, the Pardon
152 and Forgiveness law, and the Open Records and Open Meetings law;

153 (c) Forward, or through a designee have forwarded, the notice of meeting
154 locations, agendas, materials and minutes in accordance with these bylaws
155 and the Open Records and Open Meetings law;

156 (d) Along with the Oneida Business Committee Support Office, submit annual
157 and semi-annual reports to the Oneida General Tribal Council and submit
158 quarterly reports to the Oneida Business Committee in accordance with the
159 Boards, Committees and Commissions law;

160 (e) Attend, or designate a PFSC member to attend, the Oneida Business
161 Committee meeting in which the PFSC's quarterly report appears on the
162 agenda;

163 ~~(b)~~(f) Draft and sign recommendations of the PFSC;

164 ~~(e)~~(g) Submit applicant recommendations to fill vacancies to the Tribal
165 SecretaryOneida Business Committee for consideration ~~by the Oneida Business~~
166 Committee; and

167 ~~(d) Record meeting minutes in accordance with section 4-2 or delegate the responsibility;~~
168 and

169 ~~(e)~~(h) Other Perform all other duties as assigned by the PFSC majority vote of the
170 members/ alternates in attendance at a PFSC meeting of an established
171 quorum.

173 2-3. ~~Duties Responsibilities~~ of the Vice-Chairperson. ~~The responsibilities, duties and~~
 174 ~~limitations of the~~ PFSC Vice-Chairperson shall be as follows:

175 ~~(a)~~ In the absence or incapacity of the PFSC Chairperson, the PFSC Vice-
 176 ~~Chairperson shall perform the duties of the PFSC Chairperson.~~

177
 178 2-4. ~~How Chosen Selection of Officers.~~ The PFSC shall elect ~~officer~~ Officer positions at the
 179 first duly called PFSC _____ meeting.

180 ~~(a)~~ The ~~officer~~ Officer positions shall be chosen by majority vote of ~~all PFSC the~~
 181 members ~~or~~ _____ their alternates in attendance at the PFSC
 182 meeting. ~~Said of an established quorum.~~

183 ~~(b)~~ The vote shall be made part of the PFSC record.

184 ~~(a) Length of Term. The term of office for a PFSC officer shall coincide with his or her term on the~~
 185 ~~PFSC.~~

186 ~~(c)~~ PFSC Officers may hold only (1) Officer ~~Vacancy. In the event of a vacancy~~
 187 ~~in an officer position, the PFSC shall vote to elect, for the remainder of the term, a new officer at~~
 188 ~~a duly called PFSC meeting. The officer any one (1) time.~~

189 ~~(b)~~ ~~(d)~~ PFSC Officers may be dismissed from their Officer position ~~shall be~~
 190 ~~elected~~ by majority _____ vote of ~~all present PFSC the~~ members ~~or~~
 191 ~~their alternates in attendance at a PFSC meeting of~~ _____ ~~an established quorum.~~

192
 193 2-5. ~~Tribal Secretary's Office. The Tribal Secretary's~~ Personnel. The PFSC shall not have
 194 ~~authority to hire personnel for the benefit of the~~ PFSC.

195 ~~(a)~~ The Oneida Business Committee Support Office shall assist the PFSC ~~as set~~
 196 ~~out on~~ _____ behalf of the Tribal Secretary and in accordance with the
 197 Pardon and _____ Forgiveness ~~law law~~ with fulfilling the
 198 ~~following administrative duties in~~ _____ ~~accordance with these~~
 199 ~~bylaws and the governing law:~~

200 ~~(1)~~ Keeping minutes of the PFSC meetings;

201 ~~(2)~~ Along with the Chairperson, providing notice of regular meetings,
 202 _____ emergency meetings and hearings of the PFSC;

203 ~~(3)~~ Acting as custodian of the records;

204 ~~(4)~~ Attending to all correspondence and presenting to the PFSC all
 205 _____ official communications received by the PFSC;

206 ~~(5)~~ Along with the Chairperson, submitting annual and semi-annual
 207 _____ reports to the Oneida General Tribal Council and submitting
 208 _____ quarterly reports to the Oneida Business Committee in accordance
 209 _____ with the Boards, Committees and Commissions law; and

210 ~~(6)~~ Administering the PFSC budget.

211
 212 2-6. ~~Budgetary Sign-Off Authority and Travel.~~ The PFSC shall follow the Nation's policies and
 213 ~~procedures regarding purchasing and sign-off authority.~~

214 ~~(a)~~ Levels of budgetary sign-off authority for the PFSC shall be as set forth
 215 ~~in the manual titled, Oneida Tribe of Indians of Wisconsin Purchasing~~
 216 ~~Policies and Procedures, for Area Directors/Enterprise Directors.~~

(1) All PFSC Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:

(A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.

(b) The PFSC shall approve a member's or alternate's request to travel on behalf of the PFSC by majority vote of the members or their alternates present at a regular or emergency PFSC meeting of an established quorum.

Article III. Meetings

~~3-1. Regular Meetings.~~ With the assistance of the Tribal Secretary, the PFSC shall schedule quarterly meetings.

~~(a) The meeting dates, time and location may change from time to time, as determined by the PFSC, with at least twenty four (24) hour notice, but shall be within the Reservation boundaries unless notified to the PFSC membership prior to designating the meeting location.~~

~~3-1. Regular Meetings.~~ Regular meetings shall occur on a quarterly basis and be held on the third Monday of the month each quarter at the Norbert Hill Center located in Oneida, Wisconsin, commencing at 10:00 a.m.

(a) The regular meeting date, time and/or place may be reviewed by the PFSC from time-to-time and changed as determined necessary by a majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum so long as advance notice is provided to all members in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law prior to the implementation of a new date, time and/or location.

(b) Notice of meeting location, agenda, ~~and~~ materials and minutes shall be forwarded by the Chairperson ~~with the assistance of the Tribal Secretary's Office~~ or the Chairperson's designee to all PFSC members in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law.

(c) Meetings shall be run in accordance with Robert's Rules of Order or another method approved by the Oneida Business Committee.

~~3-2.(c) PFSC 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. More than two (2) unexcused absences may result in termination.~~

~~3-2. Special Meetings.~~ Special Emergency Meetings. Emergency meetings shall only be called when time sensitive issues require immediate action.

(a) Emergency meetings of the PFSC may be called by ~~a majority vote of the PFSC~~ the Chairperson or upon written request of any two (2) PFSC members.

258 ~~(a) Special meetings shall address a specific purpose(s) and convene at a time outside of the~~
259 ~~regularly scheduled quarterly meeting time.~~

260 ~~(a) Special meetings shall require a written notice to each member of the PFSC at least~~
261 ~~twenty-four (24) hours prior to the meeting start time.~~

262 ~~3-3. (b) Notice of the meeting location, agenda and materials shall be forwarded by~~
263 ~~the Chairperson or Chairperson's designee to all PFSC members by~~
264 ~~telephone call, as well as in writing, and, along with the public, in~~
265 ~~accordance with the Nation's Open Records and Open Meetings law.~~

266 ~~(c) Within seventy-two (72) hours after an emergency meeting, the PFSC shall~~
267 ~~provide the Nation's Secretary with notice of the emergency meeting, the~~
268 ~~reason for the emergency meeting, and an explanation of why the matter~~
269 ~~could not wait for a regular meeting.~~

271 ~~3-3. Joint Meetings. Joint meetings between the PFSC and the Oneida Business Committee~~
272 ~~shall not be held.~~

274 ~~3-4. Hearings. Hearings shall be held in accordance with the Pardon and Forgiveness law.~~

276 ~~3-5. Quorum. A quorum shall consist of at least three (3) PFSC members or their alternates~~
277 ~~and shall include the Chairperson or Vice-Chairperson.~~

278 ~~(a) The alternate will assume the role of the member that he or she is replacing,~~
279 ~~including the Chairperson and/or Vice-Chairperson.~~

281 ~~3-4-6. Order of Business. The agendas for the regular meetings of the PFSC shall contain follow~~
282 ~~the order of business as follows set out herein:~~

283 ~~(a) Call to Order and~~

284 ~~(b) Adopt the Agenda~~

285 ~~(a) (c) Approval of the Agenda Previous Minutes~~

286 ~~(b) Current (d) Old Business~~

287 ~~(c) Recess/Adjourn~~

288 ~~(e) New Business~~

289 ~~(f) Executive Session~~

290 ~~(g) Adjournment~~

292 ~~3-5-7. Voting. Voting Decisions of the PFSC shall be in accordance with simple by~~
293 ~~majority vote of the PFSC members present or their alternates in~~
294 ~~attendance at a duly called PFSC meeting.~~

295 ~~3-6. Stipends. The community at large PFSC members shall be paid a stipend for each meeting which has~~
296 ~~or hearing of an established a quorum.~~

297 ~~(a) The Chairperson, or Vice-Chairperson when presiding in the amount~~
298 ~~specified according to lieu of the Comprehensive Policy Governing Chair-~~
299 ~~person, shall not be allowed to vote unless a tie needs to be broken.~~

(b) E-polls are permissible so long as conducted in accordance with the Boards, Committees and Commissions—~~One~~ law.

(1) The Vice-Chairperson shall serve as the Chairperson's designee for the responsibility of conducting an e-poll in the Chairperson's absence or discretion.

Article IV. ~~stipend shall be paid for~~ Expectations

4-1. Behavior of Members. PFSC members and alternates 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) Kahletsyal&sla. The heart felt encouragement of the best in each ~~quarterly~~ of us.

(b) Kanolukhwásla. Compassion, caring, identity, and joy of being.

(c) Ka'nikuhli·yó. The openness of the good spirit and mind.

(d) Ka'tshatstásla. The strength of belief and vision as a People.

(e) Kalihwi·yó. The use of the good words about ourselves, our Nation, and our future.

(f) TwahwahtsílawayΛ. All of us are family.

(g) YukwatsístayΛ. Our fire, our spirit within each one of us.

(1) A failure by a member or alternate to act in accordance with this or any other section of these bylaws and/or any governing laws of the Nation may be cause for:

(A) The PFSC to recommend to the Oneida Business Committee that it terminate his or her appointment in accordance with the Boards, Committees and Commissions law; and/or

(B) The PFSC taking disciplinary action against him or her in accordance with any law or policy of the Nation providing sanctions and/or penalties for appointed officials.

(2) Recommendations to the Oneida Business Committee for termination of a PFSC member's or alternate's appointment must be determined by a majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum.

4-2. Prohibition of Violence. Intentionally violent acts committed by a member or alternate of the PFSC that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, during a meeting ~~which consists of:~~ or when acting in an official capacity are strictly prohibited and grounds for an immediate recommendation for termination of appointment from the PFSC and/or the imposition of sanctions and/or penalties according to laws and of the Nation as determined by majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum.

343 4-3. *Drug and Alcohol Use.* Use of alcohol and illegal drugs by members or alternates of the
 344 PFSC when acting in their official capacity is strictly prohibited.

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

351
 352 4-4. *Social Media.* PFSC members and alternates shall use social media in accordance with
 353 their Oath of Office and the Nation's Social Media Policy.

354 (a) PFSC members and alternates shall further refrain from posting, attaching
 355 or writing anything relating to PFSC business or activities on any social
 356 media outlet.

357 (1) Posting notices of meetings, public hearings, and/or cancellations on
 358 social media outlets is acceptable.

359
 360 4-5. *Conflict of Interest.* PFSC members and alternates shall abide by all laws of the Nation
 361 governing conflicts of interest. PFSC members and alternates must submit
 362 a Conflict of Interest Disclosure form upon Oath of Office and annually.

363
 364 (a) ~~Article V. Pre public hearing meeting to deliberate the files;~~
 365 (b) ~~Public hearing; and~~
 366 (c) ~~Post public hearing meeting to make a decision/recommendation.~~

367 ~~Article IV. Stipends and Compensation~~

368 5-1. *Stipends.* Stipend eligibility shall be governed by these bylaws; the Boards,
 369 Committees and Commissions law; resolution BC-05-08-19-B titled,
 370 Amending Resolution BC-09-26-18-D Boards, Committees and
 371 Commissions Law Stipends, as may be further amended from time-to-time
 372 hereafter; and as follows:

373
 374 (a) Community-at-large PFSC members and alternates shall be paid one (1)
 375 monthly meeting stipend.

376 (b) Community-at-large PFSC members and alternates shall be paid a stipend
 377 for conducting an official hearing of the PFSC.

378 (c) Member and alternate representatives from the Oneida Police Department
 379 and the Oneida Social Services Department shall not collect stipends despite
 380 their eligibility.

381
 382 5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement
 383 authorized by the Boards, Committees and Commissions law, PFSC
 384 members and alternates are not eligible for any other type of compensation
 385 for duties/activities they perform on behalf of the PFSC.

386 Article VI. Records and Reporting

388 ~~46-1. *Format.* Agenda items~~Items. Agendas shall be maintained in ~~an identified~~a format approved
 389 by the Oneida Business Committee Support Office.

390 4

391 ~~6-2. *Minutes.* Minutes.~~ PFSC minutes shall be typed ~~and~~ in a ~~consistent~~ format
 392 ~~designed~~approved by the Oneida Business Committee Support Office to
 393 generate the most informative record of the ~~PFSC meetings~~
 394 meeting, including, but not limited to, showing a summary of the action
 395 taken by the PFSC.

396 ~~(a) All minutes shall be submitted to the Tribal Secretary's Office within thirty (30) calendar days~~
 397 ~~after approval by the PFSC.~~

398 ~~(b) Copies of the minutes shall be available for review and copy in accordance with the Open~~
 399 ~~Records and Open Meetings Law.~~

400 4 (a) When minutes are not taken by the Oneida Business Committee Support
 401 Office or if the PFSC requires approval of the minutes in advance thereof,
 402 the PFSC shall submit minutes to the Oneida Business Committee Support
 403 Office within thirty (30) days of the PFSC's meeting or receipt of the
 404 minutes for approval.

405

406 ~~6-3. *Backup.* Attachments.~~ Handouts, ~~reports~~attachments, memoranda, and the like ~~may~~shall be
 407 attached to the corresponding meeting minutes and agenda, ~~or may~~
 408 ~~be.~~

409 (a) Agendas, minutes and attachments shall be kept separately, provided that all
 410 materials can be identified to the meeting in which they were presented.

411 ~~4-4. *Reporting.* The PFSC shall not be subject to the quarterly reporting requirements to the Oneida~~
 412 ~~Business Committee.~~

413

414 **Article V. Amendments**

415 ~~5-1. *Amendments to Bylaws.* The PFSC may amend the Bylaws upon approval of the PFSC at a regularly~~
 416 ~~scheduled meeting and with subsequent approval of the Oneida Business Committee.~~

417

418 ~~PFSC Approval Date of July 1, 2014~~

419

420 electronically by the Oneida Business Committee ~~Approval Date of~~
 421 August 13, 2014Support Office.

422

423 6-4. *Oneida Business Committee Liaison.* The PFSC shall regularly communicate with the
 424 Oneida Business Committee member who is its designated liaison.

425 (a) The frequency and method of communication shall be as agreed upon by
 426 the PFSC and the liaison, but no less than that required in any law or policy
 427 on reporting developed by the Oneida Business Committee or Oneida
 428 General Tribal Council.

429 (b) The purpose of the liaison relationship is to uphold the ability of the liaison
 430 to act as a support to the PFSC.

431
 432 6-5. *Audio Recordings.* All meetings and hearings of the PFSC shall be audio recorded by the
 433 Oneida Business Committee Support Office using a device supplied by
 434 either the Oneida Business Committee Support Office or the PFSC.

435 (a) Audio recordings of the PFSC meetings shall be maintained by the Oneida
 436 Business Committee Support Office.

437 (b) *Exception.* Audio recordings of executive session portions of a meeting or
 438 hearing shall not be required.

439
 440 **Article VII. Amendments**

441
 442
 443
 444 ~~Victoria Deer, Chairperson~~ ~~Patricia Hoeft, Tribal Secretary~~

445 ~~Pardon and Forgiveness Screening Committee~~ ~~Oneida Business Committee~~ 7-1. *Amendments.*

446 Upon written notice, the PFSC may amend these bylaws by a majority vote
 447 of the members or their alternates in attendance at a PFSC meeting of an
 448 established quorum.

449 (a) Amendments to these bylaws shall conform to the requirements of the
 450 Boards, Committees and Commissions law and any other governing
 451 policies of the Nation.

452 (b) Amendments to these bylaws shall be approved by the Oneida Business
 453 Committee prior to implementation.

454 (c) The PFSC shall review these bylaws no less than on an annual basis.

455
 456
 457
 458
 459
 460 [SIGNATURE BLOCK FOR APPROVAL OF PFSC AND OBC]



Legislative Operating Committee
October 2, 2019

Oneida Gaming Commission ByLaws Amendments

Submission Date: 10/3/18	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 105.10-1(a) 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 Gaming By-Laws Amendments to the active files list; Seconded by Kirby Metoxen. Motion carried.

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 (OBCSO), Bonnie Pigman (OTEC), Chad Wilson (ERB), Dylan Benton (OTEC/Library), Chris Cornelius (OLC). Per resolution BC-09-26-18-C, adopting amendments to the Comprehensive Policy Governing Boards, Committees and Commissions (n/k/a 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 & Pow-wow), 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 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 second of the two informational meetings.

11/13/18: *OGC Meeting.* Present: Maureen Perkins, Kristen Hooker, Mark Powless, Matthew Denny. The purpose of this meeting was to present the OGC with a brief overview of the amendments that must be made to its bylaws in order to comply with the recently adopted Boards, Committees and Commissions law because no representative from the OGC was able to attend either of the Informational Meetings that were hosted by the LRO during the previous month.

1/31/19: *LOC Work Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, David P. Jordan, Daniel Guzman-King, Kirby Metoxen, Jennifer Webster. The purpose of this meeting was to discuss the progress, in general, of the Nation's boards, committees and commissions on getting their bylaws amended and their likelihood of meeting the March 26, 2019 deadline set forth in resolution BC-09-26-18-C to present their bylaws to the Oneida Business Committee for adoption. Based on the discussion, a decision was made to have the LOC draft a memorandum to the Oneida Business Committee seeking an extension of the March 26, 2019 deadline for all boards, committees and commissions to present their bylaws amendments to the Oneida Business Committee for adoption.

2/6/19 LOC: Motion by Jennifer Webster to approve the memorandum from Chairman David P. Jordan to the Oneida Business Committee seeking an extension of the March 26, 2019 bylaws amendments deadline and to forward the memorandum to the Oneida Business Committee to be placed on the February 13, 2019 Oneida Business Committee meeting agenda for consideration; Seconded by Kirby Metoxen. Motion carried.

2/22/19: *OBC Work Session.* Present: Jennifer Falck, Kristen M. Hooker, Lisa Summers, Daniel Guzman-King, Jennifer Webster, Tehassi Hill, Brandon Stevens, Trish King, David P. Jordan, Kirby Metoxen. The purpose of this meeting was to discuss the February 13, 2019 memo from the LOC Chairman to the OBC regarding Amendments to Boards, Committees and Commissions By-Laws Timeline in which it requested an extension of the deadline for submitting bylaws to the OBC for adoption. During the

meeting, the LRO Staff Attorney assigned this item provided a status update on the progress of the boards, committees and commissions on the amending of their bylaws to comply with the Boards, Committees and Commissions law within the six (6) month deadline imposed by resolution BC-09-26-18-C. The OBC decided not to grant an extension of the six (6) month deadline. Instead, the OBC directed the LRO to continue pushing the bylaws forward and to return to the March 19, 2019 OBC work session to provide a progress report on the boards, committees and commissions' bylaws amendments.

2/25/19: *LOC Work Meeting.* Present: Maureen Perkins, Kirby Metoxen, Daniel Guzman-King, Jennifer Webster, David P. Jordan, Ernest Stevens III, Kristen M. Hooker. The purpose of this meeting was to go through the draft of the Oneida Gaming Commission's proposed bylaws amendments that were finalized following a review by the LRO Staff Attorney and submitted for a legislative analysis in accordance with the Boards, Committees and Commissions law/adopting resolution BC-09-26-18-C.

3/14/19: *LOC Work Meeting.* Present: Kirby Metoxen, David P. Jordan, Jennifer Webster, Ernest Stevens III, Lisa Summers, Kristen M. Hooker, Clorissa Santiago, Jennifer Falck, Maureen Perkins. The purpose of this work meeting was to discuss the portion of the 3/13/19 OBC Meeting relating the bylaws amendments that were on the agenda and OBC's directive to now have all bylaws amendments reviewed by the OBC during a work session before being added to an OBC Meeting agenda for consideration and possible adoption. The next step is for the LRO drafting attorney to attend the OBC work session on March 19, 2019 to discuss further.

3/19/19: *OBC Work Session.* Present: Lisa Summers, Patricia King, Brandon Stevens, David P. Jordan, Daniel Guzman-King, Jo Anne House, Jennifer Falck, Clorissa Santiago, Kristen M. Hooker, Lisa Liggins, Cathy Bachhuber. The purpose of this OBC work session was for the Legislative Reference Office Staff Attorney to provide the OBC with a status update on the progress made by the boards, committees and commissions on the amending of their bylaws to conform to the Boards, Committees and Commissions law. In addition, per an OBC directive during its meeting of March 13, 2019, an additional step was included in the bylaws adoption process that requires proposed drafts to be reviewed by the OBC during a work session prior to being placed on the OBC agenda for formal presentation and possible adoption. Consequently, the purpose of this work session was also to go through the Oneida Gaming Commission's proposed bylaws amendments to consider the policy issues flagged by the LOC during a previous work meeting.

Based on the general progress update, the OBC: (1) decided to grant an exception to the March 26, 2019 deadline set forth in resolution BC-09-26-19-C for the Nation's boards, committees and commissions to present their bylaws to the OBC for adoption; and (2) directed the LRO to draft a memo for the next LOC meeting to be forwarded to the OBC indicating the same.

Following the OBC's review of the Oneida Gaming Commission's proposed bylaws amendments, a decision was made to: (1) set sign-off authority to the level specifically assigned the OGC in the Nation's purchasing/policies manual; (2) apply the Open

Records and Open Meetings law to the OGC; and (3) add the language in the Oneida Personnel Committee bylaws regarding Pro Tems to the Pro Tem section of the OGC's bylaws.

**During its review of OGC's proposed bylaws amendments, the OBC decided to add the following requirements to all of the boards, committees and commissions' bylaws amendments: (1) that, the recommendations for termination be by a majority vote of the members in attendance at a meeting of the entity's established quorum; (2) that, notice of meetings be provided to all members of the entity without exception (per request of LOC that all meetings be duly called); (3) that, the sign-off level for all entities, not assigned a specific level therein, be the same as the Area Director/Enterprise Director level set forth in the Nation's purchasing manual, and that, two (2) of the entity's Officers be required to sign-off on all such purchases; (4) that, under the "Selection of Officers" section, a provision be added (as its own separate subsection) to allow members to be dismissed (not removed as initially proposed) from their Officer positions by a simple majority vote of the entity; (5) that, the entities review their bylaws each time a vacancy is filled by a new member; (6) that, stipend amounts not be listed in the entity's bylaws; and (7) that, assuming its adoption, the resolution governing joint meetings be referenced in the joint meeting section of the entity's bylaws.*

3/20/19 LOC: Motion by Ernest Stevens III to approve the Boards, Committees and Commissions Bylaws Update Memo and forward to the Oneida Business Committee; Seconded by Daniel Guzman-King. Motion carried.

3/27/19 OBC: Motion by Lisa Summers to grant the seventeen (17) entities that have begun the process of amending their bylaws to conform to the Boards, Committees and Commissions law, an exception to the March 26, 2019, deadline set forth in resolution BC-09-26-18-C for presenting bylaws amendments to the Business Committee for adoption; Seconded by David P. Jordan. Motion carried.

4/16/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jo Anne House, Lisa Liggins, Kristen M. Hooker, Clorissa Santiago. The purpose of this OBC work session was to review the Election Board's bylaws amendments. During this meeting, the OBC also decided that all boards, committees and commissions must add the word "titled" next to the name of the purchasing manual they are required to reference in the "sign-off" section of their bylaws to provide clarification on why the term "Oneida Tribe of Indians" is being used instead of the "Nation".

5/1/19: *LOC Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Kristen M. Hooker, Brandon Wisneski, Jennifer Falck, Clorissa Santiago, Maureen Perkins. The purpose of this meeting was to discuss some of the hurdles the LRO has encountered under the current bylaws amendments process and to consider whether a more efficient process should be implemented to get the Nation's boards, committees and commissions' bylaws amendments before the Oneida Business Committee for adoption.

7/29/19-7/30/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens (7/29 only), Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Tehassi Hill (7/29 only), Kristen Hooker, Jennifer Falck, Maureen Perkins, Brooke Doxtator, Laura Laitinen-Warren. The purpose of this work session was to provide the OBC an opportunity to review and consider all drafts of the Boards, Committees and Commissions' bylaws amendments in advance of being added to the OBC agenda for formal consideration and possible adoption.

Next Steps:

- Accept the Oneida Gaming Commission's Bylaws Amendments.
- Forward the Oneida Gaming Commission's Bylaws Amendments to the Oneida Business Committee for consideration.

ONEIDA GAMING COMMISSION BYLAWS

Article I. Authority

1-1. *Name.* The name of this entity shall be the Oneida Gaming Commission and may be referred to, interchangeably, as the Commission or OGC.

1-2. *Establishment.* The Oneida Gaming Commission was officially established by the Oneida Nation Gaming Ordinance, which was adopted by the Oneida General Tribal Council through resolution GTC-07-05-04-A and amended by resolutions BC-10-06-04-D, BC-3-23-05-C, BC-9-23-09-D, BC-06-25-14-B and BC-09-09-15-A.

1-3. *Authority.*

(a) *Purpose.* The Oneida Gaming Commission was established for the purpose of protecting the assets and integrity of Oneida Gaming through regulatory oversight of all Gaming Activities within the jurisdiction of the Nation.

(b) *Powers and Duties.* The Commission has all the authority delegated to it by the laws, policies, rules and resolutions of the Nation, including, but not limited to, the authority and responsibility the Oneida Business Committee delegated to the Commission through the Oneida Nation Gaming Ordinance (“ONGO”) set forth in Title 5 of the Oneida Code of Laws for the regulation of Gaming Activities, Gaming Operations, Gaming Operators, Gaming Employees, Gaming Facilities, Gaming Services, and the enforcement of the laws and regulations as set forth, defined and more fully identified within ONGO

1-4. *Office.* The Oneida Gaming Commission shall maintain its office and principal place of business within the Reservation. The OGC’s official address is:
Oneida Gaming Commission
P.O. Box 79
Oneida, WI 54155

1-5. *Membership.*

(a) *Number of Members.* The OGC shall be comprised of four (4) full-time Commissioners.

(1) *Pro Tem Commissioners.* The OGC shall create and maintain standard operating procedures to govern the selection and eligibility of its Pro Tem Commissioners.

(A) All standard operating procedures of the OGC must be filed with the Oneida Business Committee Support Office in accordance with the Boards, Committees and Commissions law.

(B) An exclusive list of Pro Tem Commissioners shall be maintained by the OGC Investigations and License Department.

- 46 (b) *Elected.* Commissioners of the OGC shall be elected in accordance with the
47 laws and/or policies of the Nation governing elections.
48 (1) Commissioners shall serve staggered terms of five (5) years.
49 (2) Each Commissioner shall hold office until his or her term expires,
50 he or she resigns, or he or she is removed/terminated from office
51 pursuant to any law and/or policy of the Nation governing the
52 removal of elected and/or termination of appointed officials.
53 (A) Although a Commissioner's term has expired, he or she shall
54 remain in office and serve until a successor has been sworn
55 in by the Oneida Business Committee.
56 (B) A Commissioner may resign at any time verbally at a
57 meeting or by delivering written notice to the Oneida
58 Business Committee Support Office and the OGC's
59 Chairperson or Chairperson's designee. The resignation is
60 effective upon acceptance by motion of a Commissioner's
61 verbal resignation or upon delivery of the written notices.
- 62 (c) *Vacancies.* Vacancies on the Commission shall be filled as follows:
63 (1) *Expired Terms.* Vacancies caused by the expiration of a
64 Commissioner's term shall be filled by election in accordance with
65 the laws and/or policies of the Nation governing elections.
66 (2) *Unexpired Terms.* Vacancies in unexpired terms of office, however
67 caused, shall be filled by appointment by the Oneida Business
68 Committee of a person, who qualifies under ONGO and these
69 bylaws, in accordance with the Boards, Committees and
70 Commissions law for the remainder of the unexpired term.
71 (A) The Chairperson of the OGC shall provide the Oneida
72 Business Committee recommendations on all applications
73 for appointment by the executive session in which the
74 appointment is intended to be made.
- 75 (d) *Qualifications of Members.* Commissioners of the OGC shall meet the
76 following qualifications:
77 (1) Be at least twenty-one (21) years of age on the day of the election or
78 on the day of appointment; AND
79 (2) Candidates for election shall meet the following qualifications
80 within five (5) business days after a caucus, and candidates for
81 appointment shall meet the following qualifications on the day of
82 appointment:
83 (A) Be an enrolled member of the Nation;
84 (B) Have a minimum of three (3) years of education experience,
85 employment experience and/or regulatory experience in
86 Gaming Operations related to Gaming Activity, Gaming
87 law, Gaming control or regulation, or Gaming accounting or
88 of any combination of the foregoing; and
89 (C) Meet all other qualifications set forth in ONGO.
90

- 91 1-6. *Termination or Removal.* If a Commissioner violates these bylaws; ONGO; or any of the
92 laws, policies, compacts or regulations referenced within ONGO, the OGC
93 may:
94 (a) If the Commissioner was elected, file a petition for his or her removal in
95 accordance with the Removal law or any other laws and/or policies of the
96 Nation governing the removal of elected officials from office.
97 (b) If the Commissioner was appointed, make a recommendation to the
98 Oneida Business Committee for termination of his or her appointment in
99 accordance with the Boards, Committees and Commissions law or any other
100 laws and/or policies of the Nation governing the termination of appointed
101 officials from office.
102 (c) The filing of a petition for removal or submission of a recommendation for
103 termination shall be decided by a majority vote of the Commissioners in
104 attendance at an OGC meeting of an established quorum.
105

- 106 1-7. *Trainings and Conferences.* Commissioners shall be required to attend at least one (1)
107 regulatory training event per year and further attend any trainings and/or
108 conferences in accordance with the OGC-approved Travel Guidelines.
109 (a) Commissioners shall keep updated on all regulatory matters, new and
110 upcoming.
111

112 **Article II. Officers**

- 113 2-1. *Officers.* The Officer positions of the Commission shall consist of a Chairperson, a
114 Vice-Chairperson and a Secretary.
115

- 116 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the
117 Chairperson shall be as follows:
118 (a) To call and preside over all official meetings of the OGC.
119 (b) To sign all official correspondence of the OGC.
120 (c) To be the official contact person to the Oneida Business Committee, State
121 of Wisconsin and any federal agencies.
122 (d) To be responsible for the daily supervision of the Executive Director.
123 (e) To make recommendations for appointments to fill vacancies to the Oneida
124 Business Committee in accordance with the Boards, Committees and
125 Commissions law.
126 (f) To, in conjunction with the Secretary or Secretary's designee, submit
127 quarterly reports to the Oneida Business Committee and submit annual and
128 semi-annual reports to the Oneida General Tribal Council in accordance
129 with the Boards, Committees and Commissions law, and shall further attend
130 or designate a Commissioner to attend the Oneida Business Committee
131 meeting where the OGC's quarterly report appears on the agenda.
132 (g) To see that all duties and responsibilities assigned to the OGC under ONGO
133 are appropriately carried out.
134

- 135 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the
136 Vice-Chairperson shall be as follows:

137 (a) In the absence of, incapacity of, or conflict of the Chairperson, the Vice-
138 Chairperson shall perform the duties of the Chairperson.
139

140 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the
141 Secretary shall be as follows:

142 (a) To act as custodian of records for the OGC and maintain those records in
143 accordance with ONGO and the Nation’s Open Records and Open Meetings
144 law.

145 (b) To perform all duties incident to the office of the Secretary, including, but
146 not limited to:

147 (1) Ensuring personally or through delegation to appropriate staff that
148 minutes of meetings are formatted and maintained; that meeting
149 agendas, including any attachments, are prepared and maintained;
150 and that meetings of the OGC, along with their related agendas,
151 documents, minutes and attachments, are noticed and recorded, all
152 in compliance with these bylaws and the Boards, Committees and
153 Commissions law.

154 (2) Submitting or ensuring the submission of approved minutes of any
155 regular or emergency meeting to the Oneida Business Committee
156 Support Office and the Tribal Secretary’s Office within thirty (30)
157 days of their approval.

158 (3) Assisting the Chairperson in submitting quarterly reports to the
159 Oneida Business Committee and submitting annual and semi-annual
160 reports to the Oneida General Tribal Council in accordance with the
161 Boards, Committees and Commissions law.

162 (c) In the event that both the Chairperson and Vice-Chairperson positions
163 become vacant before the end of their terms, to call meetings of the OGC to
164 fill vacancies and to preside over those meetings for the sole purpose of
165 conducting an election of new Officers, at which point the Chairperson, or
166 Vice-Chairperson in lieu of the Chairperson, shall preside.
167

168 2-5. *Selection of Officers.* Within thirty (30) days of the swearing in of each new Commissioner,
169 the OGC shall hold a regular meeting to elect, by a majority vote of the
170 Commissioners in attendance at the meeting of an established quorum, a
171 Chairperson, a Vice-Chairperson and a Secretary for terms of one (1) year.

172 (a) In the event of an Officer vacancy, a successor shall be elected by a majority
173 vote of the Commissioners in attendance at an OGC meeting of an
174 established quorum to complete the duration of the unexpired term.

175 (b) A Commissioner may be dismissed from his or her Officer position by a
176 majority vote of the Commissioners in attendance at an OGC meeting of an
177 established quorum.

178 (c) Officers may hold only one (1) Officer position per Officer term.
179

180 2-6. *Budgetary Sign-Off Authority and Travel.* The Commission shall function pursuant to an
181 annual budget.

- 182 (a) The Oneida Business Committee shall submit the operating budget of the
183 OGC for approval in the same fashion as all other budgets of the Nation.
184 (1) The Commission shall adopt internal rules consistent with the
185 existing accounting practices of the Nation to verify its budgetary
186 expenditures.
187 (b) The Commission shall follow the Nation’s policies and procedures
188 governing purchasing and sign-off authority.
189 (1) Levels of budgetary sign-off authority for the OGC shall be as set
190 forth in the manual titled, *Oneida Tribe of Indians of Wisconsin*
191 *Purchasing Policies and Procedures*, for a General Manager/Chief
192 Financial Officer/Gaming Commission.
193 (A) All OGC Officers have sign-off authority and two (2)
194 Officers shall be required to sign-off on all budgetary
195 requests, except as follows:
196 (i) The Oneida Business Committee Support Office
197 shall have sign-off authority over requests for
198 stipends, travel per diem and business expense
199 reimbursement.
200 (c) The Commission shall follow its approved annual travel policy.
201 (1) The OGC shall approve a Commissioner’s request to travel on
202 behalf of the OGC by a majority vote of the Commissioner’s in
203 attendance at a regular or emergency OGC meeting of an established
204 quorum.

206 2-7. *Personnel.*

The Commission has authority to hire an Executive Director who shall be responsible for hiring and managing the personnel of the Commission.

- 207
208 (a) The Executive Director shall hire such personnel as is necessary to assist
209 the Commission in fulfilling its responsibilities under ONGO; the Indian
210 Gaming Regulatory Act (IGRA); the Compact; and all other applicable
211 regulations, including, but not limited to, the Oneida Gaming Minimum
212 Internal Control Regulations (OGMICR).
213 (b) The Executive Director and the OGC personnel shall be hired through and
214 subject to the Nation’s Personnel Policies and Procedures, as well as its
215 salary schedules.
216 (1) The Executive Director and the OGC personnel shall be required to
217 meet the requirements for license qualification as set forth in ONGO
218 at the time of hiring and during their employment.
219

220 **Article III. Meetings**

221 3-1. *Regular Meetings.* The OGC shall conduct regularly scheduled meetings as called for by
222 the Chairperson in accordance with these bylaws, subject to the following:

- 223 (a) Meetings shall be scheduled on the 1st and 3rd Monday of each month,
224 commencing at 9:00 a.m., at the Oneida Gaming Commission located in
225 Green Bay, Wisconsin.
226 (b) The regular meeting date, time and/or location may change from time-to-
227 time as determined by majority vote of the Commissioners in attendance at

228 an OGC meeting of an established quorum upon advance notice to all
229 Commissioners in writing and to the public in accordance with these
230 bylaws, as well as any other governing law/policy of the Nation.

231 (1) The OGC shall conduct at least one (1) regular meeting per month.

232 (c) Notice of the meeting location shall be forwarded by the Secretary to the
233 Oneida Business Committee Support Office for posting in accordance with
234 its process and shall further be posted in the Kalihwisaks.

235 (d) Notice of the meeting agenda, documents and minutes shall be provided by
236 the Secretary or Secretary's designee to all Commissioners and the public
237 in writing, using the formats designed by the Oneida Business Committee
238 Support Office to create agendas and record minutes, as well as in
239 accordance with these bylaws and any other governing law/policy of the
240 Nation.

241 (1) All Commissioners shall be noticed of the next meeting agenda no
242 later than the Thursday prior to the meeting.

243 (2) Commissioners are required to review the meeting packet prior to
244 the meeting.

245 (A) The meeting packet is located on the G: Drive-
246 COMMISSION_GAMINGCOMMISSION_OGC Meeting
247 Packet.

248 (B) The meeting packet will also be electronically available at
249 the meeting, as requested.

250 (e) Meetings shall follow the Robert's Rules of Order format.

251
252 3-2. *Emergency Meetings.* An emergency meeting may be called to address an unforeseeable
253 and imminent situation that requires OGC official action before its next
254 regularly scheduled meeting.

255 (a) Emergency meetings of the OGC may be called by the Chairperson or a
256 quorum of the OGC, provided that:

257 (1) A quorum for the emergency meeting is established; and

258 (2) The Chairperson and/or Vice-Chairperson will be present to preside
259 over the meeting.

260 (b) Notice of an emergency meeting shall be provided to all Commissioners by
261 telephone call, as well as via email communication sent to the official
262 Oneida Nation email address provided to all Commissioners to conduct
263 business electronically on behalf of the OGC ("Official Email"), and to the
264 public in accordance with section 3-1 of these bylaws.

265 (c) Within seventy-two (72) hours of the emergency meeting, the OGC shall
266 provide the Nation's Secretary with notice of the meeting, the reason for the
267 meeting, and an explanation as to why the matter could not wait until the
268 next regular meeting.

269
270 3-3. *Joint Meeting.* Joint meetings shall be held between the OGC and the Oneida Business
271 Committee within the Oneida Business Committee Conference Room of the
272 Norbert Hill Center on a quarterly basis or as agreed upon between the
273 entities to discuss policy and matters of regulatory importance.

274 (a) Notice of the joint meeting agendas, documents and minutes shall be
275 provided, and the joint meeting conducted, in accordance with resolution
276 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with
277 Boards, Committees and Commissions – Definitions and Impact, as may be
278 amended from time to time hereafter.
279

280 3-4. *Quorum.* A quorum shall consist of a majority of the OGC Commissioners.

281 (a) Either the Chairperson or the Vice-Chairperson must be present to have a
282 quorum unless the Secretary is presiding over a meeting in accordance with
283 section 2-4(c) of these bylaws.
284

285 3-5. *Order of Business.* The order of business for regular meetings, as applicable, is:

- 286 (a) Call to Order
- 287 (b) Adopt the Agenda
- 288 (c) Approval of Minutes
- 289 (d) Old Business
- 290 (e) New Business
- 291 (f) Reports
- 292 (g) Tabled Business
- 293 (h) Executive Session
 - 294 (1) Licenses
 - 295 (2) Contracts
 - 296 (3) Investigations
- 297 (i) Adjournment

299 3-6. *Voting.* A majority vote of the Commissioners in attendance at an OGC meeting of
300 an established quorum is required for official OGC action.

- 301 (a) An official action is considered approved and immediately effective upon
302 an affirmative vote of a majority of the Commissioners present at the OGB
303 meeting of an established quorum.
- 304 (b) The Chairperson, or presiding Officer in the Chairperson’s absence, may
305 only vote in the event of a tie.
- 306 (c) E-polls are permissible so long as conducted in accordance with the Boards,
307 Committees and Commissions law.
 - 308 (1) The Executive Director shall serve as the Chairperson’s designee for
309 the responsibility of conducting an e-poll in the Chairperson’s
310 absence or discretion.

311
312 **Article IV. Expectations**

313 4-1. *Behavior of Members.*

- 314 (a) Commissioners are expected to refrain from behaviors and activities that
315 negatively affect the OGC’s ability to govern and effectively oversee the
316 regulation of Gaming.
 - 317 (1) Commissioners are prohibited from engaging in any activities that
318 would render them ineligible for election or appointment to the OGC
319 under ONGO.

- 320 (2) Unless otherwise stated in ONGO, a Commission Regulation or by
321 majority vote of the Commissioners in attendance at an OGC
322 meeting of an established quorum, no Commissioner shall act
323 independently of the Commission.
- 324 (3) While in office, Commissioners are prohibited from engaging in any
325 other profession or business activity that may impede their ability to
326 perform duties on behalf of the OGC or that competes with the
327 Nation's interests.
- 328 (b) In addition to the responsibilities delegated under ONGO, Commissioners
329 are expected to adhere to the following behavioral expectations while
330 serving on the OGC:
- 331 (1) Attending all meetings of the OGC unless excused;
- 332 (A) A Commissioner who fails to notify an OGC Officer, in
333 writing, of his or her pending absence at least thirty (30)
334 minutes before the missed meeting shall be deemed
335 unexcused.
- 336 (2) Voting timely;
- 337 (3) Complying with approved communications protocols;
- 338 (4) Abiding by collective action protocol and not acting individually;
- 339 (5) Adhering to the OGC-approved Guidelines and Expectations, all
340 applicable laws of the Nation and these bylaws; and
- 341 (6) Performing other duties and functions as determined by a majority
342 vote of the Commissioners present at an OGC meeting of an
343 established quorum, or as directed by resolution or a law of the
344 Nation.
- 345 (c) *Enforcement.* Violations of this section or any other section of these bylaws
346 may be enforced, upon a majority vote of the Commissioners in attendance
347 at an OGC meeting of an established quorum, as follows:
- 348 (1) If the Commissioner was elected, the OGC may file a petition to
349 remove the Commissioner in accordance with the Removal Law and
350 /or any other law or policy of the Nation governing the removal of
351 elected officials from office.
- 352 (2) If the Commissioner was appointed, the OGC may make a
353 recommendation to the Oneida Business Committee for the
354 termination of his or her appointment in accordance with the Boards,
355 Committees and Commissions law and/or any other law or policy of
356 the Nation governing the termination of appointed officials from
357 office.
- 358 (3) The OGC may commence an action to have the Commissioner
359 disciplined in accordance with any law or policy of the Nation
360 governing sanctions and penalties for elected and/or appointed
361 officials.
- 362
- 363 4-2. *Prohibition of Violence.* Commissioners are prohibited from committing any violent
364 intentional act that inflicts, attempts to inflict, or threatens to inflict
365 emotional or bodily harm on another person, or damage to property.

- 366
367 4-3. *Drug and Alcohol Use.* Commissioners are prohibited from using alcohol and/or illegal
368 drugs when acting in their official capacity.
369
- 370 4-4. *Social Media.* Commissioners shall abide by the Nation’s Social Media Policy and their
371 oath of office when using social media on behalf of or as a representative of
372 the OGC.
373
- 374 4-5. *Conflict of Interest.* Commissioners shall comply with all laws of the Nation governing
375 conflicts of interest, including, but not limited to, the Boards, Committees
376 and Commissions law and the Conflict of Interest law.
- 377 (a) No person may be considered for election or appointment as an OGC
378 Commissioner until he or she has disclosed all conflicts of interest as
379 defined by the Nation’s Conflict of Interest law and the Boards, Committees
380 and Commissions law.
- 381 (b) Commissioners must have a Conflict of Interest form completed annually
382 and on file.
383

384 **Article V. Stipends and Compensation**

- 385 5-1. *Stipends.* Only a Pro-Tem Commissioner shall be eligible to receive a stipend for
386 conducting an official hearing on behalf of the OGC; provided, he or she
387 has met the requirements for eligibility under these bylaws; the Boards,
388 Committees and Commissions law; and resolution BC-05-08-19-B titled,
389 Amending Resolution BC-09-26-18-D Boards, Committees and
390 Commissions Law Stipends, as may be further amended from time-to-time
391 hereafter.
392
- 393 5-2. *Compensation.* The Commission shall function pursuant to the annual budget. The Oneida
394 Business Committee shall submit the operating budget of the Commission
395 for approval in the same fashion as all other budgets of the Nation.
396 Compensation of the Commissioners is not subject to the Boards,
397 Committees and Commissions law, but must be established by the
398 Commission in a manner consistent with the Commission’s internal rules
399 and bylaws. The Commission shall adopt internal rules consistent with the
400 existing accounting practices of the Nation to verify its budgetary
401 expenditures.
402

403 **Article VI. Records and Reporting**

- 404 6-1. *Agenda Items.* Agenda items shall be maintained in a consistent format as set forth in
405 section 3-5 of these bylaws on a template designed by the Oneida Business
406 Committee Support Office.
407
- 408 6-2. *Minutes.* Meeting minutes shall be typed in the format designed by the Oneida
409 Business Committee Support Office to generate the most informative record
410 of all meetings of the OGC, including that:

- 411 (a) Minutes shall provide a summary of official action taken by the OGC
412 during the meeting.
413 (1) Discussion and Executive Session dialogue will not be included in
414 the minutes.
415 (2) Draft minutes shall be sent to all Commissioners via email to their
416 Official Email address.
417 (b) All minutes shall be filed with the Oneida Business Committee Support
418 Office and the Nation's Secretary within thirty (30) days of their approval
419 by the OGC.
420 (c) Minutes, along with supporting documentation, shall be scanned in
421 electronically for electronic record retention in accordance with ONGO and
422 the Nation's Open Records and Open Meetings law.
423
424 6-3. *Attachments.* Handouts, reports, memoranda, and the like that are supporting documents
425 to the OGC's official actions shall be scanned in electronically, along with
426 the meeting minutes and agenda, so that all materials can be identified to
427 the meeting in which they were presented.
428 (a) Attachments shall be maintained in accordance with the Open Records and
429 Open Meetings law.
430
431 6-4. *Oneida Business Committee Liaison.* The OGC shall meet with the Oneida Business
432 Committee member who is its designated liaison as needed, the frequency
433 and method of communication to be agreed upon between the liaison and
434 the OGC.
435 (a) The Oneida Business Committee liaison shall have a standing invitation to
436 the regular OGC meetings.
437 (b) The purpose of the liaison relationship shall be to uphold the liaison's ability
438 to act as support to the OGC.
439
440 6-5. *Audio Recordings.* All OGC meetings shall be audio recorded via automated recording
441 software supplied by the OGC.
442 (a) The audio recordings shall be saved and maintained, consistent with all
443 governing laws of the Nation, in the G: Drive – COMMISSIONGAMING_
444 COMMISSION_OGC Meeting Minutes Notifications/Recorded Meetings/
445 Year.
446 (b) *Exception.* Audio recordings of executive session portions of a meeting
447 shall not be required.
448

449 **Article VII. Amendments**

- 450 7-1. *Amendments.* These bylaws of the OGC may be amended by majority vote of the
451 Commissioners in attendance at an OGC meeting of an established quorum.
452 (a) Any amendments to these bylaws shall conform to the requirements of the
453 Boards, Committees and Commissions law and any other policy of the
454 Nation.
455 (b) All bylaw amendments must be subsequently approved by the Oneida
456 Business Committee before implementation.

457
458

- (c) The OGC shall review these bylaws on an annual basis.
[Add Signature Block]



Oneida Gaming 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 [1 O.C. 105.10].		
Intent of the Bylaws	The Oneida Gaming Commission (OGC) bylaws provide a framework for the operation and management of the OGC to govern the standard procedures regarding the way the OGC conducts its affairs, including: the election and appointment of persons to the OGC, 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 OGC was established for protecting the assets and integrity of Oneida Gaming through regulatory oversight of all gaming activities within the jurisdiction of the Nation [Proposed Bylaws 1-3(a)].		
Legislation Related to Boards, Committees and Commissions	Oneida Nation Constitution, Oneida Nation Gaming Ordinance (ONGO), Boards, Committees and Commissions law, Election law, Removal Law, Social Media Policy, Computer Resources Ordinance, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law, Budget Management and Control law		
Enforcement/Due Process	Removal from an elected position on the OGC follows the Removal Law [1 O.C. 104] and termination from an appointed position on the OGC follows the Boards, Committees and Commissions law [1.O.C. 105.7-4]. The OGC included behavioral expectations in the bylaws that if not followed may result in a petition for removal in accordance with the Removal Law [1 O.C. 104] or the termination of an appointment in accordance with the Boards, Committees and Commissions law and/or a Commissioner may be disciplined in accordance with any law or policy of the Nation governing sanctions and penalties for elected and/ or appointed officials [1 O.C. 105.7-4 and 105.10-3(d)(1)] and [Proposed Bylaws 4-1(c)].		
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 OGC bylaws amendments were added to the Active Files List on October 3, 2018, with David P.
3 Jordan as the sponsor.
- 4 B. The OGC is established under the ONGO to regulate gaming licensure and to investigate and monitor
5 gaming related activities within the territorial jurisdiction of the Oneida Reservation. ONGO was first
6 adopted by the GTC on July 5, 2004, by GTC Resolution 07-05-04-A and most recently amended by
7 OBC Resolution BC-09-09-15-A.
- 8 C. The OBC adopted the first set of OGC bylaws on April 25, 2005, and the bylaws have been most
9 recently amended on August 8, 2012.

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

- 12 A. The bylaws comply with the Boards, Committees and Commissions law.
- 13 B. The bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-18-
14 D Boards, Committees and Commissions Law Stipends” which details the types, specific dollar
15 amounts and eligibility requirements of stipends.
- 16 C. The bylaws comply with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and
17 Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.

19 SECTION 4. AMENDMENTS

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

21 A. ARTICLE I. AUTHORITY

- 22 a. Detail was added to the membership section [*Proposed Bylaws 1-5*] to meet the
23 requirements in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(a)(5)*]
24 including membership requirements established in ONGO [*5 O.C. 501.6-5*].
- 25 b. Detail was added requiring the OGC to draft a standard operating procedure related to the
26 selection and eligibility of Pro-Tem Commissioners. The standard operating procedure
27 must be filed with the Business Committee Support Office (BCSO) [*1 O.C. 105.12-2*] and
28 the exclusive list of Pro-Tem Commissioners will be maintained by the OGC Investigations
29 and License Department [*Proposed Bylaws 1-5(a)(1)*].
- 30 c. A provision was added that when an OGC members’ term expires they will remain in office
31 until a successor is sworn in by the OBC [*Proposed Bylaws 1-5(b)(2)(A)*].
- 32 d. The resignation process has changed in accordance with the Boards, Committees and
33 Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted [*Proposed Bylaws*
34 *1-5(b)(2)(B)*]:
- 35 • Verbally and accepted by motion at a meeting; or
 - 36 • By delivering a written resignation to the BCSO and the OGC Chairperson or
37 Chairperson’s designee.
- 38 e. A provision was added detailing that expired terms will be filled by election in accordance
39 with the Election law [*Proposed Bylaws 1-5(c)(1)*] and [*1 O.C. 102*].
- 40 f. A provision was added that the Chairperson will make a recommendation to fill vacancies
41 on behalf of the OGC [*Proposed Bylaws 1-5(c)(2)(A)*] and [*Proposed Bylaws 2-2(e)*]
42 instead of the OGC making the recommendation [*Current Bylaws Article II, Section 3*].
43 This recommendation by the Chairperson is optional in the Boards, Committees and
44 Commissions law [*1 O.C. 105. 7-1(b)(1)*].
- 45 g. The process for filing a removal petition or recommending the termination of a member’s
46 appointment process has changed to comply with the Boards, Committees and
47 Commissions law [*Proposed Bylaws 1-6*] and [*1 O.C. 105.7-4*].
- 48 • The Removal Law will be followed for removal of elected members [*1 O.C.*
49 *104*] and the Boards, Committees and Commission law will be followed for
50 termination of appointed members [*1 O.C. 105.6-1(c)*].

- 100 expenditures [5 O.C. 501.6-11] this requirement is contained in the bylaws
 101 [Proposed Bylaws 2-6(a)(1)] and [Proposed Bylaws 5-2].
- 102 • The budgetary sign-off authority will be consistent with the Purchasing
 103 Policies and Procedures Manuel for General Manager / Chief Financial Officer
 104 / Gaming Commission. The BCSO will have sign-off authority for requests
 105 for stipends, travel per diem and business expense reimbursement. All OGC
 106 Officers have the following sign-off authority and two (2) Officers must sign-
 107 off on all budgetary requests, including stipends and expenses [Proposed
 108 Bylaws 2-6(b)]:
 - 109 i. Budgeted items with three bids for items between fifty thousand
 110 dollars (\$50,001) and two hundred thousand (\$200,000) with
 111 notification to the Treasurer for items in this price range monthly;
 - 112 ii. Unbudgeted items between ten thousand dollars (\$10,000) and
 113 twenty-five thousand dollars (\$25,000); and
 - 114 iii. Budgeted but sole sources items between ten thousand dollars
 115 (\$10,000) and twenty-five thousand dollars (\$25,000) [Oneida Tribe
 116 of Indians Purchasing Policies and Procedures, p. 216].
 - 117 • All travel must be authorized by two (2) Officers in accordance with the Travel
 118 and Expense Policy [2 O.C. 219.4-2]. All travel must be approved by a
 119 majority vote of a quorum of OGC in attendance at a regular or emergency
 120 OGC meeting [Proposed Bylaws 2-6(c)(1)] in accordance with the Boards,
 121 Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. OGC
 122 members may travel in the Nation’s vehicles when certified and must follow
 123 the Vehicle Driver Certification and Fleet Management law [2 O.C. 210].
 - 124 e. The OGC has authority to hire an Executive Director who is responsible to hire and manage
 125 personnel necessary to assist the Commission to fulfill its responsibilities under ONGO,
 126 the Indian Gaming Regulatory Act, the Compact and all regulations including the Oneida
 127 Gaming Minimum Control Regulations [Proposed Bylaws 2-7]. This authority to hire
 128 personnel is contained in ONGO [5 O.C. 501.6-16]. The requirement for the details of the
 129 duties of staff to be contained in the bylaws is included in the Boards, Committees and
 130 Commissions law [1 O.C. 105.10-3(b)(7)].

131
 132 **C. ARTICLE III. MEETINGS**

Meetings in Current Bylaws [Article III]	Meetings in Proposed Bylaws Amendments [Article III]
Regular Meetings <ul style="list-style-type: none"> • Regularly Scheduled – at least Once Monthly 	Regular Meetings <ul style="list-style-type: none"> • Regularly Scheduled – 1st and 3rd Monday of each month – at least once monthly
Emergency Meetings <ul style="list-style-type: none"> • Twenty-Four (24) Hour Notice 	Emergency Meetings <ul style="list-style-type: none"> • Twenty-Four (24) Hour Notice
Special Meetings <ul style="list-style-type: none"> • Twenty-Four (24) Hour Notice 	Special Meetings <ul style="list-style-type: none"> • Special Meetings were removed.
	Joint Meetings <ul style="list-style-type: none"> • Quarterly or as agreed upon between the OGC and the OBC.

- 133 a. The regular meeting time and date were added to the bylaws [Proposed Bylaws 3-1] in
 134 compliance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(1)].
- 135 b. A provision was added that meeting materials be made available by the Secretary or
 136 Secretary’s designee to all Commissioners and the public in writing in accordance with the
 137 Open Records and Open Meetings law and also available on the G: Drive and electronically
 138 at the meeting [Proposed Bylaws 3-1(d)] and [1 O.C. 107.7-2].
- 139 c. A provision was added requiring an advance notice by telephone call and in writing by
 140 Official Oneida Nation email to each member of the OGC at least twenty-four (24) hours
 141 before an emergency meeting is called [Proposed Bylaws 3-2(b)].

- 143 d. A provision was added per the Boards, Committees and Commissions law that the OGC
144 will notify the Nation’s Secretary within seventy-two (72) hours of an emergency meeting
145 with notice of the meeting, the reason for the emergency meeting, and an explanation of
146 why the matter could not wait for a regular meeting [*Proposed Bylaws 3-2(c)*]. This
147 complies with the requirements in the Boards, Committees and Commissions law [*1 O.C.*
148 *105.10-3(c)(2)(A)*].
- 149 e. Special meetings were removed [*Current Bylaws Section 2*].
- f. Joint Meetings. The bylaws contain joint meetings with the OBC [*Proposed Bylaws 3-3*] on an as needed basis, with the approval of the OBC in compliance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(3)*]. Joint meetings will be held in the OBC conference room. The meeting notice, agenda documents and minutes for joint meetings will be provided and the joint meetings will be conducted in accordance with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.
- The agenda will be agreed upon by the OGC Chairperson upon the OGC approval and the OBC liaison with OBC approval;
- The BCSO will provide all parties the agenda, meeting packet and meeting notes;
- No action will take place at the joint meeting; and if it is agreed that further action is needed, either the OBC or the OGC, or both, will take the issue back to their respective meetings for action through the OBC liaison to the OBC or the Chairperson of the OGC;
- The Chairperson of the OGC will facilitate the meeting;
- Formal motions to call the meeting to order, take action or adjourn are unnecessary; and
- Actions will be requested by consensus of both bodies.
- 150 g. E-polls were added as an acceptable form of voting and will be conducted by the
151 Chairperson or the Executive Director in the Chairperson’s absence or discretion
152 [*Proposed Bylaws 3-6(c)*] and in accordance with the Boards, Committees and
153 Commissions law [*1 O.C. 105.10-3(c)(6)(C) and (D) and 105.11*].

156 **D. ARTICLE IV. EXPECTATIONS**

157 This section is new to these bylaws based on the requirements established in the Boards, Committees
158 and Commissions law [*1 O.C. 105.10-3(d)*].

- 159 a. Behavioral requirements were added [*Proposed Bylaws 4-1*] and prevent prohibited
160 activities in accordance with ONGO [*5 O.C. 501.6-14*]. This complies with the Boards,
161 Committees and Commissions law [*1 O.C. 105.10-3(d)*]. A provision was added requiring
162 OGC members to notify an OGC Officer in writing thirty (30) minutes before a meeting or
163 the absence is deemed unexcused [*Proposed Bylaws 4-1(b)(1)(A)*].
- 164 b. Enforcement of behavioral expectations must be decided by a majority vote of the OGC
165 members present in a meeting with an established quorum and include [*Proposed Bylaws*
166 *4-1(c)*]:
- 167 • If elected, OGC may file a petition for removal in accordance with the Removal
168 Law [*1 O.C. 104*];
 - 169 • If appointed, OGC may recommend termination of appointment by the OBC in
170 accordance with the Boards, Committees and Commissions law [*1 O.C. 105.6(c)*];
171 and
 - 172 • OGC may commence an action governing sanctions or penalties in accordance
173 with the laws of the Nation.

- 174 c. The bylaws include a provision that prohibits intentional acts of violence that inflicts,
175 attempts to inflict or threatens to inflict emotional or bodily harm or damage to property
176 [*Proposed Bylaws 4-2*] in compliance with the Boards, Committees and Commissions law
177 [*1 O.C. 105.10-3(d)(2)*].
- 178 d. Drug and alcohol use by an OGC member when acting in an official capacity is prohibited
179 [*Proposed Bylaws 4-3*] in compliance with the Boards, Committees and Commissions law
180 [*1 O.C. 105.10-3(d)(3)*].
- 181 e. The bylaws require OGC members to follow the Nation’s Social Media Policy and their
182 Oath of Office when using social media on behalf of or as a representative of the OGC
183 [*Proposed Bylaws 4-4*] in compliance with the Boards, Committees and Commissions law
184 [*1 O.C. 105.10-3(d)(4)*].
- 185 f. The bylaws require OGC to abide by the Nation’s Conflict of Interest law and the Boards,
186 Committees and Commissions law [*1 O.C. 105.10-3(d)(5) and 105.15*] which includes
187 disclosure of conflicts of interest annually [*Proposed Bylaws 4-5*]. ONGO requires a
188 person to disclose all conflicts of interest prior to becoming a candidate for election or
189 appointment to OGC [*5 O.C. 501.6-5(b)*].
190

191 **E. ARTICLE V. STIPENDS AND COMPENSATION.**

192 A section was added to the bylaws that details stipend, compensation and corresponding requirements
193 in accordance with the Boards, Committees and Commissions law [*O.C. 1 105.10-3(e)*].

- 194 a. This section states that only Pro-Tem members are eligible to receive a stipend for
195 participating in hearings conducted by the OGC [*Proposed Bylaws 5-1*].
- 196 b. OGC compensation is subject to the Nation’s budgeting process and not the Boards,
197 Committees and Commissions law. The OGC will develop internal rules related to
198 budgetary expenditures [*Proposed Bylaws 5-2*] in accordance with ONGO [*5 O.C. 501.6-*
199 *11*].
200

201 **F. ARTICLE VI. RECORDS AND REPORTING**

- 202 a. The OGC will follow the agenda format contained in Article III. 3-5 of the proposed bylaws
203 using a template designed by the BCSO [*Proposed Bylaws 6-1*]. Minutes will utilize the
204 BCSO format and draft minutes will be sent to all Commissioner via their Official email
205 address. Finalized minutes will be submitted to the BCSO and Nation’s Secretary within
206 thirty (30) days of OGC’s approval [*Proposed Bylaws 6-2(b)*]. This complies with the
207 Boards, Committees and Commissions law [*1 O.C. 105.10-3(f)*].
- 208 b. Packets and meeting materials; including all attachments, will be scanned and saved
209 electronically for electronic record retention in accordance with ONGO [*1 O.C. 501.6-*
210 *15(a)*] and be maintained and made available to the public in accordance with the Open
211 Records and Open Meetings law [*Proposed Bylaws 6-2(c)*] and [*Proposed Bylaws 6-3*]
212 and [*1 O.C. 107.7-2*]. This complies with the Boards, Committees and Commissions law
213 [*1 O.C. 105.10-3(f)(3)*].
- 214 c. OGC will meet with the OBC Liaison as needed and agreed upon between the OBC Liaison
215 and the OGC and will have a standing invitation to attend regular OGC meetings to uphold
216 the Liaison’s ability to support the OGC [*Proposed Bylaws 6-4*] in accordance with the
217 Boards, Committees and Commissions law [*1 O.C. 105.10-3(f)(4)*].
- 218 d. A requirement was added that the OGC will audio record all meetings and maintain all
219 audio files. Executive session is not required to be recorded [*Proposed Bylaws 6-5*]. This
220 complies with the Boards, Committees and Commissions law and the Open Records and
221 Open Meetings law [*1 O.C. 105.10-3(f)*] and [*1 O.C. 107.7-3*].
222

223 **G. ARTICLE VII. AMENDMENTS**

- 224 a. A provision was added requiring that amendments follow the Boards, Committees and
225 Commissions law and any other policy of the Nation [1 O.C. 105.10-3(g)] and that the
226 bylaws be reviewed on an annual basis [Proposed Bylaws 7-1].

227 SECTION 5. RELATED LEGISLATION

228 There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws
229 that establish duties and requirements of the OGC in addition to laws referenced in the bylaws.

- 230 A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows
231 for the creation of committees for the proper conduct of tribal business of the Nation [Oneida
232 Nation Constitution, Article IV, Section I(g)]. There are no conflicts between these bylaws and the
233 Oneida Nation Constitution.
234
- 235 B. Oneida Nation Gaming Ordinance (ONGO) [5 O.C. 501]. This law sets forth the laws of the Nation
236 regarding all gaming activities conducted within the jurisdiction of the Nation and is established in
237 accordance with the Indian Gaming Regulatory Act, which is a federal law. The ONGO creates
238 the requirements and qualifications of OGC members [5 O.C. 501.6-5] and establishes the OGC
239 with preemptive authority as the original hearing body authorized to hear gaming licensing
240 decisions and to investigate and monitor gaming related activities within the jurisdiction of the
241 Nation [5 O.C. 501.6-14]. The bylaws reference the ONGO in the establishment and authority
242 sections and require OGC to abide by the ONGO [Proposed Bylaws 1-2 and 1-3]. ONGO requires
243 the OGC to develop internal rules consistent with existing accounting practices of the Nation to
244 verify its budgetary expenditures [5 O.C. 501.6-11] this requirement is contained in the bylaws
245 [Proposed Bylaws 2-6(a)(1)] and [Proposed Bylaws 5-2]. The bylaws comply and there are no
246 conflicts with ONGO.
247
- 248 C. Boards, Committees and Commissions [1 O.C. 105]. The law governs the procedures regarding
249 the appointment and election of persons to the Nation's boards, committees and commissions,
250 creation of bylaws, maintenance of official records, compensation, and other items related to
251 boards, committees and commissions. Vacancies of expired terms of the OGC are filled by election
252 by the Nation's qualified voting membership and vacancies of unexpired terms are appointed by
253 the OBC [Proposed Bylaws 1-5(c)(1) and (c)(2)]. The requirements for entity bylaws are contained
254 in this law as well as a requirement that all existing entities of the Nation comply with the format
255 detailed in the law and present the bylaws for adoption by the OBC within a reasonable timeframe
256 [1 O.C. 105.10-3]. The proposed bylaws comply and there are no conflicts with the Boards,
257 Committees and Commissions law.
258
- 259 D. Election [1 O.C. 102]. This law governs the process for election of a member to the OGC. The
260 Election law governs the procedures for the conduct of orderly elections of the Nation, including
261 pre-election activities such as caucuses and nominations [1 O.C. 102.1-1]. The OGC is elected by
262 the General Tribal Council [Proposed Bylaws 1-5(b)]. The proposed bylaws comply and there are
263 no conflicts with the Election law.
264
- 265 E. Removal Law [1 O.C. 104]. This law governs the removal process related OGC members that are
266 elected by the qualified voting membership of the Nation. This law contains due process measures
267 related to specific causes for removal, petition requirements, preliminary review by the Judiciary,
268 a hearing that includes potential witnesses and a burden of proof by a person seeking the removal
269 by clear and convincing evidence that ground(s) for removal exist and a Special GTC Meeting that
270 requires a 2/3 affirmative majority vote. The proposed OGC bylaws include additional behavioral
271 expectations that if not followed may result in a petition for removal if the member is filling an
272 elected position [Proposed Bylaws 4-1(c)(1)]. This aligns with the Boards, Committees and

273 Commissions law [1 O.C. 105.10-3(d)]. The proposed bylaws comply and there are no conflicts
274 with the Removal Law.
275

276 F. Social Media Policy [2 O.C. 218]. OGC is required to abide by this law and their Oath of Office
277 when using social media on behalf of or as a representative of the OGC [Proposed Bylaws 4-4].
278 This law regulates social media accounts including how content is managed and who has authority
279 to post on social media on behalf of the Nation. Boards, committees and commissions must register
280 social media accounts with the Nation's Secretary's Office to include specific information related
281 to access to the account, acknowledgment and compliance with the Computer Resource Ordinance
282 and this policy, use of a Nation issued email, and ensure all content complies with all applicable
283 laws of the Nation, state or federal laws. The proposed bylaws comply and there are no conflicts
284 with the Social Media Policy.
285

286 G. Computer Resource Ordinance [2 O.C. 215]. OGC members are considered users under this law
287 and must comply with established requirements to ensure appropriate use of the Nation's computer
288 resources. Members of the OGC must sign an acknowledgment form indicating notice of the
289 Nation's applicable computer and media related laws according to the Boards, Committees and
290 Commissions law [1 O.C. 105.14-3(b)]. The proposed bylaws comply and there are no conflicts
291 with the Computer Resources Ordinance.
292

293 H. Travel and Expense Policy [2 O.C. 219]. Members of the OGC are eligible to be reimbursed for
294 travel and per diem to attend a conference or training in accordance with this policy. The BCSO
295 will have sign-off authority over requests for stipends, travel per diem and business expense
296 reimbursement [Proposed Bylaws 2-6(b)(1)(A)(i)]. All travel must be authorized by two (2)
297 Officers [Proposed Bylaws 2-6(b)(1)(A)] in accordance with this law [2 O.C. 219.4-2]. The OGC
298 will approve all board travel by majority vote of the board [Proposed Bylaws 2-6(c)(1)] in
299 accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. There
300 are no conflicts between the bylaws and the Travel and Expense Policy.
301

302 I. Conflict of Interest [2 O.C. 217]. This law applies to the OGC and establishes specific limitations
303 to which information or materials that are confidential or may be used by a competitor of the
304 Nation's enterprises or interests may be used to protect the interests of the Nation. The Boards,
305 Committees and Commissions law establishes that amended bylaws require members to disclose
306 potential or real conflicts annually [1 O.C. 105.10-3(d)(5) and 105.15]. The OGC bylaws include
307 an additional provision that requires disclosure of all conflicts before a person can be considered a
308 candidate for election or appointment to the OGC in accordance with ONGO [Proposed Bylaws 4-
309 5(a)] and [5 O.C. 501.6-5(b)]. The Conflict of Interest law of the Nation allows for entities to
310 outline further prohibited activities resulting in conflicts of interest [2 O.C. 217.7-2]. Penalties for
311 failure to disclose conflicts of interest include a removal petition in accordance with the Removal
312 Law for elected members, termination of appointment in accordance with the Boards, Committees
313 and Commissions law for appointed members, and enforcement of any penalties in accordance with
314 the laws of the Nation [2 O.C. 217.6-2 and 6-3]. The proposed bylaws comply and there are no
315 conflicts with the Conflict of Interest law.
316

317 J. Open Records and Open Meetings [1 O.C. 107]. This law details how records must be maintained
318 and made available to the public and that meetings are open to the public unless specific criteria
319 are met which allow the meetings to be closed [1 O.C. 107.15 and 107.17]. Public notice of
320 meetings is also required by this law [1 O.C. 107.15-1]. The OGC bylaws delegates the Secretary
321 as the custodian of the records [Proposed Bylaws 2-4(a)]. OGC meetings are open to the public
322 except portions that meet the exceptions in this law related to personnel matters or contracts are

323 being discussed and deemed confidential in accordance with this law [1 O.C. 107.12-2 and 107.17].
324 Meeting packets and backup materials are required to be scanned electronically for electronic
325 record retention [Proposed Bylaws 6-2(c)] in accordance with ONGO [1 O.C. 501.6-15(a)] and in
326 accordance with this law which states that any requestor has the right make or receive a copy of a
327 public record [1 O.C. 107.7-2]. The proposed bylaws comply and there are no conflicts with the
328 Open Records and Open Meetings law.
329

330 K. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The OGC is considered an entity
331 [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)] under this
332 law and are authorized to travel in the Nation's vehicles. The law requires the Human Resources
333 Department or designee to ensure drivers, including OGC members, are certified to drive a vehicle
334 of the Nation or a personal vehicle on Tribal business. The law requires OGC members (officials)
335 to have written consent from the OGC prior to being approved to use a Tribal vehicle [2 O.C. 210.6-
336 1(b)(2)]. Certification includes providing the Human Resources Department with the appropriate
337 license, training certifications, and insurance information [2 O.C. 210.8-1]. Additionally, OGC
338 members must abide by all reporting requirements in this law [2 O.C. 210.9-2].

339 a. OGC members who violate this law may be subject to:
340 i. any laws regarding sanctions or penalties; and
341 ii. termination of appointment following the Boards, Committees and Commissions
342 law [1 O.C. 105].
343

344 L. Budget Management and Control [1 O.C. 121]. The OGC is considered a fund unit of the Nation
345 under this law. Fund unit managers are required to develop, submit and maintain a triennial
346 strategic plan for the fund unit's operations which aligns with the triennial strategic plan established
347 by the OBC [1 O.C. 121.4-2].
348
349
350
351
352

**ONEIDA TRIBE OF INDIANS OF WISCONSIN
ONEIDA GAMING COMMISSION
BY-LAWS**

ARTICLE I NAME

- Section 1 Name: The name of this entity shall be the Oneida Gaming Commission (OGC)
- Section 2 Authority: This entity was established under the Oneida Nation Gaming Ordinance (ONGO), adopted by Oneida General Tribal Council Resolution # 7-05-04-A as amended. The Oneida Gaming Commission was initially governed by Standard Operating Procedures, which were adopted by the OGC on December 16, 1991. On April 25, 2005 the OGC adopted its first set of by-laws. The original bylaws were amended by approval of the Oneida Business Committee on August 8, 2012.
- Section 3 Office: The official mailing address of this entity shall be:
Oneida Gaming Commission
P.O. Box 49
Oneida, WI. 54155
- Section 4 Mission: The OGC collectively promotes and ensures the integrity, security, honesty and fairness of the regulation and administration of all Gaming activities within the jurisdiction of the Oneida Reservation.
- Section 5 Personnel: The OGC shall be responsible for the supervision of the Executive Director. The OGC may employ such personnel, as it deems necessary to carry out the authority and responsibility as prescribed by Tribal Law.

ARTICLE II MEMBERSHIP

- Section 1 Membership: The number of OGC Commissioners is prescribed by the Oneida Nation Gaming Ordinance. The requirements of OGC membership are set out in ONGO and OGC Commissioners shall be elected in accordance with the Oneida Election Law.
- Section 2 Term: Commissioners shall serve a term of five (5) years and shall continue to serve until a successor takes the oath of office. The terms of office shall be staggered.
- Section 3 Vacancies: Any vacancy in an unexpired term of office, however caused, shall be filled by appointment by the Oneida Business Committee of a person qualified pursuant to sections 21.6-5 and 21.6-6 of ONGO. The OGC shall review

applicants and provide recommendations and feedback to the Oneida Business Committee (OBC).

Section 4 Removal: The removal of any Commissioner shall be in accordance with the Removal Law.

Section 5 Compensation: The Commissioners of the OGC shall be compensated in accordance with ONGO (21.6-11) and per the Tribe's general budgetary practices.

ARTICLE III OFFICERS

Section 1 Officers: Each year within thirty (30) days of swearing in of each newly elected Commissioner, the OGC shall hold a regular meeting wherein the Commissioners elect, by a majority vote, a Chairperson, Vice-Chairperson and a Secretary. In the event of a vacancy, the successor shall be voted in by the remaining voting Commissioners for the duration of the unexpired term.

Section 2 Duties of the Chairperson:

- a. The Chairperson shall preside at all meetings of the OGC.
- b. The Chairperson shall sign all official correspondence of the OGC.
- c. The Chairperson shall vote only in the event of a tie.

Section 3 Duties of the Vice- Chairperson: In the absence of, incapacity of, or conflict of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson.

Section 4 Duties of the Secretary: The OGC Secretary shall delegate appropriate staff to monitor and maintain the minutes of meetings, give notice of and prepare agendas for Regular and Special meetings, act as custodian of records for the OGC, and perform all duties incident to the office of the OGC Secretary. Within thirty (30) days of any Regular, Special, or Emergency meeting, the OGC Secretary shall forward the minutes of that meeting to the OBC Secretary's office.

Section 5 Authority and Responsibility. Unless otherwise indicated in the ONGO or Commission Regulations, or authorized by majority vote of the Commission, no Commissioner shall act independently of the Commission. The Commissioners shall perform other duties and functions as determined by a quorum of the OGC or as directed by resolution or Tribal Law (ONGO 21.6-14).

ARTICLE IV MEETINGS

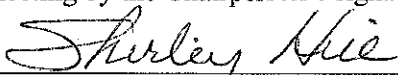
- Section 1 Regular Meetings: The OGC shall conduct regularly scheduled meetings as called for by the Chairperson; however there shall be at least one (1) regular meeting per month. Notice of meeting location, shall be forwarded by the Secretary to the OBC Secretary and posted in the Kalihwisaks.
- Section 2 Special Meetings:
- a. Special meetings of the OGC may be called by the OGC Chairperson or a quorum of the OGC.
 - b. Special meeting shall address a special purpose and specify the urgency.
 - c. Special meetings shall require a twenty-four (24) hour written notice to each OGC Member prior to convening the meeting.
- Section 3 Emergency Meetings:
- a. Emergency meetings of the OGC may be called by the OGC Chairperson or a quorum of the OGC. Such meetings shall not require a twenty-four (24) hour notice.
 - b. The Chairperson or Vice-Chairperson must be present to preside over the meeting.
- Section 4 Quorum. A quorum shall be a majority of OGC Commissioners. One of the Commissioners for a quorum shall be the Chairperson or Vice-Chairperson. A quorum must be present at all regular, special and emergency meetings in order for the OGC to conduct business.
- Section 5 Agenda. The meeting of the OGC shall follow the order of business as set forth below:
- a. Call to Order/Roll Call
 - b. Approval of Agenda
 - c. Approval of Minutes
 - d. Review of Directives
 - e. Reports
 - f. Old Business/Follow-Up
 - g. New Business
 - h. Contracts
 - i. Executive Session
 - j. Tabled Business
 - k. Adjournment

- Section 6 Voting: No action(s) of the OGC will be considered official unless ratified by a majority of the quorum of the OGC at a Regular, Special, or Emergency meeting.
- Section 7 Agenda: Agenda items shall be in an identified format as approved by the OGC.
- Section 8 Minutes:
- a. Minutes shall be typed and in a consistent format designed to generate the most informative record of all meetings of the OGC.
 - b. All minutes shall be filed with the OBC Secretary within thirty (30) days of their approval by the OGC.
 - c. Actions taken by the OGC are valid when minutes are approved, provided that, minutes are filed according to this Article, and any specific directions with these approved by-laws.
 - d. 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.
- Section 9 Reports: The OGC shall report to the OBC and/or GTC. Reports of matters pertaining to the business of the OGC shall be forwarded to the OBC via quarterly, semi-annual and annual reports, or as directed by the OBC and/or GTC.

ARTICLE V AMENDMENTS

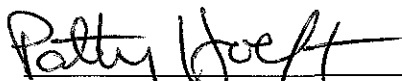
- Section 1 Amendments to By-Laws: The By-Laws of the OGC may be amended by an OGC quorum at a Regular or Special meeting with subsequent approval of the OBC.

These Bylaws are hereby attested to as adopted by the Oneida Gaming Commission at a duly called meeting by the Chairperson's signature on the 30th day of July, 2012.



Shirley Hill, Chairperson
Oneida Gaming Commission

These By-Laws are also approved by the Oneida Business Committee at a duly called meeting held on the 8th day of August, 2012 by the Secretary of the Oneida Business Committee's signature.



Patty Hoefl, Tribal Secretary
Oneida Business Committee



Legislative Operating Committee
October 2, 2019

Southeastern Wisconsin Tribal Services Advisory Board Bylaws 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 Southeastern Wisconsin Tribal Services Advisory Board By-Laws Amendments to the active files list; Seconded by Kirby Metoxen. Motion carried.

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 (OBCSO), 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 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 & Pow-wow), 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 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 second of the two informational meetings.

1/31/19: *LOC Work Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, David P. Jordan, Daniel Guzman-King, Kirby Metoxen, Jennifer Webster. The purpose of this meeting was to discuss the progress, in general, of the Nation's boards, committees and commissions on getting their bylaws amended and their likelihood of meeting the March 26, 2019 deadline set forth in resolution BC-09-26-18-C to present their bylaws to the Oneida Business Committee for adoption. Based on the discussion, a decision was made to have the LOC draft a memorandum to the Oneida Business Committee seeking an extension of the March 26, 2019 deadline for all boards, committees and commissions to present their bylaws amendments to the Oneida Business Committee for adoption.

2/6/19 LOC: Motion by Jennifer Webster to approve the memorandum from Chairman David P. Jordan to the Oneida Business Committee seeking an extension of the March 26, 2019 bylaws amendments deadline and to forward the memorandum to the Oneida Business Committee to be placed on the February 13, 2019 Oneida Business Committee meeting agenda for consideration; Seconded by Kirby Metoxen. Motion carried.

2/22/19: *OBC Work Session.* Present: Jennifer Falck, Kristen M. Hooker, Lisa Summers, Daniel Guzman-King, Jennifer Webster, Tehassi Hill, Brandon Stevens, Trish King, David P. Jordan, Kirby Metoxen. The purpose of this meeting was to discuss the February 13, 2019 memo from the LOC Chairman to the OBC regarding Amendments to Boards, Committees and Commissions By-Laws Timeline in which it requested an extension of the deadline for submitting bylaws to the OBC for adoption. During the meeting, the LRO Staff Attorney assigned this item provided a status update on the progress of the boards, committees and commissions on the amending of their bylaws to comply with the Boards, Committees and Commissions law within the six (6) month deadline imposed by resolution BC-09-26-18-C. The OBC decided not to grant an extension of the six (6) month deadline. Instead, the OBC directed the LRO to continue pushing the bylaws forward and to return to the March 19, 2019 OBC work

session to provide a progress report on the boards, committees and commissions' bylaws amendments.

3/14/19: *LOC Work Meeting.* Present: Kirby Metoxen, David P. Jordan, Jennifer Webster, Ernest Stevens III, Lisa Summers, Kristen M. Hooker, Clorissa Santiago, Jennifer Falck, Maureen Perkins. The purpose of this work meeting was to discuss the portion of the 3/13/19 OBC Meeting relating the bylaws amendments that were on the agenda and OBC's directive to now have all bylaws amendments reviewed by the OBC during a work session before being added to an OBC Meeting agenda for consideration and possible adoption. The next step is for the LRO drafting attorney to attend the OBC work session on March 19, 2019 to discuss further.

3/19/19: *OBC Work Session.* Present: Lisa Summers, Patricia King, Brandon Stevens, David P. Jordan, Daniel Guzman-King, Jo Anne House, Jennifer Falck, Clorissa Santiago, Kristen M. Hooker, Lisa Liggins, Cathy Bachhuber. The purpose of this OBC work session was for the Legislative Reference Office Staff Attorney to provide the OBC with a status update on the progress made by the boards, committees and commissions on the amending of their bylaws to conform to the Boards, Committees and Commissions law. Based on the update and the discussion that followed, the OBC: (1) decided to grant an exception to the March 26, 2019 deadline set forth in resolution BC-09-26-19-C for the Nation's boards, committees and commissions to present their bylaws to the OBC for adoption; and (2) directed the LRO to draft a memo for the next LOC meeting to be forwarded to the OBC indicating the same.

**During its subsequent review of the Oneida Gaming Commission's proposed bylaws amendments, the OBC decided to add the following requirements to all of the boards, committees and commissions' bylaws amendments: (1) that, the recommendations for termination be by a majority vote of the members in attendance at a meeting of the entity's established quorum; (2) that, notice of meetings be provided to all members of the entity without exception (per request of LOC that all meetings be duly called); (3) that, the sign-off level for all entities, not assigned a specific level therein, be the same as the Area Director/Enterprise Director level set forth in the Nation's purchasing manual, and that, two (2) of the entity's Officers be required to sign-off on all such purchases; (4) that, under the "Selection of Officers" section, a provision be added (as its own separate subsection) to allow members to be dismissed (not removed as initially proposed) from their Officer positions by a simple majority vote of the entity; (5) that, the entities review their bylaws each time a vacancy is filled by a new member; (6) that, stipend amounts not be listed in the entity's bylaws; and (7) that, assuming its adoption, the resolution governing joint meetings be referenced in the joint meeting section of the entity's bylaws.*

3/20/19 LOC: Motion by Ernest Stevens III to approve the Boards, Committees and Commissions Bylaws Update Memo and forward to the Oneida Business Committee; Seconded by Daniel Guzman-King. Motion carried.

3/27/19 OBC: Motion by Lisa Summers to grant the seventeen (17) entities that have begun the process of amending their bylaws to conform to the Boards, Committees and

Commissions law, an exception to the March 26, 2019, deadline set forth in resolution BC-09-26-18-C for presenting bylaws amendments to the Business Committee for adoption; Seconded by David P. Jordan. Motion carried.

4/16/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens, Ernest Stevens III, Lisa Summers, Jo Anne House, Lisa Liggins, Kristen M. Hooker, Clorissa Santiago. The purpose of this OBC work session was to review the Election Board's bylaws amendments. During this meeting, the OBC also decided that all boards, committees and commissions must add the word "titled" next to the name of the purchasing manual they are required to reference in the "sign-off" section of their bylaws to provide clarification on why the term "Oneida Tribe of Indians" is being used instead of the "Nation".

5/1/19: *LOC Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Kristen M. Hooker, Brandon Wisneski, Jennifer Falck, Clorissa Santiago, Maureen Perkins. The purpose of this meeting was to discuss some of the hurdles the LRO has encountered under the current bylaws amendments process and to consider whether a more efficient process should be implemented to get the Nation's boards, committees and commissions' bylaws amendments before the Oneida Business Committee for adoption.

7/29/19-7/30/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens (7/29 only), Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Tehassi Hill (7/29 only), Kristen Hooker, Jennifer Falck, Maureen Perkins, Brooke Doxtator, Laura Laitinen-Warren. The purpose of this work session was to provide the OBC an opportunity to review and consider all drafts of the Boards, Committees and Commissions' bylaws amendments in advance of being added to the OBC agenda for formal consideration and possible adoption.

Next Steps:

- Accept the Southeastern Wisconsin Tribal Services Advisory Board Bylaws Amendments.
- Forward the Southeastern Wisconsin Tribal Services Advisory Board Bylaws Amendments to the Oneida Business Committee for consideration.

47 Business Committee Support Office and the Board Chair-
48 person or Chairperson's designee. The resignation is deemed
49 effective upon acceptance by motion of a Board member's
50 verbal resignation or upon delivery of the written notices.

51 (c) *Vacancies.* Vacancies on the Board shall be filled in accordance with the
52 Boards, Committees and Commissions law.

53 (1) The Board Chairperson shall provide the Oneida Business
54 Committee recommendations on all applications for appointment by
55 the executive session in which the appointment is intended to be
56 made.

57 (d) *Qualifications of Members.* Board members shall meet the following
58 qualifications:

59 (1) Be an enrolled member of the Nation;

60 (2) Be at least eighteen (18) years of age or over; and

61 (3) Reside within one (1) of the following six (6) Southeastern
62 Wisconsin Counties: Milwaukee, Racine, Kenosha, Waukesha,
63 Ozaukee and Washington.

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65 1-6. *Termination.* A Board member may have his or her appointment terminated in accordance
66 with the Boards, Committees and Commissions law.

67 (a) Upon majority vote of the members in attendance at a Board meeting of an
68 established quorum, the Board may, by formal motion and action, request
69 that the Oneida Business Committee terminate a member's appointment for
70 one (1) or more of the following reasons:

71 (1) Accumulating four (4) unexcused absences from regularly
72 scheduled meetings within a twelve (12) month period.

73 (A) An absence shall be deemed unexcused if a member fails to
74 provide written notice of his or her pending absence to a
75 Board Officer at least thirty (30) minutes before the missed
76 meeting.

77 (2) Failing to attend at least fifty percent (50%) of the regularly
78 scheduled meetings within a twelve (12) month period for any
79 reason.

80 (3) Using alcohol while performing official responsibilities of the Board
81 or using illegal drugs at any time.

82 (4) Violating these bylaws and/or any other laws of the Nation.

83 (5) Receiving a felony conviction while serving on the Board.

84
85 1-7. *Trainings and Conferences.* Board members shall be required to attend mandatory trainings
86 and/or conferences in the following areas:

87 (a) Robert's Rules of Order;

88 (b) Oneida Language Classes; and/or

89 (c) New Board Member Orientation by the SEOTS Director.

90 (d) Regardless of the number of trainings/conferences that he or she is required
91 to attend, no member shall be eligible to receive stipends for attending more
92 than five (5) full days of mandatory trainings/conferences per year.

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Article II. Officers

2-1. *Officers.* The Board shall consist of the following Officers: Chairperson, Vice-Chairperson and Secretary.

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

- (a) Call and preside over all meetings of the Board.
- (b) Vote only in case of a tie.
- (c) Sign all correspondence of the Board.
- (d) Submit quarterly reports to the Oneida Business Committee, as well as annual and semi-annual reports to the Oneida General Tribal Council, in accordance with the Boards, Committees and Commissions law; and attend or designate a Board member to attend the Oneida Business Committee meeting where SEOTS' quarterly report appears on the agenda.
- (e) Assign sub-committees as necessary and maintain Board functions and responsibilities.
- (f) Prepare and follow scheduled order of business.
- (g) Perform such other duties and functions from time-to-time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Nation; as required by the Constitution of the Oneida Nation; per the direction of the Oneida General Tribal Council; or as provided for by the laws of the Nation.

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

- (a) Perform the Chairperson's duties under section 2-2 of these bylaws, in the absence or incapacity of the Chairperson.
 - (1) In the case of termination of appointment, resignation or death of the Chairperson, the Vice-Chairperson shall become the Chairperson for the remainder of the Chairperson's term.
- (b) Notify the Oneida Business Committee Support Office of any Board vacancies or planned vacancies in accordance with the Boards, Committees and Commissions law.
- (c) Perform such other duties and functions from time-to-time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Nation; as required by the Constitution of the Oneida Nation; per the direction of the Oneida General Tribal Council; or as provided for by the laws of the Nation.

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

- (a) Provide notice of meeting agendas, documents, and minutes to all Board members, as well as the public, in accordance with these bylaws and the Nation's Open Records and Open Meetings law.

- 138 (b) Record and review the minutes of the Board's meetings and submit recorded
139 minutes to the Oneida Business Committee Support Office in accordance
140 with these bylaws.
- 141 (c) Maintain files for all minutes, reports and correspondence to and from the
142 Board in accordance with the Open Records and Open Meetings law.
- 143 (d) Submit signed and completed A/P Check Request Forms, Minutes
144 Approved Signature Sheets, and Meeting Attendance Sheets to the
145 appropriate recipient.
- 146 (e) In the event that both the Chairperson and Vice-Chairperson positions
147 become vacant before the end of their terms, call Board meetings to fill the
148 vacancies and preside over those meetings for the sole purpose of
149 conducting an election of new Officers, at which point the Chairperson, or
150 Vice-Chairperson in the absence of the Chairperson, shall preside.
- 151 (f) Perform such other duties and functions from time-to-time as may be
152 requested by the Director of SEOTS, who is of management staff of the
153 Oneida Nation; as required by the Constitution of the Oneida Nation; per
154 the direction of the Oneida General Tribal Council; or as provided for by
155 the laws of the Nation.

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157 2-5. *Selection of Officers.* Officers of the Board shall serve one (1) year terms.

- 158 (a) Any member of the Board may self-nominate or be nominated for the
159 offices of Chairperson, Vice-Chairperson or Secretary.
- 160 (b) Elections of Officers shall take place at the first regular Board meeting of
161 an established quorum in March of each year by majority vote of the
162 members in attendance.
- 163 (c) Board members may be dismissed from their Officer positions by majority
164 vote of the members in attendance at a Board meeting of an established
165 quorum.
- 166 (d) Board members may hold only one (1) Officer position per Officer term.

167
168 2-6. *Budgetary Sign-Off Authority and Travel.* The Board shall follow the Nation's policies and
169 procedures regarding purchasing and sign-off authority.

- 170 (a) Levels of budgetary sign-off authority for the Board shall be as set forth in
171 the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies
172 and Procedures*, for Area Directors/Enterprise Directors.
- 173 (b) All Board Officers have sign-off authority and (2) Officers shall be required
174 to sign-off on all budgetary requests, except as follows:
175 (1) The Oneida Business Committee Support Office shall have sign-off
176 authority over requests for stipends, travel per diem and business
177 expense reimbursement.
- 178 (c) Travel shall be approved by majority vote of the members in attendance at
179 a regular or emergency Board meeting of an established quorum.

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181 2-7. *Personnel.* The Board shall not have authority to hire personnel for the benefit of the
182 Board.

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Article III. Meetings

3-1. *Regular Meetings.* The Board’s regular meetings shall be held on the 2nd Monday of each month, beginning at 6:00 p.m., in the SEOTS building located in Milwaukee, Wisconsin.

- (a) The meeting date, time and location may change from time-to-time as determined by a majority vote of the members consisting of no less than a Board quorum so long as notice is provided to all members in writing and, along with the public, in accordance with the Open Records and Open Meetings law, prior to implementation of the new date, time and/or location.
- (b) The annual meeting schedule shall be posted in the SEOTS office, on the Nation’s website and in the Kalihwisaks.
- (c) The Secretary shall provide notice of meeting agendas, documents and minutes to all Board members in writing and, along with the public, in accordance with the Open Records and Open Meetings law.

3-2. *Emergency Meetings.* Emergency meetings may convene as needed outside of regular meeting times when time sensitive issues require immediate action.

- (a) Board Officers may call emergency meetings so long as they provide notice to the entire Board via telephone call and in writing a minimum of twenty-four (24) hours prior to the beginning of the meeting.
 - (1) Notice provided to members via email must be sent to the official Oneida Nation email address that was provided to each member to conduct business electronically on behalf of the Board.
 - (2) Notice of emergency meetings shall further be provided to all members, as well as the public, in accordance with the Open Records and Open Meetings law.
- (b) Within seventy-two (72) hours after an emergency meeting, the Board shall provide the Nation’s Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular meeting.

3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held on an as needed basis per the approval of the Oneida Business Committee.

- (a) Notice of the joint meeting agenda, documents and minutes shall be provided, and the joint meeting conducted, in accordance with resolution BC-03-27-19-D titled, Oneida Business Committee Joint Meetings with Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.

3-4. *Quorum.* A quorum shall consist of at least three (3) Board members, one of which shall be the Chairperson or the Vice-Chairperson.

- (a) The Board shall not conduct any official action without the presence of a quorum.

230 (b) In lieu of the Chairperson and Vice-Chairperson, the Secretary may
231 complete the quorum for meetings that are called pursuant to section 2-4(e)
232 of these bylaws.
233

234 3-5. *Order of Business.* The order of business, as far as applicable, shall be as follows:

- 235 (a) Call to Order
 - 236 (b) Adopt the Agenda
 - 237 (c) Approval of Minutes
 - 238 (d) Old Business
 - 239 (e) New Business
 - 240 (f) SEOTS Director's Report (once a month)
 - 241 (g) Other Business
 - 242 (h) Executive Session
 - 243 (i) Adjournment
- 244

245 3-6. *Voting.* Decisions of the Board shall be based upon a majority vote of members in
246 attendance at a regular or emergency Board meeting of an established
247 quorum.

- 248 (a) The Chairperson, or Board Officer presiding in lieu of the Chairperson, shall
249 not be allowed to vote unless a tie needs to be broken.
 - 250 (b) E-polls are allowed so long as conducted in accordance with the Boards,
251 Committees and Commissions law.
 - 252 (1) The Vice-Chairperson shall serve as the Chairperson's designee for
253 the responsibility of conducting e-polls in the Chairperson's absence
254 or discretion.
- 255

256 **Article IV. Expectations**

257 4-1. *Behavior of Members.* While acting on behalf of the Board, members are prohibited from:

- 258 (a) Bullying;
 - 259 (b) Name calling;
 - 260 (c) Using excessive profanity; and/or
 - 261 (d) Engaging in other disrespectful behavior deemed inappropriate by the
262 Board.
 - 263 (e) *Enforcement.* A member who violates this or any other section of these
264 bylaws and/or any governing law of the Nation, may be subject to one or
265 more of the following:
 - 266 (1) If deemed violent or threatening during a Board meeting, dismissal
267 from the meeting by the Chairperson or Vice-Chairperson.
 - 268 (A) If the unwanted behavior escalates after dismissal, the proper
269 authorities will be called.
 - 270 (2) By majority vote of the members present at a Board meeting of an
271 established quorum, the Board's recommendation to the Oneida
272 Business Committee for the termination of his or her appointment.
 - 273 (3) Disciplinary action in accordance with any law of the Nation
274 governing sanctions and penalties for appointed officials.
- 275

- 276 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a Board member that
277 inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on
278 another person, or damage to property are strictly prohibited.
279
- 280 4-3. *Drug and Alcohol Use.* Alcohol use while performing official responsibilities of the Board
281 or use of illegal drugs at any time by a Board member is prohibited.
282 (a) Any member discovered to be under the influence of alcohol or an illegal
283 drug while attending a Board meeting or event will, along with any other
284 possible action under section 4-1, be dismissed by the Chairperson or Vice-
285 Chairperson from that meeting/event.
286
- 287 4-4. *Social Media.* Members shall comply with the Nation’s Social Media Policy, their oath of
288 office and the following when using social media on behalf or as a
289 representative of the Board.
290 (a) Use of the SEOTS Advisory Board Facebook Page.
291 (1) If a post by a Board member on any social media platform is made
292 and it is perceived in a negative or inappropriate way, that Board
293 member shall be counseled in the following meeting.
294 (2) If a post is made by a community member and is perceived in a
295 negative or inappropriate way, one (1) of the three (3) administrators
296 will delete the comment or post. That community member will be
297 contacted by an administrator. If the conflict cannot be resolved, the
298 Board will decide how to proceed at the following Board meeting.
299
- 300 4-5. *Conflict of Interest.* Board members shall comply with all laws and policies of the Nation
301 governing conflicts of interest.
302

303 **Article V. Stipends and Compensation**

- 304 5-1. *Stipends.* Board members are eligible for the following stipends as set forth in and
305 subject to these bylaws; the Boards, Committees and Commissions law; and
306 resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D
307 Boards, Committees and Commissions Law Stipends, as may be further
308 amended from time-to-time hereafter:
309 (a) One (1) meeting stipend per month, provided that:
310 (1) A quorum was established;
311 (2) The meeting of the established quorum lasted for a minimum of one
312 (1) hour; and
313 (3) The member collecting the stipend was physically present for the
314 entire meeting of the established quorum.
315 (b) A stipend for attending a Judiciary hearing if the member’s attendance was
316 required by official subpoena.
317 (c) A stipend for attending a duly called joint meeting between the Board and
318 the Oneida Business Committee, provided that:
319 (1) A quorum was established by the Board;

- 320 (2) The joint meeting of the established quorum lasted for at least one
321 (1) hour; and
322 (3) The member collecting the stipend was physically present for the
323 entire joint meeting.
324 (d) A stipend for each day of attendance at a conference or training, provided
325 that:
326 (1) The member attended a full day of training or was present at the
327 conference for a full day; and
328 (2) The member's attendance at the conference or training was
329 mandated by law, bylaws or resolution.

330 5-2. *Compensation.* Besides reimbursement for travel, per diem and business expenses
331 authorized by the Boards, Committees and Commissions law, members
332 shall not be entitled to any other form of compensation for duties/activities
333 performed on behalf of the Board.
334

335 **Article VI. Records and Reporting**

336 6-1. *Agenda Items.* Agendas shall be maintained in a consistent format furnished by the Oneida
337 Business Committee Support Office.
338

339 6-2. *Minutes.* Minutes shall be typed and in a consistent format designed by the Oneida
340 Business Committee Support Office to generate the most informative record
341 of the Board's meetings.
342 (a) Within thirty (30) days of Board approval, the Secretary shall submit the
343 minutes to the Oneida Business Committee Support Office for filing.
344

345 6-3. *Attachments.* Handouts, reports, memoranda and the like shall be attached to the minutes
346 and agenda of the meeting in which they were presented to be maintained
347 in accordance with the Open Records and Open Meetings law.
348

349 6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the
350 Oneida Business Committee member who is its designated liaison.
351 (a) The frequency and method of communication shall be as agreed upon by
352 the Board and liaison, but no less than that required in any law or policy on
353 reporting developed by the Oneida Business Committee or Oneida General
354 Tribal Council.
355 (b) The purpose of the liaison relationship is to uphold the ability of the liaison
356 to act as support to the Board.
357

358 6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using a device
359 approved and/or furnished by the Oneida Business Committee Support
360 Office.
361 (a) Audio recordings shall be maintained on the network in accordance with the
362 Open Records and Open Meetings law.

363 (1) *Exception.* Audio recordings of executive session portions of a
364 meeting shall not be required.
365

366 **Article VII. Amendments**

367 7-1. *Amendments.* These bylaws may be amended by majority vote of the members in
368 attendance at a Board meeting of an established quorum.

369 (a) Proposed amendments to these bylaws must be presented at one Board
370 meeting and cannot be approved until a subsequent Board meeting.

371 (1) A majority vote of the members in attendance at a Board meeting of
372 an established quorum is required before bylaws amendments will
373 be forwarded to the Oneida Business Committee for approval.

374 (b) Amendments shall be approved by the Oneida Business Committee and/or
375 the General Tribal Council, before implementation.

376 (c) Amendments to these bylaws must conform to the requirements of the
377 Boards, Committees and Commissions law, as well as any other policy of
378 the Nation.

379 (d) The Board shall conduct a review of its bylaws no less than on an annual
380 basis.

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[SIGNATURE BLOCK HERE]



Southeast WI Oneida Tribal Services Advisory Board 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 Tribal 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>1 O.C. 105.10</i>].		
Intent of the Bylaws	The Southeastern Wisconsin Oneida Tribal Services (SEOTS) Advisory Board (Board) bylaws provide a framework for the operation and management of the Board to govern the standard procedures regarding the way the Board conducts its affairs, including: the 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, termination process, required training, and how the bylaws are amended.		
Purpose	The purpose of Board to provide advice and constructive input to the SEOTS Director in order that the SEOTS office can formulate social services programs for the Oneida people residing in Southeastern Wisconsin. Each member of the Board shall act as an ambassador for the SEOTS program by promoting its mission whenever possible; shall review the program's budget; shall guide and advise SEOTS administration and shall adhere to the appropriate chain of command in any and all relative communications with the OBC and carry out all other powers and duties delegated to the Board by the laws and policies of the Nation [<i>Proposed Bylaws 1-3</i>].		
Related Legislation	Oneida Nation Constitution, Boards, Committees and Commissions law, Travel and Expense Policy, Conflict of Interest law, Social Media Policy, Computer Resources Ordinance, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	A member of the Board serves at the discretion of the OBC. Upon the recommendation of a member of the OBC or the Board, a member of an Board may have his or her appointment terminated by the OBC. A two-thirds majority vote of the OBC shall be required to terminate the appointment of an individual. The OBC's decision to terminate an appointment is final and not subject to appeal [<i>1 O.C. 105-7-4</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 October 3, 2018, with David P.
3 Jordan as the sponsor.
4 B. The Board was originally established by adoption of the bylaws by the OBC on July 1, 1997. The most
5 recent bylaws were adopted by the OBC on November 25, 2009.
6

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

- 8 A. The bylaws comply with the Boards, Committees and Commissions law.
9 B. The bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-18-
10 D Boards, Committees and Commissions Law Stipends” which details the types, specific dollar
11 amounts and eligibility requirements of stipends.
12 C. The bylaws comply with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and
13 Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.
14

15 **SECTION 4. AMENDMENTS**

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

17 A. ARTICLE I. AUTHORITY

- 18 a. Board membership decreased from seven (7) members to five (5) members [*Current*
19 *Bylaws 1-5(a)*] and [*Proposed Bylaws 1-5(a)*].
20 b. Board members will now hold expired terms of office until a successor is sworn in by the
21 OBC [*Proposed Bylaws 1-5(b)(1)(A)*] which is optional under the Boards, Committees and
22 Commissions law [*1 O.C. 105.6-2(a)(1)*].
23 c. The resignation process has changed in accordance with the Boards, Committees and
24 Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted [*Proposed Bylaws*
25 *1-5(b)(1)(B)*]:
26
 - Verbally and accepted by motion at a meeting; or
 - By delivering a written resignation to the Business Committee Support Office
27 (BCSO) and the Board Chairperson or Chairperson’s designee.
28 d. A provision was added that the Chairperson will make a recommendation to fill vacancies
29 on behalf of the Board [*Proposed Bylaws 1-5(c)(1)*] which is optional in the Boards,
30 Committees and Commissions law [*1 O.C. 105. 7-1(b)(1)*].
31 e. A provision was added to all bylaws defining an unexcused absence as a failure to notify a
32 Board Officer in writing at least thirty (30) minutes before a missed meeting [*Proposed*
33 *Bylaws 1-6(a)(1)(A)*].
34 f. A trainings and conferences section has been added to the bylaws to provide details with
35 regard to the minimum trainings or conferences the Board will be required to attend. Board
36 members are eligible for no more than five (5) stipends for full days of training per year
37 [*Proposed Bylaws 1-7*]. This complies with the Boards, Committees and Commissions law
38 [*1 O.C. 105.10-3(7)*].
39

40
41 B. ARTICLE II. OFFICERS

- 42 a. A duty was added to the Chairperson’s responsibilities to attend or designate a Board
43 member to attend the OBC meeting when the quarterly report is on the agenda [*Proposed*
44 *Bylaws 2-2(d)*] in accordance with the Boards, Committees and Commissions law [*1 O.C.*
45 *105.12-3*].
46 b. Duties were added to the Secretary position to submit minutes to the BCSO [*Proposed*
47 *Bylaws 2-4(b)*] consistent with the requirements contained in the Boards, Committees and
48 Commissions law [*1 O.C. 105.10-3(b)(6)*] and submit signed and completed A/P Check

- 49 Request Forms, Minutes Approved Signature Sheet, and Meeting Attendance Sheet to the
 50 appropriate recipient [*Proposed Bylaws 2-4(d)*].
- 51 c. Provisions were added that Board members may be dismissed from an Officer position by
 52 majority vote of the members in attendance at a Board meeting of an established quorum
 53 [*Proposed Bylaws 2-5(c)*] and Board members can only hold one Officer position per term
 54 [*Proposed Bylaws 2-5(d)*].
- 55 d. The Budgetary Sign-Off Authority and Travel section is new to these bylaws based on
 56 requirements in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)*].
- 57 • The Board will use levels for budgetary sign-off authority contained in the
 58 Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures
 59 Manuel for Area Directors/Enterprise Directors. The BCSO will have sign-
 60 off authority for requests for stipends, travel per diem and business expense
 61 reimbursement. All Board Officers will have sign-off authority and two (2)
 62 Officers must sign-off on budgetary requests, [*Proposed Bylaws 2-6(b)*].
 - 63 i. Although not applicable to the Board; the Board will follow
 64 the budgetary sign-off levels dictated by the Oneida Tribe of
 65 Indians of Wisconsin Purchasing Policies and Procedures
 66 Manuel for Area Directors/Enterprise Directors, page 217
 67 which includes the following levels of sign-off authority:
 - 68 1. Budgeted items with three bids for items between
 69 \$3,000 and \$10,000.
 - 70 2. Unbudgeted items between \$1,000 and \$5,000.
 - 71 3. Budgeted but sole source items between \$1,000 and
 72 \$5,000.
 - 73 • All travel must be authorized by two (2) Officers in accordance with the Travel
 74 and Expense Policy [*2 O.C. 219.4-2*]. All travel must be approved through
 75 majority vote of a quorum of the Board [*Proposed Bylaws 2-6(c)*] in
 76 accordance with the Boards, Committees and Commissions law [*1 O.C.*
 77 *105.10-3(b)(6)(B)*]. Board members may travel in the Nation’s vehicles when
 78 certified and must follow the Vehicle Driver Certification and Fleet
 79 Management law [*2 O.C. 210*].

81 C. ARTICLE III. MEETINGS

Meetings in Current Bylaws [Article III]	Meetings in Proposed Bylaws Amendments [Article III]
Regular Meetings • Regularly Scheduled – Twice Monthly	Regular Meetings • Regularly Scheduled – Once Monthly
Emergency Meetings or • Twenty-Four (24) Hour Notice	Emergency Meetings • Twenty-Four (24) Hour Notice
Special Meetings • Twenty-Four (24) Hour Notice	Special Meetings • Special Meetings were removed.
	Joint Meetings • As needed per approval of the OBC.

- 82
- 83 a. Regular meetings were reduced from two (2) meetings a month to one (1) meeting a month
 84 [*Proposed Bylaws 3-1*] to coincide with stipend allowance for appointed entities contained
 85 in the Boards, Committees and Commissions law [*1 O.C. 105.13-3(a)*].
- 86 b. A provision was added that notice of emergency meetings must be provided by official
 87 Oneida Nation email and by telephone call [*Proposed Bylaws 3-2(a)(1)*].
- 88 c. A provision was added per the Boards, Committees and Commissions law that the Board
 89 will notify the Nation’s Secretary within seventy-two (72) hours after holding an
 90 emergency meeting with meeting notice, the reason for the emergency meeting; and an
 91 explanation of why the matter could not wait for a regular meeting [*Proposed Bylaws 3-*
 92 *2(b)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-*
 93 *3(c)(2)(A)*].

- 94 d. Special meetings were removed [*Current Bylaws 3-2*].
95 e. Community meetings and events to communicate, share information and ideas were
96 eliminated [*Current Bylaws 3-5*].

- f. Joint Meetings. The bylaws contain joint meetings with the OBC [*Proposed Bylaws 3-3*] on an as needed basis, with the approval of the OBC in compliance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(3)*]. Joint meetings will be held in the OBC conference room. The meeting notice, agenda documents and minutes for joint meetings will be provided and the joint meetings will be conducted in accordance with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.

The agenda will be agreed upon by the Board Chairperson upon the Board approval and the OBC liaison with OBC approval;

The BCSO will provide all parties the agenda, meeting packet and meeting notes;

No action will take place at the joint meeting; and if it is agreed that further action is needed, either the OBC or the Board, or both, will take the issue back to their respective meetings for action through the OBC liaison to the OBC or the Chairperson of the Board;

The Chairperson of the Board will facilitate the meeting;

Formal motions to call the meeting to order, take action or adjourn are unnecessary; and

Actions will be requested by consensus of both bodies.

- 97 g. The use of e-polls was added to the bylaws. The Board will follow the required procedure
98 established by the Boards, Committees and Commissions law [*1 O.C. 105.11*]. The Vice-
99 Chairperson will be responsible for conducting e-polls in the absence or discretion of the
100 Chair [*Proposed Bylaws 3-6(c)*] [*1 O.C. 105.10-3(c)(6)(D)*].
101 h. A section related to subcommittees was removed [*Current Bylaws Article V*]. The Boards,
102 Committees and Commissions law does not require any detail related to subcommittees in
103 the bylaws.
104

105 D. ARTICLE IV. EXPECTATIONS

106 This section is new to the proposed bylaws based on the requirements established in the Boards,
107 Committees and Commissions law [*1 O.C. 105.10-3(d)*].

- 108 a. Behavioral requirements were added to govern members during Board meetings and
109 related activities [*Proposed Bylaws 4-1*] in accordance with the Boards, Committees and
110 Commissions law [*1 O.C. 105.10-3(d)(1)*]. Enforcement of behavioral expectations
111 includes dismissal from a meeting by the Chairperson or Vice-Chairperson, a
112 recommendation by majority vote of the Board to the OBC to consider termination of the
113 member’s appointment [*1 O.C. 105.6(c)*] and sanctions or penalties according to any
114 applicable laws and policies of the Nation [*Proposed Bylaws 4-1(e)*].
115 b. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional
116 or bodily harm or damage to property are prohibited. Violations could result in the Board’s
117 recommendation to the OBC to terminate the member from the Board or imposition of
118 sanctions or penalties according to any applicable laws and policies of the Nation
119 [*Proposed Bylaws 4-2*] in accordance with the Boards, Committees and Commissions law
120 [*1 O.C. 105.10-3(d)(2)*].
121 a. Board members must follow the Nation’s Social Media Policy and their Oath of Office.
122 Additionally; Board members may be counseled in a Board meeting regarding social media
123 posts and posts by community members to the SEOTS Advisory Board Facebook Page
124 may be removed by one of the three administrators [*Proposed Bylaws 4-4*]. This complies
125 with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(4)*].

- 126 c. The Board will be required to abide by the Nation’s Conflict of Interest law and the Boards,
127 Committees and Commissions law [1 O.C. 105.10-3(d)(5) and 105.15] which includes
128 disclosure of conflicts of interest annually [Proposed Bylaws 4-5].
129

130 E. ARTICLE V. STIPENDS AND COMPENSATION

131 A section was added to the bylaws that details stipends and compensation and corresponding
132 requirements in accordance with the Boards, Committees and Commissions law [O.C. 1 105.10-3(e)].

- 133 a. This section provides a list of stipends members of the Board are eligible to receive, in
134 addition to clarification that a full day of training is required to receive a training stipend
135 and the training or conference attended must be mandated by law, bylaws or resolution
136 [Proposed Bylaws 5-1(d)] and [1 O.C. 105.13-8(b)]. This section complies with
137 Resolution BC-05-08-19-B. Additionally; Board members may only receive up to five
138 (5) training stipends per year regardless of the days of training attended [Proposed Bylaws
139 1-7(d)].
- 140 b. The Board is not eligible for any compensation besides reimbursement for travel, per diem
141 and business expenses [Proposed Bylaws 5-2] in accordance with the Boards, Committees
142 and Commissions law [1 O.C. 105.13].
143

144 F. ARTICLE VI. RECORDS AND REPORTING

- 145 a. The Board will use the agenda format provided by the BCSO [Proposed Bylaws 6-1]. This
146 complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(1)].
- 147 b. Meeting minutes will be submitted to the BCSO within thirty (30) days of Board approval
148 [Proposed Bylaws 6-2(a)] in accordance with the Boards, Committees and Commissions
149 law [1 O.C. 105.10-3(f)(2)].
- 150 c. All attachments will be attached to and maintained with the meeting minutes and agenda
151 [Proposed Bylaws 6-3]. This meets requirements established by the Boards, Committees
152 and Commissions law [1 O.C. 105.10-3(f)(3)] in accordance with the Open Records and
153 Open Meetings law which requires a requester the right to make or receive a copy of a
154 written record [1 O.C. 107.7-2].
- 155 d. A requirement was added that the BCSO will audio record all meetings and maintain all
156 audio files on the Nation’s network. Executive session is not required to be recorded
157 [Proposed Bylaws 6-5]. This complies with the Boards, Committees and Commissions
158 law [1 O.C. 105.10-3(f)(5)(A)] and the Open Records and Open Meetings law which allows
159 a requestor to a copy of the audio or a transcription of an audio record [1 O.C. 107.7-3].
160

161 G. ARTICLE VII. AMENDMENTS

- 162 a. A provision was added requiring that amendments follow the Boards, Committees and
163 Commissions law and any other policy of the Nation in accordance with the Boards,
164 Committees and Commissions law [1 O.C. 105.10-3(g)]. Additionally, a provision was
165 added that the bylaws be reviewed as needed but no less than annually [Proposed Bylaws
166 7-1(d)].
167

168 **SECTION 6. LEGISLATION RELATED TO BOARDS, COMMITTEES AND COMMISSIONS**

169 There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws
170 related to the Board bylaws.

- 171 A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows
172 for the creation of committees for the proper conduct of tribal business of the Nation [Oneida
173 Nation Constitution, Article IV, Section 1(g)]. There are no conflicts between these bylaws and the
174 Oneida Nation Constitution.

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- B. Boards, Committees and Commissions [1 O.C. 105]. This law establishes all requirements related to elected and appointed boards, committees and commissions of the Nation. The law governs the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. The Board is appointed by the OBC [*Proposed Bylaws 1-5(b)*]. The requirements for entity bylaws are contained in this law as well as a requirement that all existing entities of the Nation comply with the format detailed in the law and present the bylaws for adoption by the OBC within a reasonable timeframe [*1 O.C. 105.10-3*]. The proposed bylaws comply and there are no conflicts with the Boards, Committees and Commissions law.
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- C. Travel and Expense Policy [2 O.C. 219]. Members of the Board are eligible for reimbursement of approved travel related expenses and per diem to attend a conference or training in accordance with the Nation's travel policies. The BCSO will have sign-off authority for requests for stipends, travel per diem and business expense reimbursement [*Proposed Bylaws 2-6(b)(1)*]. All travel must be authorized by two (2) Officers [*Proposed Bylaws 2-6(b)*] in accordance with the Travel and Expense Policy [*2 O.C. 219.4-2*]. The Board will approve all board travel by majority vote of the board [*Proposed Bylaws 2-6*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)(B)*]. The proposed bylaws comply and there are no conflicts with the Travel and Expense Policy.
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- D. Conflict of Interest [2 O.C. 217]. This law applies to the Board and establishes specific limitations to which information or materials that are confidential or may be used by a competitor of the Nation's enterprises or interests may be used to protect the interests of the Nation. The Boards, Committees and Commissions law establishes that amended bylaws require members to disclose potential or real conflicts annually [*1 O.C. 105.10-3(d)(5) and 105.15*]. This requirement is met in Article IV. 4-5 of Board's proposed bylaws. The proposed bylaws comply and there are no conflicts with the Conflict of Interest law.
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- E. Social Media Policy [2 O.C. 218]. This law regulates social media accounts including how content is managed and who has authority to post on social media on behalf of the Nation. The Board currently maintains a Facebook page <https://www.facebook.com/Southeastern-Oneida-Tribal-Services-Advisory-Board-218721712213704/>. The page must be registered with the Nation's Secretary's Office to include specific information related to access to the account, acknowledgment and compliance with the Computer Resources Ordinance and this policy, use a Tribal email address, and ensure all content complies with all applicable tribal, state or federal laws. The Board is required to abide by this law and their Oath of Office and the bylaws reiterate this requirement [*Proposed Bylaws 4-4*]. Additionally; the Board Facebook Page will be monitored by the Board and posts by Board members and community members will be monitored by the Board and deleted if not appropriate or deemed as negative [*Proposed Bylaws 4-4(a)*]. The proposed bylaws comply and there are no conflicts with the Social Media Policy.
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- F. Computer Resources Ordinance [2 O.C. 215]. Board members are considered users under this law and must comply with the established requirements to ensure appropriate use of the Nation's computer resources. There are no conflicts between the bylaws and the Computer Resources Ordinance. Members of the Board must sign an acknowledgment form indicating notice of the Nation's applicable computer and media related laws according to the Boards, Committees and Commissions law [*1 O.C. 105.14-3(b)*].

- 225 G. Open Records and Open Meetings [1 O.C. 107]. The Board must comply with the Open Records
226 and Open Meetings law. This law details how records must be maintained and made available to
227 the public and that meetings are open to the public unless the exceptions in this law related to
228 personnel matters or contracts are being discussed and deemed confidential which allow the
229 meetings to be closed [1 O.C. 107.15 and 107.17]. Public notice of meetings is also required by
230 this law [1 O.C. 107.15-1]. The Board bylaws delegates the maintenance of the records to the
231 Secretary [Proposed Bylaws 2-4(c)]. Meeting packets and backup materials will be submitted to
232 the BCSO within thirty (30) days of the meeting [Proposed Bylaws 6-2(a)] and made available to
233 the public in accordance with this law which states that any requestor has the right to make or
234 receive a copy of a public record [1 O.C. 107.7-2]. The bylaws comply and there are no conflicts
235 with the Open Records and Open Meetings law.
236
- 237 H. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The Board is considered an
238 entity [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)]
239 under this law and are authorized to travel in the Nation's vehicles. The law requires the Human
240 Resources Department or designee to ensure drivers, including Board members, are certified to
241 drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires Board
242 members (officials) to have written consent from the Board prior to being approved to use a Tribal
243 vehicle [2 O.C. 210.6-1(b)(2)]. Certification includes providing the Human Resources Department
244 with the appropriate license, training certifications, and insurance information [2 O.C. 210.8-1].
245 Additionally, Board members must abide by all reporting requirements in this law [2 O.C. 210.9-
246 2].
- 247 a. Board members who violate this law may be subject to:
 - 248 i. any laws regarding sanctions or penalties; and
 - 249 ii. termination of appointment following the Boards, Committees and Commissions
250 law [1 O.C. 105].
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**THE SOUTHEASTERN WISCONSIN
ONEIDA TRIBAL SERVICES ADVISORY BOARD BYLAWS**

Article I. Authority

- 1-1. *Name.* The name of the board shall be the Southeastern Wisconsin Oneida Tribal Services (SEOTS) Advisory Board, hereinafter, to be referred to as "Board."
- 1-2. *Authority.* The SEOTS Advisory Board was created by and has been delegated authority by the Oneida Business Committee by authority of the Oneida Tribe of Indians of Wisconsin Constitution and Bylaws, adopted November 14, 1936, under Article IV., Section I., Subsection (g).
- 1-3. *Office and Location.* The official mailing address of the Board shall be:
Southeastern Wisconsin Oneida Tribal Services Advisory Board
C/o Southeastern Wisconsin Oneida Tribal Services
6811 W. Morgan Avenue
Milwaukee, WI 53220
- 1-4. *Purpose.* It shall be the purpose of the Board to provide advice and constructive input to the Southeastern Wisconsin Oneida Tribal Services (SEOTS) Director in order that the SEOTS office can formulate social services programs for the Oneida people residing in Southeastern Wisconsin. Each member of the Board shall act as an ambassador for the SEOTS program by promoting its mission whenever possible; shall review the program's budget; shall guide and advise SEOTS administration and shall adhere to the appropriate chain of command in any and all relative communications with the Oneida Business Committee.
- 1-5. *Membership.*
- (a) *Number of Members.* The Board shall consist of seven (7) members who shall be appointed by the Oneida Business Committee.
- (b) *Application for Membership.*
- (1) Applicants who wish to be considered for membership shall be enrolled Oneida Tribal members who are eighteen (18) years of age or over.
- (2) Board members shall reside within one of the six (6) Southeastern Wisconsin counties of Milwaukee, Racine, Kenosha, Waukesha, Ozaukee and Washington.
- 1-6. Appointments to the Board shall be made in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.
- 1-7. Board members shall agree to firm commitments for attending the Board's meetings and General Tribal Council meetings, as well as, training, functions and other events as established by the Board, SEOTS office or the Tribe.
- 1-8. *Terms of Appointment.* Board members shall serve for a three (3) year term.
- 1-9. *Vacancies.* Each member shall hold office until his/her term expires, he/she resigns or his/her appointment is terminated. Resignations shall be in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. In the case of an unexpected vacancy on the Board, the Board Vice Chairperson shall notify the Tribal Secretary of the vacancy, requesting steps be taken to post the vacancy.
- 1-10. *Termination of Appointment.* A member may have his or her appointment terminated by the Oneida Business Committee by a two-thirds majority vote of the entire Oneida Business Committee pursuant to the Comprehensive Policy Governing Boards, Committees and Commissions. The Board may, by formal motion and action, request the

Oneida Business Committee terminate a member's appointment for one (1) or more of the following:

- (a) failure to attend four (4) regularly scheduled meetings without a verbal or written explanation to the Board.
 - (b) failure to attend fifty percent (50%) of the regularly scheduled meetings within a twelve (12) month period for any reason.
 - (c) alcohol use while performing official responsibilities or use of illegal drugs at any time.
 - (d) violation of a Tribal law which specifies termination of appointment as a penalty; or
 - (e) felony conviction while in office.
- 1-11. *Stipends.* A Board member shall receive a stipend, as funds permit, for each duly called meeting in the amount of \$75, per BC Resolution 10-25-06-C, provided that the meeting has established a quorum for a minimum of one hour and the Board member collecting the stipend was present for at least one hour of the established quorum.

Article II. Officers

- 2-1. Any member of the Board may nominate or be nominated for the offices of Board Chairperson, Vice Chairperson, or Secretary.
- 2-2. *Duties of the Chairperson.* The Chairperson shall:
- (a) Preside at all meetings of the Board.
 - (b) Vote only in case of a tie or a need for consensus.
 - (c) Sign all correspondence of the Board.
 - (d) Be responsible for submitting approved Board meeting minutes to the Oneida Tribal Secretary for action or approval by the Oneida Business Committee.
 - (e) Submit quarterly reports to the Oneida Business Committee and semi-annual reports to the Oneida General Tribal Council.
 - (f) Assign sub-committees as necessary and maintain Board functions and responsibilities.
 - (g) Prepare and follow scheduled order of business.
- 2-3. *Duties for the Vice Chairperson.* The Vice Chairperson shall:
- (a) Perform the Chairperson's duties under section 2-2, in the absence or incapacity of the Chairperson. In the case of termination of appointment, resignation or death of the Chairperson, the Vice Chairperson shall become the Chairperson for the remainder of the vacated term.
 - (b) Notify the Oneida Business Committee SEOTS Liaison of any Board vacancy, requesting the vacancy be posted in the Kalihwisaks and on the Tribal website.
- 2-4. *Duties of the Secretary.* The Secretary shall:
- (a) Record and review the minutes of the Board's meetings.
 - (b) Sign all approved minutes.
 - (c) Disperse minutes in a timely manner to the Board.
 - (d) Maintain files for all minutes, reports and correspondence to and from the Board.
- 2-5. Additional responsibilities for Board officers shall be to perform such other duties and functions from time to time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Tribe, or as required by the Constitution and Bylaws of the Oneida Tribe of Indians of Wisconsin, or by the direction of the Oneida General Tribal Council, or as provided for by Tribal law.
- 2-6. Terms for officer positions shall be for one (1) year.

2-7. Election of officers shall take place at the first regular meeting in March of each year.

Article III. Meetings

- 3-1. *Regular Meetings.* The Board's regular meetings shall be held on the 2nd and 4th Tuesday of each month. The regular meeting time shall be at 6:00 p.m. The annual meeting schedule shall be posted in the SEOTS office, on the Tribal website and in the Kalihwisaks.
- 3-2. *Special and Emergency Meetings.*
- (a) Special or emergency meetings shall address a specific purpose and/or convene at a time outside of regular meeting times.
 - (b) Emergency meetings shall require a verbal or written notice from a Board officer to the entire Board within a minimum of twenty-four (24) hours prior to the beginning of the meeting.
- 3-3. *Quorum.* A Board quorum shall require a minimum of four (4) board members, one of which shall be the Chairperson or the Vice Chairperson. The Board shall not conduct any official action without the presence of a quorum.
- 3-4. *Voting.* Decisions of the Board shall be based upon the majority of a quorum of members present at regular, special or emergency called meetings of the Board.
- 3-5. *Community Meetings.* The Southeastern Wisconsin Community shall include all enrolled Oneida Tribal members residing in the six (6) Southeastern Wisconsin counties of Milwaukee, Racine, Kenosha, Waukesha, Ozaukee and Washington.
- (a) *Community meetings.* The Southeastern Wisconsin Community shall meet semi-annually.
 - (b) *Special and Emergency Events.* Notice should be given in writing to the Southeastern Wisconsin Community members ten (10) days prior to the event.
 - (c) *Place and Time.* Community Meetings shall be in such a place within the Southeastern portion of Wisconsin that is accessible to the community and will best serve the meeting purpose.
 - (d) *Role and Responsibility.* The purpose of the Community Meeting shall be for communication, information and sharing of ideas.
- 3-6. *Order of Business.* The meetings of the Board shall follow the order of business as set out herein:
- (a) Call to order/ roll call
 - (b) Approval of Agenda
 - (c) Approval of Minutes
 - (d) SEOTS Director's Report (once a month)
 - (e) Standing and Special Sub-Committee Reports
 - (f) Tabled Business
 - (g) New Business
 - (h) Open Session
 - (i) Adjournment

Article IV. Reporting

- 4-1. *Reporting.* The Board Chairperson shall submit reports to the Tribal Secretary four (4) times annually in March, June, October and January, and semi-annual reports to the Oneida General Tribal Council.
- 4-2. *Format.* Agenda items shall be in an identified format.

- 4-3. *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Board for the Oneida Business Committee.
- 4-4. *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.
- 4-5. *Reporting to Liaison.* The Chairperson shall report to the Oneida Business Committee SEOTS liaison or to an alternate liaison in the case that the liaison is not available due to illness, removal, resignation, etc. This reporting format may be used as the liaison and the Board agrees to, but not less than that required in any policy on reporting developed by the Oneida Business Committee or the General Tribal Council. Reports shall be made within a reasonable time after a meeting is held, or as the liaison and the Board agree. Provided that, the agreement is to uphold the ability of the liaison to act as a support for the Board.

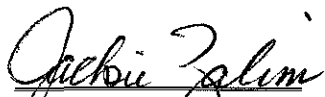
Article V. Sub-Committees

- 5-1. *Sub-Committees.* Sub-committees shall be created by the Board on an as needed basis. Board members sitting on sub-committees shall serve as volunteers and each will be expected to share in the responsibilities of the sub-committee relative to submitting, attending and participating in subcommittee meetings and submitting reports.
- 5-2. The Board is not bound by the findings or recommendations of a sub-committee.

Article VI. Amendments

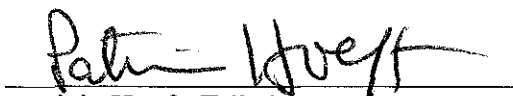
- 6-1. These bylaws may be amended by majority vote of a Board quorum, with final approval of the Oneida Business Committee. Further, any amendment(s) to these bylaws will be required to be presented at one Board meeting and can not be approved until a second Board meeting. A majority vote will be required before forwarding for final Oneida Business Committee approval.

These Bylaws, as amended and revised, are hereby attested to as adopted by the Southeastern Wisconsin Oneida Tribal Services Advisory Board at a duly called meeting by the Chairperson's signature on this 12 day of January, 2009.



Jackie Zalim, Board Chairperson
Southeastern Wisconsin Oneida Tribal Services Advisory Board

And Approved by the Oneida Business Committee at a duly called meeting held on the 25th day of November, 2009.



Patricia Hoeft, Tribal Secretary
Oneida Business Committee

~~THE~~ SOUTHEASTERN WISCONSIN

ONEIDA TRIBAL SERVICES (SEOTS) ADVISORY BOARD BYLAWS

Article I. — Authority

~~1-1. Name.~~ 1-1. Name. The name of ~~the board~~ this entity shall be the Southeastern Wisconsin Oneida Tribal Services (SEOTS) Advisory Board, ~~hereinafter, to~~ and may be referred to interchangeably as “SEOTS or the Board.”

~~1-2. Authority.~~

1-2. Establishment. The ~~SEOTS Advisory Board~~ SEOTS Advisory Board was ~~created by and has been delegated authority~~ established through resolution BC-4-4-94-A, which was adopted by the Oneida Business Committee ~~by authority of the Oneida Tribe of Indians of Wisconsin Constitution and Bylaws, adopted November 14, 1936, on April 4, 1994 pursuant to~~ the authority delegated it under Article IV, Section ~~1,~~ Subsection (g)-1 of the Oneida Nation Constitution.

~~1-3. Office and Location.~~ 1-3. Authority. The ~~official mailing address of the Board~~ shall be:

~~Southeastern Wisconsin Oneida Tribal Services Advisory Board~~

~~C/o Southeastern Wisconsin Oneida Tribal Services~~

~~6811 W. Morgan Avenue~~
~~Milwaukee, WI 53220~~

~~1-4. Purpose.~~ 1-4. Purpose. It shall be the purpose of the Board to provide advice and constructive input to the Southeastern Wisconsin Oneida Tribal Services (SEOTS) Director ~~working in order that the SEOTS office can partnership to~~ formulate social services programs for the Oneida people residing in Southeastern Wisconsin. ~~Each member of the Board shall act as by,~~ including, but not limited to:

(a) Acting as an ambassador for the SEOTS program by promoting its mission whenever possible; ~~shall review~~

(b) Reviewing the SEOTS program’s budget; ~~shall guide~~

(c) Guiding and advise ~~advising the~~ SEOTS administration ~~and shall adhere;~~

(d) Adhering to the appropriate chain of command in any and all relative communications with the Oneida Business Committee; and

(e) Carrying out all other powers and/or duties delegated to SEOTS by the laws and/or policies of the Nation.

1-4. Office. The official mailing address of the Board shall be:
Southeastern Wisconsin Oneida Tribal Services Advisory Board
c/o Southeastern Wisconsin Oneida Tribal Services
5233 W. Morgan Avenue

Milwaukee, WI 53220

1-5. Membership.

~~1-4. 1-5. Membership.~~

~~(a) (a) Number of Members.~~ -The Board shall consist of ~~seven (7) five (5)~~ members who shall ~~be appointed by the Oneida Business Committee~~ serve three (3) year terms.

~~(b) Application for Membership.~~

~~(1) Applicants who wish to be considered for membership shall be enrolled Oneida Tribal members who are eighteen (18) years of age or over.~~

~~(2) Board members shall reside within one of the six (6) Southeastern Wisconsin counties of Milwaukee, Racine, Kenosha, Waukesha, Ozaukee and Washington.~~ Appointment. Board members shall be appointed

~~(b) 1-6.~~ Appointments to the Board shall be made in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions law.

~~1-7. Board members shall agree to firm commitments for attending the Board's meetings and General Tribal Council meetings, as well as, training, functions and other events as established by the Board, SEOTS office or the Tribe.~~

~~1-8. Terms of Appointment. Board members shall serve for a three (3) year term.~~

~~(1) 1-9. Vacancies.~~ Each member shall hold office until his/her term/terms expires, he/she resigns, or his/her appointment is terminated. Resignations shall be in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. In the case of an unexpected vacancy on the Board, the Board Vice Chairperson shall notify the Tribal Secretary of the vacancy, requesting steps be taken to post the vacancy. Boards, Committees and Commissions law.

~~1-10. Termination of Appointment. A member may have his or her appointment terminated.~~ (A) Term Expiration. Although a member's term has expired, he or she shall remain in office until a successor has been sworn in by the Oneida Business Committee.

(B) Resignation. A member may resign at any time verbally at a meeting or by a two-thirds majority vote of delivering written notice to the entire Oneida Business Committee pursuant to the Comprehensive Policy Governing Support Office and the Board Chairperson or Chairperson's designee. The resignation is deemed effective upon acceptance by motion of a Board member's verbal resignation or upon delivery of the written notices.

(c) Vacancies. Vacancies on the Board shall be filled in accordance with the Boards, Committees and Commissions law.

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

(d) *Qualifications of Members.* Board members shall meet the following qualifications:

(1) Be an enrolled member of the Nation;

(2) Be at least eighteen (18) years of age or over; and

(3) Reside within one (1) of the following six (6) Southeastern Wisconsin Counties: Milwaukee, Racine, Kenosha, Waukesha, Ozaukee and Washington.

~~1-6. The Termination.~~ A Board member may have his or her appointment terminated in accordance with the Boards, Committees and Commissions law.

(a) Upon majority vote of the members in attendance at a Board meeting of an established quorum, the Board may, by formal motion and action, request that the Oneida Business Committee terminate a member's appointment for one (1) or more of the following reasons:

~~(a) failure to attend~~ (1) Accumulating four (4) unexcused absences from regularly scheduled meetings without within a twelve (12) month period.

(A) An absence shall be deemed unexcused if a ~~verbal or~~ member fails to provide written explanation notice of his or her pending absence to the a Board Officer at least thirty (30) minutes before the missed meeting.

~~(b) failure~~ (2) Failing to attend at least fifty percent (50%) of the regularly scheduled meetings within a twelve (12) month period for any reason.

~~(c)~~ (3) Using alcohol ~~use~~ while performing official responsibilities of the Board or ~~use of~~ using illegal drugs at any time.

~~(d) violation of a Tribal law which specifies termination of appointment as a penalty; or~~

~~(e)~~ (4) Violating these bylaws and/or any other laws of the Nation.

(5) Receiving a felony conviction while ~~in office~~.

~~1-11. Stipends.~~ A Board member shall receive a stipend, as funds permit, for each duly called meeting in the amount of \$75, per BC Resolution 10-25-06-C, provided that the meeting has established a quorum for a minimum of one hour and the serving on the Board member collecting the stipend was present for at least one hour of the established quorum.

~~Article II. Officers~~

123 ~~1-7. 2-1.~~ Any member of the *Trainings and Conferences*. Board may nominate members shall
 124 be required to attend mandatory trainings and/or be nominated for conferences in
 125 the offices following areas:

- 126 (a) Robert's Rules of Order;
- 127 (b) Oneida Language Classes; and/or
- 128 (c) New Board Member Orientation by the SEOTS Director.
- 129 (d) Regardless of the number of trainings/conferences that he or she is required
 130 to attend, no member shall be eligible to receive stipends for attending more
 131 than five (5) full days of mandatory trainings/conferences per year.

132 Article II, Officers

134 ~~2-1. Officers.~~ The Board shall consist of the following Officers: Chairperson, Vice--
 135 Chairperson, ~~or~~ and Secretary.

136 2-2.

138 ~~2-2. Duties Responsibilities of the Chairperson. The~~ The responsibilities, duties and limitations
 139 of the Chairperson shall be as follows:

- 140 (a) ~~Preside at~~ Call and preside over all meetings of the Board.
- 141 (b) ___ Vote only in case of a tie ~~or a need for consensus.~~
- 142 (c) ___ Sign all correspondence of the Board.
- 143 ~~(d) Be responsible for submitting approved Board meeting minutes to the Oneida Tribal~~
 144 ~~Secretary for action or approval by the Oneida Business Committee.~~
- 145 ~~(e)~~(d) Submit quarterly reports to the Oneida Business Committee, as well
 146 as annual and semi-annual reports to the Oneida General Tribal Council, in
 147 accordance with the Boards, Committees and Commissions law; and attend
 148 or designate a Board member to attend the Oneida Business Committee
 149 meeting where SEOTS' quarterly report appears on the agenda.
- 150 ~~(f)~~(e) Assign sub-committees as necessary and maintain Board functions
 151 and ___ responsibilities.
- 152 ~~(g)~~(f) Prepare and follow scheduled order of business.

153 ~~Perform such other duties and functions from time-2-3. Duties for the Vice Chairperson.~~
 154 The Vice Chairperson shall:

- 155 ~~(a) Perform the Chairperson's duties under section 2-2, in the absence or incapacity of the~~
 156 ~~Chairperson. In the case of termination of appointment, resignation or death of the~~
 157 ~~Chairperson, the Vice Chairperson shall become the Chairperson for the remainder of the~~
 158 ~~vacated term.~~

- 159 ~~(b) Notify the Oneida Business Committee SEOTS Liaison of any Board vacancy, requesting~~
 160 ~~the vacancy be posted in the Kalihwisaks and on the Tribal website.~~

161 ~~2-4. Duties of the Secretary.~~ The Secretary shall:

- 162 ~~(a) Record and review the minutes of the Board's meetings.~~
- 163 ~~(b) Sign all approved minutes.~~
- 164 ~~(c) Disperse minutes in a timely manner to the Board.~~
- 165 ~~(d) Maintain files for all minutes, reports and correspondence to and from the Board.~~

(g) ~~2-5.~~ Additional responsibilities for Board officers shall be to perform such other duties and functions from time to time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Tribe, or Nation; as required by the Constitution and Bylaws of the Oneida Tribe of Indians of Wisconsin, or by Nation; per the direction of the Oneida General Tribal Council; or as provided for by Tribal Law the laws of the Nation.

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

- (a) Perform the Chairperson's duties under section 2-2 of these bylaws, in the absence or incapacity of the Chairperson.
 - (1) In the case of termination of appointment, resignation or death of the Chairperson, the Vice-Chairperson shall become the Chairperson for the remainder of the Chairperson's term.
- (b) Notify the Oneida Business Committee Support Office of any Board vacancies or planned vacancies in accordance with the Boards, Committees and Commissions law.
- (c) Perform such other duties and functions from time-to-time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Nation; as required by the Constitution of the Oneida Nation; per the direction of the Oneida General Tribal Council; or as provided for by the laws of the Nation.

2-4. ~~2-6.~~ Terms Responsibilities of the Secretary. The responsibilities, duties and limitations of the Secretary shall be as follows:

- (a) Provide notice of meeting agendas, documents, and minutes to all Board members, as well as the public, in accordance with these bylaws and the Nation's Open Records and Open Meetings law.
- (b) Record and review the minutes of the Board's meetings and submit recorded minutes to the Oneida Business Committee Support Office in accordance with these bylaws.
- (c) Maintain files for ~~office~~ all minutes, reports and correspondence to and from the Board in accordance with the Open Records and Open Meetings law.
- (d) Submit signed and completed A/P Check Request Forms, Minutes Approved Signature Sheets, and Meeting Attendance Sheets to the appropriate recipient.
- (e) In the event that both the Chairperson and Vice-Chairperson positions shall be become vacant before the end of their terms, call Board meetings to fill the vacancies and preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.
- (f) Perform such other duties and functions from time-to-time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Nation; as required by the Constitution of the Oneida Nation; per

the direction of the Oneida General Tribal Council; or as provided for by the laws of the Nation.

2-5. Selection of Officers. Officers of the Board shall serve one (1) year terms.

- (a) ~~2-7. Election of officers~~ Any member of the Board may self-nominate or be nominated for the offices of Chairperson, Vice-Chairperson or Secretary.
- (b) Elections of Officers shall take place at the first regular Board meeting of an established quorum in March of each year by majority vote of the members in attendance.
- (c) Board members may be dismissed from their Officer positions by majority vote of the members in attendance at a Board meeting of an established quorum.
- (d) Board members may hold only one (1) Officer position per Officer term.

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

- (a) Levels of budgetary sign-off authority for the Board shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.
- (b) All Board Officers have sign-off authority and (2) Officers shall be required to sign-off on all budgetary requests, except as follows:
- (1) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
- (c) Travel shall be approved by majority vote of the members in attendance at a regular or emergency Board meeting of an established quorum.

2-7. Personnel. The Board shall not have authority to hire personnel for the benefit of the Board.

Article III.

Article III. Meetings

~~3-1. Regular Meetings.~~ ~~3-1. Regular Meetings.~~ The Board's regular meetings shall be held on the 2nd and 4th Tuesday Monday of each month. The regular meeting time shall be, beginning at 6:00 p.m., in the SEOTS building located in Milwaukee, Wisconsin.

- (a) The meeting date, time and location may change from time-to-time as determined by a majority vote of the members consisting of no less than a Board quorum so long as notice is provided to all members in writing and, along with the public, in accordance with the Open Records and Open Meetings law, prior to implementation of the new date, time and/or location.

- (c) Approval of Minutes
- (d) Old Business
- (e) New Business
- (f) SEOTS Director's Report (once a month)
- (g) Other Business
- (h) Executive Session
- (i) Adjournment

3-46. *Voting.*— Decisions of the Board shall be based upon a majority vote of members in attendance at a regular or emergency Board meeting of an established quorum.

- (a) The Chairperson, or Board Officer presiding in lieu of the Chairperson, shall not be allowed to vote unless a tie needs to be broken.
- (b) E-polls are allowed so long as conducted in accordance with the Boards, Committees and Commissions law.
 - (1) The Vice-Chairperson shall serve as the Chairperson's designee for the responsibility of conducting e-polls in the Chairperson's absence or discretion.

Article IV, the majority of a quorum of Expectations

4-1. *Behavior of Members.* While acting on behalf of the Board, members are prohibited from:

- (a) Bullying;
- (b) Name calling;
- (c) Using excessive profanity; and/or
- (d) Engaging in other disrespectful behavior deemed inappropriate by the Board.
- (e) Enforcement. A member who violates this or any other section of these bylaws and/or any governing law of the Nation, may be subject to one or more of the following:
 - (1) If deemed violent or threatening during a Board meeting, dismissal from the meeting by the Chairperson or Vice-Chairperson.
 - (A) If the unwanted behavior escalates after dismissal, the proper authorities will be called.
 - (2) By majority vote of the members present at regular, special or emergency called meetings of the Board a Board meeting of an established quorum, the Board's recommendation to the Oneida Business Committee for the termination of his or her appointment.
 - (3) Disciplinary action in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

4-2. *Prohibition of Violence.* Intentionally violent acts committed by a Board member that inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on another person, or damage to property are strictly prohibited.

344 4-3. Drug and Alcohol Use. Alcohol use while performing official responsibilities of the Board
 345 or use of illegal drugs at any time by a Board member is prohibited.

- 346 (a) Any member discovered to be under the influence of alcohol or an illegal
 347 drug while attending a Board meeting or event will, along with any other
 348 possible action under section 4-1, be dismissed by the Chairperson or Vice-
 349 Chairperson from that meeting/event.

351 4-4. ~~3-5. Community Meetings.~~ The Southeastern Wisconsin Community Social Media.
 352 Members shall include all enrolled Oneida Tribal members residing in comply with the
 353 six (6) Southeastern Wisconsin counties Nation's Social Media Policy, their oath of Milwaukee,
 354 Racine, Kenosha, Waukesha, Ozaukee _____ office and Washington.

- 355 (a) ~~Community meetings.~~ The Southeastern Wisconsin Community shall meet semi-annually.
 356 (b) ~~Special and Emergency Events.~~ Notice should be given in writing to the Southeastern
 357 Wisconsin Community members ten (10) days prior to the event.
 358 (c) ~~Place and Time.~~ Community Meetings shall be in such following when using social
 359 media on behalf or as a place within the Southeastern portion of Wisconsin that is
 360 accessible to the community and will best serve the meeting purpose.
 361 (d) ~~Role and Responsibility.~~ The purpose of the Community Meeting shall be for
 362 communication, information and sharing of ideas.

363 3-6. Order of Business. The meetings _____ representative
 364 of the Board shall follow the order of business as set out herein.

- 365 (a) Call to order/ roll call
 366 (b) Approval Use of Agenda
 367 (c) Approval of Minutes

368 (d) ~~the SEOTS Director's Report (once a month)~~ Advisory Board Facebook Page.

- 369 (1) If a post by a Board member on any social media platform is made
 370 and it is perceived in a negative or inappropriate way, that Board
 371 member shall be counseled in the following meeting.
 372 (2) If a post is made by a community member and is perceived in a
 373 negative or inappropriate way, one (1) of the three (3) administrators
 374 will delete the comment or post. That community member will be
 375 contacted by an administrator. If the conflict cannot be resolved, the
 376 Board will decide how to proceed at the following Board meeting.

378 4-5. Conflict of Interest. Board members shall comply with all laws and policies of the Nation
 379 governing conflicts of interest.

381 Article V. Stipends and Compensation

382 5-1. (e) Standing and Special Sub-Committee Reports

- 383 (f) ~~Tabled Business~~

384 ~~(g) — New Business~~

385 ~~(h) — Open Session~~

386 ~~(i) — Adjournment~~

387

388 ~~**Article IV. — Reporting**~~

389 ~~4-1. — Reporting. The Board Chairperson shall submit reports to the Tribal Secretary four (4) times~~
390 ~~annually in March, June, October and January, and semi-annual reports to the Oneida General~~
391 ~~Tribal Council.~~

392 ~~4-2. — Format. Agenda items shall be in an identified format.~~

393 ~~4-3. — Minutes. Minutes shall be typed and in a consistent format designed to generate the most~~
394 ~~informative record of the meetings of the Board for the Oneida Business Committee.~~

395 ~~4-4. — Attachments. Handouts, reports, memoranda and the like may be attached to the~~
396 ~~minutes and agenda, or may be kept separately, provided that all materials can be identified to~~
397 ~~the meeting in which they were presented.~~

398 ~~4-5. — Reporting to Liaison. The Chairperson shall report to the Oneida Business Committee SEOTS~~
399 ~~liaison or to an alternate liaison in the case that the liaison is not available due to illness, removal,~~
400 ~~resignation, etc. This reporting format may be used as the liaison and the Board agrees to, but~~
401 ~~not less than that required in any policy on reporting developed by the Oneida Business~~
402 ~~Committee or the General Tribal Council. Reports shall be made within a reasonable time after a~~
403 ~~meeting is held, or as the liaison and the Board agree. Provided that, the agreement is to uphold~~
404 ~~the ability of the liaison to act as a support for the Board.~~

405

406 ~~**Article V. — Sub Committees**~~

407 ~~5-1. — Sub Committees. Sub committees shall be created by the Board on an as-needed basis. Board~~
408 ~~members sitting on sub committees shall serve as volunteers and each will be expected to share~~
409 ~~in the responsibilities of the sub committee relative to submitting, attending and participating in~~
410 ~~subcommittee meetings and submitting reports.~~

411 ~~5-2. — The Board is not bound by the findings or recommendations of a sub committee.~~

412

413 ~~**Article VI. — Amendments**~~

414 ~~6-1. — These bylaws may be amended by majority vote of a Board quorum, with final approval of the~~
415 ~~Oneida Business Committee. Further, any amendment(s) to these bylaws will be required to be~~
416 ~~presented at one Board meeting and can not be approved until a second Board meeting. A~~
417 ~~majority vote will be required before forwarding for final Oneida Business Committee approval.~~

418

419 ~~These Bylaws, as amended and revised, are hereby attested to as adopted by the Southeastern Wisconsin~~
 420 ~~Oneida Tribal Services Advisory Board at a duly called meeting by the Chairperson's signature on this _____~~
 421 ~~day of _____, 2009.~~

422

423

424

425 ~~Jackie Zalim, Board Chairperson~~

426 ~~Southeastern Wisconsin Oneida Tribal Services Advisory Board~~

427

428 ~~And Approved by _____ *Stipends.* Board members are eligible for the following stipends as set~~
 429 ~~forth in and _____ subject to these bylaws; the Boards, Committees and~~
 430 ~~Commissions law; and _____ resolution BC-05-08-19-B titled, Amending~~
 431 ~~Resolution BC-09-26-18-D _____ Boards, Committees and~~
 432 ~~Commissions Law Stipends, as may be further _____~~
 433 ~~amended from time-to-time hereafter:~~

434 (a) ~~One (1) meeting stipend per month, provided that:~~

435 ~~(1) A quorum was established;~~

436 ~~(2) The meeting of the established quorum lasted for a minimum of one~~
 437 ~~(1) hour; and~~

438 ~~(3) The member collecting the stipend was physically present for the~~
 439 ~~entire meeting of the established quorum.~~

440 (b) ~~A stipend for attending a Judiciary hearing if the member's attendance was~~
 441 ~~required by official subpoena.~~

442 (c) ~~A stipend for attending a duly called joint meeting between the Board and~~
 443 ~~the Oneida Business Committee at a duly called meeting held on the _____,~~
 444 ~~provided that:~~

445 ~~(1) A quorum was established by the Board;~~

446 ~~(2) The joint meeting of the established quorum lasted for at least one~~
 447 ~~(1) hour; and~~

448 ~~(3) The member collecting the stipend was physically present for the~~
 449 ~~entire joint meeting.~~

450 (d) ~~A stipend for each day of attendance at a conference or training, provided~~
 451 ~~that:~~

452 ~~(1) The member attended a full day of _____, 2009 training~~
 453 ~~or was present at the _____ conference for a full day; and~~

454 ~~(2) The member's attendance at the conference or training was~~
 455 ~~mandated by law, bylaws or resolution.~~

456 5-2. Compensation. Besides reimbursement for travel, per diem and business expenses
457 authorized by the Boards, Committees and Commissions law, members
458 shall not be entitled to any other form of compensation for duties/activities
459 performed on behalf of the Board.

460 Article VI.

461
462
463
464
465 Patricia Hoeft, Tribal Secretary

466 Records and Reporting

467 6-1. Agenda Items. Agendas shall be maintained in a consistent format furnished by the Oneida
468 Business Committee Support Office.

469
470 6-2. Minutes. Minutes shall be typed and in a consistent format designed by the Oneida
471 Business Committee Support Office to generate the most informative record
472 of the Board's meetings.

473 (a) Within thirty (30) days of Board approval, the Secretary shall submit the
474 minutes to the Oneida Business Committee Support Office for filing.

475
476 6-3. Attachments. Handouts, reports, memoranda and the like shall be attached to the minutes
477 and agenda of the meeting in which they were presented to be maintained
478 in accordance with the Open Records and Open Meetings law.

479
480 6-4. Oneida Business Committee Liaison. The Board shall regularly communicate with the
481 Oneida Business Committee member who is its designated liaison.

482 (a) The frequency and method of communication shall be as agreed upon by
483 the Board and liaison, but no less than that required in any law or policy on
484 reporting developed by the Oneida Business Committee or Oneida General
485 Tribal Council.

486 (b) The purpose of the liaison relationship is to uphold the ability of the liaison
487 to act as support to the Board.

488
489 6-5. Audio Recordings. All meetings of the Board shall be audio recorded using a device
490 approved and/or furnished by the Oneida Business Committee Support
491 Office.

492 (a) Audio recordings shall be maintained on the network in accordance with the
493 Open Records and Open Meetings law.

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

497 **Article VII. Amendments**

498 7-1. Amendments. These bylaws may be amended by majority vote of the members in
499 attendance at a Board meeting of an established quorum.

500 (a) Proposed amendments to these bylaws must be presented at one Board
501 meeting and cannot be approved until a subsequent Board meeting.

502 (1) A majority vote of the members in attendance at a Board meeting of
503 an established quorum is required before bylaws amendments will
504 be forwarded to the Oneida Business Committee for approval.

505 (b) Amendments shall be approved by the Oneida Business Committee and/or
506 the General Tribal Council, before implementation.

507 (c) Amendments to these bylaws must conform to the requirements of the
508 Boards, Committees and Commissions law, as well as any other policy of
509 the Nation.

510 (d) The Board shall conduct a review of its bylaws no less than on an annual
511 basis.

512

513

514

515

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Legislative Operating Committee
October 2, 2019

Oneida Nation Arts Board Bylaws 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 105.10-1(a) 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 Nation Arts Board By-Laws Amendments to the active files list; Seconded by Kirby Metoxen. Motion carried.

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 (OBCSO), 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 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 & Pow-wow), 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 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 second of the two informational meetings.

1/31/19: *LOC Work Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, David P. Jordan, Daniel Guzman-King, Kirby Metoxen, Jennifer Webster. The purpose of this meeting was to discuss the progress, in general, of the Nation's boards, committees and commissions on getting their bylaws amended and their likelihood of meeting the March 26, 2019 deadline set forth in resolution BC-09-26-18-C to present their bylaws to the Oneida Business Committee for adoption. Based on the discussion, a decision was made to have the LOC draft a memorandum to the Oneida Business Committee seeking an extension of the March 26, 2019 deadline for all boards, committees and commissions to present their bylaws amendments to the Oneida Business Committee for adoption.

2/6/19 LOC: Motion by Jennifer Webster to approve the memorandum from Chairman David P. Jordan to the Oneida Business Committee seeking an extension of the March 26, 2019 bylaws amendments deadline and to forward the memorandum to the Oneida Business Committee to be placed on the February 13, 2019 Oneida Business Committee meeting agenda for consideration; Seconded by Kirby Metoxen. Motion carried.

2/22/19: *OBC Work Session.* Present: Jennifer Falck, Kristen M. Hooker, Lisa Summers, Daniel Guzman-King, Jennifer Webster, Tehassi Hill, Brandon Stevens, Trish King, David P. Jordan, Kirby Metoxen. The purpose of this meeting was to discuss the February 13, 2019 memo from the LOC Chairman to the OBC regarding Amendments to Boards, Committees and Commissions By-Laws Timeline in which it requested an extension of the deadline for submitting bylaws to the OBC for adoption. During the meeting, the LRO Staff Attorney assigned this item provided a status update on the progress of the boards, committees and commissions on the amending of their bylaws to comply with the Boards, Committees and Commissions law within the six (6) month deadline imposed by resolution BC-09-26-18-C. The OBC decided not to grant an extension of the six (6) month deadline. Instead, the OBC directed the LRO to continue pushing the bylaws forward and to return to the March 19, 2019 OBC work

session to provide a progress report on the boards, committees and commissions' bylaws amendments.

3/14/19: *LOC Work Meeting.* Present: Kirby Metoxen, David P. Jordan, Jennifer Webster, Ernest Stevens III, Lisa Summers, Kristen M. Hooker, Clorissa Santiago, Jennifer Falck, Maureen Perkins. The purpose of this work meeting was to discuss the portion of the 3/13/19 OBC Meeting relating the bylaws amendments that were on the agenda and OBC's directive to now have all bylaws amendments reviewed by the OBC during a work session before being added to an OBC Meeting agenda for consideration and possible adoption. The next step is for the LRO drafting attorney to attend the OBC work session on March 19, 2019 to discuss further.

3/19/19: *OBC Work Session.* Present: Lisa Summers, Patricia King, Brandon Stevens, David P. Jordan, Daniel Guzman-King, Jo Anne House, Jennifer Falck, Clorissa Santiago, Kristen M. Hooker, Lisa Liggins, Cathy Bachhuber. The purpose of this OBC work session was for the Legislative Reference Office Staff Attorney to provide the OBC with a status update on the progress made by the boards, committees and commissions on the amending of their bylaws to conform to the Boards, Committees and Commissions law. Based on the update and the discussion that followed, the OBC: (1) decided to grant an exception to the March 26, 2019 deadline set forth in resolution BC-09-26-19-C for the Nation's boards, committees and commissions to present their bylaws to the OBC for adoption; and (2) directed the LRO to draft a memo for the next LOC meeting to be forwarded to the OBC indicating the same.

**During its subsequent review of the Oneida Gaming Commission's proposed bylaws amendments, the OBC decided to add the following requirements to all of the boards, committees and commissions' bylaws amendments: (1) that, the recommendations for termination be by a majority vote of the members in attendance at a meeting of the entity's established quorum; (2) that, notice of meetings be provided to all members of the entity without exception (per request of LOC that all meetings be duly called); (3) that, the sign-off level for all entities, not assigned a specific level therein, be the same as the Area Director/Enterprise Director level set forth in the Nation's purchasing manual, and that, two (2) of the entity's Officers be required to sign-off on all such purchases; (4) that, under the "Selection of Officers" section, a provision be added (as its own separate subsection) to allow members to be dismissed (not removed as initially proposed) from their Officer positions by a simple majority vote of the entity; (5) that, the entities review their bylaws each time a vacancy is filled by a new member; (6) that, stipend amounts not be listed in the entity's bylaws; and (7) that, assuming its adoption, the resolution governing joint meetings be referenced in the joint meeting section of the entity's bylaws.*

3/20/19 LOC: Motion by Ernest Stevens III to approve the Boards, Committees and Commissions Bylaws Update Memo and forward to the Oneida Business Committee; Seconded by Daniel Guzman-King. Motion carried.

3/27/19 OBC: Motion by Lisa Summers to grant the seventeen (17) entities that have begun the process of amending their bylaws to conform to the Boards, Committees and

Commissions law, an exception to the March 26, 2019, deadline set forth in resolution BC-09-26-18-C for presenting bylaws amendments to the Business Committee for adoption; Seconded by David P. Jordan. Motion carried.

4/16/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jo Anne House, Lisa Liggins, Kristen M. Hooker, Clorissa Santiago. The purpose of this OBC work session was to review the Election Board's bylaws amendments. During this meeting, the OBC also decided that all boards, committees and commissions must add the word "titled" next to the name of the purchasing manual they are required to reference in the "sign-off" section of their bylaws to provide clarification on why the term "Oneida Tribe of Indians" is being used instead of the "Nation".

5/1/19: *LOC Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Kristen M. Hooker, Brandon Wisneski, Jennifer Falck, Clorissa Santiago, Maureen Perkins. The purpose of this meeting was to discuss some of the hurdles the LRO has encountered under the current bylaws amendments process and to consider whether a more efficient process should be implemented to get the Nation's boards, committees and commissions' bylaws amendments before the Oneida Business Committee for adoption.

7/29/19-7/30/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens (7/29 only), Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Tehassi Hill (7/29 only), Kristen Hooker, Jennifer Falck, Maureen Perkins, Brooke Doxtator, Laura Laitinen-Warren. The purpose of this work session was to provide the OBC an opportunity to review and consider all drafts of the Boards, Committees and Commissions' bylaws amendments in advance of being added to the OBC agenda for formal consideration and possible adoption.

Next Steps:

- Accept the Oneida Nation Arts Board's Bylaws Amendments.
- Forward the Oneida Nation Arts Board's Bylaws Amendments to the Oneida Business Committee for consideration.

ONEIDA NATION ARTS BOARD BYLAWS

Article I. Authority

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

1-2. *Establishment.* The Oneida Nation Arts Board was established by the Oneida Business Committee through adoption of resolution BC-8-4-93-A and expanded upon by the Oneida Nation Arts Program – Dollars for Art Project Policies law (“DAP Law”), adopted under resolution BC-09-13-00-C, as the entity delegated authority to oversee and administer the Oneida Nation Arts Program - Dollars for Arts Project.

1-3. *Authority.*

(a) *Purpose.* The Board was established to assist in the promotion of a community that embraces art as a pathway to sovereignty, where traditional and contemporary arts are woven into the fabric of everyday life and embolden a sense of belonging. The Board was further established to provide advisory guidance and support to the Oneida Nation Arts Program (“ONAP”), and to oversee the Dollars for Arts Project (“DAP”) in accordance with the DAP Law.

(b) *Powers and Duties.* The powers and duties that have been delegated to the Board include, but are not limited to, the following:

(1) *Advisory.*

(A) Advise and guide an impactful Oneida Nation Art Program; and

(B) Serve as a sounding board and feedback loop to the ONAP Director for matters related to the arts in the Oneida Nation.

(2) *Advocacy.*

(A) Participate in the arts through teaching, learning, sharing and outreach;

(B) Support artists in the community through support of and participation in programs, events, arts groups and activities; and

(C) Report ONAP/DAP/Board activities and impact to the Oneida Business Committee.

(3) *Evaluation.*

(A) Evaluate the ONAP by request of the ONAP Director; and

(B) Provide support for determining impactful measures of ONAP/DAP success.

(4) *Fiscal.*

(A) Approve policies and procedures for the overall coordination and administration of regranting;

(B) Review and evaluate regranting annually;

(C) Allocate DAP funds annually; and

(D) Approve Fiscal Sponsorships.

47 (5) Carry out all additional powers/duties delegated to the Board
48 through the DAP Law; Boards, Committees and Commissions law;
49 and any other governing laws, policies, rules and/or resolutions of
50 the Nation.

51
52 1-4. *Office.* The official mailing address of the Board shall be:
53 Oneida Nation Arts Board
54 P.O. Box 365
55 Oneida, WI 54155
56

57 1-5. *Membership.* The members of the Board shall be its Directors and there are no members
58 who are not directors.

59 (a) *Number of Members.* The Board shall consist of seven (7) members.

60 (b) *Appointed Members.* Members of the Board shall be appointed by the
61 Oneida Business Committee in accordance with the Boards, Committees
62 and Commissions law for three (3) year terms.

63 (1) *Term Limits.* Members of the Board shall serve no more than three
64 (3) consecutive three (3) year terms.

65 (2) Board members shall remain in office until:

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

68 (i) Although a member's term has expired, he or she
69 shall remain in office until a successor has been
70 sworn in by the Oneida Business Committee.

71 (B) *Resignation.* A member may resign at any time verbally
72 during a Board meeting or by delivering written notice to the
73 Oneida Business Committee Support Office and the Board
74 Chairperson or Chairperson's designee. The resignation is
75 deemed effective upon:

76 (i) Deliverance of the written notice to the Oneida
77 Business Committee Support Office and to the Board
78 Chairperson or Chairperson's designee; or

79 (ii) Acceptance by Board motion of the member's verbal
80 resignation.

81 (C) *Termination.* Termination of a member's appointment shall
82 be in accordance with the Boards, Committees and
83 Commissions law.

84 (c) *Vacancies.* Vacancies for any reason on the Board shall be filled for the
85 remainder of the term through appointment by the Oneida Business
86 Committee in accordance with the Boards, Committees and Commissions
87 law.

88 (1) The Board Chairperson shall provide the Oneida Business
89 Committee with recommendations, by majority vote of the members
90 in attendance at a Board meeting of an established quorum, on
91 applicants for appointment by the executive session in which the
92 appointment is intended to be made.

- 93 (d) *Qualifications.* Board members shall meet the following qualifications:
94 (1) A majority shall be enrolled members of the Oneida Nation;
95 (2) Be at least eighteen (18) years of age;
96 (3) Have an interest and/or experience in the arts, marketing, business,
97 government or nonprofit management; and
98 (4) Shall not be an employee of the ONAP as of the date of application
99 for Board membership.

100
101 1-6. *Termination.* Termination of a member's appointment shall be carried out by the Oneida
102 Business Committee in accordance with the Boards, Committees and
103 Commissions law or any other law of the Nation governing the termination
104 of appointed officials.

- 105 (a) The Board may make a recommendation to the Oneida Business Committee
106 for the termination of a member's appointment based on the following:
107 (1) The member accrues three (3) unexcused absences from Board
108 meetings within a one (1) year period; and/or
109 (A) A Board member shall be deemed unexcused if he or she
110 fails to provide written notice of the absence to a Board
111 Officer at least thirty (30) minutes before the start of the
112 missed meeting.
113 (2) The member violates any section of these bylaws and/or any
114 governing laws of the Nation.
115 (b) Recommendations to the Oneida Business Committee for termination of a
116 member's appointment shall be determined by a majority vote of the
117 members in attendance at a Board meeting of an established quorum.
118

119 1-7. *Trainings and Conferences.* Members of the Board shall participate in mandatory Board
120 Orientation training where they will become knowledgeable in the process
121 of consensus decision-making and other subjects relevant to their positions.
122

123 **Article II. Officers**

124 2-1. *Officers.* The Board shall have three (3) Officers: Chairperson, Vice-Chairperson and
125 Secretary.
126

127 2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of the
128 Chairperson shall be as follows:

- 129 (a) With the Secretary's assistance, call meetings; develop meeting agendas;
130 and provide notice of meeting agendas, minutes, and documents in
131 accordance with the DAP Law, these bylaws, and the Open Records and
132 Open Meetings law.
133 (b) Preside at all meetings of the Board and facilitate orderly discussions.
134 (c) Receive, review and monitor all correspondence from the Board, present to
135 the Board and sign all correspondence approved by the Board.
136 (d) Submit approved Board meeting minutes, with assistance from the Board
137 Secretary, to the Oneida Business Committee Support Office in accordance
138 with these bylaws and the Boards, Committees and Commissions law.

- 139 (e) With the Secretary's assistance, submit quarterly reports to the Oneida
140 Business Committee, as well as annual and semi-annual reports to the
141 Oneida General Tribal Council, pursuant to the Boards, Committees and
142 Commissions law, and submit any other reports that are required or
143 requested by the DAP Law, Oneida Business Committee or Oneida General
144 Tribal Council.
- 145 (f) Attend, or designate a Board member to attend, the Oneida Business
146 Committee meeting where the Board's quarterly report appears on the
147 agenda.
- 148 (g) Appoint an appeals committee to review requests for reconsideration of
149 funding decisions in accordance with the DAP Law.
- 150 (h) Perform any other duties assigned by a majority vote of the members in
151 attendance at a Board meeting of an established quorum.
152

153 2-3. *Responsibilities of the Vice-Chairperson.* The responsibilities, duties and limitations of the
154 Vice-Chairperson of the Board shall be as follows:

- 155 (a) Except for subsection (g), perform the Chairperson's duties under section
156 2-2 of these bylaws in the absence of the Chairperson.
- 157 (b) Work with the Chairperson in all matters that concern the Board.
- 158 (c) Oversee Board recruitment, Board development and membership terms
159 consistent with the Boards, Committees and Commissions law and the DAP
160 Law.
- 161 (d) Notify the Oneida Business Committee Support Office of Board vacancies
162 in accordance with the Boards, Committees and Commissions law.
- 163 (e) Perform other duties as assigned by a majority vote of the members in
164 attendance at a Board meeting of an established quorum.
165

166 2-4. *Responsibilities of the Secretary.* The responsibilities, duties and limitations of the
167 Secretary of the Board shall be as follows:

- 168 (a) Assist the Chairperson in calling meetings (regular and emergency);
169 developing meeting agendas; and providing notice of meeting agendas,
170 documentation and minutes, all in accordance with the DAP Law, these
171 bylaws, and the Open Records and Open Meetings law.
- 172 (b) Maintain the minutes, reports and correspondence of the Board, abiding by/
173 to the decisions of the Board and the Boards, Committees and Commissions
174 law.
- 175 (c) Except for subsection (g), perform the Chairperson's duties under section 2-
176 2 of these bylaws in the absence of the Chairperson and Vice-Chairperson.
- 177 (1) The Secretary's authority to call and/or preside over meetings of the
178 Board shall be limited as follows:
- 179 (A) In the event that both the Chairperson and Vice-Chairperson
180 positions become vacant before the end of their terms, the
181 Secretary shall be allowed to call Board meetings to fill the
182 vacancies and preside over those meetings for the sole
183 purpose of appointing new Officers, at which point the

184 Chairperson, or Vice-Chairperson in the absence of the
185 Chairperson, shall preside.

- 186 (d) In accordance with section 2-2 of these bylaws, assist the Chairperson with
187 submitting quarterly reports to the Oneida Business Committee; annual and
188 semi-annual reports to the General Tribal Council; and any other reports
189 required/requested by the DAP Law, Oneida Business Committee or Oneida
190 General Tribal Council.
- 191 (e) Ensure the Board meeting minutes are recorded in the proper format and
192 approved by the Board before submitting to the Oneida Business Committee
193 Support Office.
- 194 (f) Assist the Chairperson with the submission of approved Board meeting
195 minutes to the Oneida Business Committee Support Office in accordance
196 with these bylaws and the Boards, Committees and Commissions law.
- 197 (g) Perform other duties as assigned by majority vote of the members in
198 attendance at a Board meeting of an established quorum.
- 199

200 2-5. *Selection of Officers.* The Officers shall serve terms of one (1) year and shall be nominated
201 and appointed by majority vote of the members in attendance at a Board
202 meeting of an established quorum that takes place prior to the beginning of
203 the new fiscal year.

- 204 (a) Terms of office shall run from the beginning of October through September
205 of that same year.
- 206 (b) No Officer shall serve for more than three (3) consecutive terms or hold
207 more than one (1) Officer position per Officer term.
- 208 (c) Board members may be dismissed from their Officer positions by majority
209 vote of the members in attendance at a Board meeting of an established
210 quorum.
- 211 (d) In the event of a vacancy in an Officer position, a successor shall be
212 appointed by majority vote of the members in attendance at a regular or
213 emergency Board meeting of an established quorum for the duration of the
214 unexpired term.
- 215

216 2-6. *Subcommittees & Ad Hoc Committees.* Subcommittees and/or ad hoc committees may be
217 created or dissolved at any time by majority vote of the members in
218 attendance at a Board meeting of an established quorum, so long as created/
219 dissolved in accordance with the Boards, Committees and Commissions
220 law.

- 221 (a) Members of subcommittees and ad hoc committees shall not be eligible for
222 stipends unless authorized by the Board and a specific exception is made by
223 the Oneida Business Committee or the Oneida General Tribal Council.
- 224

225 2-7. *Budgetary Sign-Off Authority and Travel.* The Board shall follow the Nation's policies and
226 procedures regarding purchasing and sign-off authority.

- 227 (a) Levels of budgetary sign-off authority for the Board shall be as set forth in
228 the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies
229 and Procedures*, for Area Directors/Enterprise Directors.

- 230 (1) All Board Officers have sign-off authority and two (2) Officers shall
231 be required to sign-off on all budgetary requests, except as follows:
232 (A) The Oneida Business Committee Support Office shall have
233 sign-off authority over requests for stipends, travel per diem
234 and business expense reimbursement.
235 (b) The Board shall approve a member's request to travel on its behalf by
236 majority vote of the members present at a regular or emergency Board
237 meeting of an established quorum.
238
- 239 2-8. *Personnel.* The Board shall not have the authority to hire personnel for its benefit.
240 (a) *Staff Designee.* The Director of the ONAP shall be the Board's Staff
241 Designee.
242 (1) In the absence of all Board Officers, the Staff Designee shall assume
243 the responsibilities set forth in Article II of these bylaws that relate
244 to documenting, recording and reporting on behalf of the Board.
245 (2) ONAP staff may be used to provide administrative support,
246 consistent with the Boards, Committees and Commissions law, to
247 the Board when needed.
248

249 **Article III. Meetings**

- 250 3-1. *Regular Meetings.* The regular meetings of the Board shall be held every second Tuesday
251 of the month at the Community Education Center located on Packerland
252 Drive in Green Bay, WI, commencing at 5:30 p.m.
253 (a) The meeting date, time and location may be reviewed by the Board and
254 changed from time-to-time as deemed necessary by majority vote of the
255 members in attendance at a Board meeting of an established quorum so long
256 as notice is provided to all members in writing and, along with the public,
257 in accordance with the Open Records and Open Meetings law, prior to the
258 implementation of a new date, time and/or location.
259 (2) Regular meetings of the Board may not be held in June, July and
260 December to allow for those months to be dedicated to the Board's
261 volunteer work.
262 (b) Prior to a scheduled meeting, notice of the meeting location, agenda, and
263 documents shall be forwarded by the Chairperson, with the assistance of the
264 Secretary, in accordance with the DAP Law, these bylaws, and the Open
265 Records and Open Meetings law.
266 (1) All Board members shall be provided email notification of meeting
267 agendas via the official Oneida Nation email address that was
268 provided to each member to conduct business electronically on
269 behalf of the Board ("Official Email").
270 (2) Meeting minutes shall be approved by majority vote of the members
271 in attendance at a Board meeting of an established quorum and then
272 sent to all Board members, via their Official Email addresses, as well
273 as to the Oneida Business Committee Support Office in accordance
274 with these bylaws.
275

- 276 3-2. *Emergency Meetings.* An emergency meeting may be called to address urgent concerns
277 that affect the existence of the Board and require action that cannot wait
278 until the Board’s next scheduled meeting.
- 279 (a) The Board shall attempt to use other means for urgent deadline-oriented
280 approvals, including e-polls, before calling an emergency meeting.
- 281 (b) An emergency meeting may be called by the Chairperson upon at least
282 twenty-four (24) hours’ advance notice to all members of the Board.
- 283 (1) Notice of emergency meetings shall be provided to all Board
284 members by telephone call and via email communication sent to
285 their Official Email address.
- 286 (2) Notice of emergency meetings shall further be provided to all Board
287 members, as well as the public, in accordance with the Open
288 Records and Open Meetings law.
- 289 (c) Within seventy-two (72) hours of an emergency meeting, the Board shall
290 provide the Nation’s Secretary with notice of the emergency meeting, the
291 reason for the meeting, and an explanation as to why the matter could not
292 wait until the next regular meeting.
- 293
- 294 3-3. *Joint Meetings.* There shall be no joint meetings held between the Board and the Oneida
295 Business Committee.
- 296
- 297 3-4. *Quorum.* A quorum shall consist of no less than three (3) Board members, one (1) of
298 which shall be the Chairperson, Vice-Chairperson or Secretary; provided,
299 the Secretary is presiding over the meeting in accordance with section 2-4
300 (c) of these bylaws.
- 301
- 302 3-5. *Order of Business.* The order of business, as far as applicable, is:
- 303 (a) Welcome
- 304 (b) Old Business
- 305 (c) New Business
- 306 (d) Action
- 307 (e) Minutes (Review & Approve)
- 308 (f) Adjourn
- 309
- 310 3-6. *Voting.* Decisions of the Board shall be based on a majority vote of its members in
311 attendance at a Board meeting of an established quorum.
- 312 (a) The Chairperson shall be permitted to participate and vote in the same
313 manner as any other member of the Board.
- 314 (b) E-polls are permissible so long as conducted in accordance with the Boards,
315 Committees and Commissions law.
- 316 (1) The Vice-Chairperson shall serve as the Chairperson’s designee,
317 responsible for conducting e-polls in the Chairperson’s absence or
318 discretion.
- 319
- 320
- 321

322 **Article IV. Expectations**

323 4-1. *Behavior of Members.* Members of the Board are expected to adhere to all governing laws,
324 resolutions and policies of the Nation, including, but not limited to, the DAP
325 Law; the Boards, Committees and Commissions law; these bylaws and as
326 follows:

327 (a) That, members of the Board are expected to agree to a Commitment to Serve
328 and annually re-commit to their responsibilities on the Board and to the
329 community.

330 (b) That, Board members who find themselves unable to carry out the duties
331 and responsibilities of their role and abide by expected behaviors, agree to
332 resign their Board position to avoid enforcement under subsection (1) of
333 this section 4-1.

334 (1) *Enforcement.* Any Board member found in violation of this section
335 who refuses to voluntarily resign may be subject to the following if
336 agreed upon by majority vote of the members in attendance at a
337 Board meeting of an established quorum:

338 (A) Board recommendation to the Oneida Business Committee
339 for termination of the member's appointment in accordance
340 with the Boards, Committees and Commissions law or any
341 other law of the Nation governing the termination of
342 appointed officials.

343 (B) Disciplinary action in accordance with any law of the Nation
344 governing sanctions and penalties for appointed officials.
345

346 4-2. *Prohibition of Violence.* Board members are prohibited from engaging in or committing
347 any violent intentional act that inflicts, attempts to inflict, or threatens to
348 inflict emotional or bodily harm on another person, or damage to property.
349

350 4-3. *Drug and Alcohol Use.* The use and/or consumption of alcohol or prohibited drugs by
351 Board members when acting in their official capacity is strictly forbidden.

352 (a) Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines,
353 phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics,
354 any other substances included in Schedules I through V under Section 812
355 of Title 21 of the United States Code, and prescription medication or over-
356 the-counter medicine used in an unauthorized or unlawful manner.
357

358 4-4. *Social Media.* Members of the Board shall comply with the Nation's Social Media Policy
359 and their oath of office when using social media on behalf of or as a
360 representative of the Board.
361

362 4-5. *Conflict of Interest.* All members of the Board are required to adhere to the Nation's laws
363 and policies governing conflicts of interest.

364 (a) No member shall apply or accept a position of employment for the Oneida
365 Nation Arts Program while serving as a member of the Board.
366
367

368 **Article V. Stipends and Compensation**

369 5-1. *Stipends.* Members of the Board serve voluntarily; thus, even if eligible, shall not
370 be allowed to receive stipends under the Boards, Committees and
371 Commissions law or resolution BC-05-08-19-B titled, Amending
372 Resolution BC-09-26-18-D Boards, Committees and Commissions Law
373 Stipends, as may be further amended from time-to-time hereafter.
374

375 5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement
376 authorized by the Boards, Committees and Commissions law, there are no
377 other forms of compensation that members are eligible to receive for the
378 duties/activities they perform on behalf of the Board.
379

380 **Article VI. Records and Reporting**

381 6-1. *Agenda Items.* Agenda items shall be consistently maintained in the format identified under
382 Article III, section 3-5, of these bylaws as the *Order of Business*.
383

384 6-2. *Minutes.* The Board's meeting minutes shall be typed and in a consistent format
385 created by the Oneida Business Committee Support Office to generate the
386 most informative record, to include, but not be limited to, a summary of the
387 action requested/taken by the Board.

388 (b) Meeting minutes shall be reviewed for accuracy and then approved at the
389 end of each meeting by a majority vote of the members present; provided a
390 quorum is still in existence.

391 (1) The minutes shall be submitted to the Oneida Business Committee
392 Support Office within seven (7) days of their approval.
393

394 6-3. *Attachments.* Handouts, reports, memoranda, and the like shall be attached to their
395 corresponding minutes and agenda, maintained as a Board packet and filed
396 with the Oneida Business Committee Support Office to maintain in
397 accordance with the Open Records and Open Meetings law.
398

399 6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the
400 member of the Oneida Business Committee who is its designated liaison.

401 (a) All official correspondence of the Board, whether produced via email or in
402 writing (i.e. agenda, minutes, recordings, submissions, reports), shall be
403 copied to the liaison, as well as the liaison's administrative support contact.

404 (b) The Board and liaison shall further communicate when needed, the
405 frequency and method of which shall be as agreed upon by the Board and
406 the liaison, but not less than that required in any law or policy on reporting
407 developed by the Oneida Business Committee or the Oneida General Tribal
408 Council.
409

410 6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using an available
411 device, supplied by the Oneida Business Committee Support Office or the
412 Board, that can be uploaded to digital file storage.

413 (a) Audio recordings shall be submitted to the Oneida Business Committee
414 Support Office to be maintained alongside the Board’s meeting minutes in
415 accordance with the Open Records and Open Meetings law.

416 (1) *Exception.* Audio recordings of executive session portions of a
417 Board meeting shall not be required.

418

419 **Article VII. Amendments**

420 7-1. *Amendments.* Amendments to these bylaws shall be made by a majority vote of the
421 members in attendance at a regular or emergency Board meeting of an
422 established quorum; provided, proper notice of the proposed amendments
423 was furnished in accordance with these bylaws at a prior regular meeting.

424 (a) Any amendments to these bylaws shall conform to the requirements of the
425 Boards, Committees and Commissions law and any other policy of the
426 Nation.

427 (b) Amendments to these bylaws shall be approved by the Oneida Business
428 Committee before implementation.

429 (c) These bylaws shall be reviewed no less than on an annual basis.

430

431

432 Adopted – BC-02-28-96

433 Amended – BC-06-22-11

434



Oneida Nation Arts Board 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 Tribal 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 [1 O.C. 105.10].		
Intent of the Bylaws	The bylaws provide a framework for the operation and management of the Oneida Nation Arts Board (Board) to govern the standard procedures regarding the way the Board conducts its affairs, including: the 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, termination process, required training, and how the bylaws are amended.		
Purpose	The Board was established to assist in the promotion of a community that embraces art as a pathway to sovereignty, where traditional and contemporary arts are woven into the fabric of everyday life and embolden a sense of belonging. The Board was further established to provide advisory guidance and support to the Oneida Nation Arts Program (“ONAP”), and to oversee the Dollars for Arts Project (“DAP”) in accordance with the Oneida Nation Arts Program - Dollars for Arts Project Policies (“DAP Law”) [Proposed Bylaws 1-3(a)].		
Legislation Related to these Bylaws	Oneida Nation Constitution, Boards, Committees and Commissions law, Oneida Nation Arts Program – Dollars for Arts Project Policies, Travel and Expense Policy, Conflict of Interest law, Social Media Policy, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	A member of the Board serves at the discretion of the OBC. Upon the recommendation of a member of the OBC or majority vote of the Board [Proposed Bylaws 1-6(b)], a member of the Board may have his or her appointment terminated by the OBC. A two-thirds majority vote of the OBC shall be required to terminate the appointment of an individual. The OBC’s decision to terminate an appointment is final and not subject to appeal [1 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 Board’s bylaws amendments were added to the Active Files List on October 3, 2018, with David
 3 P. Jordan as the sponsor.

- 4 B. The Board was established by the OBC through the adoption of resolution BC-8-4-93-A and duties
5 were expanded with the Oneida Nation Arts Program - Dollars for Arts Project Policies law (“DAP
6 Law”) by resolution BC-09-13-00.
7 C. OBC adopted the first set of ONAB bylaws on February 28, 1996, and the bylaws have been most
8 recently amended on June 22, 2011.
9

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

- 11 A. The bylaws comply with the Boards, Committees and Commissions law.
12

13 **SECTION 4. AMENDMENTS**

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

15 **A. ARTICLE I. AUTHORITY**

- 16 a. The number of members was reduced to seven (7) to comply with resolution BC-08-04-
17 93-A which recognizes a seven (7) member Board [*Proposed Bylaws 1-5(a)*]. The current
18 bylaws recognize a seven (7) to thirteen (13) member Board [*Current Bylaws 1-4*].
19 b. The resignation process has changed in accordance with the Boards, Committees and
20 Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted:
21
 - 22 • Verbally and accepted by motion at a meeting; or
 - 23 • By delivering a written resignation to the Business Committee Support Office
24 (BCSO) and the Board’s Chairperson or Chairperson’s designee [*Proposed
25 Bylaws 1-5(b)(2)(B)*].
26 c. New qualifications were added [*Proposed Bylaws 1-5(d)*]:
27
 - 28 • At least eighteen (18) years of age; and
 - 29 • Have an interest and/or experience in the arts, marketing, business,
30 government, or nonprofit management; and
31 d. A provision was removed that vacancies of less than one year will be filled for the
32 remainder of the term plus a new term [*Current Bylaws 1-4(e)*].
33 e. A provision was added defining an unexcused absence as failure to notify a Board Officer,
34 in writing, of his or her pending absence no less than thirty (30) minutes before the
35 scheduled meeting [*Proposed Bylaws 1-6(a)(1)(A)*].
36 f. A process was added requiring that any recommendations for termination of appointment
37 must be determined by a majority vote at a Board meeting with an established quorum
38 [*Proposed Bylaws 1-6(b)*].
39 g. A Trainings and Conferences section was added which includes required training
40 [*Proposed Bylaws 1-7*]. This complies with the Boards, Committees and Commissions law
41 [*1 O.C. 105.10-3(7)*].

41 **B. ARTICLE II. OFFICERS**

- 42 a. Chairperson. The following were added to the duties of the Chairperson:
43
 - 44 • Receive, review and monitor all correspondence, present to the Board and sign
45 all correspondence approved by the Board. This duty was moved from the
46 Secretary position in the current bylaws to the Chairperson in the proposed
47 bylaws [*Proposed Bylaws 2-2(c)*] and [*Current Bylaws 2-4*].
 - 48 • With the assistance of the Board Secretary; develop meeting agendas and
49 provide notice of meeting agendas, minutes and documents. Submit quarterly
50 reports to the OBC and semi-annual reports to the GTC, and any other reports
requested by the OBC, GTC and DAP Law [*Proposed Bylaws 2-2(e)*].

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 102

C. ARTICLE III. MEETINGS

Meetings in Current Bylaws [Article III]	Meetings in Proposed Bylaws Amendments [Article III]
<u>Standing Regular Meetings</u> <ul style="list-style-type: none"> • Summer Quarter • Fall Quarter • Winter Quarter • Spring Quarter 	<u>Regular Meetings</u> <ul style="list-style-type: none"> • Regularly Scheduled – Once Monthly <ul style="list-style-type: none"> ○ May not be held in June, July and December.
<u>Emergency or Special Meetings</u> <ul style="list-style-type: none"> • Called by Chairperson with three (3) day notice. • By consensus of membership, the three (3) day notice may be waived. 	<u>Emergency Meetings</u> <ul style="list-style-type: none"> • Called by the Chairperson with at least twenty-four (24) hours' advance notice in writing by Official email and by telephone call.
	<u>Special Meetings</u> <ul style="list-style-type: none"> • Removed.

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- a. The regular meeting schedule has changed from quarterly to monthly [*Proposed Bylaws 3-1*] and [*Current Bylaws 3-1*]. Meetings will be noticed, and documents sent to the Board via Official email [*Proposed Bylaws 3-3(b)(1)*]. Meeting minutes will be approved by majority vote and sent to all Board members, via their Official email address, as well as the BCSO [*Proposed Bylaws 3-3(b)(2)*].
- b. Special meetings were removed [*Current Bylaws 3-2*].
- c. A provision was removed that allowed the Board to waive the three (3) day written notice for emergency meetings by consensus [*Current Bylaws 3-2*]. A provision requiring the twenty-four (24) hour notice of emergency meetings by Official email and telephone call was added [*Proposed Bylaws 3-2(b)(1)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.14-3*].
- d. A provision was added per the Boards, Committees and Commissions law that the Board will notify the Nation's Secretary within seventy-two (72) hours 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 [*Proposed Bylaws 3-2(c)*] and [*1 O.C. 105.10-3(c)(2)(A)*].
- e. The quorum was changed to three (3) members with one the Chairperson or Vice-Chairperson or Secretary when a meeting is held to elect a Chairperson or Vice-Chairperson in accordance with section 2-4(c) of these bylaws [*Proposed Bylaws 3-4*]. Previously, there was a requirement of five (5) members or simple majority or whichever is greater, with one being the Chairperson or Vice-Chairperson [*Current Bylaws 3-3*].
- f. Decisions of the Board will now be based on a majority vote and the Chairperson is permitted to vote [*Proposed Bylaws 3-6*]. Previously, decisions were made by consensus [*Current Bylaws 3-5*].
- g. E-polls were added as an acceptable form of voting and will be conducted by the Chairperson or the Vice-Chairperson in the Chairperson's absence or discretion, and in accordance with the Boards, Committees and Commissions law [*Proposed Bylaws 3-6(b)*] and [*1 O.C. 105.10-3(c)(6)(C) and (D)*] and [*1 O.C. 105.11*].

D. ARTICLE IV. EXPECTATIONS

This section is new to these bylaws based on the requirements established in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)*].

- a. Behavioral requirements were added [*Proposed Bylaws 4-1*]. This complies with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(1)*].
- b. Board members who are not able to fulfill their responsibilities are expected to agree to resign. Members who refuse to resign may be encouraged to resign by a majority vote of the Board [*Proposed Bylaws 4-1(b)*]. Enforcement of expectations includes [*Proposed Bylaws 4-1(b)(1)*]:

140

- 141 • The Board may decide to submit a recommendation of termination of appointment
142 to the OBC for consideration [1 O.C. 105.6-2(c)]. This decision requires a
143 majority vote at a meeting with an established quorum; and
144 • The Board may commence an action governing sanctions or penalties according to
145 the laws of the Nation.
- 146 c. The bylaws include a provision that prohibits intentional acts of violence that inflicts,
147 attempts to inflict or threatens to inflict emotional or bodily harm or damage to property
148 [Proposed Bylaws 4-2]. This complies with the Boards, Committees and Commissions
149 law [1 O.C. 105.10-3(d)(2)].
- 150 d. Drug and alcohol use by a Board member when acting in an official capacity is prohibited
151 [Proposed Bylaws 4-3]. This complies with the Boards, Committees and Commissions law
152 [1 O.C. 105.10-3(d)(3)]. The list of prohibited drugs in the proposed bylaws is the same
153 list that appears in the Boards, Committees and Commissions law [1 O.C. 105.3-1(n)].
- 154 e. The bylaws require Board members to follow the Nation’s Social Media Policy and their
155 Oath of Office when using social media on behalf of or as a representative of the Board
156 [Proposed Bylaws 4-4]. This complies with the Boards, Committees and Commissions law
157 [1 O.C. 105.10-3(d)(4)].
- 158 f. The bylaws require the Board to abide by the Nation’s Conflict of Interest law and the
159 Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(5) and 105.15] which
160 includes disclosure of conflicts of interest annually [Proposed Bylaws 4-5]. No member
161 shall apply or accept a position of employment for the Oneida Nation Arts Program while
162 serving as a member of the Board [Proposed Bylaws 4-5(a)].
163

164 **E. ARTICLE V. STIPENDS AND COMPENSATION**

- 165 a. Membership on the Board is voluntary and despite eligibility; the Board does not collect
166 any stipends [Proposed Bylaws 5-1].
- 167 b. Board members are only eligible for travel, per diem and business expense reimbursement
168 [Proposed Bylaws 5-2] as authorized in the Boards, Committees and Commissions law [1
169 O.C. 105.13-9] in accordance with the Nation’s Travel and Expense Policy [2 O.C. 219.4-
170 2].
171

172 **F. ARTICLE VI. RECORDS AND REPORTING**

- 173 a. The Boards, Committees and Commissions law established added requirements related to
174 records and reporting [1 O.C. 105.10-3(f)].
- 175 • Minutes shall be typed in a consistent format created by the BCSO and
176 approved by majority vote of the Board at a meeting with an established
177 quorum and submitted to the BCSO within seven (7) days of approval
178 [Proposed Bylaws 6-2].
 - 179 • Attachments will be attached to the agenda and minutes to create a board
180 packet that will be submitted to and maintained by the BCSO in accordance
181 with the Open Records and Open Meetings law [1 O.C. 107.7-2] [Proposed
182 Bylaws 6-3]. This meets requirements established by the Boards, Committees
183 and Commissions law [1 O.C. 105.10-3(f)(3)].
 - 184 • The Board will regularly communicate with the OBC liaison and liaison’s
185 administrative support contact as agreed upon and copy the OBC liaison and
186 liaison’s administrative contact with all official correspondence [Proposed
187 Bylaws 6-4] in accordance with the Boards, Committees and Commissions law
188 [1 O.C. 105.10-3(f)(4)].
 - 189 • Meetings will be audio recorded and submitted to BCSO for maintenance.
190 Executive sessions will not be required to be recorded [Proposed Bylaws 6-5].

191 This complies with the Boards, Committees and Commissions law [1 O.C.
192 105.10-3(f)(5)] and the Open Records and Open Meetings law [1 O.C. 107.7-
193 3].
194

195 **G. ARTICLE VII. AMENDMENTS**

196 a. Amendments will require a majority vote of the members in attendance at a regular or
197 emergency meeting of the Board with proper notice and a meeting quorum. Amendments
198 will conform to requirements in the Boards, Committees and Commissions law.
199 Amendments will be reviewed no less than annually [Proposed Bylaws 7-1].
200

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

202 There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws
203 that establish duties and requirements of the Board in addition to laws referenced in the bylaws.

204 A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows
205 for the creation of committees for the proper conduct of tribal business of the Nation [Oneida
206 Nation Constitution, Article IV, Section 1(g)]. There are no conflicts between these bylaws and the
207 Oneida Nation Constitution.
208

209 B. Boards, Committees and Commissions [1 O.C. 105]. This law establishes all requirements related
210 to elected and appointed boards, committees and commissions of the Nation. The law governs the
211 procedures regarding the appointment and election of persons to boards, committees and
212 commissions, creation of bylaws, maintenance of official records, compensation, and other items
213 related to boards, committees and commissions. The Board is appointed by the Oneida Business
214 Committee [Proposed Bylaws 1-5(b)]. The requirements for entity bylaws are contained in this
215 law as well as a requirement that all existing entities of the Nation comply with the format detailed
216 in the law and present the bylaws for adoption by the OBC within a reasonable timeframe. The
217 proposed bylaws comply with and there are no conflicts with the Boards, Committees and
218 Commissions law.
219

220 C. Oneida Nation Arts Program – Dollars for Arts Project Policies [1 O.C. 128]. This law establishes
221 guidelines for the Nation’s Dollars for Arts Project which is regranted funds from the Wisconsin
222 State Arts Board. The law establishes the following requirements for the Board: approve the peer
223 panel to make formal decisions about grant applications, identify and adopt application review
224 criteria prior to funding cycle, approve panelists prior to granting cycle, one Board member is a
225 non-voting member of the peer panel and chair’s and facilitates the meeting, determine funding
226 awards based on panel’s decision and the Board Chair will appoint an appeals committee. The
227 proposed bylaws comply and there are no conflicts with the Oneida Nation Arts Program – Dollars
228 for Arts Project Policies.
229

230 D. Travel and Expense Policy [2 O.C. 219]. Members of the Board are eligible to be reimbursed for
231 travel and per diem to attend a conference or training with Board approval. The BCSO will have
232 sign-off authority over requests for stipends, travel per diem and business expense reimbursement
233 [Proposed Bylaws 2-7(a)(1)(A)]. All travel must be authorized by two (2) Officers [Proposed
234 Bylaws 2-7(a)] in accordance with this law [2 O.C. 219.4-2] and the Boards, Committees and
235 Commissions law [1 O.C. 105.10-3(b)(6)(B)]. Additionally; all travel requests must be approved
236 by a majority vote of the Board at a regular or emergency Board meeting with an established
237 quorum [Proposed Bylaws 2-7(b)]. The proposed bylaws comply and there are no conflicts with
238 the Travel and Expense Policy.
239

- 240 E. Conflict of Interest [2 O.C. 217]. This law applies to the Board and establishes specific limitations
241 to which information or materials that are confidential or may be used by a competitor of the
242 Nation's enterprises or interests may be used to protect the interests of the Nation. The Boards,
243 Committees and Commissions law establishes that amended bylaws require members to disclose
244 potential or real conflicts annually [1 O.C. 105.10-3(d)(5) and 105.15]. The Board bylaws require
245 the Board to follow all Conflict of Interest laws of the Nation [Proposed Bylaws 4-5]. Additionally;
246 no member of the Board may apply or accept a position at the ONAP while serving as a member
247 of the Board [Proposed Bylaws 4-5(a)]. This aligns with the Conflict of Interest law of the Nation
248 which allows for entities to outline further conflicts and prohibited activities resulting from those
249 conflicts of interest [2 O.C. 217.7-2]. Penalties for failure to disclose conflicts of interest include
250 termination of appointment in accordance with the Boards, Committees and Commissions law and
251 enforcement of any penalties in accordance with the laws of the Nation [2 O.C. 217.6-2 and 6-3].
252 The proposed bylaws comply and there are no conflicts with the Conflict of Interest law.
253
- 254 F. Social Media Policy [2 O.C. 218]. This law applies to the Board and regulates the Nation's social
255 media accounts, including how content is managed and who has authority to post on social media
256 on behalf of the Nation. Boards, committees and commissions must register social media accounts
257 with the Nation's Secretary's Office to include specific information related to access to the account,
258 acknowledgment and compliance with the Computer Resources Ordinance [2 O.C. 215.8] and this
259 policy, use a Nation issued email address, and ensure all content complies with all applicable laws
260 of the Nation, state or federal laws.
- 261 a. The bylaws identify that the Board must comply with the Social Media Policy and their
262 Oath of Office when using social media on behalf of or as a representative of the Board
263 [Proposed Bylaws 4-4] in accordance with the Boards, Committees and Commissions law
264 [1 O.C. 105.10-3(d)(4)] and must sign an acknowledgement form indicating notice of
265 applicable computer and media related laws, policies and rules [1 O.C. 105.14-3(b)].
266 b. The bylaws comply and there are no conflicts with the Social Media Policy.
267
- 268 G. Open Records and Open Meetings [1 O.C. 107]. This law details how records must be maintained
269 and made available to the public and that meetings are open to the public unless specific criteria
270 are met which allow the meetings to be closed [1 O.C. 107.15 and 107.17]. Public notice of
271 meetings is also required by this law [1 O.C. 107.15-1]. The proposed bylaws state that the
272 Chairperson, with the assistance of the Secretary, is responsible to ensure notice of meeting
273 location, agenda, documents and minutes are prepared and packaged for Board members as well as
274 the public and that meetings are open to the public in accordance with this law [Proposed Bylaws
275 3-1(b)]. The bylaws delegate the maintenance of the records to the BCSO [Proposed Bylaws 6-3].
276 The proposed bylaws comply and there are no conflicts with the Open Records and Open Meetings
277 law.
278
- 279 H. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The Board is considered an
280 entity [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)]
281 under this law and are authorized to travel in the Nation's vehicles. The law requires the Human
282 Resources Department or designee to ensure drivers, including Board members, are certified to
283 drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires Board
284 members (officials) to have written consent from the Board prior to being approved to use a Tribal
285 vehicle [2 O.C. 210.6-1(b)(2)]. Certification includes providing the Human Resources Department
286 with the appropriate license, training certifications, and insurance information [2 O.C. 210.8-1].
287 Additionally, Board members must abide by all reporting requirements in this law [2 O.C. 210.9-
288 2].
289 a. Board members who violate this law may be subject to:

- 290
 - 291
 - 292
 - 293
- i. any laws regarding sanctions or penalties; and
 - ii. termination of appointment following the Boards, Committees and Commissions law [1 O.C. 105].

ONEIDA NATION ARTS BOARD BY-LAWS

Article I. Authority

1-1. *Name.* The name of this entity shall be the Oneida Nation Arts Board, hereinafter referred to as "Board."

1-2. *Authority.* This entity is recognized by authority of the Oneida Business Committee by the adoption of these bylaws on February 28, 1996.

1-3. *Office.* The official mailing address of the Board shall be:

Oneida Nation Arts Board
PO Box 365
Oneida, WI 54155

The physical meeting place shall be determined at the first meeting of the Board and may change from time to time as determined by the Board but shall be within the Reservation boundaries unless notified to the membership prior to designating the meeting location.

1-4. *Membership.*

(a) *Number of Members.* The Board shall consist of a minimum of seven (7) members and a maximum of thirteen (13) members appointed by the Oneida Business Committee.

(b) *Qualifications.* A majority of the members shall be enrolled members of the Oneida Tribe.

(1) Any vacancies which cause non-Tribal members to make up the majority of the Board shall be filled within three (3) months. If such vacancies are not filled within three (3) months, a sufficient number of non-Tribal Board members shall be re-designated as alternates until Tribal members again make up a majority of the Board.

(2) When non-Tribal Board members are to be re-designated as alternates, all such non-Tribal members shall first be invited to volunteer to serve as an alternate. If there are not sufficient volunteers, then the members that have served the shortest time on the Board shall be selected first.

(c) *How Appointed.* The Board members shall be appointed in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. Existing Board members may recruit new members and, by consensus of the Board, make recommendations to the Oneida Business Committee for appointees.

(d) *Term of Office.* Members shall serve a three (3) year term. The maximum amount of time a member may serve consecutively shall be three (3) terms. Members shall remain in office until:

- (1) their successors have been sworn in by the Oneida Business Committee; or
- (2) they have submitted their resignation to the Board; or
- (3) their appointment has been terminated.

(e) *How Vacancies are Filled.* Any vacancies for any reason on the Board shall be filled for the remainder of the term through the appointment process, in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. Members filling vacancies shall not have that considered in regards to the number of terms a member is able to hold consecutively. Vacancies of less than one (1) year shall be filled for the remainder of the term and for a new three (3) year term. Vacancies with greater than one (1) year remaining of the term shall be filled for the remainder of the term.

(f) *Unexcused Absences and Resignation.* Three (3) unexcused absences of a member may result in a member's appointment being terminated in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. A member who misses two (2) consecutive meetings shall be forwarded a reminder of the meeting dates by the Secretary. Resignations shall be in writing and presented to the Board.

(g) *Board Orientation.* Once a Board member has been sworn in by the Oneida Business Committee, the Board is responsible for providing the new member's orientation.

(h) *Voluntary Position.* Members of the Board are voluntary. No stipend shall be provided.

Article II. Officers and Personnel

2-1. *Officers.* The Board shall have three officers - Chairperson, Vice Chairperson, and Secretary.

2-2. *Chairperson Duties.* The Chairperson is responsible for calling meetings and notifying members with the assistance of the Secretary. The Chairperson shall preside over all regular and special meetings, and may appoint subcommittees at his or her discretion.

2-3. *Vice Chairperson Duties.* The Vice Chairperson shall preside at all meetings in the absence of the Chairperson and appoint a Vice Chairperson for that meeting. The Vice Chairperson shall work with the Chairperson in all matters that concern the Board. The Vice Chairperson shall also be responsible for overseeing Board recruitment, Board development and membership terms. The Vice Chairperson shall maintain contact with the Secretary of the Oneida Business Committee regarding membership terms and vacancies.

2-4. *Secretary Duties.* The Secretary shall keep accurate minutes of all meetings, both regular and special. The Secretary shall assure that minutes are reported in the proper format and read and answer all correspondence, abiding by/to the decisions of the Board.

2-5. *How Chosen and Length of Term.* The officers shall serve terms of one (1) year and shall be elected by consensus at the summer quarter meeting of each year. Terms of office run from the beginning of October. No officer shall serve for more than three (3) consecutive terms. In the event of a vacancy, the successor shall be appointed by the Board for the duration of the unexpired term. Successors filling vacancies shall not have that considered in regards to the number of terms an officer is able to hold consecutively.

2-6. *Personnel.* The Board does not have the authority to hire personnel for the benefit of the entity.

2-7. *Standing Committees.* Standing committees may be created by the Board from time to time as special conditions necessitate such action. A consensus of members present at a legally constituted meeting shall be required to create a special committee. When so created, such committees shall be appointed by the Chairman and shall be terminated upon completion of their assignment, which ordinarily shall result in a written report to the Board. Should a committee be established which for whatever reason is no longer meeting a valid need or goal of the Board; it may be terminated by consensus of the Board at any time.

Article III. Meetings

3-1. *Regular Meetings.* The regular meetings of the Board shall be established for the fiscal year by the Chairperson or consensus of the members. Notice of meeting location, agenda, and materials shall be forwarded by the Chairperson with the assistance of the Secretary and Oneida Nation Arts Program (ONAP) staff. Meetings shall be run in accordance with the consensus of the membership. There shall be the following standing meetings:

- (a) Summer Quarter - for the purpose of electing officers.
- (b) Fall Quarter - for the purpose of review and recommendation of the DAP grants.
- (c) Winter Quarter - for the purpose of evaluating programs and reviewing the strategic plan and ONAP budget.
- (d) Spring Quarter - for the purpose of Board development, recruitment and projects initiated by the Board.

3-2. *Emergency or Special Meetings.* Emergency or special meetings may be called by the Chairperson with at least three (3) days written notice. By consensus of the membership, the three (3) day written notice may be waived.

3-3. *Quorum.* A quorum shall consist of five (5) members or a simple majority based on the current board membership, whichever is greater. The quorum shall include either the Chairperson or the 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) Reading of the Minutes

- (c) Correspondence
- (d) Standing and Special Committee Reports
 - (1) ONAP Director's Report
 - (2) ONAP Budgetary Report
- (e) Old Business
- (f) New Business

3-5. *Voting.* Board decisions and actions shall be made by consensus. A formally proposed motion, second to a motion and vote on such motion with a minimum percentage for approval is not required. Issues shall be discussed until a proposal is made. Once a proposal is made, all members present state their level of agreement or concern with the proposal. After any concerns are identified, the Board shall address the concerns and the proposal shall be modified until the Board reaches a satisfactory agreement with all members present.

Article IV. Reporting

4-1. *Reporting.* The Board Chairperson shall submit reports to the Tribal Secretary on a quarterly basis. This reporting format may not be less than as required in any policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.

4-2. *Format.* Agenda items shall be in an identified format.

4-3. *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Board. Minutes shall be forwarded to the Tribal Secretary's office within a reasonable time after approval by the Board.

4-4. *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.

4-5. *Annual Report.* The Board shall develop and submit its Annual Report to the Tribal Secretary's Office for forwarding to the Oneida General Tribal Council. The Annual Report shall include the Board's goals, activities, and outcomes, within the format provided by the Tribal Secretary's Office. The Annual Report shall also contain the Board's financial statements summarizing any financial activities of the Board including fund raising efforts, expenditures or in-kind contributions.

Article V. Amendments

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

Article VI. Purpose

6-1. *Purpose.* It shall be the purpose of the Board to provide guidance to the ONAP and to perform the responsibilities granted to the Board under the Dollars for Arts Program policy. Provided that, the guidelines and directions given in this Article are to set forth standards and goals, and may be interpreted in the broadest possible manner to include all manners of art and artistic projects. Specific responsibilities include, but are not limited to the following:

- (a) Work with the ONAP Director and staff in an advisory capacity on issues related to the arts in Oneida, and
- (b) Strive to provide guidance and recommendations in the development of the ONAP and arts programs throughout the community, and
- (c) Work with ONAP in determining and monitoring program outcomes, and
- (d) Receive reports of the ONAP activities from ONAP staff, and
- (e) Work with the ONAP Director in evaluating the ONAP, and
- (f) Approve policies and programs for the overall coordination and administration of the ONAP.

6-2. *Community Involvement.* The Board shall strive to provide the opportunity for people to explore and

enhance lifestyles through involvement in the arts by providing assistance in program development and design.

6-3. *Re-Granting.* The Board shall be responsible for approving re-granting guidelines, panel recommendations, and funding scenarios in the Dollars for Arts Program.

6-4. *Fiscal Sponsors.* The Board may approve the ONAP acting as a fiscal sponsor for community organizations not yet a not-for-profit.

6-5. *Public Art.* The Board shall periodically review lists of art assets owned by the Tribe, noting pieces that have potential of increasing in value and shall provide regular reports to the Oneida Business Committee, Cultural Heritage Historian, and Accounting.

These by-laws are hereby attested to as adopted by the Arts Board at a duly called meeting by the Chairperson's signature on this 22 day of June, 2011. And approved by the Oneida Business Committee at a duly called meeting held on this 8th day of June, 2011 by the Secretary of the Oneida Business Committee's signature.


Oneida Nation Arts Board Chairperson


Oneida Tribal Secretary

ONEIDA NATION ARTS BOARD ~~BY LAWS~~ BYLAWS

Article I. -Authority

1-1. ~~1-1.~~ Name. - _____ The name of this entity shall be the Oneida Nation Arts Board, ~~and~~ may hereinafter be referred to as "the Board."

~~1-2. Authority. This entity is recognized by authority of the Oneida Business Committee by the adoption of these bylaws on February 28, 1996.~~

1-2. Establishment. The Oneida Nation Arts Board was established by the Oneida Business Committee through adoption of resolution BC-8-4-93-A and expanded upon by the Oneida Nation Arts Program – Dollars for Art Project Policies law ("DAP Law"), adopted under resolution BC-09-13-00-C, as the entity delegated authority to oversee and administer the Oneida Nation Arts Program - Dollars for Arts Project.

1-3. Authority.

(a) Purpose. The Board was established to assist in the promotion of a community that embraces art as a pathway to sovereignty, where traditional and contemporary arts are woven into the fabric of everyday life and embolden a sense of belonging. The Board was further established to provide advisory guidance and support to the Oneida Nation Arts Program ("ONAP"), and to oversee the Dollars for Arts Project ("DAP") in accordance with the DAP Law.

(b) Powers and Duties. The powers and duties that have been delegated to the Board include, but are not limited to, the following:

(1) Advisory.

(A) Advise and guide an impactful Oneida Nation Art Program;
and

(B) Serve as a sounding board and feedback loop to the ONAP Director for matters related to the arts in the Oneida Nation.

(2) Advocacy.

(A) Participate in the arts through teaching, learning, sharing and outreach;

(B) Support artists in the community through support of and participation in programs, events, arts groups and activities;
and

(C) Report ONAP/DAP/Board activities and impact to the Oneida Business Committee.

(3) Evaluation.

(A) Evaluate the ONAP by request of the ONAP Director; and

(B) Provide support for determining impactful measures of ONAP/DAP success.

(4) Fiscal.

(A) Approve policies and procedures for the overall coordination and administration of regranting;

(B) Review and evaluate regranting annually;

(C) Allocate DAP funds annually; and

(D) Approve Fiscal Sponsorships.

(5) Carry out all additional powers/duties delegated to the Board through the DAP Law; Boards, Committees and Commissions law; and any other governing laws, policies, rules and/or resolutions of the Nation.

1-4. ~~1-3. Office.~~ - The official mailing address of the Board shall be:

Oneida Nation Arts Board

P.O. Box 365

Oneida, WI 54155

~~The physical meeting place shall be determined at the first meeting of the Board and may change from time to time as determined by the Board but shall be within the Reservation boundaries unless notified to the membership prior to designating the meeting location.~~

~~1-4. Membership.~~

1-5. **Membership.** The members of the Board shall be its Directors and there are no members who are not directors.

~~(a) - Number of Members. -The Board shall consist of a minimum of seven (7) members and a maximum of thirteen (13) members appointed by the Oneida Business Committee.~~

~~(b) Qualifications. A majority of the members shall be enrolled members of the Oneida Tribe.~~

~~(1) Any vacancies which cause non-Tribal members to make up the majority of the Board shall be filled within three (3) months. If such vacancies are not filled within three (3) months, a sufficient number of non-Tribal Board members shall be re-designated as alternates until Tribal members again make up a majority of the Board.~~

~~(2) When non-Tribal Board members are to be re-designated as alternates, all such non-Tribal members shall first be invited to volunteer to serve as an alternate. If there are not sufficient volunteers, then the members that have served the shortest time on the Board shall be selected first.~~

~~(c) How Appointed. -The Members. Members of the Board members shall be appointed by the Oneida Business Committee in accordance with the Comprehensive Policy Governing Boards, Committees~~

~~and Commissions. Existing Board members may recruit new members and, by consensus of the Board, make recommendations to the Oneida Business Committee for appointees.~~

84 ~~(d) Term of Office. Members shall serve a three (3) year term. The maximum amount of time a~~
 85 ~~member may serve consecutively shall be three (3) law for three (3) year terms. Members shall~~
 86 ~~remain in office until:~~

87 ~~(1) their successors have been~~ (1) Term Limits. Members of the Board shall
 88 serve no more than three (3) consecutive three
 89 (3) year terms.

90 (2) Board members shall remain in office until:

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

93 (i) Although a member's term has expired, he or she
 94 shall remain in office until a successor has been

95 sworn in by the Oneida Business Committee; or,

96 ~~(2) they have submitted their resignation to the Board; or~~

97 ~~(3) their appointment has been terminated.~~

98 ~~(e) How~~ (B) Resignation. A member may resign at any time
 99 verbally during a Board meeting or by

100 delivering written notice to the Oneida Business Committee
 101 Support Office and the Board Chairperson or

102 Chairperson's designee. The resignation is

103 deemed effective upon:

104 (i) Deliverance of the written notice to the Oneida
 105 Business Committee Support Office and to the Board
 106 Chairperson or Chairperson's designee; or

107 (ii) Acceptance by Board motion of the member's verbal
 108 resignation.

109 (C) Termination. Termination of a member's appointment shall
 110 be in accordance with the Boards, Committees and
 111 Commissions law.

112 (c) Vacancies are Filled. Any vacancies. Vacancies for any reason on the Board
 113 shall be filled for the remainder of the term
 114 through the appointment process, in accordance with the Comprehensive Policy Governing
 115 Boards, Committees and Commissions. Members filling vacancies shall not have that considered
 116 in regards to the number of terms a member is able to hold consecutively. Vacancies of less than
 117 one (1) year shall be filled for the remainder of the term and for a new three (3) year term.
 118 Vacancies with greater than one (1) year remaining of the term shall be filled for the remainder
 119 of the term.

120 ~~(f) Unexcused Absences and Resignation. Three (3) unexcused absences of a member may result~~
 121 ~~in a member's appointment being terminated by the Oneida Business~~

122 Committee in accordance with the Comprehensive Policy Governing Boards,
 123 Committees and Commissions. A member who misses two (2) consecutive meetings shall be
 124 forwarded a reminder of the meeting dates by the Secretary. Resignations shall be in writing and
 125 presented to the Board. law.

(1) The Board Chairperson shall provide the Oneida Business Committee with recommendations, by majority vote of the members in attendance at a Board meeting of an established quorum, on applicants for appointment by the executive session in which the appointment is intended to be made.

(d) *Qualifications.* Board members shall meet the following qualifications:

(1) A majority shall be enrolled members of the Oneida Nation;

(2) Be at least eighteen (18) years of age;

(3) Have an interest and/or experience in the arts, marketing, business, government or nonprofit management; and

(4) Shall not be an employee of the ONAP as of the date of application for Board membership.

1-6. *Termination.* Termination of a member's appointment shall be carried out by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law or any other law of the Nation governing the termination of appointed officials.

(a) The Board may make a recommendation to the Oneida Business Committee for the termination of a member's appointment based on the following:

(1) The member accrues three (3) unexcused absences from Board meetings within a one (1) year period; and/or

(A) A Board member shall be deemed unexcused if he or she fails to provide written notice of the absence to a Board Officer at least thirty (30) minutes before the start of the missed meeting.

(2) The member violates any section of these bylaws and/or any governing laws of the Nation.

(b) Recommendations to the Oneida Business Committee for termination of a member's appointment shall be determined by a majority vote of the members in attendance at a Board meeting of an established quorum.

1-7. *Trainings and Conferences.* Members of the Board shall participate in mandatory Board Orientation training where they will become knowledgeable in the process of consensus decision-making and other subjects relevant to their positions.

Article II. Officers

~~2-1. (g) Board Orientation. Once a Board member has been sworn in by the Oneida Business Committee, the Board is responsible for providing the new member's orientation.~~

~~(h) Voluntary Position. Members of the Board are voluntary. No stipend shall be provided.~~

Article II. Officers and Personnel

~~2-1. Officers.~~ - The Board shall have three ~~officers~~ (3) Officers: Chairperson, Vice Chairperson, and Secretary.

~~2-2~~ ~~Chairperson Duties.~~ The Chairperson is responsible for calling meetings and notifying members with the assistance of the Secretary. The Chairperson shall preside over all regular and special meetings, and may appoint subcommittees at his or her discretion. and Secretary.

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

(a) With the Secretary's assistance, call meetings; develop meeting agendas; and provide notice of meeting agendas, minutes, and documents in accordance with the DAP Law, these bylaws, and the Open Records and Open Meetings law.

(b) Preside at all meetings of the Board and facilitate orderly discussions.

(c) Receive, review and monitor all correspondence from the Board, present to the Board and sign all correspondence approved by the Board.

(d) Submit approved Board meeting minutes, with assistance from the Board Secretary, to the Oneida Business Committee Support Office in accordance with these bylaws and the Boards, Committees and Commissions law.

(e) With the Secretary's assistance, submit quarterly reports to the Oneida Business Committee, as well as annual and semi-annual reports to the Oneida General Tribal Council, pursuant to the Boards, Committees and Commissions law, and submit any other reports that are required or requested by the DAP Law, Oneida Business Committee or Oneida General Tribal Council.

(f) Attend, or designate a Board member to attend, the Oneida Business Committee meeting where the Board's quarterly report appears on the agenda.

(g) Appoint an appeals committee to review requests for reconsideration of funding decisions in accordance with the DAP Law.

(h) Perform any other duties assigned by a majority vote of the members in attendance at a Board meeting of an established quorum.

~~2-3.~~ *Responsibilities of the Vice Chairperson Duties.* ~~The Vice Chairperson shall preside at all meetings in the absence of the Chairperson. The responsibilities, duties and appoint a limitations of the~~ Vice Chairperson for that meeting. ~~The Vice of the Board shall be as follows:~~

(a) Except for subsection (g), perform the Chairperson's duties under section 2-2 of these bylaws in the absence of the Chairperson ~~shall work.~~

(b) Work with the Chairperson in all matters that concern the Board. ~~The Vice Chairperson shall also be responsible for overseeing~~

(c) Oversee Board recruitment, Board development and membership terms. ~~The Vice Chairperson shall maintain contact with the Secretary of the Oneida Business Committee regarding membership terms and vacancies~~ consistent with the Boards, Committees and Commissions law and the DAP Law.

(d) Notify the Oneida Business Committee Support Office of Board vacancies in accordance with the Boards, Committees and Commissions law.

(e) Perform other duties as assigned by a majority vote of the members in attendance at a Board meeting of an established quorum.

215
216 ~~2-4. Responsibilities of the~~ ~~2-4. Secretary Duties.~~ The responsibilities, duties and limitations of
217 the ~~Secretary~~ of the Board shall ~~keep accurate minutes of~~
218 ~~all~~ be as follows:

219 (a) ~~Assist the Chairperson in calling meetings, both (regular and special. The~~ Assist the Chairperson in calling meetings, ~~both (regular and special. The~~
220 ~~Secretary shall assure that minutes are reported in the proper format and read and answer~~ Assist the Chairperson in calling
221 ~~all emergency);~~ developing meeting agendas;
222 and providing notice of meeting agendas,

223 documentation and minutes, all in accordance with the DAP Law, these
224 bylaws, and the Open Records and Open Meetings law.

225 (b) Maintain the minutes, reports and correspondence of the Board, abiding by/
226 to the decisions of the Board, and the Boards, Committees and Commissions
227 law.

228 (c) Except for subsection (g), perform the Chairperson's duties under section 2-
229 2 of these bylaws in the absence of the Chairperson and Vice-Chairperson.

230 (1) The Secretary's authority to call and/or preside over meetings of the
231 Board shall be limited as follows:

232 (A) In the event that both the Chairperson and Vice-Chairperson
233 positions become vacant before the end of their terms, the
234 Secretary shall be allowed to call Board meetings to fill the
235 vacancies and preside over those meetings for the sole
236 purpose of appointing new Officers, at which point the
237 Chairperson, or Vice-Chairperson in the absence of the
238 Chairperson, shall preside.

239 (d) In accordance with section 2-2 of these bylaws, assist the Chairperson with
240 submitting quarterly reports to the Oneida Business Committee; annual and
241 semi-annual reports to the General Tribal Council; and any other reports
242 required/requested by the DAP Law, Oneida Business Committee or Oneida
243 General Tribal Council.

244 (e) Ensure the Board meeting minutes are recorded in the proper format and
245 approved by the Board before submitting to the Oneida Business Committee
246 Support Office.

247 (f) Assist the Chairperson with the submission of approved Board meeting
248 minutes to the Oneida Business Committee Support Office in accordance
249 with these bylaws and the Boards, Committees and Commissions law.

250 (g) Perform other duties as assigned by majority vote of the members in
251 attendance at a Board meeting of an established quorum.

252
253 ~~2-5. How Chosen and Length~~ Selection of Term-Officers. The ~~officers~~ Officers shall serve terms of
254 one (1) year and shall be ~~elected by consensus at the summer quarter meeting of each year.~~
255 ~~nominated~~ and appointed by majority vote of the members in attendance at a
256 Board meeting of an established quorum that takes place
257 prior to the beginning of the new fiscal year.

258 (a) Terms of office shall run from the beginning of October— through
259 September of that same year.

(b) ~~No officer~~Officer shall serve for more than three (3) consecutive terms. ~~In the event of a vacancy, the successor shall be appointed by the Board for the duration of the unexpired term. Successors filling vacancies shall not have that considered in regards to the number of terms an officer is able to hold consecutively.~~ or hold more than one (1) Officer position per Officer term.

~~2-6. Personnel. The Board does~~ (c) Board members may be dismissed from their Officer positions by majority vote of the members in attendance at a Board meeting of an established quorum.

(d) In the event of a vacancy in an Officer position, a successor shall be appointed by majority vote of the members in attendance at a regular or emergency Board meeting of an established quorum for the duration of the unexpired term.

~~2-6. Subcommittees & Ad Hoc Committees. Subcommittees and/or ad hoc committees may be created or dissolved at any time by majority vote of the members in attendance at a Board meeting of an established quorum, so long as created/dissolved in accordance with the Boards, Committees and Commissions law.~~

(a) Members of subcommittees and ad hoc committees shall not be eligible for stipends unless authorized by the Board and a specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

~~2-7. Budgetary Sign-Off Authority and Travel. The Board shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.~~

(a) Levels of budgetary sign-off authority for the Board shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures, for Area Directors/Enterprise Directors.*

(1) All Board Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:
 (A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.

(b) The Board shall approve a member's request to travel on its behalf by majority vote of the members present at a regular or emergency Board meeting of an established quorum.

~~2-8. Personnel. The Board shall not have the authority to hire personnel for the its benefit of the entity.~~

~~2-7. Standing Committees. Standing committees may be created by the Board from time to time as special conditions necessitate such action. A consensus of members present at a legally constituted meeting shall be required to create a special committee. When so created, such committees shall be appointed by the Chairman and shall be terminated upon completion of their assignment, which ordinarily shall result in a written report to the Board. Should a committee be established which for whatever reason is no longer meeting a valid need or goal of the Board; it may be terminated by consensus of the Board at any time.~~

(a) *Staff Designee.* The Director of the ONAP shall be the Board's Staff Designee.

(1) In the absence of all Board Officers, the Staff Designee shall assume the responsibilities set forth in Article II of these bylaws that relate to documenting, recording and reporting on behalf of the Board.

(2) ONAP staff may be used to provide administrative support, consistent with the Boards, Committees and Commissions law, to the Board when needed.

Article III. -Meetings

3-1.- *Regular Meetings.* -The regular meetings of the Board shall be ~~established for the fiscal year by the Chairperson or consensus of the members. Notice of meeting location, agenda, and materials held every second Tuesday~~ of the month at the Community Education Center located on Packerland Drive in Green Bay, WI, commencing at 5:30 p.m.

(a) The meeting date, time and location may be reviewed by the Board and changed from time-to-time as deemed necessary by majority vote of the members in attendance at a Board meeting of an established quorum so long as notice is provided to all members in writing and, along with the public, in accordance with the Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.

(2) Regular meetings of the Board may not be held in June, July and December to allow for those months to be dedicated to the Board's volunteer work.

(b) Prior to a scheduled meeting, notice of the meeting location, agenda, and documents shall be forwarded by the Chairperson, with the assistance of the Secretary ~~and Oneida Nation Arts Program (ONAP) staff. Meetings shall be run,~~ in accordance with the ~~consensus of DAP Law, these bylaws, and the membership. There shall be the following standing meetings:~~ Open Records and Open Meetings law.

~~(a) Summer Quarter – for the purpose of electing officers.~~

~~(b) Fall Quarter – for the purpose of review and recommendation of the DAP grants.~~

~~(c) Winter Quarter – for the purpose of evaluating programs and reviewing the strategic plan and ONAP budget.~~

~~(d) Spring Quarter – for the purpose of Board development, recruitment and projects initiated by the Board.~~

(1) All Board members shall be provided email notification of meeting agendas via the official Oneida Nation email address that was provided to each member to conduct business electronically on behalf of the Board (“Official Email”).

(2) Meeting minutes shall be approved by majority vote of the members in attendance at a Board meeting of an established quorum and then sent to all Board members, via their Official Email addresses, as well

as to the Oneida Business Committee Support Office in accordance
with these bylaws.

~~3-2.-~~ Emergency or Special Meetings. ~~Emergency or special meetings~~ An emergency meeting may be called to address urgent concerns that affect the existence of the Board and require action that cannot wait until the Board's next scheduled meeting.

(a) The Board shall attempt to use other means for urgent deadline-oriented approvals, including e-polls, before calling an emergency meeting.

(b) An emergency meeting may be called by the Chairperson ~~with~~upon at least ~~three (3) days written~~ twenty-four (24) hours' advance notice. ~~By consensus to all members of the membership,~~ Board.

(1) Notice of emergency meetings shall be provided to all Board members by telephone call and via email communication sent to their Official Email address.

(2) Notice of emergency meetings shall further be provided to all Board members, as well as the ~~three~~(public, in accordance with the Open Records and Open Meetings law.

(c) Within seventy-two (72) hours of an emergency meeting, the Board shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the meeting, and an explanation as to why the matter could not wait until the next regular meeting.

~~3-3) day written notice may be waived.~~ Joint Meetings. There shall be no joint meetings held between the Board and the Oneida Business Committee.

~~3-4.3-3. Quorum.~~ A quorum shall consist of five (5) members or a simple majority based on the current board membership, whichever is greater. The quorum shall include either the Chairperson or the Vice Chairperson.

~~3-4.~~ Quorum. A quorum shall consist of no less than three (3) Board members, one (1) of which shall be the Chairperson, Vice-Chairperson or Secretary; provided, the Secretary is presiding over the meeting in accordance with section 2-4 (c) of these bylaws.

3-5. Order of Business. ~~The regular meetings of the Board shall follow the~~ The order of business, as ~~set out herein~~ far as applicable, is:

(a) ~~Call to Order~~ Welcome

(b) ~~Reading of the Minutes~~

~~(c) Correspondence~~

~~(d) Standing and Special Committee Reports~~

~~(1) ONAP Director's Report~~

~~(2) ONAP Budgetary Report~~

390 ~~(e)~~ Old Business

391 ~~(f)~~ (c) New Business

392 ~~3-5. Voting. Board decisions and actions shall be made by consensus. A formally proposed motion,~~
393 ~~second to a motion and vote on such motion with a minimum percentage for approval is not required.~~
394 ~~Issues shall be discussed until a proposal is made. Once a proposal is made, all members present state~~
395 ~~their level of agreement or concern with the proposal. After any concerns are identified, the Board shall~~
396 ~~address the concerns and the proposal shall be modified until the Board reaches a satisfactory agreement~~
397 ~~with all members present.~~ (d) Action

398 (e) Minutes (Review & Approve)

399 (f) Adjourn

400
401 3-6. Voting. Decisions of the Board shall be based on a majority vote of its members in
402 attendance at a Board meeting of an established quorum.

403 (a)

404 ~~Article IV. Reporting~~

406 ~~4-1. Reporting.~~ The Board Chairperson shall be permitted to participate and vote in the same
407 manner as any other member of the Board.

408 (b) E-polls are permissible so long as conducted in accordance with the Boards,
409 Committees and Commissions law.

410 (1) The Vice-Chairperson shall serve as the Chairperson's designee,
411 responsible for conducting e-polls in the Chairperson's absence or
412 discretion.

415
416 ~~Article IV. submit reports~~ Expectations

417 4-1. Behavior of Members. Members of the Board are expected to adhere to all governing laws,
418 resolutions and policies of the Nation, including, but not limited to, the DAP
419 Law; the Boards, Committees and Commissions law; these bylaws and as
420 follows:

421 (a) That, members of the Board are expected to agree to a Commitment to Serve
422 and annually re-commit to their responsibilities on the Board and to the
423 community.

424 (b) That, Board members who find themselves unable to carry out the duties
425 and responsibilities of their role and abide by expected behaviors, agree to
426 resign their Board position to avoid enforcement under subsection (1) of
427 this section 4-1.

428 (1) Enforcement. Any Board member found in violation of this section
429 who refuses to voluntarily resign may be subject to the following if
430 agreed upon by majority vote of the members in attendance at a
431 Board meeting of an established quorum:

432 (A) Board recommendation to the Oneida Business Committee
433 for termination of the member's appointment in accordance
434 with the Boards, Committees and Commissions law or any

other law of the Nation governing the termination of appointed officials.

(B) Disciplinary action in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

4-2. *Prohibition of Violence.* Board members are prohibited from engaging in or committing any violent intentional act that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property.

4-3. *Drug and Alcohol Use.* The use and/or consumption of alcohol or prohibited drugs by Board members when acting in their official capacity is strictly forbidden.

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

4-4. *Social Media.* Members of the Board shall comply with the Nation's Social Media Policy and their oath of office when using social media on behalf of or as a representative of the Board.

4-5. *Conflict of Interest.* All members of the Board are required to adhere to the Nation's laws and policies governing conflicts of interest.

(a) No member shall apply or accept a position of employment for the Oneida Nation Arts Program while serving as a member of the Board.

Article V. Stipends and Compensation

5-1. *Stipends.* Members of the Board serve voluntarily; thus, even if eligible, shall not be allowed to receive stipends under the Boards, Committees and Commissions law or resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter.

5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, there are no other forms of compensation that members are eligible to receive for the duties/activities they perform on behalf of the Board.

Article VI. Tribal Secretary on a quarterly basis. This reporting ~~Records and Reporting~~

6-1. *Agenda Items.* Agenda items shall be consistently maintained in the format ~~may not be less than as~~ identified under Article III, section 3-5, of these bylaws as the *Order of Business*.

6-2. *Minutes.* The Board's meeting minutes shall be typed and in a consistent format created by the Oneida Business Committee Support Office to generate the

most informative record, to include, but not be limited to, a summary of the action requested/taken by the Board.

(b) Meeting minutes shall be reviewed for accuracy and then approved at the end of each meeting by a majority vote of the members present; provided a quorum is still in existence.

(1) The minutes shall be submitted to the Oneida Business Committee Support Office within seven (7) days of their approval.

6-3. *Attachments.* Handouts, reports, memoranda, and the like shall be attached to their corresponding minutes and agenda, maintained as a Board packet and filed with the Oneida Business Committee Support Office to maintain in accordance with the Open Records and Open Meetings law.

6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the member of the Oneida Business Committee who is its designated liaison.

(a) All official correspondence of the Board, whether produced via email or in writing (i.e. agenda, minutes, recordings, submissions, reports), shall be copied to the liaison, as well as the liaison's administrative support contact.

(b) The Board and liaison shall further communicate when needed, the frequency and method of which shall be as agreed upon by the Board and the liaison, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or the Oneida General Tribal Council.

~~4-2. *Format.* Agenda items shall be in an identified format.~~

6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using an available device, supplied by the Oneida Business Committee Support Office or the Board, that can be uploaded to digital file storage.

(a) Audio recordings shall be submitted to the Oneida Business Committee Support Office to be maintained alongside the Board's meeting minutes in accordance with the Open Records and Open Meetings law.

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

~~4-3. *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Board. Minutes shall be forwarded to the Tribal Secretary's office within a reasonable time after approval by the Board.~~

~~4-4. *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.~~

~~4-5. *Annual Report.* The Board shall develop and submit its Annual Report to the Tribal Secretary's Office for forwarding to the Oneida General Tribal Council. The Annual Report shall include the Board's goals, activities, and outcomes, within the format provided by the Tribal Secretary's Office. The Annual Report~~

shall also contain the Board's financial statements summarizing any financial activities of the Board including fund raising efforts, expenditures or in-kind contributions.

Article ~~V.~~ **VII. Amendments**

~~57-1. -~~ **Amendments.** Amendments to ~~By laws.~~ **these bylaws** shall be made ~~to these~~ by ~~laws~~ **a majority vote of the members in attendance** at a regular ~~meeting~~ or an emergency ~~meeting of the Board~~ **meeting of an established quorum**; provided ~~that written, proper~~ notice of ~~the~~ proposed amendments ~~_____~~ was ~~made~~ **furnished in accordance with these bylaws** at a prior regular meeting. ~~Amendments are effective upon adoption of the Board~~

~~_____~~ (a) ~~Any amendments to these bylaws shall conform to the requirements of the Boards, Committees and approval by the Oneida Business Committee~~ **Commissions law and any other policy of the Nation.**

~~_____~~ (b) ~~Amendments to these bylaws shall be approved by the Oneida Business Committee before implementation.~~

~~_____~~ (c) ~~These bylaws shall be reviewed no less than on an annual basis.~~

~~_____~~ Adopted – BC-02-28-96

~~_____~~ Amended – BC-06-22-11

Article ~~VI.~~ **Purpose**

~~6-1. Purpose.~~ It shall be the purpose of the Board to provide guidance to the ONAP and to perform the responsibilities granted to the Board under the Dollars for Arts Program policy. ~~Provided that, the guidelines and directions given in this Article are to set forth standards and goals, and may be interpreted in the broadest possible manner to include all manners of art and artistic projects. Specific responsibilities include, but are not limited to the following:~~

~~_____~~ (a) ~~Work with the ONAP Director and staff in an advisory capacity on issues related to the arts in Oneida, and~~

~~_____~~ (b) ~~Strive to provide guidance and recommendations in the development of the ONAP and arts programs throughout the community, and~~

~~_____~~ (c) ~~Work with ONAP in determining and monitoring program outcomes, and~~

~~_____~~ (d) ~~Receive reports of the ONAP activities from ONAP staff, and~~

~~_____~~ (e) ~~Work with the ONAP Director in evaluating the ONAP, and~~

~~_____~~ (f) ~~Approve policies and programs for the overall coordination and administration of the ONAP.~~

~~6-2. Community Involvement.~~ The Board shall strive to provide the opportunity for people to explore and

561 ~~enhance lifestyles through involvement in the arts by providing assistance in program development and~~
562 ~~design.~~

563 ~~6-3. Re Granting. The Board shall be responsible for approving re-granting guidelines, panel~~
564 ~~recommendations, and funding scenarios in the Dollars for Arts Program.~~

565 ~~6-4. Fiscal Sponsors. The Board may approve the ONAP acting as a fiscal sponsor for community~~
566 ~~organizations not yet a not for profit.~~

567 ~~6-5. Public Art. The Board shall periodically review lists of art assets owned by the Tribe, noting pieces~~
568 ~~that have potential of increasing in value and shall provide regular reports to the Oneida Business~~
569 ~~Committee, Cultural Heritage Historian, and Accounting.~~

570

571

572

573 ~~These by-laws are hereby attested to as adopted by the Arts Board at a duly called meeting by the~~
574 ~~Chairperson's signature on this _____ day of _____, _____. And approved by the Oneida Business~~
575 ~~Committee at a duly called meeting held on this ____ day of _____, _____ by the Secretary of the~~
576 ~~Oneida Business Committee's signature.~~

577

578

579

580 _____

581 ~~Oneida Nation Arts Board Chairperson~~

582

583

584 _____

585 ~~Oneida Tribal Secretary~~



Legislative Operating Committee
October 2, 2019

Oneida Nation School Board Bylaws 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 105.10-1(a) 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 Nation School Board By-Laws Amendments to the active files list; Seconded by Kirby Metoxen. Motion carried.

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 (OBCSO), 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 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 & Pow-wow), 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 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 second of the two informational meetings.

1/31/19: *LOC Work Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, David P. Jordan, Daniel Guzman-King, Kirby Metoxen, Jennifer Webster. The purpose of this meeting was to discuss the progress, in general, of the Nation's boards, committees and commissions on getting their bylaws amended and their likelihood of meeting the March 26, 2019 deadline set forth in resolution BC-09-26-18-C to present their bylaws to the Oneida Business Committee for adoption. Based on the discussion, a decision was made to have the LOC draft a memorandum to the Oneida Business Committee seeking an extension of the March 26, 2019 deadline for all boards, committees and commissions to present their bylaws amendments to the Oneida Business Committee for adoption.

2/6/19 LOC: Motion by Jennifer Webster to approve the memorandum from Chairman David P. Jordan to the Oneida Business Committee seeking an extension of the March 26, 2019 bylaws amendments deadline and to forward the memorandum to the Oneida Business Committee to be placed on the February 13, 2019 Oneida Business Committee meeting agenda for consideration; Seconded by Kirby Metoxen. Motion carried.

2/22/19: *OBC Work Session.* Present: Jennifer Falck, Kristen M. Hooker, Lisa Summers, Daniel Guzman-King, Jennifer Webster, Tehassi Hill, Brandon Stevens, Trish King, David P. Jordan, Kirby Metoxen. The purpose of this meeting was to discuss the February 13, 2019 memo from the LOC Chairman to the OBC regarding Amendments to Boards, Committees and Commissions By-Laws Timeline in which it requested an extension of the deadline for submitting bylaws to the OBC for adoption. During the meeting, the LRO Staff Attorney assigned this item provided a status update on the progress of the boards, committees and commissions on the amending of their bylaws to comply with the Boards, Committees and Commissions law within the six (6) month deadline imposed by resolution BC-09-26-18-C. The OBC decided not to grant an extension of the six (6) month deadline. Instead, the OBC directed the LRO to continue pushing the bylaws forward and to return to the March 19, 2019 OBC work

session to provide a progress report on the boards, committees and commissions' bylaws amendments.

3/14/19: *LOC Work Meeting.* Present: Kirby Metoxen, David P. Jordan, Jennifer Webster, Ernest Stevens III, Lisa Summers, Kristen M. Hooker, Clorissa Santiago, Jennifer Falck, Maureen Perkins. The purpose of this work meeting was to discuss the portion of the 3/13/19 OBC Meeting relating the bylaws amendments that were on the agenda and OBC's directive to now have all bylaws amendments reviewed by the OBC during a work session before being added to an OBC Meeting agenda for consideration and possible adoption. The next step is for the LRO drafting attorney to attend the OBC work session on March 19, 2019 to discuss further.

3/19/19: *OBC Work Session.* Present: Lisa Summers, Patricia King, Brandon Stevens, David P. Jordan, Daniel Guzman-King, Jo Anne House, Jennifer Falck, Clorissa Santiago, Kristen M. Hooker, Lisa Liggins, Cathy Bachhuber. The purpose of this OBC work session was for the Legislative Reference Office Staff Attorney to provide the OBC with a status update on the progress made by the boards, committees and commissions on the amending of their bylaws to conform to the Boards, Committees and Commissions law. Based on the update and the discussion that followed, the OBC: (1) decided to grant an exception to the March 26, 2019 deadline set forth in resolution BC-09-26-19-C for the Nation's boards, committees and commissions to present their bylaws to the OBC for adoption; and (2) directed the LRO to draft a memo for the next LOC meeting to be forwarded to the OBC indicating the same.

**During its subsequent review of the Oneida Gaming Commission's proposed bylaws amendments, the OBC decided to add the following requirements to all of the boards, committees and commissions' bylaws amendments: (1) that, the recommendations for termination be by a majority vote of the members in attendance at a meeting of the entity's established quorum; (2) that, notice of meetings be provided to all members of the entity without exception (per request of LOC that all meetings be duly called); (3) that, the sign-off level for all entities, not assigned a specific level therein, be the same as the Area Director/Enterprise Director level set forth in the Nation's purchasing manual, and that, two (2) of the entity's Officers be required to sign-off on all such purchases; (4) that, under the "Selection of Officers" section, a provision be added (as its own separate subsection) to allow members to be dismissed (not removed as initially proposed) from their Officer positions by a simple majority vote of the entity; (5) that, the entities review their bylaws each time a vacancy is filled by a new member; (6) that, stipend amounts not be listed in the entity's bylaws; and (7) that, assuming its adoption, the resolution governing joint meetings be referenced in the joint meeting section of the entity's bylaws.*

3/20/19 LOC: Motion by Ernest Stevens III to approve the Boards, Committees and Commissions Bylaws Update Memo and forward to the Oneida Business Committee; Seconded by Daniel Guzman-King. Motion carried.

3/27/19 OBC: Motion by Lisa Summers to grant the seventeen (17) entities that have begun the process of amending their bylaws to conform to the Boards, Committees and

Commissions law, an exception to the March 26, 2019, deadline set forth in resolution BC-09-26-18-C for presenting bylaws amendments to the Business Committee for adoption; Seconded by David P. Jordan. Motion carried.

4/16/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens, Ernest Stevens III, Lisa Summers, Jo Anne House, Lisa Liggins, Kristen M. Hooker, Clorissa Santiago. The purpose of this OBC work session was to review the Election Board's bylaws amendments. During this meeting, the OBC also decided that all boards, committees and commissions must add the word "titled" next to the name of the purchasing manual they are required to reference in the "sign-off" section of their bylaws to provide clarification on why the term "Oneida Tribe of Indians" is being used instead of the "Nation".

5/1/19: *LOC Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Kristen M. Hooker, Brandon Wisneski, Jennifer Falck, Clorissa Santiago, Maureen Perkins. The purpose of this meeting was to discuss some of the hurdles the LRO has encountered under the current bylaws amendments process and to consider whether a more efficient process should be implemented to get the Nation's boards, committees and commissions' bylaws amendments before the Oneida Business Committee for adoption.

7/29/19-7/30/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens (7/29 only), Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Tehassi Hill (7/29 only), Kristen Hooker, Jennifer Falck, Maureen Perkins, Brooke Doxtator, Laura Laitinen-Warren. The purpose of this work session was to provide the OBC an opportunity to review and consider all drafts of the Boards, Committees and Commissions' bylaws amendments in advance of being added to the OBC agenda for formal consideration and possible adoption.

Next Steps:

- Accept the Oneida Nation School Board's Bylaws Amendments.
- Forward the Oneida Nation School Board's Bylaws Amendments to the Oneida Business Committee for consideration.

ONEIDA NATION SCHOOL BOARD BYLAWS

Article I. Authority

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

1-2. *Establishment.* The Oneida Nation School Board was established in 1977 by the Oneida General Tribal Council.

1-3. *Authority.*

(a) *Purpose.* The Board was established to coordinate existing and future education programs of the Oneida Nation; per directive of the Oneida General Tribal Council, to be an autonomous administrator of the Oneida Nation School System (“System”) under a Memorandum of Agreement with the Oneida Business Committee; and to administer the Oneida Nation School System Endowment in accordance with the Nation’s Endowments law as authorized under resolution BC-02-27-19-B.

(b) *Powers and Duties.* In accordance with the Oneida General Tribal Council’s directive, on March 21, 1988, the Board entered into a Memorandum of Agreement (“MOA”) with the Oneida Business Committee, delegating certain powers and duties to the Board, which, subject to amendment from time-to-time hereafter, include, but are not limited to:

- (1) Overseeing and planning, in coordination with the Oneida Business Committee, for the academic and cultural growth of the students within the System;
- (2) Monitoring school operations and development, ensuring their compliance with sound academic practice and consistency with community priorities, as well as the Nation’s initiatives and planning;
- (3) Approving all curriculum developed and implemented for use within the System, ensuring quality academic instruction that incorporates Oneida cultural tenets;
- (4) Providing direct involvement in the process of personnel matters, as prescribed in the MOA, to be consistent with the Nation’s Personnel Policies and Procedures so as to ensure the maintenance of quality staff and policy benefiting the harmony of the staff and ultimately the students within the System;
- (5) Reviewing, endorsing and submitting all contracts, grants, and proposals relative to the System’s operation and planning consistent with the Nation’s policies and procedures, as well as the System’s funding cycles, by ensuring a level of funding that corresponds with the System’s developmental and operational needs;
- (6) Meeting with the Oneida Business Committee to negotiate any disputes which may arise between the Oneida Business Committee and the Board;

- 46 (7) Monitoring long and short-range educational programming for the
47 students attending Nation-specific programs of study; and
48 (8) Developing and maintaining consistent procedures to be employed
49 as it carries out its charge to the Oneida General Tribal Council and
50 the Oneida Nation School System.
51 (c) The Board shall adhere to the laws of the Nation when exercising the
52 authority delegated it under the MOA, as may be amended from time-to-
53 time hereafter, and shall further exercise any other powers and duties
54 delegated to the Board through the laws, policies, rules and resolutions of
55 the Nation in a manner consistent therewith.
56
57 1-4. *Office.* The official mailing address of the Oneida Nation School Board is:
58 Oneida Nation School Board
59 P.O. Box 365
60 Oneida, WI 54155-0365
61
62 1-5. *Membership.*
63 (a) *Number of Members.* The Oneida Nation School Board shall be comprised
64 of nine (9) members.
65 (b) *Elected.* Members of the Board shall be chosen by election to three (3) year
66 staggered terms in accordance with any laws and/or policies of the Nation
67 governing elections.
68 (1) Members of the Board shall hold office until their term expires, they
69 resign, or they are terminated/removed from office.
70 (A) A member whose term has expired may remain in office
71 until his or her successor is sworn in by the Oneida Business
72 Committee.
73 (B) A member may resign at any time either verbally during a
74 Board meeting or by delivering written notice to the Oneida
75 Business Committee Support Office and the Board Chair-
76 person or Chairperson's designee.
77 (i) A resignation is deemed effective upon acceptance
78 by Board motion of the member's verbal resignation
79 or upon delivery of the written notices.
80 (c) *Vacancies.* Vacancies of the Board shall be filled as follows:
81 (1) *Expired Terms.* Vacancies caused by term expiration shall be filled
82 by election in accordance with any laws and/or policies of the Nation
83 governing elections to office.
84 (2) *Unexpired Terms.* Vacancies that occur before the end of a term
85 shall be filled by appointment of the Oneida Business Committee
86 pursuant to the Boards, Committees and Commissions law.
87 (A) The Board Chairperson shall provide the Oneida Business
88 Committee with recommendations on all applications for
89 appointment to fill a vacancy of an unexpired term by the
90 executive session in which the appointment is intended to be
91 made.

- 92 (d) *Qualifications of Members.* Members of the Board shall meet the following
93 qualifications:
94 (1) Be at least eighteen (18) years of age;
95 (2) Be enrolled members of the Oneida Nation;
96 (3) Four (4) of the nine (9) members must be parents/guardians of a
97 student attending the Oneida Nation School System; and
98 (4) Have passed an Annual Care Giver Background Check (State of
99 Wisconsin Form F-80264).

100
101 1-6. *Termination and Removal.* A Board member found to be in violation of these bylaws or
102 any applicable law, policy and/or resolution of the Nation may be subject to
103 the following:

- 104 (a) If the member was elected, the Board may direct the Chairperson to file a
105 petition for his or her removal on behalf of the Board pursuant to the
106 Removal law and/or any other law of the Nation governing the removal of
107 elected officials.
108 (b) If the member was appointed, the Board may direct the Chairperson to
109 provide a recommendation to the Oneida Business Committee for his or her
110 termination in accordance with the Boards, Committees and Commissions
111 law and/or any other law of the Nation governing the termination of
112 appointed officials.
113 (c) Petitions for removal and/or recommendations for termination shall be
114 decided by a majority vote of the Board members present at a meeting of an
115 established quorum.

116
117 1-7. *Trainings and Conferences.* Board members shall attend the following mandatory trainings
118 and/or conferences:

- 119 (a) As recommended by the Superintendent;
120 (b) Bi-annual trainings/conferences with the Bureau of Indian Education;
121 (c) Interview Certification from Oneida Nation; and/or
122 (d) Disciplinary Action from Oneida Nation.
123 (e) Regardless of the number of trainings/conferences that he or she is required
124 to attend, no member of the Board shall be eligible to receive stipends for
125 attending more than five (5) full days of mandatory trainings/conferences
126 per year.

127
128 **Article II. Officers**

129 2-1. *Officers.* The Officer positions for the Oneida Nation School Board shall consist of a
130 Chairperson, a Vice-Chairperson and a Secretary.

131
132 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the
133 Chairperson shall be to:

- 134 (a) Call and preside over all regular meetings, emergency meetings and
135 hearings of the Board;
136 (b) Represent the Board and the System at official functions;

- 138 (c) Ensure that the Board complies in its charge to the Nation and the System;
- 139 (d) Be an ex officio member of any committee established by the Board;
- 140 (e) Carry out all general duties and powers assigned to the Board pursuant to
- 141 the Oneida Nation's Constitution, any laws of the Nation and the most
- 142 current version of the MOA, which may be amended from time-to-time
- 143 hereafter;
- 144 (f) Submit, or through a designee submit, annual and semi-annual reports to the
- 145 Oneida General Tribal Council, as well as quarterly reports to the Oneida
- 146 Business Committee, in accordance with the Boards, Committees and
- 147 Commissions law; and submit other reports as required by resolution BC-
- 148 02-27-19-B, the most current version of the MOA, and any other governing
- 149 law, policy or resolution of the Nation; and
- 150 (g) Attend, or designate a member to attend, the Oneida Business Committee
- 151 meeting in which the Board's quarterly report appears on the agenda.
- 152

153 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the

154 Vice-Chairperson shall be to:

- 155 (a) Act in replacement of the Board Chairperson should for any reason he or
- 156 she be unable to carry out the above prescribed powers and duties;
- 157 (b) Chair ad hoc committees established by the Board; and
- 158 (c) Carry out all general duties and powers that are duly assigned or delegated
- 159 to the Board.
- 160

161 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the

162 Secretary shall be to:

- 163 (a) Act in the absence of the Chairperson and Vice-Chairperson in the carrying
- 164 out of their powers and duties;
- 165 (1) With respect to calling or presiding over meetings of the Board, the
- 166 Secretary's authority shall be limited as follows:
- 167 (A) In the event that both the Chairperson and Vice-Chairperson
- 168 positions have become vacant before the end of their terms,
- 169 the Secretary shall have the authority to call Board meetings
- 170 to fill the vacancies and to preside over those meetings for
- 171 the sole purpose of conducting an election of new Officers,
- 172 at which point the Chairperson, or Vice-Chairperson in the
- 173 absence of the Chairperson, shall preside.
- 174 (b) Establish the agenda and provide notice of all meeting locations, agendas,
- 175 documents and minutes to all members of the Board, as well as the public,
- 176 in accordance with the Boards, Committees and Commissions law, the
- 177 Open Records and Open Meetings law, these bylaws, and the most current
- 178 version of the MOA;
- 179 (c) Maintain accurate recording and presenting of all Board minutes and other
- 180 formal documents in accordance with the Boards, Committees and
- 181 Commissions law, the Open Records and Open Meetings law, these bylaws,
- 182 and the most current version of the MOA;

- 183 (d) Work closely with System staff and/or the Oneida Business Committee
184 Support Office to ensure timely reporting of all Board actions; and
185 (e) Carry out all general duties and powers that are duly assigned or delegated
186 to the Board.
187

188 2-5. *Selection of Officers.* Officers of the Board shall be elected by a majority vote of the
189 members in attendance at a Board meeting of an established quorum to
190 terms of one (1) year.

- 191 (a) Officer elections shall occur at the first Board meeting of an established
192 quorum that takes place subsequent to an election of the Board members.
193 (b) Board Officers shall hold their positions until the new Officers are elected.
194 (1) Officers may be re-elected and there is no limitation upon the
195 number of times a member may run for an Officer position.
196 (2) Board members shall not hold more than one (1) Officer position
197 per Officer term.
198 (c) If for any reason, an Officer of the Board cannot fulfill the obligations of
199 his or her Officer position, upon majority vote of the members present at a
200 Board meeting of an established quorum, that member may be dismissed
201 from his or her Officer position and a new Officer shall be elected.
202

203 2-6. *Budgetary Sign-Off Authority and Travel.* The Board shall follow the Nation's policies and
204 procedures regarding purchasing and sign-off authority.

- 205 (a) Levels of budgetary sign-off authority for the Board shall be as set forth in
206 the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies*
207 *and Procedures*, for Divisional Directors/Tribal School Chairperson/Trust
208 Committee/Gaming Director.
209 (1) All Board Officers have sign-off authority and two (2) Officers shall
210 be required to sign-off on all budgetary requests, except for the
211 following
212 (A) The Oneida Business Committee Support Office shall have
213 sign-off authority over requests for stipends, travel per diem
214 and business expense reimbursement.
215 (b) Travel on behalf of the Board for any member shall be approved by majority
216 vote of the members in attendance at a regular or emergency Board meeting
217 of an established quorum.
218

219 2-7. *Personnel.* Commencing on the date these bylaws are adopted by the Oneida Business
220 Committee and from that point forward, the Board shall not have authority
221 to hire personnel for the benefit of the Board.

- 222 (a) The Board shall have authority to be involved in the hiring of personnel for
223 the System so long as conducted in accordance with the most current
224 version of the MOA, the Nation's Personnel Policies and Procedures, and
225 any applicable accounting policies/procedures of the Nation.
226 (b) The Board shall have authority, at its discretion, to hire consultants and
227 other resource persons to help carry out the stated purposes and goals of the
228 System, subject to the following:

- 229 (1) The Superintendent shall assist the Board with establishing criteria
230 for the hiring of consultants/resource persons and, when appropriate,
231 provide selection recommendations to the Board.
232 (2) Consultants/resource persons shall be hired under formal contract
233 per the process set forth in the most current version of the MOA and
234 consistent with the policies and procedures of the Nation.
235 (c) Where issues arise between the Board and individuals/entities other than the
236 Oneida Business Committee, the Board shall have the authority to avail
237 itself of legal counsel per the Request for Proposal (“RFP”) process set by
238 the Nation’s competitive bidding/purchasing policies and procedures, to
239 protect the powers and responsibilities delegated to the Board by the Oneida
240 General Tribal Council.
241 (1) Prior to commencing with the RFP process to retain outside counsel,
242 the Board shall be required to avail itself of counsel through the
243 Oneida Law Office; provided, it is capable and willing to supply the
244 Board with the necessary legal services.
245

246 **Article III. Meetings**

247 3-1. *Regular Meetings.* Meetings of the Board shall be held at 5:00 p.m. on the first Monday of
248 each month in the Oneida Nation Elementary School, located at N7125
249 Seminary Road in Oneida, Wisconsin.

- 250 (a) The meetings date, time and/or location may change from time-to-time as
251 determined by a majority vote of the members present at a Board meeting
252 of an established quorum; provided, notice is given to all members in
253 writing and, along with the public, in accordance with the Nation’s Open
254 Records and Open Meetings law, prior to the implementation of a new date,
255 time and/or location.
256 (b) The agenda for regular meetings shall be established by the Secretary, or
257 Secretary’s designee, in accordance with these bylaws.
258 (1) Board members and other persons wishing to have items placed on
259 the agenda should submit the item to the Secretary, or Secretary’s
260 designee.
261 (2) Items should be submitted at least ten (10) days prior to the next
262 regular meeting.
263 (c) Action items shall be incorporated into the School Superintendent’s report.
264 (d) The Secretary or Secretary’s designee shall prepare the meeting agenda,
265 minutes and other appropriate documentation for action items; mail or email
266 them to each Board member, along with the Superintendent, at least seven
267 (7) days before a regular meeting date; and further provide them to all
268 members, as well as the public, in accordance with the Nation’s Open
269 Records and Open Meetings law.
270 (1) Any email correspondence to Board members must be sent to the
271 official Oneida Nation email address that was provided to them to
272 conduct business electronically on behalf of the Board (“Official
273 Email”).
274

275 3-2. *Emergency Meetings.*

276 (a) An emergency meeting may be called when there is an imminent issue that
277 needs to be addressed by the Board before its next scheduled meeting.

278 (1) The Board is delegated the authority to represent the parents and the
279 Oneida General Tribal Council in the conducting of System related
280 business. Under certain governmental and other System related
281 agreements, some contractors require periodic meetings that require
282 parent representation. This constitutes an imminent issue for which
283 an emergency meeting may be called when necessary to satisfy the
284 Board's contractual obligations.

285 (A) Meetings to fulfill contractual obligations may be held on the
286 evenings of regular Board meetings or may be separately
287 scheduled. In either case, along with the notice required in
288 subsection (c) of this section if the meeting was called as an
289 emergency or in section 3-1(d) if called as part of a regular
290 meeting, the Secretary or Secretary's designee must provide
291 notice to all groups identified by the contractor as set forth
292 within the contract, or in writing if not set by contract, and
293 to all parents through the school newsletter, as well as the
294 Kalihwisaks.

295 (b) Emergency meetings may be called by the Chairperson and upon request of
296 a Board member or System administrator.

297 (1) Board members or System administrators shall contact the Board's
298 Chairperson or Vice-Chairperson to request an emergency meeting.

299 (A) The Chairperson, or when he or she cannot be reached, the
300 Vice-Chairperson shall determine whether the basis for the
301 Board member's or System administrator's request justifies
302 scheduling an emergency meeting.

303 (c) The Chairperson or Chairperson's designee shall provide notice of
304 emergency meetings to all Board members by telephone call, as well as via
305 their Official Email, and to the System administration at least twenty-four
306 (24) hours in advance of the meeting; and shall further provide notice to all
307 Board members and the rest of the public in accordance with the Nation's
308 Open Records and Open Meetings law.

309 (A) The notice shall state the emergency matter or matters to be
310 addressed.

311 (B) The agenda for emergency meetings shall consist of only those items
312 of business for which the meeting was called.

313 (i) During the emergency meeting, the Board may engage in
314 discussion of matters other than those specified on the
315 agenda; however, formal action may only be taken on the
316 agenda items for which the emergency meeting was called.

317 (d) Within seventy-two (72) hours after an emergency meeting, the Board shall
318 provide the Nation's Secretary with notice of the emergency meeting, the
319 reason for the emergency meeting, and an explanation as to why the matter
320 could not wait until the next regular meeting.

- 321
322 3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee may be held in the
323 Oneida Business Committee Conference Room of the Norbert Hill Center,
324 at the request of either entity, on an as needed basis, and per the approval of
325 the Oneida Business Committee.
326 (a) Notice of the joint meeting agenda, documents, and minutes shall be
327 provided, and the joint meeting conducted, in accordance with resolution
328 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with
329 Boards, Committees and Commissions – Definitions and Impact, as may be
330 amended from time to time hereafter.
331
332 3-4. *Quorum.* A quorum of the Board shall consist of a majority of the current members,
333 one of whom must be the Chairperson, Vice-Chairperson or Secretary;
334 provided, the Secretary is presiding over the meeting in accordance with
335 section 2-4(a)(1)(A).
336
337 3-5. *Order of Business.* The order of business, as far as applicable, is:
338 (a) Call to Order
339 (b) Adopt the Agenda
340 (c) Approval of Minutes
341 (d) Old Business
342 (e) New Business
343 (f) Reports
344 (g) Other Business
345 (h) Executive Session
346 (i) Adjournment
347
348 3-6. *Voting.* Decisions of the Board shall be based on a majority vote of members in
349 attendance at a regular or emergency meeting of an established quorum.
350 (a) All members of the Board shall have one equal vote.
351 (1) In all matters requiring a vote of the Board, the Chairperson, or in
352 the absence of the Chairperson, the presiding Officer, shall call for
353 a vote of the membership.
354 (A) All members, excluding the presiding Officer, shall vote or
355 enter an abstention.
356 (B) In the event of a deadlock, the Chairperson, or the presiding
357 Officer acting in his or her place, shall vote to break the
358 deadlock.
359 (b) E-polls are permissible so long as conducted in accordance with the Boards,
360 Committees and Commissions law.
361 (1) The Chairperson shall appoint either the Vice-Chairperson or
362 Secretary to serve as the designee responsible for conducting e-polls
363 in lieu of the Chairperson.
364
365
366

367 **Article IV. Expectations**

368 4-1. *Behavior of Members.* The Board has a moral duty and responsibility to the System, the
369 community, and the students. In the carrying-out of that responsibility,
370 members of the Board are expected to adhere to the following principles of
371 conduct:

372 (a) Individual Board members shall not intervene in the orderly process of
373 System administration and governance. Concerns over policy or personnel
374 matters shall be addressed through the application of the principles set out
375 in the most current version of the MOA and consistent with the Nation's
376 Personnel Policies and Procedures.

377 (b) The Board shall act only at duly authorized meetings with at least a quorum
378 present to conduct business and develop policy for the System. All the
379 Board's actions shall be within the charge granted to the Board by the
380 Oneida General Tribal Council, the most current version of the MOA, and
381 any other applicable laws, polices and/or resolutions of the Nation.

382 (1) Members of the Board shall not speak or act on behalf of the Board
383 unless the Board has specifically authorized a member to speak or
384 act on its behalf by majority vote of the members present at a Board
385 meeting of an established quorum.

386 (c) In any issues before the Board involving a Board member's immediate
387 family member and potential nepotism, that Board member shall decline
388 comment and abstain from voting.

389 (1) Immediate family member shall be as defined in the Nation's
390 Conflict of Interest law.

391 (d) Board members must be apolitical in their charge to the community and the
392 students. Board members shall take no action to endorse or otherwise
393 support any candidate for any Tribal office or position.

394 (e) While acting on behalf of the Board, members shall faithfully maintain the
395 principles of due process and assure that all sides have a legitimate hearing
396 in any issue brought before the Board.

397 (f) Members of the Board will bargain in good faith with all employees of the
398 System.

399 (g) Board members shall strictly adhere to the policies and procedures of the
400 System, the most current version of the MOA, as well as any other
401 applicable the laws, policies and resolutions of the Nation, and shall work
402 in consort for the positive growth of the System and for all of its students.

403 (h) Board members shall notify a Board Officer of an absence and reason for
404 absence prior to the start of a meeting.

405 (1) Board members shall not accrue three (3) consecutive unexcused
406 absences from meetings in a one (1) year period.

407 (A) A member who fails to notify a Board Officer, in writing, of
408 his or her pending absence at least thirty (30) minutes before
409 the missed meeting shall be deemed unexcused.

410 (i) *Enforcement.* Any member of the Board found to be in violation of this
411 section of the bylaws, another section of these bylaws or any other laws,
412 policies and/or resolutions of the Nation may be subject to the following:

- 413 (1) Disciplinary action in accordance with any laws or policies of the
414 Nation governing sanctions and/or penalties for elected or appointed
415 officials.
416 (2) If the member was appointed, the Board may make a
417 recommendation to the Oneida Business Committee for termination
418 of his or her appointment in accordance with the Boards,
419 Committees and Commissions law and/or any other law of the
420 Nation governing termination of appointed officials.
421 (3) If the member was elected, the Board may direct the Chairperson to
422 file a petition for his or her removal in accordance with the Removal
423 law and/or any other laws or policies of the Nation governing
424 removal.
425 (4) Enforcement hereunder shall be determined by a majority vote of
426 the members in attendance at a Board meeting of an established
427 quorum.
428

429 4-2. *Prohibition of Violence.* Board members are prohibited from engaging in or committing
430 any violent intentional act that inflicts, attempts to inflict, or threatens to
431 inflict emotional or bodily harm on another person, or damage to property.
432

433 4-3. *Drug and Alcohol Use.* When acting in their official capacity, the use of alcohol and/or
434 prohibited drugs by members of the Board is forbidden.

- 435 (a) Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines,
436 phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics,
437 any other substances included in Schedules I through V under Section 812
438 of Title 21 of the United States Code, and prescription medication or over-
439 the-counter medicine used in an unauthorized or unlawful manner.
440

441 4-4. *Social Media.* Social media shall be used in accordance with the Board members' oath of
442 office and any laws or policies of the Nation governing social media.
443

444 4-5. *Conflict of Interest.* Conflicts of interest shall be reported and mitigated/removed in
445 accordance with any laws or policies of the Nation governing conflicts of
446 interest.
447

448 **Article V. Stipends and Compensation**

449 5-1. *Stipends.* Members of the Board shall be eligible to receive the following stipends as
450 set forth in and subject to these bylaws; the Boards, Committees and
451 Commissions law; and resolution BC-05-08-19-B titled, Amending
452 Resolution BC-09-26-18-D Boards, Committees and Commissions Law
453 Stipends, as may be further amended from time-to-time hereafter:

- 454 (a) Two (2) meeting stipends per month, provided that:
455 (1) A quorum was established;
456 (2) The meeting of the established quorum lasted for at least one (1)
457 hour; and

- 458 (3) The member collecting the stipend was physically present for the
459 entire meeting.
- 460 (b) A stipend for attending a duly called joint meeting between the Board and
461 the Oneida Business Committee, provided that:
- 462 (1) A quorum was established by the Board;
- 463 (2) The joint meeting lasted for at least one (1) hour; and
- 464 (3) The member collecting the stipend was physically present for the
465 entire joint meeting.
- 466 (c) A stipend for participating in interviews and/or job description pre-screens.
- 467 (d) A stipend for conducting an official hearing of the Board.
- 468 (e) A stipend for attending an Oneida Judiciary Hearing so long as the
469 member's attendance is required by official subpoena.
- 470 (f) A stipend for each day of attendance at a conference or training, provided
471 that:
- 472 (1) The member attended a full day of training or was present at the
473 conference for a full day; and
- 474 (2) The member's attendance at the training or conference was required
475 by law, bylaws or resolution.
- 476 (g) To receive a stipend for attending any of the events described in 5-1(d) - (f),
477 members must obtain formal approval of eligibility from the Board and the
478 Oneida Business Committee prior to their attendance.
- 479

480 5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement
481 authorized by the Boards, Committees and Commissions law, there are no
482 other forms of compensation that members are eligible to receive for the
483 duties/activities they perform on behalf of the Board.

484

485 **Article VI. Records and Reporting**

486 6-1. *Agenda Items.* Agenda items shall be maintained in a consistent format provided by the
487 Oneida Business Committee Support Office and approved by the Board.

488

489 6-2. *Minutes.* All meeting minutes shall be typed and in a consistent format designed by
490 the Oneida Business Committee, as approved by the Board, to generate the
491 most informative record.

- 492 (a) Minutes must include a summary of the action taken by the Board.
- 493 (b) Minutes shall be submitted to the Oneida Business Committee Support
494 Office within five (5) business days of approval by the Board.
- 495

496 6-3. *Attachments.* Any handouts, attachments, reports, memoranda, and the like provided at a
497 Board meeting shall be included with their corresponding agenda and
498 minutes and maintained in accordance with the Nation's Open Records and
499 Open Meetings law.

500

501 6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the
502 Oneida Business Committee member who is its designated liaison.

- 503 (a) The format and frequency of communication shall be as agreed upon by the
504 Board and the liaison through formal action of the Board, but not less than
505 that required in any law or policy on reporting developed by the Oneida
506 Business Committee or Oneida General Tribal Council.
- 507 (b) The purpose of the liaison relationship is to uphold the ability of the liaison
508 to act as a support to the Oneida Nation School Board.
509

510 6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded by either the Oneida
511 Business Committee Support Office or designee of the Officer presiding
512 over the meeting using a device supplied by the Oneida Business
513 Committee Support Office.

- 514 (a) The presiding Officer shall ensure each meeting is audio recorded.
- 515 (b) Audio recordings shall be maintained by the Oneida Business Committee
516 Support Office in accordance with the Nation's Open Records and Open
517 Meetings law.
- 518 (1) *Exception.* Audio recordings of executive session portions of a
519 meeting shall not be required.
520

521 **Article VII. Amendments**

522 7-1. *Amendments.* Amendments to these bylaws shall be approved by majority vote of the
523 members present at a regular Board meeting of an established quorum,
524 provided that written notice of the proposed amendments was made at a
525 prior regular meeting.

- 526 (a) Amendments to these bylaws shall conform to the requirements of the
527 Boards, Committees and Commissions law and any other governing
528 policies of the Nation.
- 529 (b) Amendments must be approved by the Board and the Oneida Business
530 Committee before implementation.
- 531 (c) The Board shall conduct a review of these bylaws no less than on an annual
532 basis.
533

534 [Signature Block]



Oneida Nation School Board Bylaws 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 bylaws 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 Tribal 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 [1 O.C. 105.10].		
Intent of the Bylaws	The bylaws provide a framework for the operation and management of the Oneida Nation School Board (School Board) to govern the standard procedures regarding the way the School Board conducts its affairs, including: the election and appointment of persons to the School 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 or termination process, required training, and amendments to the bylaws.		
Purpose	The School Board was established to coordinate existing and future education programs of the Oneida Nation; per directive of the Oneida General Tribal Council (GTC), to be an autonomous administrator of the Oneida Nation School System (ONSS) under a Memorandum of Agreement (MOA) with the OBC and to administer the ONSS Endowment in accordance with Endowments law under resolution BC-02-27-19-B [Proposed Bylaws 1-3(a)].		
Related Legislation	Oneida Nation Constitution, Administrative Rulemaking law, Endowments law, Boards, Committees and Commissions law, Election law, Removal Law, Social Media Policy, Computer Resources Ordinance, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	Removal from an elected position on the School Board follows the Removal Law [1 O.C. 104] and termination from an appointed position on the School Board follows the Boards, Committees and Commissions law [1.O.C. 105.7-4]. The School Board included behavioral expectations that if not followed may result in a petition for removal [1 O.C. 104] or a recommendation by majority vote of the School Board for the OBC to consider terminating the member from the School Board [Proposed Bylaws 4-1(i)] and [1 O.C. 105.6-2(c)]. A two-thirds majority vote of the OBC is required to terminate the appointment of an individual. The OBC's decision to terminate an appointment is final and not subject to appeal [1 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 School Board bylaws were added to the active files list on October 3, 2018, with David P. Jordan
3 as the sponsor. The School Board does not currently operate under bylaws approved by the OBC.
4 B. The Oneida Education Board was created by the General Tribal Council by Resolution GTC-01-29-77-
5 A. The Oneida Education Board was dissolved by the creation of the Oneida Nation School Board
6 (School Board) by Resolution GTC-01-07-84-A. The School Board was expanded to nine (9) members
7 by Resolution GTC-03-21-88-B. For reference; the following chart contains area school district school
8 board membership:

Area School District School Board Membership	
Seymour Board of Education	7 members
De Pere School Board	7 members
Ashwaubenon School Board	6 members
Green Bay Board of Education	7 members

- 9
10 C. The School Board is currently governed by an MOA with the OBC which was ratified by GTC
11 resolution on 03-21-88.
12 a) The MOA between the OBC and the School Board was directed and ratified by GTC resolution
13 to grant the School Board the authority to operate with autonomous administration and provide
14 for full involvement of the School Board in all personnel matters related to the operation of the
15 ONSS. Any changes to the MOA require a two-thirds (2/3) vote by GTC.
16 D. The School Board was granted administrative rulemaking authority under resolution BC-02-27-19-B
17 titled “Creation of the Oneida Nation School System Endowment”. Administrative rules must be
18 developed following the Administrative Rulemaking law [1 O.C. 106].
19 E. The School Board does not currently operate under bylaws approved by the OBC.
20

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

- 22 A. The bylaws comply with the Boards, Committees and Commissions law.
23 B. The bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-18-
24 D Boards, Committees and Commissions Law Stipends” which details the types, specific dollar
25 amounts and eligibility requirements of stipends.
26 C. The proposed bylaws comply with OBC Resolution BC-03-27-19-D titled “Oneida Business
27 Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.
28 D. The proposed bylaws comply with the MOA ratified by GTC resolution on 03-21-88.
29

30 SECTION 4. CONTENTS OF THE BYLAWS

31 The School Board does not currently have bylaws approved by the OBC. This section will detail the
32 contents of the proposed School Board bylaws.

33 A. ARTICLE I. AUTHORITY

- 34 a. Purpose, Powers and Duties. The purpose, powers and duties of the School Board were
35 included in the authority section [Proposed Bylaws 1-3(a)] in accordance with the Boards,
36 Committees and Commissions law [1 O.C. 105.10-3(a)].
37 b. Membership. The School Board is comprised of nine (9) elected members in accordance
38 with resolution GTC-03-21-88-B. Members will stay on the School Board until their term
39 expires, they resign, or they are terminated or removed from office. A member whose term
40 has expired may stay on the School Board until his or her successor is sworn in by the OBC
41 [Proposed Bylaws 1-5], which is optional under the Boards, Committees and Commissions
42 law [1 O.C. 105.6-2(a)(1)].
43 • Resignations are accepted in accordance with the Boards, Committees and
44 Commissions law [1 O.C. 105.10-3(a)(5)]:
45 i. Verbally and accepted by motion at a meeting; or
46

- 47 ii. By delivering a written resignation to the Business Committee Support
48 Office (BCSO) and the School Board's Chairperson or Chairperson's
49 designee [*Proposed Bylaws 1-5(b)(1)(B)*].
- 50 • Vacancies. Expired terms are filled by the Nation's election process [*1 O.C. 102*].
51 Unexpired terms are filled by appointment by the OBC [*1 O.C. 105.7*]. The
52 Chairperson of the School Board will be required to provide the OBC with
53 recommendations on all applicants for appointment [*Proposed Bylaws 1-5(c)*]
54 which is optional under the Boards, Committees and Commissions law [*1 O.C.*
55 *105. 7-1(b)(1)*].
 - 56 • Qualifications. Members must be at least eighteen (18) years old, enrolled
57 members of the Oneida Nation, four (4) of the nine (9) members must be
58 parents/guardians of a student attending the ONSS and must have passed an
59 Annual Caregiver Background Check [*Proposed Bylaws 1-5(d)*]. The inclusion
60 of qualifications of membership are a requirement of the bylaws per the Boards,
61 Committees and Commissions law [*1 O.C. 105.10-3(a)(5)(D)*].
- 62 c. Termination and Removal.
- 63 i. The Removal Law will be followed for removal of elected members [*1 O.C. 104*]
64 and the Boards, Committees and Commissions law will be followed for
65 termination of appointed members [*1 O.C. 105.6-2(c)*]; following the process in
66 4-1(i) of the proposed bylaws.
 - 67 ii. A removal petition or a recommendation for termination of appointment must be
68 by a majority vote of the School Board members in attendance at a regular or
69 emergency meeting with an established quorum [*Proposed Bylaws 1-6(c)*].
- 70 d. Trainings and Conferences. Required trainings and conferences are included in this section
71 in compliance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(a)(7)*]
72 with the added requirement that School Board members are eligible for no more than five
73 (5) stipends for full days of mandatory training per year [*Proposed Bylaws 1-7*].

74
75 **B. ARTICLE II. OFFICERS**

- 76 a. This section details the duties and limitations of officer positions on the School Board in
77 accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)*].
- 78 b. Chairperson. The duties of the Chairperson include:
- 79 • call and preside over all meetings and hearings, represent the School Board and
80 the ONSS at official functions, ensure the School Board remains in compliance
81 with the all requirements of the Nation and ONSS, be an ex-officio member of any
82 committee established by the School Board [*Proposed Bylaws 2-2(a) through (d)*];
 - 83 • carry out all responsibilities assigned to the School Board by the Nation's
84 Constitution and the MOA with the OBC ratified by GTC resolution [*Proposed*
85 *Bylaws 2-2(e)*]; and
 - 86 i. The Constitution does not grant the School Board specific responsibilities;
87 rather, it grants the GTC (transferred to the OBC) the power to create
88 boards, committees and commissions to fulfill the work of the Nation
89 [*Oneida Nation Constitution, Article IV(g)*].
 - 90 • submit or designate the submittal of annual and semi-annual reports to the GTC
91 and quarterly reports to the OBC and attend or designate a School Board member
92 to attend OBC meetings when the School Board's report is on the agenda
93 [*Proposed Bylaws 2-2(f) and (g)*] in accordance with the Boards, Committees and
94 Commissions law [*1 O.C. 105.12-3*].
- 95 c. Vice-Chairperson. The duties of the Vice-Chairperson include:

- 96 • act in replacement of the Chairperson if they are not available, chair ad-hoc
97 committees of the School Board, carry out all duties assigned to the School Board
98 *[Proposed Bylaws 2-3]*.
- 99 d. Secretary. The duties of the Secretary include:
- 100 • act in the absence of the Chairperson and Vice-Chairperson in carrying out all
101 powers and duties *[Proposed Bylaws 2-4(a)]*;
- 102 i. with respect to presiding over meetings of the Board, the Secretary's
103 authority is limited to the following: if the Chairperson and the Vice-
104 Chairperson positions both become vacant at the same time, the School
105 Board Secretary shall be allowed to call meetings of the School Board to
106 fill vacancies and to preside over meetings to conduct an election after
107 which the newly elected Chairperson or Vice-Chairperson shall preside
108 *[Proposed Bylaws 2-4(a)(1)(A)]*. In this case the Secretary may also be
109 included to meet the quorum requirement *[Proposed Bylaws 3-4]*;
- 110 • establish the agenda and provide notice of all meeting locations, agenda,
111 documents and minutes to all members of the School Board and the public and
112 maintain the accurate recording and presenting of all School Board minutes and
113 other formal documents in compliance with the Boards, Committees and
114 Commissions law *[1 O.C. 105]* and the Open Records and Open Meetings law *[1*
115 *O.C. 107]* *[Proposed Bylaws 2-4(b) and (c)]*; and
- 116 • ensure timely reporting of all School Board actions and carry out all general duties
117 and powers assigned or delegated to the Board *[Proposed Bylaws 2-4(d) and (e)]*.
- 118 e. Selection of Officers. Officers will be elected by a majority vote of the School Board
119 members in attendance at the first meeting with an established quorum following an
120 election. There is no limit to the number of terms an officer can be reelected. Officers can
121 only hold one officer position at a time. If an Officer cannot fulfill the obligations of the
122 position, the School Board can, by majority vote of the members at an established meeting,
123 dismiss the Officer from their position and elect a new Officer *[Proposed Bylaws 2-5]*.
124 This section fulfills requirements established by the Boards, Committees and Commissions
125 law *[1 O.C. 105.10-3(b)(5)]*.
- 126 f. Budgetary Sign-Off Authority and Travel. The budgetary sign-off authority will be
127 consistent with the Purchasing Policies and Procedures of the Nation per the MOA with
128 the OBC *[Proposed Bylaws 2-6(a)]*. All School Board Officers have sign-off authority
129 reserved for Divisional Directors/ Tribal School Chairperson/ Trust Committee
130 Chairperson/ and Gaming Director. The BCSO will have sign-off authority for requests
131 for stipends, travel per diem and business expense reimbursement. Two (2) Officers will
132 be required to sign-off on all other budgetary requests according to the following criteria
133 *[Proposed Bylaws 2-6(a)(1)]*:
- 134 • Budgeted items with three bids for items between \$10,000 and \$50,000;
135 unbudgeted items between \$5,000 and \$10,000; and budgeted but sole sources
136 items between \$5,000 and \$10,000 *[Oneida Tribe of Indians Purchasing Policies*
137 *and Procedures, p. 216]*.
- 138 Travel on behalf of the School Board will require approval by a majority vote of the
139 members at a regular or emergency meeting with an established quorum *[Proposed Bylaws*
140 *2-6(b)]* in accordance with the Boards, Committees and Commissions law *[1 O.C. 105.10-*
141 *3(b)(6)(B)]*. All travel must be authorized by two (2) Officers of the School Board in
142 accordance with the Travel and Expense Policy *[2 O.C. 219.4-2]*. School Board members
143 may travel in the Nation's vehicles when certified and must follow the Vehicle Driver
144 Certification and Fleet Management law *[2 O.C. 210]*. This section fulfills requirements
145 established by the Boards, Committees and Commissions law *[1 O.C. 105.10-3(b)(6)]*.

146 g. Personnel. From the date the proposed bylaws are adopted by the OBC moving forward,
147 the School Board will not have authority to hire personnel for the benefit of the School
148 Board [*Proposed Bylaws 2-7*].

- This provision applies to future hiring authority and does not affect current
150 personnel who will keep their positions.

151 The School Board will have authority to be involved in the hiring of personnel for the
152 ONSS in accordance with the MOA and the Personnel Policies and Procedures of the
153 Nation [*Proposed Bylaws 2-7(a)*]. The School Board has the authority to hire consultants
154 and other resource persons to carry out the purposes and goals of the ONSS [*Proposed*
155 *Bylaws 2-7(b)*]. The School Board has authority to hire legal counsel in accordance with
156 the laws of the Nation [*Proposed Bylaws 2-7(c)*]. This section fulfills requirements
157 established by the Boards, Committees and Commissions law [*1 O. C. 105.10-3(b)(7)*].
158

159 C. ARTICLE III. MEETINGS

160 a. Regular Meetings. Regular meetings are held monthly at 5:00 p.m. on the first Monday of
161 each month at the Oneida Nation Elementary School [*Proposed Bylaws 3-1*].

- The School Board Secretary will create the agenda and items will be required to
163 be submitted to the Secretary or the Secretary's designee at least ten (10) days prior
164 to the next regular meeting. Action items will be included in the School
165 Superintendent's report. The Secretary will establish and distribute the agenda and
166 documentation to School Board members at least seven (7) days before a regular
167 meeting date by official email [*Proposed Bylaws 3-1(b) to (d)*]. This section
168 fulfills requirements in the Boards, Committees and Commissions law [*1 O.C.*
169 *105.10-3(c)(1)*].

170 b. Emergency Meetings. Emergency meetings are called when an issue cannot wait for the
171 next regular meeting. School Board members or school system administration will contact
172 the Chairperson or the Vice-Chairperson of the School Board and request an emergency
173 meeting. All School Board members will receive notice by official email and telephone
174 call at least twenty-four (24) hours in advance including the basis of the emergency. If
175 matters are discussed that are not on the agenda no formal action will be taken. Meetings
176 will be noticed to include both written notice by mail and Official email if a regular meeting
177 and Official email and telephone call if deemed an emergency meeting, the school
178 newsletter and the Kalihwisaks [*Proposed Bylaws 3-2(a)(1)*].

- The School Board is authorized to hold meetings with parents to fulfill contractual
180 obligations which may be called as an emergency meeting [*Proposed Bylaws 3-*
181 *2(a)(1)*].
- A provision was included per the Boards, Committees and Commissions law that
182 the School Board will notify the Nation's Secretary within seventy-two (72) hours
183 of holding an emergency meeting with notice of the meeting, the reason for the
184 emergency meeting, and an explanation of why the matter could not wait for a
185 regular meeting [*Proposed Bylaws 3-2(d)*] and [*1 O.C. 105.10-3(c)(2)(A)*].
186
187

- a. Joint Meetings. The bylaws contain joint meetings with the OBC [*Proposed Bylaws 3-3*] on an as needed basis, with the approval of the OBC in compliance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(3)*]. Joint meetings will be held in the OBC conference room. The meeting notice, agenda documents and minutes for joint meetings will be provided and the joint meetings will be conducted in accordance with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.

The agenda will be agreed upon by the School Board Chairperson upon the School Board approval and the OBC liaison with OBC approval;

The BCSO will provide all parties the agenda, meeting packet and meeting notes;

No action will take place at the joint meeting; and if it is agreed that further action is needed, either the OBC or the School Board, or both, will take the issue back to their respective meetings for action through the OBC liaison to the OBC or the Chairperson of the School Board;

The Chairperson of the School Board will facilitate the meeting;

Formal motions to call the meeting to order, take action or adjourn are unnecessary; and

Actions will be requested by consensus of both bodies.

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- b. Quorum. A quorum will consist of a majority of current members including the Chairperson, Vice-Chairperson or Secretary if presiding over the meeting in accordance with section 2-4(a)(1)(A) [*Proposed Bylaws 3-4*]. This complies with the requirements established in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(4)*].
- c. Order of Business. The order of business is included [*Proposed Bylaws 3-5*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(5)*].
- d. Voting. Voting requirements are contained in the proposed bylaws [*Proposed Bylaws 3-6*]. Decisions require a majority vote of members in attendance at a regular or emergency meeting with an established quorum. All members of the School Board have one equal vote except the presiding Officer of the meeting who will only vote in the case of a tie. All members are required to vote or abstain. This section fulfills requirements established by the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(6)*].
- E-polls were included as an acceptable form of voting and will be conducted by the Chairperson or Vice-Chairperson or Secretary in lieu of and as appointed by the Chairperson [*Proposed Bylaws 3-6(b)*] and in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(6)(C) and (D)*] and [*1 O.C. 105.11*].

206 F. ARTICLE IV. EXPECTATIONS

207 This section is based on the requirements established in the Boards, Committees and Commissions law
208 [*1 O.C. 105.10-3(d)*].

- 209 a. The School Board is required to act in accordance with the principles of conduct
210 established in Article IV. 4-1 of the proposed School Board bylaws.
- 211 a. A term for un-excused absence is included in all bylaws amendments and
212 is defined as a failure to notify a School Board Officer, in writing, of his
213 or her pending absence no less than thirty (30) minutes before the
214 scheduled meeting that he or she will be absent from [*Proposed Bylaws 4-*
215 [*1(h)(1)(A)*].

- 216 • Enforcement of violations of the bylaws or any other law, policy and/or resolutions
217 of the Nation may be subject to *[Proposed Bylaws 4-1(i)]*:
 - 218 a. Disciplinary action in accordance with any laws or policies of the Nation
219 governing sanction or penalties of elected or appointed officials;
 - 220 b. Recommendation by the School Board for termination of appointment by
221 the OBC *[1 O.C. 105.6-2(c)]*;
 - 222 c. The Chairperson is responsible for filing a petition for removal at the
223 direction of the School Board in accordance with the Removal Law *[1*
224 *O.C. 104]*; and
 - 225 d. Enforcement must be by a majority vote of the School Board in attendance
226 at a meeting with an established quorum *[Proposed Bylaws 4-1(i)(4)]*.
 - 227 e. This section complies with the Boards, Committees and Commissions law
228 *[1 O.C. 105.10-3(d)(1)]*
- 229 b. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional
230 or bodily harm or damage to property are prohibited by a member of the School Board
231 *[Proposed Bylaws 4-2]* in compliance with the Boards, Committees and Commissions law
232 *[1 O.C. 105.10-3(d)(2)]*.
- 233 c. Drug and alcohol use by a School Board member when acting in an official capacity is
234 forbidden *[Proposed Bylaws 4-3]* in compliance with the Boards, Committees and
235 Commissions law *[1 O.C. 105.10-3(d)(3)]*.
- 236 d. The School Board must comply with the Social Media Policy and their Oath of Office
237 when using social media in relation to School Board activities *[Proposed Bylaws 4-4]* and
238 *[2 O.C. 218]* in compliance with the Boards, Committees and Commissions law *[1 O.C.*
239 *105.10-3(d)(4)]*.
- 240 e. The bylaws require the School Board to abide by all laws of the Nation related to conflicts
241 of interest *[Proposed Bylaws 4-5]* including the Nation’s Conflict of Interest law *[2 O.C.*
242 *217]* and the Boards, Committees and Commissions law *[1 O.C. 105.10-3(d)(5) and*
243 *105.15]* which requires disclosure of conflicts of interest annually. Additionally, School
244 Board members are expected to decline comment and to abstain from voting when issues
245 related to immediate family members come before the School Board *[Proposed Bylaws 4-*
246 *1(c)]*.
 - 247 • The Conflict of Interest law defines immediate family member as an individual’s
248 husband, wife, mother, father, step mother, step father, son, daughter, step son,
249 step daughter, brother, sister, step brother, step sister, grandparent, grandchild,
250 mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law or
251 sister-in-law and any of these relations attained through legal adoption *[2 O.C.*
252 *217.3-1(g)]*.

254 G. ARTICLE V. STIPENDS AND COMPENSATION

255 This section of the bylaws details stipends, compensation and corresponding requirements in
256 accordance with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(e)]*.

- 257 a. The list of stipends and corresponding eligibility requirements that members of the School
258 Board are entitled to receive are included in the bylaws *[Proposed Bylaws 5-1]*.
259 Additionally; to receive a stipend for attending any events described in this section; School
260 Board members must obtain formal approval from the OBC and the School Board prior to
261 attendance *[Proposed Bylaws 5-1(g)]*. This section complies with Resolution BC-05-08-
262 19-B titled “Amending Resolution BC-09-26-18-D Boards, Committees and Commissions
263 Law Stipends” and the Boards, Committees and Commissions law:
 - 264 • A full day of training is required to be eligible for a stipend *[1 O.C. 105.13-8(a)]*;
 - 265 • Only trainings and conferences required by law, bylaws or resolution are eligible
266 to receive a stipend *[1 O.C. 105.13-8(b)]*;

- 267 b. Besides travel, per diem and business expense reimbursement authorized by the Boards,
268 Committees and Commissions law [1 O.C. 105.13-9]; School Board members are not
269 eligible for any other compensation for duties performed on behalf of the School Board
270 [Proposed Bylaws 5-2].
271

272 H. ARTICLE VI. RECORDS AND REPORTING

- 273 a) Agenda items will be maintained in a consistent format provided by the BCSO and approved
274 by the School Board [Proposed Bylaws 6-1]. This complies with the Boards, Committees and
275 Commissions law [1 O.C. 105.10-3(f)(1)].
276 b) Minutes will be typed in a consistent format provided by the BCSO and approved by the School
277 Board. Minutes will include a summary of action taken by the School Board and will be
278 submitted to the BCSO within five (5) business days after approved by the School Board
279 [Proposed Bylaws 6-2]. This meets the requirements established by the Boards, Committees
280 and Commissions law [1 O.C. 105.10-(f)(2)].
281 c) Attachments will be maintained with the meeting material from the corresponding meeting of
282 the School Board [Proposed Bylaws 6-3] in accordance with the Open Records and Open
283 Meetings law which requires records to be maintained for seven (7) years [1 O.C. 107.9-4].
284 This meets requirements established by the Boards, Committees and Commissions law [1 O.C.
285 105.10-3(f)(3)].
286 d) The School Board will regularly communicate with the OBC liaison as mutually agreed upon
287 [Proposed Bylaws 6-4] in accordance with the Boards, Committees and Commissions law [1
288 O.C. 105.10-3(f)(4)].
289 e) All meetings will be audio recorded by the BCSO or as designated by the Officer presiding
290 over the meeting using the device supplied by the BCSO. The BCSO will maintain the audio
291 recordings. Executive session is not required to be audio recorded [Proposed Bylaws 6-5].
292 This complies with requirements established by the Boards, Committees and Commissions law
293 [1 O.C. 105.10-3(f)(5)] and the Open Records and Open Meetings law [1 O.C. 107.7-3].
294

295 I. ARTICLE VII. AMENDMENTS

- 296 a) Amendments will comply with the Boards, Committees and Commissions law and any other
297 policy of the Nation, are effective upon approval of the School Board and the OBC [1 O.C.
298 105.10-3(g)], and the bylaws will be reviewed as needed and no less than annually [Proposed
299 Bylaws 7-1].
300

301 SECTION 5. RELATED LEGISLATION

302 There are no conflicts between the proposed bylaws and the Oneida Code of Laws. Below is a detailed list
303 of laws that establish requirements and are referenced in the School Board bylaws.

- 304 A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows
305 for the creation of committees for the proper conduct of tribal business of the Nation [Oneida
306 Nation Constitution, Article IV(g)]. The School Board will carry out duties assigned by the OBC
307 and GTC in accordance with the Constitution [Proposed Bylaws 2-2(e)]. There are no conflicts
308 between these bylaws and the Oneida Nation Constitution.
309
- 310 B. Administrative Rulemaking [1 O.C. 106]. This law governs the Administrative Rulemaking
311 process for the adoption and amendment of administrative rules by authorized agencies of the
312 Nation. Administrative rules developed under this law have the same force and effect as the law
313 that delegated the authority to the authorized agency.
- 314 a. The School Board is considered an authorized agency and also an entity under this law.
315 i. The School Board is required to follow the administrative rulemaking procedures
316 contained in this law for the promulgation of all rules when delegated rulemaking

- 317 authority to act as an authorized agency. Rulemaking authority must be delegated
318 by a law of the Nation to implement, interpret and/ or enforce a law of the Nation.
319 ii. When acting as an entity under this law, the School Board shall prepare all
320 financial analyses upon request indicating financial effects of a proposed
321 administrative rule promulgated by an authorized entity of the Nation in
322 compliance with this law.
- 323 b. The School Board has been delegated administrative rulemaking authority as an authorized
324 agency under the following laws of the Nation:
- 325 i. Endowments [*1 O.C. 131*] according to resolution BC-02-27-19-B “Creation of
326 the Oneida Nation School System Endowment”.
- 327
- 328 C. Endowments [*1 O.C. 131*]. The Endowments law was established to provide a process for the
329 establishment and maintenance of all endowment fund accounts established by the Oneida Nation
330 [*1 O.C. 131-1*]. The law grants administrative rulemaking authority [*1 O.C. 106*] by resolution
331 [*1 O.C. 131.11-1*]. The School Board was granted administrative rulemaking authority by
332 resolution BC-02-27-19-B “Creation of the Oneida Nation School System Endowment” which
333 requires the School Board to submit a three-year planning resolution to the Treasurer and Chief
334 Financial Officer and submit a funding allocation notice which will identify how the funds will be
335 utilized by January 31st of each year. The proposed bylaws comply and there are no conflicts with
336 the Endowments law.
- 337
- 338 D. Boards, Committees and Commissions [*1 O.C. 105*]. This law governs the procedures regarding
339 the appointment and election of persons to boards, committees and commissions of the Nation,
340 including the creation of bylaws, maintenance of official records, compensation, and other items
341 related to boards, committees and commissions. The School Board is elected by the General Tribal
342 Council [*Proposed Bylaws 1-5(b)*]. The requirements for entity bylaws are contained in this law
343 as well as a requirement that all existing entities of the Nation comply with the format detailed in
344 the law and present the bylaws for adoption by the OBC within a reasonable timeframe [*1 O.C.*
345 *105.10*]. These proposed bylaws comply and there are no conflicts with the Boards, Committees
346 and Commissions law.
- 347
- 348 E. Election [*1 O.C. 102*]. The Election law governs the procedures for the conduct of orderly elections
349 of the Nation, including pre-election activities such as caucuses and nominations [*1 O.C. 102.1-1*].
350 The law governs all procedures used in the election process [*1 O.C. 102.1-2*]. The School Board
351 is elected by the General Tribal Council [*Proposed Bylaws 1-5(b)*]. The proposed bylaws comply
352 with and there are no conflicts with the Election law.
- 353
- 354 F. Removal Law [*1 O.C. 104*]. This law governs the removal process related to School Board
355 members that are elected by the qualified voting membership of the Nation. This law contains due
356 process measures related to specific causes for removal, petition requirements, preliminary review
357 by the Judiciary, a hearing that includes potential witnesses and a burden of proof by a person
358 seeking the removal by clear and convincing evidence that ground(s) for removal exist and a
359 Special GTC Meeting that requires a 2/3 affirmative majority vote. Elected School Board members
360 may be subject to removal if the bylaws or any law, policy, rule or resolution of the Nation is
361 violated [*Proposed Bylaws 4-1(i)(3)*]. This aligns with the Boards, Committees and Commissions
362 law [*1 O.C. 105.10-3(d)*]. The proposed bylaws comply and there are no conflicts with the
363 Removal Law.
- 364
- 365 G. Social Media Policy [*2 O.C. 218*]. This policy regulates social media accounts including how
366 content is managed and who has authority to post on social media on behalf of the Nation. The
367 School Board must register social media accounts with the Nation’s Secretary’s Office to include

368 specific information related to access to the account, acknowledgment and compliance with the
369 Computer Resource Ordinance [2 O.C. 215] and this policy, use a Nation issued email address, and
370 ensure all content complies with all applicable laws of the Nation, state or federal laws. The School
371 Board must follow the Social media policy and their Oath of Office with respect to social media
372 use related to the School Board [Proposed Bylaws 4-4]. The proposed bylaws comply and there
373 are no conflicts with the Social Media Policy.
374

375 H. Computer Resources Ordinance [2 O.C. 215]. School Board members are considered users under
376 this law which regulates and ensures appropriate the use of the Nation’s computer resources.
377 Members of the School Board must sign an acknowledgment form indicating notice of the Nation’s
378 applicable computer and media related laws according to the Boards, Committees and
379 Commissions law [1 O.C. 105.14-3(b)]. The proposed bylaws comply and there are no conflicts
380 with the Computer Resources Ordinance.
381

382 I. Travel and Expense Policy [2 O.C. 219]. Members of the School Board are eligible to be
383 reimbursed for travel and per diem to attend a conference or training in accordance with this policy.
384 The BCSO has sign-off authority over requests for stipends, travel per diem and business expense
385 reimbursement [Proposed Bylaws 2-6(a)(1)(A)]. All travel must be signed off by two (2) Officers
386 [Proposed Bylaws 2-6(a)(1)] in accordance with the Travel and Expense Policy [2 O.C. 219.4-2].
387 The School Board will approve all School Board travel by majority vote [Proposed Bylaws 2-6(b)]
388 in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. The
389 proposed bylaws comply and there are no conflicts with the Travel and Expense Policy.
390

391 J. Conflict of Interest [2 O.C. 217]. This law applies to the School Board and establishes specific
392 limitations to which information or materials that are confidential or may be used by a competitor
393 of the Nation’s enterprises or interests may be used to protect the interests of the Nation. The
394 Boards, Committees and Commissions law establishes that bylaws require members to disclose
395 potential or real conflicts annually [1 O.C. 105.10-3(d)(5) and 105.15]. The School Board bylaws
396 require the School Board to follow all Conflict of Interest laws of the Nation [Proposed Bylaws 4-
397 5]. Additionally; School Board members must decline to comment and abstain from voting on
398 issues when nepotism as defined by the Nation’s Conflict of Interest law may be a factor [Proposed
399 Bylaws 4-1(c)]. This aligns with the Conflict of Interest law of the Nation which allows for entities
400 to outline further conflicts and prohibited activities resulting from those conflicts of interest [2 O.C.
401 217.7-2]. Penalties for failure to disclose conflicts of interest include termination of appointment
402 in accordance with the Boards, Committees and Commissions law and enforcement of any penalties
403 in accordance with the laws of the Nation [2 O.C. 217.6-2 and 6-3]. The proposed bylaws comply
404 and there are no conflicts with the Conflict of Interest law.
405

406 K. Open Records and Open Meetings [1 O.C. 107]. This law details how records must be maintained
407 and made available to the public and that meetings are open to the public unless specific criteria
408 are met which allow the meetings to be closed [1 O.C. 107.15 and 107.17]. Public notice of
409 meetings is also required by this law [1 O.C. 107.15-1]. The bylaws delegate the maintenance of
410 the records to the School Board Secretary and dictates that attachments will be included with the
411 agenda and meeting minutes for maintenance [Proposed Bylaws 2-4(c) and 6-3]. The School
412 Board meetings are open to the public except portions that meet the exceptions in this law related
413 to personnel matters or contracts are being discussed and deemed confidential [Proposed Bylaws
414 3-1(a)]. Meeting packets and backup materials are available to all School Board members and the
415 public [Proposed Bylaws 3-1(d)] and in accordance with this law which states that any requestor
416 has the right to make or receive a copy of a public record [1 O.C. 107.7-2]. Meeting minutes,
417 agenda materials and audio recordings will be maintained by the the BCSO [Proposed Bylaws 6-2

418 *and 6-3 and 6-5(b)*]. The proposed bylaws comply and there are no conflicts with the Open Records
419 and Open Meetings law.
420

421 L. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The School Board is considered
422 an entity [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)]
423 under this law and are authorized to travel in the Nation's vehicles. The law requires the Human
424 Resources Department or designee to ensure drivers, including School Board members, are
425 certified to drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires
426 School Board members (officials) to have written consent from the School Board prior to being
427 approved to use a Tribal vehicle [2 O.C. 210.6-1(b)(2)]. Certification includes providing the
428 Human Resources Department with the appropriate license, training certifications, and insurance
429 information [2 O.C. 210.8-1]. Additionally, School Board members must abide by all reporting
430 requirements in this law [2 O.C. 210.9-2]. The proposed bylaws comply and there are no conflicts
431 with the Vehicle Driver Certification and Fleet Management law.

432 a. School Board members who violate this law may be subject to:
433 i. any laws regarding sanctions or penalties; and
434 ii. termination of appointment following the Boards, Committees and Commissions
435 law [1 O.C. 105].
436



Legislative Operating Committee
October 2, 2019

Oneida Nation Commission on Aging Bylaws 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 105.10-1(a) 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 Nation Commission on Aging By-Laws Amendments to the active files list; Seconded by Kirby Metoxen. Motion carried.

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 (OBCSO), 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 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 & Pow-wow), 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 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 second of the two informational meetings.

11/28/18: *ONCOA Work Group Meeting.* Present: Rochelle Powless, Delorra Cornelius, Terry Hetzel, Lois Strong, Pat Lasilla, Kristen M. Hooker, Maureen Perkins. The purpose of this work group meeting was to go through some of the questions that members of ONCOA had with respect to the amendment of their Commission's bylaws to comply with the Boards, Committees and Commissions law. Terry Hetzel provided the group with a working draft to review. The LRO Drafting Attorney and Legislative Analyst answered questions on stipends, training, and qualifications/behavioral expectations under the new Boards, Committees and Commissions law, as well as the applicability of Chapter 46 of the Wisconsin Statutes.

1/31/19: *LOC Work Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, David P. Jordan, Daniel Guzman-King, Kirby Metoxen, Jennifer Webster. The purpose of this meeting was to discuss the progress, in general, of the Nation's boards, committees and commissions on getting their bylaws amended and their likelihood of meeting the March 26, 2019 deadline set forth in resolution BC-09-26-18-C to present their bylaws to the Oneida Business Committee for adoption. Based on the discussion, a decision was made to have the LOC draft a memorandum to the Oneida Business Committee seeking an extension of the March 26, 2019 deadline for all boards, committees and commissions to present their bylaws amendments to the Oneida Business Committee for adoption.

2/6/19 LOC: Motion by Jennifer Webster to approve the memorandum from Chairman David P. Jordan to the Oneida Business Committee seeking an extension of the March 26, 2019 bylaws amendments deadline and to forward the memorandum to the Oneida Business Committee to be placed on the February 13, 2019 Oneida Business Committee meeting agenda for consideration; Seconded by Kirby Metoxen. Motion carried.

2/22/19: *OBC Work Session.* Present: Jennifer Falck, Kristen M. Hooker, Lisa Summers, Daniel Guzman-King, Jennifer Webster, Tehassi Hill, Brandon Stevens, Trish King, David P. Jordan, Kirby Metoxen. The purpose of this meeting was to discuss the

February 13, 2019 memo from the LOC Chairman to the OBC regarding Amendments to Boards, Committees and Commissions By-Laws Timeline in which it requested an extension of the deadline for submitting bylaws to the OBC for adoption. During the meeting, the LRO Staff Attorney assigned this item provided a status update on the progress of the boards, committees and commissions on the amending of their bylaws to comply with the Boards, Committees and Commissions law within the six (6) month deadline imposed by resolution BC-09-26-18-C. The OBC decided not to grant an extension of the six (6) month deadline. Instead, the OBC directed the LRO to continue pushing the bylaws forward and to return to the March 19, 2019 OBC work session to provide a progress report on the boards, committees and commissions' bylaws amendments.

2/26/19: *ONCOA Regular Meeting.* Present: Kristen M. Hooker, Maureen Perkins, Lois Strong, Rochelle Powless, Delorra Cornelius, Patricia Lassila, Marlene Summers, Arlie Doxtator, Maryann Kruckeberg, Eugene Danforth, Florence Petri, Lois Powless, Don White, Kim Nishimoto, Don Charnon, Lee Cornelius. During the portion of the meeting on agenda item – bylaws amendments, the Legislative Reference Office Staff Attorney went through the revisions/comments that she made to ONCOA's second submission of draft bylaws amendments. Following the review and further discussion on various additional revisions proposed during the meeting, there was a motion by Florence Petri to accept the bylaws as read (i.e. with the changes made by the LRO Staff Attorney and further revise, in part, during the meeting); Seconded by Dellora Cornelius. Motion carried.

3/11/19: *LOC Work Meeting.* Present: Kristen M. Hooker, Maureen Perkins, Daniel Guzman-King, Ernie Stevens III, Kirby Metoxen. The purpose of this work meeting was to go through the final draft of ONCOA's proposed bylaws amendments with the LOC to have the LOC flag any policy issues it felt warranted further discussion/vetting at a future OBC work session. This was done in accordance with a directive from the OBC on February 27, 2019 that all bylaws be reviewed by the OBC during an OBC work session to consider the policy issues flagged by the LOC before being added to an OBC meeting agenda for formal presentation and possible adoption.

3/14/19: *LOC Work Meeting.* Present: Kirby Metoxen, David P. Jordan, Jennifer Webster, Ernest Stevens III, Lisa Summers, Kristen M. Hooker, Clorissa Santiago, Jennifer Falck, Maureen Perkins. The purpose of this work meeting was to discuss the portion of the 3/13/19 OBC Meeting relating the bylaws amendments that were on the agenda and OBC's directive to now have all bylaws amendments reviewed by the OBC during a work session before being added to an OBC Meeting agenda for consideration and possible adoption. The next step is for the LRO drafting attorney to attend the OBC work session on March 19, 2019 to discuss further.

3/19/19: *OBC Work Session.* Present: Lisa Summers, Patricia King, Brandon Stevens, David P. Jordan, Daniel Guzman-King, Jo Anne House, Jennifer Falck, Clorissa Santiago, Kristen M. Hooker, Lisa Liggins, Cathy Bachhuber. The purpose of this OBC work session was for the Legislative Reference Office Staff Attorney to provide the OBC with a status update on the progress made by the boards, committees and commissions on the amending of their bylaws to conform to the Boards, Committees and

Commissions law. Based on the update and the discussion that followed, the OBC: (1) decided to grant an exception to the March 26, 2019 deadline set forth in resolution BC-09-26-19-C for the Nation's boards, committees and commissions to present their bylaws to the OBC for adoption; and (2) directed the LRO to draft a memo for the next LOC meeting to be forwarded to the OBC indicating the same.

**During its subsequent review of the Oneida Gaming Commission's proposed bylaws amendments, the OBC decided to add the following requirements to all of the boards, committees and commissions' bylaws amendments: (1) that, the recommendations for termination be by a majority vote of the members in attendance at a meeting of the entity's established quorum; (2) that, notice of meetings be provided to all members of the entity without exception (per request of LOC that all meetings be duly called); (3) that, the sign-off level for all entities, not assigned a specific level therein, be the same as the Area Director/Enterprise Director level set forth in the Nation's purchasing manual, and that, two (2) of the entity's Officers be required to sign-off on all such purchases; (4) that, under the "Selection of Officers" section, a provision be added (as its own separate subsection) to allow members to be dismissed (not removed as initially proposed) from their Officer positions by a simple majority vote of the entity; (5) that, the entities review their bylaws each time a vacancy is filled by a new member; (6) that, stipend amounts not be listed in the entity's bylaws; and (7) that, assuming its adoption, the resolution governing joint meetings be referenced in the joint meeting section of the entity's bylaws.*

3/20/19 LOC: Motion by Ernest Stevens III to approve the Boards, Committees and Commissions Bylaws Update Memo and forward to the Oneida Business Committee; Seconded by Daniel Guzman-King. Motion carried.

3/27/19 OBC: Motion by Lisa Summers to grant the seventeen (17) entities that have begun the process of amending their bylaws to conform to the Boards, Committees and Commissions law, an exception to the March 26, 2019, deadline set forth in resolution BC-09-26-18-C for presenting bylaws amendments to the Business Committee for adoption; Seconded by David P. Jordan. Motion carried.

4/16/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jo Anne House, Lisa Liggins, Kristen M. Hooker, Clorissa Santiago. The purpose of this OBC work session was to review the Election Board's bylaws amendments. During this meeting, the OBC also decided that all boards, committees and commissions must add the word "titled" next to the name of the purchasing manual they are required to reference in the "sign-off" section of their bylaws to provide clarification on why the term "Oneida Tribe of Indians" is being used instead of the "Nation".

5/1/19: *LOC Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Kristen M. Hooker, Brandon Wisneski, Jennifer Falck, Clorissa Santiago, Maureen Perkins. The purpose of this meeting was to discuss some of the hurdles the LRO has encountered under the current bylaws amendments process and to consider whether a more efficient process should be implemented to get the

Nation's boards, committees and commissions' bylaws amendments before the Oneida Business Committee for adoption.

7/29/19-7/30/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens (7/29 only), Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Tehassi Hill (7/29 only), Kristen Hooker, Jennifer Falck, Maureen Perkins, Brooke Doxtator, Laura Laitinen-Warren. The purpose of this work session was to provide the OBC an opportunity to review and consider all drafts of the Boards, Committees and Commissions' bylaws amendments in advance of being added to the OBC agenda for formal consideration and possible adoption.

Next Steps:

- Accept the Oneida Nation Commission on Aging's Bylaws Amendments.
- Forward the Oneida Nation Commission on Aging's Bylaws Amendments to the Oneida Business Committee for consideration.

ONEIDA NATION COMMISSION ON AGING (ONCOA) BYLAWS**Article I. Authority**

- 1-1. *Name.* The name of this entity shall be the Oneida Nation Commission on Aging and may be referred to as ONCOA.
- 1-2. *Establishment.* ONCOA was first established by the Oneida Business Committee in 1978 pursuant to a duly enacted Charter and Bylaws that were amended on May 27, 1986. The Charter was revoked through resolution BC-2-09-00-A and superseded by the Oneida Nation Commission on Aging Bylaws that were adopted by the Oneida Business Committee on June 10, 1998 and amended on June 25, 2003; December 13, 2011; and July 11, 2012.
- 1-3. *Authority.* Pursuant to Section 46.82(4)(a) of the Wisconsin Statutes, the Oneida Business Committee established ONCOA as the advisory and policy development board for the Nation's Tribal Aging Unit, known as Oneida Elder Services, to be knowledgeable and supportive of all programs and services that can meet the needs of the Nation's Elders and to carry out the powers and duties delegated under Wis. Stat., § 46.82, which include, but are not limited to:
- (a) Representing the views, interests, and concerns of the Elders by identifying and promoting ways to:
 - (1) Assist the Oneida Elder Services Program with planning, development, maintenance and coordination of aging programs, long term care, home and community-based services, with a focus on providing Elders with access to services, benefits, opportunities, and ensuring a coordinated and comprehensive effort.
 - (2) Develop a mutually supportive relationship with the aging programs to include, but not be limited to: Greater Wisconsin Agency on Aging Resource (GWAAR), Wisconsin Tribal Aging Unit Association (WTAUA), and Great Lakes Intertribal Tribal Council (GLITC).
 - (3) Review and make recommendations on matters affecting the Nation's Elders to include development and approval of Wisconsin Three Year Aging Plan.
 - (b) Working with Oneida Elder Services to plan and develop administrative and program policies in accordance with the state law, Oneida Nation, funding agencies, and within the limits established for programs funded by the federal or state government for administration by Tribal Aging Units;
 - (c) Promoting the views, needs, and concerns of the Elders in Tribal, county, state, and federal policies and decisions;
 - (d) Providing information and personal support to individual Elders;
 - (e) Promoting opportunities for Elders to contribute to their own welfare and to the welfare of the community;
 - (f) Assisting Oneida Elder Services in the development and implementation of an annual comprehensive and coordinated Tribal Aging Plan, including, but not limited to, Title III, Title V, Title VI, and Tribal contribution or funds set aside for Elders;
 - (g) Reviewing and making recommendations on actions or proposals relating to matters affecting programs and benefits addressing Elder needs and welfare prior to approval by the Oneida Business Committee;

- 52 (h) Assisting Oneida Elder Services in its efforts to organize, develop, modify,
 53 and expand available services and programs for Elders by utilizing all
 54 resources;
- 55 (i) Reviewing reports that Oneida Elder Services is required to submit to
 56 funding agencies and other reports that ONCOA may deem appropriate;
- 57 (j) Advocating for Elders; and
- 58 (k) Carrying out all other powers and/or duties delegated to ONCOA through
 59 the laws, policies, rules and resolutions of the Oneida Nation, as well as
 60 state and federal law.

61

62 1-4. *Office.* The official mailing address of ONCOA shall be:
 63 Oneida Nation Commission on Aging (ONCOA)
 64 P.O. Box 365
 65 Oneida, WI 54155

66

67 The physical address of ONCOA shall be:
 68 ONCOA
 69 c/o Elder Services Building
 70 2907 Overland Drive
 71 Oneida, WI 54155

72

73 1-5. *Membership.*

- 74 (a) *Number of Members.* ONCOA shall be comprised of nine (9) voting
 75 Commissioners.
- 76 (b) *Elected.* Commissioners of ONCOA shall be elected in accordance with the
 77 Oneida Election law and in coordination with Section 46.82(4) of the
 78 Wisconsin Statutes for a term of three (3) years.
- 79 (1) The terms of three (3) Commissioners shall expire each year.
- 80 (2) No Commissioner may serve more than two (2) consecutive three
 81 (3) year terms.
- 82 (A) A Commissioner who has completed two (2) consecutive
 83 terms must wait a period of not less than one (1) year before
 84 he or she is eligible to run for another term.
- 85 (3) Commissioners shall hold office until their term expires, they resign,
 86 or they are removed/terminated from office.
- 87 (A) Although a member's term has expired, he or she shall
 88 remain in office and serve until a successor has been sworn
 89 in by the Oneida Business Committee.
- 90 (B) A Commissioner may resign at any time verbally at a
 91 meeting or by delivering written notice to the Oneida
 92 Business Committee Support Office and the ONCOA Chair-
 93 person or Chairperson's designee.
- 94 (i) The resignation is effective upon acceptance by
 95 ONCOA motion of a Commissioner's verbal
 96 resignation or upon delivery of the written notices.
- 97 (c) *Vacancies.* Vacancies on ONCOA shall be filled as follows:
- 98 (1) *Expired Terms.* Vacancies caused by the expiration of a
 99 Commissioner's term shall be filled by election in with accordance
 100 with section 1-5(b) of these bylaws.

- 101 (2) *Unexpired Terms.* Any vacancy in an unexpired term shall be filled
 102 by appointment by the Oneida Business Committee, in accordance
 103 with the Boards, Committees and Commissions law, for the balance
 104 of the unexpired term.
- 105 (A) The ONCOA Chairperson shall provide the Oneida Business
 106 Committee recommendations on all applications for
 107 appointment to fill a vacancy by the executive session in
 108 which the appointment is intended to be made.
- 109 (d) *Qualifications for Commissioners.* Commissioners shall meet the following
 110 qualifications:
- 111 (1) Be enrolled members of the Oneida Nation;
 112 (2) Reside in Brown or Outagamie County;
 113 (3) Be fifty-five (55) years of age or older; and
 114 (4) Must have submitted to the Wisconsin Caregiver's Background
 115 Check and been deemed eligible to work with Elders.
 116
- 117 1-6. *Termination and Removal.* Commissioners found to be in violation of these bylaws may
 118 be subject to the following:
- 119 (a) If the Commissioner was elected, ONCOA's filing of a petition for his or
 120 her removal pursuant to the Removal law and/or any other law of the Nation
 121 governing the removal of elected officials.
 122 (b) If the Commissioner was appointed, ONCOA's recommendation to the
 123 Oneida Business Committee for termination of his or her appointment in
 124 accordance with the Boards, Committees and Commissions law and/or any
 125 other law of the Nation governing termination of appointed officials.
 126 (c) Petitions for removal and/or recommendations for termination shall be
 127 decided in accordance with the process set forth in Article IV of these
 128 bylaws.
 129
- 130 1-7. *Trainings and Conferences.* For ONCOA to perform its duties, certain trainings and/or
 131 conferences are mandatory for Commissioners and will be assigned to them.
 132 The trainings/conferences will ensure that all ONCO Commissioners are
 133 equally knowledgeable of their duties and responsibilities. The following is
 134 a list of trainings and conferences that ONCOA believes are critical for
 135 Commissioners to attend to be able to perform their duties and
 136 responsibilities. These trainings/conferences are mandatory but may be
 137 limited by ONCOA's approved budget.
- 138 (a) Up to nine (9) Commissioners shall attend the Annual Federal Title VI
 139 Native American Training and Technical Assistance for four (4) full days;
 140 (b) Up to nine (9) Commissioners shall attend the Biennial National Indian
 141 Council on Aging (NICOA) held every other year for four (4) full days;
 142 (c) Three (3) Commissioners shall attend the Annual Wisconsin Alzheimer's
 143 Conference for two (2) full days;
 144 (d) Three (3) or four (4) Commissioners shall attend the Wisconsin Tribal Unit
 145 Association six (6) times per year for one (1) full day;
 146 (e) Up to nine (9) Commissioners shall attend the Quarterly Great Lakes Native
 147 American Elders Association (GLNAEA) four (4) times per year for two
 148 (2) full days;
 149 (f) Three (3) Commissioners shall attend the National Conference on Native
 150 Alzheimer's/Dementia for three (3) full days;

- 151 (g) Three (3) Commissioners shall attend the U.W. Madison Alzheimer's
 152 Research Center Training four (4) times per year for one (1) full day;
- 153 (h) Three (3) Commissioners shall attend the National Council on Aging
 154 Conference for three (3) full days;
- 155 (i) Up to nine (9) Commissioners shall attend the Biennial Title III – Wisconsin
 156 Aging Network Conference for three (3) full days;
- 157 (j) Two (2) Commissioners shall attend the State Aging Advisory Council six
 158 (6) times per year for one (1) full day;
- 159 (k) One (1) Commissioner shall attend the Greater Wisconsin Agency on Aging
 160 Resource Board of Directors six (6) times per year for one (1) full day;
- 161 (l) One (1) Commissioner shall attend the Brown County Aging and Disability
 162 Resource Center six (6) times per year for one (1) full day;
- 163 (m) One (1) Commissioner shall attend the Outagamie County Aging and
 164 Disability Resource Center six (6) times per year for one (1) full day;
- 165 (n) Three (3) Commissioners shall attend training and/or conferences on aging
 166 each year, not listed above, for one (1) full day;
- 167 (o) Nine (9) Commissioners shall attend between one (1) to four (4) full day
 168 Oneida Human Resources Department training sessions each year to save
 169 on travel;
- 170 (p) Each year, up to nine (9) Commissioners shall attend one (1) full day of
 171 training on the topic of personal/professional growth that is aligned with the
 172 Nation's core values of The Good Mind as expressed by Onlayote'a'ka;
- 173 (q) Each year, up to nine (9) Commissioners shall attend one (1) full day of
 174 training on nutrition;
- 175 (r) Each year, up to nine (9) Commissioners shall attend one (1) full day of
 176 training on elderly health concerns; and
- 177 (s) Each year, up to nine (9) Commissioners shall attend one (1) full day of
 178 training on cultural awareness to build stronger communities.
- 179 (1) Exceptions for not attending an assigned training or conference may
 180 be made for good cause and must be submitted to the ONCOA
 181 Chairperson.
- 182 (2) Regardless of the number of trainings/conferences that he or she is
 183 required to attend, no Commissioner shall be eligible to receive
 184 stipends for attending more than five (5) full days of mandatory
 185 trainings/conferences per year.

187 **Article II. Officers**

- 188 2-1. *Officers.* ONCOA shall have three (3) Officers: Chairperson, Vice-Chairperson and
 189 Secretary.
- 190
- 191 2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of the
 192 Chairperson shall be as follows:
- 193 (a) The Chairperson shall preside at all meetings of ONCOA, facilitate the
 194 meetings in accordance with the agenda, and maintain orderly discussions
 195 at the meetings.
- 196 (b) The Chairperson shall be responsible for calling and developing an agenda
 197 in conjunction with the ONCOA Secretary and, if applicable, ONCOA
 198 Staff.
- 199 (c) The Chairperson shall receive, review, and monitor all correspondence of
 200 ONCOA and submit a quarterly ONCOA report to the Oneida Business

- 201 Committee in accordance with the Boards, Committees and Commissions
 202 law.
- 203 (d) The Chairperson shall be responsible for submitting an approved semi-
 204 annual and annual ONCOA report to the Oneida General Tribal Council in
 205 accordance with the Boards, Committees and Commissions law for
 206 inclusion in reports to the Nation's membership.
- 207 (e) The Chairperson shall oversee that the appropriate and/or required reports
 208 are submitted to agencies and other funding resources in a timely manner.
- 209 (f) The Chairperson shall provide monthly ONCOA budget updates at regular
 210 meetings of ONCOA.
- 211 (g) The Chairperson shall have sign-off authority as set forth in section 2-8 of
 212 these bylaws and shall sign all correspondence of ONCOA, including
 213 reports, meeting materials and other documents.
- 214 (h) The Chairperson shall meet with the Oneida Business Committee liaison
 215 and Elder Services Director, as needed.
- 216 (i) The Chairperson or Chairperson's designee shall attend all annual, semi-
 217 annual, and budget meetings to support Elders and ONCOA.
- 218 (j) The Chairperson or Commissioner designated by the Chairperson shall
 219 attend the Oneida Business Committee meeting where ONCOA's quarterly
 220 report appears on the agenda.
- 221 (k) The Chairperson shall supervise and evaluate ONCOA Staff, hired prior to
 222 the adoption of these bylaws, in accordance with the Nation's Personnel
 223 Policies and Procedures.
- 224 (l) The Chairperson shall appoint Commissioners to subcommittees created by
 225 majority vote of the Commissioner in attendance at an ONCOA meeting of
 226 an established quorum.
- 227 (m) The Chairperson shall perform other duties as assigned by ONCOA or the
 228 Oneida Business Committee.

229
 230 2-3. *Responsibilities of the Vice-Chairperson.* The responsibilities, duties and limitations of
 231 the Vice-Chairperson shall be as follows:

- 232 (a) The Vice-Chairperson shall perform the duties of the Chairperson in the
 233 absence or incapacity of the Chairperson.
- 234 (1) In case of a resignation or death of the Chairperson, the Vice-
 235 Chairperson shall become the Chairperson for the remainder of the
 236 term or until an election of Officers occurs.
- 237 (b) The Vice-Chairperson shall have sign-off authority as set forth in section 2-
 238 8 of these bylaws.
- 239 (c) The Vice-Chairperson shall have the authority to call to order and preside
 240 at ONCOA meetings in the absence of the Chairperson.
- 241 (d) The Vice-Chairperson shall perform other duties assigned by the ONCOA
 242 Chairperson.

243
 244 2-4. *Responsibilities of the Secretary.* The responsibilities, duties and limitations of the
 245 Secretary shall be as follows:

- 246 (a) The Secretary shall be responsible to ensure the correspondence and
 247 minutes of ONCOA are maintained, recorded and filed in accordance with
 248 these bylaws, the Boards, Committees and Commissions law, and the Open
 249 Records and Open Meetings law.

- 250 (b) The Secretary shall ensure that notices of ONCOA meetings, location,
 251 agendas and minutes are provided, recorded and maintained in accordance
 252 with the Boards, Committees and Commissions law, the Open Records and
 253 Open Meetings law, and these bylaws.
- 254 (c) The Secretary shall have sign-off authority as set forth in section 2-8 of
 255 these bylaws.
- 256 (d) In the event that both the Chairperson and Vice-Chairperson positions
 257 become vacant before the end of their terms, the Secretary shall have the
 258 authority to call ONCOA meetings to fill the vacancies and to preside over
 259 those meetings for the sole purpose of conducting an election of new
 260 Officers, at which point the Chairperson, or Vice-Chairperson in the
 261 absence of the Chairperson, shall preside.
- 262 (e) The Secretary shall perform other duties as assigned by ONCOA.
 263

264 2-5. *Responsibilities of the Commissioners.* In addition to any other duties assigned the
 265 Commissioners in these bylaws, the responsibilities, duties and limitations
 266 of the Commissioners shall be as follows:

- 267 (a) The Commissioners shall attend regularly scheduled ONCOA meetings,
 268 provide direction or input, and participate in discussions.
- 269 (b) The Commissioners shall attend meetings, trainings/conferences, and work-
 270 shops approved by the majority vote of ONCOA Commissioners making
 271 up at least a quorum, unless excused.
- 272 (c) The Commissioners shall participate in advocacy efforts.
- 273 (d) The Commissioners shall take time to review all ONCOA reports and
 274 minutes.
- 275 (e) The Commissioners are mandated reporters and should report Elder abuse
 276 to the Elder Services Director.
- 277 (f) The Commissioners shall perform other duties as assigned by the ONCOA
 278 Chairperson or by a majority vote of the Commissioners making up at least
 279 a quorum.
 280

281 2-6. *Subcommittees.* Subcommittees shall be created when necessary in accordance with the
 282 Boards, Committees and Commissions law and filled by current ONCOA
 283 Commissioners.

- 284 (a) To create a subcommittee, ONCOA must approve the subcommittee and its
 285 purpose by a majority vote of Commissioners in attendance at an ONCOA
 286 meeting of an established quorum.
- 287 (b) Subcommittees are voluntary and appointed by the Chairperson.
- 288 (c) A Commissioner's appointment to a subcommittee shall be terminated upon
 289 completion of the term which will result in a written report to ONCOA.
- 290 (d) If the subcommittee is no longer meeting a valid need or goal of ONCOA,
 291 that subcommittee shall be ended at any time by a majority vote of the
 292 ONCOA Commissioners at the meeting of an established quorum.
- 293 (e) Commissioners of subcommittees shall not be eligible for stipends unless a
 294 specific exception is made by the Oneida Business Committee or the Oneida
 295 General Tribal Council.
 296

297 2-7. *Selection of Officers.*

- 298 (a) The tenure of Officers shall be for one (1) year terms by election of a
 299 majority vote of the ONCOA Commissioners in attendance at a meeting of

- 300 an established quorum that takes place within thirty (30) days after the
 301 newly elected Commissioners have been sworn in by the Oneida Business
 302 Committee.
- 303 (b) In case of a resignation or vacancy of an ONCOA Officer position, ONCOA
 304 will hold an election within thirty (30) days to fill that vacancy by majority
 305 vote of the Commissioners in attendance at an ONCOA meeting of an
 306 established quorum for the remainder of that term of the resigning or
 307 vacating Officer.
- 308 (c) A Commissioner may be dismissed from his or her Officer position by a
 309 majority vote of the Commissioners in attendance at an ONCOA meeting
 310 of an established quorum.
- 311 (d) ONCOA Officers may only hold one (1) Officer position per Officer term.
 312
- 313 2-8. *Budgetary Sign-Off Authority and Travel.* ONCOA shall follow the Nation's policies and
 314 procedures regarding purchasing and sign-off authority.
- 315 (a) Levels of budgetary sign-off authority are as set forth in the manual titled,
 316 *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*,
 317 for Area Directors/Enterprise Directors.
- 318 (1) All ONCOA Officers have sign-off authority and two (2) Officers
 319 shall be required to sign-off on all budgetary requests, except as
 320 follows:
- 321 (A) The Oneida Business Committee Support Office shall have
 322 sign-off authority over requests for stipends, travel per diem
 323 and business expense reimbursement.
- 324 (b) Travel shall be approved through a motion by a majority vote of the
 325 ONCOA Commissioners in attendance at a regular or emergency ONCOA
 326 meeting of an established quorum.
 327
- 328 2-9. *Personnel (Staff).* Commencing on the date these bylaws are adopted by the Oneida
 329 Business Committee and from that point forward, ONCOA shall not have
 330 authority to hire personnel for the benefit of ONCOA.
 331

332 **Article III. Meetings**

- 333 3-1. *Regular Meetings.* Regular meetings of ONCOA shall be held on the second (2nd) and
 334 fourth (4th) Tuesday of each month, commencing at 1:00 p.m., in the Elder
 335 Services Conference Room of the Elder Services building located in
 336 Oneida, Wisconsin.
- 337 (a) The regular meeting date, time and/or location may change from time-to-
 338 time as determined by majority vote of the Commissioners in attendance at
 339 an ONCOA meeting of an established quorum so long as notice is provided
 340 to all Commissioners in writing and, along with the public, in accordance
 341 with the Nation's Open Records and Open Meetings law prior to the
 342 implementation of a new date, time and/or location.
- 343 (b) The ONCOA Secretary shall ensure notice of the meeting agenda, location,
 344 documents and minutes are provided, as well as made available, to all
 345 Commissioners in writing and, along with the Oneida Business Committee
 346 liaison and public, further made available in accordance with the Nation's
 347 Open Records and Open Meetings law.
- 348 (c) ONCOA meetings shall be run in accordance with Robert's Rules of Order.
 349

- 350 3-2. *Emergency Meetings.* An emergency meeting may convene outside of regular meetings to
 351 address an urgent matter. The urgent matter shall be identified in the notice
 352 for the emergency meeting.
- 353 (a) An emergency may be called by the Chairperson, Vice-Chairperson in the
 354 absence of the Chairperson, or by a majority vote at an established quorum
 355 of ONCOA Commissioners.
- 356 (b) The Secretary shall ensure that at least twenty-four (24) hours advance
 357 notice of the emergency meeting is provided to all Commissioners via
 358 telephone call, as well as in writing, and, along with the public, further
 359 provided in accordance with the Open Records and Open Meetings law.
- 360 (1) Written notice provided via email must be sent to the official Oneida
 361 Nation email address that was provided to each Commissioner to
 362 conduct business electronically on behalf of ONCOA.
- 363 (c) Within seventy-two (72) hours after the emergency meeting, the ONCOA
 364 Secretary or, if applicable, ONCOA Staff shall provide the Nation's
 365 Secretary with notice of the emergency meeting, the reason for the
 366 emergency meeting, and an explanation of why the matter could not wait
 367 until the next regular meeting.
 368
- 369 3-3. *Joint Meetings.* Joint Meetings with the Oneida Business Committee will be held in the
 370 Oneida Business Committee Conference Room of the Norbert Hill Center,
 371 on an as needed basis per the approval of the Oneida Business Committee.
- 372 (a) Notice of the joint meeting agenda, documents and minutes shall be
 373 provided, and the joint meeting conducted, in accordance with resolution
 374 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with
 375 Boards, Committees and Commissions – Definitions and Impact, as may be
 376 amended from time-to-time hereafter.
 377
- 378 3-4. *Closed and/or Confidential Sessions.*
- 379 (a) Meetings of ONCOA shall be open to the general public.
- 380 (b) For the purpose of confidentiality, pursuant to the Nation's Open Records
 381 and Open Meetings law, portions of any regular or emergency meeting may
 382 be closed to address individual issues, personnel issues, sensitive client
 383 issues, or community sensitive issues and shall be addressed under the
 384 Executive Session portion of the agenda.
 385
- 386 3-5. *Quorum.* A quorum of ONCOA Commissioners shall be required for ONCOA action
 387 and shall consist of five (5) Commissioners one (1) of which shall be either
 388 the Chairperson, Vice-Chairperson, or Secretary; provided, the Secretary is
 389 presiding over the meeting in accordance with section 2-4(d) of these
 390 bylaws.
- 391 (a) If a quorum is not present within fifteen (15) minutes of the announced
 392 meeting time, the meeting will be declared dismissed.
 393
- 394 3-6. *Order of Business.* As far as applicable, the agenda shall be set up as follows:
- 395 (a) Call to Order
- 396 (b) Welcome and Prayer
- 397 (c) Roll Call
- 398 (d) Adopt and Approve the Current Agenda
- 399 (e) Approval of Previous Minutes on Second Meeting of the Month

- 400 (f) Old Business
- 401 (g) New Business
- 402 (h) Tabled Business
- 403 (i) Reports and Announcements
- 404 (j) Other Business
- 405 (k) Executive Session
- 406 (l) Adjournment

- 407
- 408 3-7. *Voting.* Decisions of ONCOA shall be based on a majority vote of Commissioners
- 409 present at a regular or emergency meeting of an established quorum.
- 410 (a) The ONCOA Chairperson or Officer presiding over the meeting in lieu of
 - 411 the Chairperson shall vote only in the case of a tie.
 - 412 (b) E-polls are permissible and shall be conducted in accordance with the
 - 413 Boards, Committees and Commissions law.
 - 414 (1) The Vice-Chairperson shall serve as the Chairperson's designee for
 - 415 the responsibility of conducting an e-poll in the absence or at the
 - 416 discretion of the Chairperson.
 - 417 (A) In the absence of the Vice-Chairperson, the Secretary shall
 - 418 be responsible for conducting e-polls.

419

420 **Article IV. Expectations**

- 421 4-1. *Behavior of Commissioners.*
- 422 (a) While attending ONCOA meetings, the Commissioners must adhere to the
 - 423 following Ground Rules:
 - 424 (1) Start on time.
 - 425 (2) Speak in positive terms.
 - 426 (3) Show respect for each other and their ideas.
 - 427 (4) Listen.
 - 428 (5) Turn off cell phones during meetings.
 - 429 (6) Facilitator will acknowledge the right to speak.
 - 430 (7) One person speaks at a time.
 - 431 (8) Avoid side conversations.
 - 432 (9) Stay focused.
 - 433 (b) Commissioners must attend and participate in duly called ONCOA
 - 434 meetings. This is critical for the operation of ONCOA and the safety of
 - 435 Elders.
 - 436 (c) No Commissioner shall act independently of ONCOA, on behalf of
 - 437 ONCOA, or express and represent views of ONCOA without specific
 - 438 approval from ONCOA.
 - 439 (d) Commissioners must adhere to the Oneida Nation's Code of Ethics law.
 - 440 (e) Commissioners must honorably protect and uphold the purpose of ONCOA
 - 441 with compassion, caring, honesty, honor, and thoroughness while protecting
 - 442 the privacy and maintaining the safety of Elders.
 - 443 (f) While performing official duties of ONCOA, Commissioners will refrain
 - 444 from using profanity.
 - 445 (g) *Enforcement:* Violation of this or any section of these bylaws shall be
 - 446 enforced as follows:
 - 447 (1) A Commissioner who fails to adhere to the Ground Rules may be
 - 448 forced to leave a meeting, forfeiting his or her stipend if eligible to
 - 449 receive a stipend for being in attendance; or, if that Commissioner

- 450 continues to fail to adhere to the Ground Rules or the infraction at
 451 issue is egregious, he or she shall be added to the agenda for
 452 discussion and action under subsections (4) and (5) of this section.
- 453 (2) A Commissioner who fails to be courteous, civil, polite and
 454 respectful to all will give cause for the Chairperson to request a
 455 break, talk to the Commissioner in private and, based on that
 456 discussion and/or the number of infractions, the Commissioner may
 457 be forced by the Chairperson to leave the meeting, forfeiting his or
 458 her stipend if eligible to receive a stipend for being in attendance, or
 459 the Commissioner may be added to the agenda for discussion and
 460 action under subsections (4) and (5) of this section.
- 461 (3) A Commissioner who fails to attend meetings on a regular basis or
 462 misses four (4) consecutive meetings, without an excused absence,
 463 will prompt the ONCOA Chairperson to add the attendance issue to
 464 the agenda for discussion and action under subsections (4) and (5)
 465 of this section.
- 466 (A) A Commissioner who fails to notify an ONCOA Officer, in
 467 writing, of his or her pending absence at least thirty (30)
 468 minutes before the missed meeting shall be deemed
 469 unexcused.
- 470 (4) A Commissioner who violates any other section of these bylaws or
 471 who has been added to the agenda in accordance with subsection (g)
 472 of this section shall be subject to the following:
- 473 (A) If the Commissioner was elected, ONCOA may file a
 474 petition for his or her removal pursuant to the Removal law
 475 and/or any other law of the Nation governing the removal of
 476 elected officials.
- 477 (B) If the Commissioner was appointed, ONCOA may make a
 478 recommendation to the Oneida Business Committee for
 479 termination of his or her appointment in accordance with the
 480 Boards, Committees and Commissions law and/or any other
 481 law of the Nation governing termination of appointed
 482 officials.
- 483 (C) ONCOA may take action to discipline any Commissioner in
 484 accordance with any law of the Nation governing sanctions
 485 and penalties for elected and/or appointed officials.
- 486 (D) A two-thirds (2/3) majority vote of the ONCOA membership
 487 is required before ONCOA may take any of the actions set
 488 forth under this subsection (4) of section 4-1.
- 489 (5) Prior to taking any action under subsection (4) of this section, the
 490 ONCOA Chairperson or Officer designated by the Chairperson will
 491 send a certified letter to that Commissioner asking what his or her
 492 intent is serving on ONCOA.
- 493 (A) If the Commissioner fails to respond to ONCOA within
 494 seven (7) business days of receiving the letter, that
 495 Commissioner will be placed on the agenda for discussion
 496 and action under subsection (4) of this section.
- 497 (B) If the Commissioner provides a timely response to ONCOA,
 498 that Commissioner will be placed on the agenda to decide by
 499 majority vote of Commissioners in attendance at a meeting

- 500 of an established quorum whether, based on the response, he
 501 or she shall be offered the opportunity to take part in peace-
 502 making in lieu of action under subsection (4) of this section.
- 503 (i) If the Commissioner agrees to peacemaking, the
 504 ONCOA Chairperson shall select the peacemaker.
 505
- 506 4-2. *Prohibition of Violence.* It is the policy of the Nation to provide a safe and secure
 507 environment when conducting business that is free of violence or the threat
 508 of violence.
- 509 (a) ONCOA Commissioners are prohibited from committing any violent
 510 intentional act that inflicts, attempts to inflict, or threatens to inflict
 511 emotional or bodily harm on another person, or damage to property.
- 512 (1) Commissioners are encouraged to report threats of or observed
 513 violence to the ONCOA Chairperson or Oneida Police Department.
 514
- 515 4-3. *Drug and Alcohol Use.* While acting in their official capacity, Commissioners shall not use
 516 or be under the influence of alcohol, intoxicants, illegal drugs or
 517 barbiturates.
 518
- 519 4-4. *Social Media.* ONCOA Commissioners shall comply with the Oneida Nation's Social
 520 Media Policy to include, but not be limited to, setting up an ONCOA Social
 521 Media account with the Nation's Secretary's Office.
- 522 (a) If creating a social media account, ONCOA must appoint an Administrator
 523 for the social media account and this appointment must be approved at an
 524 ONCOA meeting of an established quorum by a majority vote of the
 525 Commissioners in attendance.
- 526 (b) Commissioners shall adhere to their oath of office when using social media
 527 while acting on behalf of or as a representative of ONCOA, and shall further
 528 refrain from posting, attaching or writing anything relating to ONCOA
 529 business or activities on any social media outlet unless authorized by these
 530 bylaws or by a majority vote of the Commissioners in attendance at an
 531 ONCOA meeting of an established quorum.
 532
- 533 4-5. *Conflict of Interest.* All Commissioners shall comply with all applicable laws of the Oneida
 534 Nation governing conflicts of interest.
- 535 (a) All Commissioners shall sign the Oneida Nation's Conflict of Interest
 536 Disclosure Form prior to being sworn in on ONCOA.
- 537 (b) Commissioners shall disclose any potential conflict to the ONCOA Chair-
 538 person and the Oneida Nation Secretary.
- 539 (c) Commissioners shall recuse themselves from any decision where a potential
 540 conflict exists.
- 541 (d) In addition to any action that a Commissioner may be required to take under
 542 any other law of the Nation governing conflicts, when a familial relationship
 543 exists between a Commissioner and another party whom ONCOA is or will
 544 be formally interacting with, that Commissioner, or other Commissioner
 545 with knowledge of the relationship, shall disclose the existence of the
 546 relationship to ONCOA.
- 547 (1) Upon disclosure, ONCOA shall allow the Commissioner with the
 548 familial relationship an opportunity to address ONCOA and answer
 549 any question ONCOA may have in follow up.

- 550 (2) ONCOA shall then decide by a majority vote of Commissioners in
 551 attendance at a meeting of an established whether a potential conflict
 552 exists.
 553

554 **Article V. Stipends and Compensation**

555 5-1. *Stipends.* ONCOA Commissioners shall be eligible for the following stipends as set
 556 forth in and subject to these bylaws; the Boards, Committees and
 557 Commissions law; and resolution BC-05-08-19-B titled, Amending
 558 Resolution BC-09-26-18-D Boards, Committees and Commissions Law
 559 Stipends, as may be further amended from time-to-time hereafter:

- 560 (a) Two (2) meeting stipends per month, provided that:
- 561 (1) A quorum was established;
 - 562 (2) The meeting of the established quorum lasted for at least one (1)
 563 hour; and
 - 564 (3) The Commissioner collecting the stipend was physically present for
 565 the entire meeting.
- 566 (b) For attending a conference or training, a stipend for each day of attendance,
 567 provided that:
- 568 (1) The Commissioner attended a full day of training or was present at
 569 the conference for a full day;
 - 570 (2) The Commissioner's attendance at the conference or training was
 571 required by law, bylaws or resolution; and
 - 572 (3) The budget for the training/conference and stipend was provided for
 573 and approved in the budgets for stipends.
 - 574 (A) No stipend payments shall be made for those days spent
 575 traveling to and from the conference or training.
- 576 (c) Stipends for Judiciary hearings:
- 577 (1) An ONCOA Commissioner may receive a stipend for attending an
 578 Oneida Judiciary hearing if that Commissioner's attendance was
 579 required by official subpoena.
- 580 (d) A stipend for attending a duly called joint meeting between ONCOA and
 581 the Oneida Business Committee, provided that:
- 582 (1) A quorum was established by ONCOA;
 - 583 (2) The joint meeting lasted for at least one (1) hour; and
 - 584 (3) The Commissioner collecting the stipend was physically present for
 585 the entire joint meeting.
- 586 (e) All stipend requests shall be accompanied by the meeting sign-in sheet or
 587 conference/training materials which identifies the start and end time of the
 588 meeting, conference or training.
 589

590 5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement
 591 authorized by the Boards, Committees and Commissions law,
 592 Commissioners shall not be eligible for any other type of compensation for
 593 duties/activities they perform on behalf of ONCOA.
 594

595 **Article VI. Records and Reporting**

596 6-1. *Agenda Items.* Agenda items shall be maintained in a consistent format provided by the
 597 Oneida Business Committee Support Office, as approved by ONCOA, and
 598 submitted to the ONCOA Chairperson or, as applicable, ONCOA Staff
 599 according to ONCOA's established process.

- 600 (a) For items to be placed on the agenda, items must be submitted to the Chair-
 601 person or, as applicable, ONCOA Staff at least one (1) week prior to the
 602 ONCOA meeting.
- 603 (1) Items submitted late, will be placed on the next ONCOA meeting
 604 agenda.
- 605 (b) Packets of the proposed agenda and backup documentation shall be made
 606 available to all ONCOA Commissioners in writing and, along with the
 607 public, in accordance with the Nation's Open Records and Open Meetings
 608 law.
- 609 (c) Executive session items shall be stamped confidential and returned to the
 610 ONCOA Secretary or, if applicable, ONCOA Staff after the meeting for
 611 filing and disposal in accordance with the Nation's Open Records and Open
 612 Meetings law.
 613
- 614 6-2. *Minutes.* Minutes for each meeting shall be typed and in a consistent format designed
 615 by the Oneida Business Committee Support Office, and approved by
 616 ONCOA, to generate the most informative record of the ONCOA meetings.
- 617 (a) Minutes must provide a summary of the action taken by ONCOA in that
 618 meeting.
- 619 (b) After ONCOA receives and approves the meeting minutes, the ONCOA
 620 Secretary or, if applicable, ONCOA Staff shall submit copies of the
 621 approved minutes to the Oneida Business Committee Support Office by the
 622 end of the fourth (4th) week of the month in which the meeting was held.
- 623 (1) Minutes will be received at the first (1st) meeting of the month and
 624 approved at the second (2nd) meeting of the month.
- 625 (2) Minutes will be made available one (1) week prior to the second
 626 (2nd) meeting upon request to the ONCOA Secretary or, if
 627 applicable, ONCOA Staff.
- 628 (3) The Secretary shall sign, date, and ensure approved minutes are
 629 submitted to the Oneida Business Committee Support Office by the
 630 end of the fourth (4th) week of each month.
 631
- 632 6-3. *Attachments.* Handouts, attachments, reports, memoranda and the like shall be attached
 633 to and maintained with the meeting minutes and agenda in accordance with
 634 the Open Records and Open Meetings law.
- 635 (a) All materials must be identified to the meeting in which they were
 636 presented.
 637
- 638 6-4. *Oneida Business Committee Liaison.* ONCOA shall regularly communicate with the
 639 Oneida Business Committee member who is its designated liaison.
- 640 (a) The frequency and method of communication shall be as agreed upon by
 641 ONCOA and the liaison, but not less than that required in any law or policy
 642 on reporting developed by the Oneida Business Committee or Oneida
 643 General Tribal Council.
 644
- 645 6-5. *Audio Recordings.* All ONCOA meetings shall be audio recorded by the Oneida Business
 646 Committee Support Office using its own recording device.
- 647 (a) Audio recordings of ONCOA meetings shall be maintained by the Oneida
 648 Business Committee Support Office.

649 (b) *Exception:* Audio recordings of an Executive Session portion of a meeting
650 shall not be recorded.

651

652 **Article VII. Amendments**

653 7-1. *Amendments.* ONCOA shall adopt, amend, or repeal any provisions of these bylaws at a
654 meeting of an established quorum by a majority vote of the Commissioners
655 in attendance; provided, the proposed amendments had been submitted in
656 writing at a regular meeting of ONCOA.

657 (1) Any amendments to these bylaws shall conform to the requirements
658 of the Boards, Committees and Commissions law and any other
659 policy of the Nation.

660 (a) ONCOA shall conduct a review of these bylaws to ensure they remain
661 current at the beginning of each fiscal year.

662 (b) Amendments shall be approved by ONCOA and the Oneida Business
663 Committee before implementation.



Oneida Nation Commission on Aging 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 Tribal 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 [1 O.C. 105.10].		
Intent of the Bylaws	The bylaws provide a framework for the operation and management of the Oneida Nation Commission on Aging (ONCOA) to govern the standard procedures regarding the way ONCOA conducts its affairs, including: the election and appointment of persons to ONCOA, 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	ONCOA serves the Nation in an advisory and policy development capacity to the Nation's Tribal Aging Unit (Oneida Elder Services) to be knowledgeable and supportive of all programs and services that can meet the needs of the Nation's Elders and to carry out the powers delegated by the Nation and the State of Wisconsin [Proposed Bylaws 1-3].		
Related Legislation	Oneida Nation Constitution, Boards, Committees and Commissions law, Election law, Removal Law, Code of Ethics, Social Media Policy, Computer Resources Ordinance, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	Removal from an elected position on ONCOA follows the Removal Law [1 O.C. 104] and ONCOA 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 [1 O.C. 105.6-2(c)]. ONCOA included behavioral expectations [Proposed Bylaws 4-1] that if not followed may result in being forced to leave a meeting without a stipend, may be issued sanctions or penalties, may have a request submitted to the OBC to consider terminating the appointment or ONCOA may file a petition for GTC to consider removing the member from office.		
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 ONCOA bylaw amendments were added to the active files list on October 3, 2018, with David P.
3 Jordan as the sponsor.
4 B. ONCOA is established under the laws of the Nation and in accordance with Wisconsin State Statute
5 46.82(4)(a). This analysis does not include an analysis of any laws outside of the Nation’s laws.
6 C. ONCOA replaced the Oneida Reservation Commission on Aging on June 10, 1998, with the passage
7 of ONCOA Bylaws. The most recent bylaws were approved by the OBC on July 11, 2012.
8

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

- 10 A. The proposed bylaws comply with the Boards, Committees and Commissions law.
11 B. The proposed bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-
12 09-26-18-D Boards, Committees and Commissions Law Stipends” which details the types, specific
13 dollar amounts and eligibility requirements of stipends.
14 C. The proposed bylaws comply with OBC Resolution BC-03-27-19 titled “Oneida Business Committee
15 and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.
16

17 **SECTION 4. BYLAWS AMENDMENTS**

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

19 **A. ARTICLE I. AUTHORITY**

- 20 a. The authority section was expanded to include additional duties not listed in the previous
21 bylaws [*Proposed Bylaws 1-3*] including the following assistance to Oneida Elder
22 Services:
23
 - 24 • program development;
 - 25 • recommendation on policy development;
 - 26 • assisting with efforts related to program expansion utilizing all resources;
 - 27 • providing information and personal support to individual elders; and
 - 28 • promoting issues related to Oneida Elders at the tribal, county, state and federal
29 levels.

30 b. A provision was added that when an ONCOA members’ term expires they will remain in
31 office until a successor is sworn in by the OBC [*Proposed Bylaws 1-5(b)(3)(A)*] which is
32 optional under the Boards, Committees and Commissions law [*1 O.C. 105.6-2(a)(1)*].
33 c. The resignation process has changed in accordance with the Boards, Committees and
34 Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted:
35
 - 36 • Verbally and accepted by motion at a meeting; or
 - 37 • By delivering a written resignation to the Business Committee Support Office
38 (BCSO) and the ONCOA Chairperson or Chairperson’s designee [*Proposed*
39 *Bylaws 1-5(b)(3)(B)*].

40 d. Vacancies will now be filled in accordance with the Boards, Committees and Commissions
41 law [*1 O.C. 105.6*] rather than the internal appointment process ONCOA currently uses
42 [*Current Bylaws 1.4.4*]. Expired vacancies will be elected in accordance with section 1-
43 5(b). ONCOA will fill unexpired vacancies through the OBC appointment process in
44 accordance with the Boards, Committees and Commissions law [*1 O.C. 105.7*]. The
45 Chairperson of ONCOA will provide the OBC with recommendations on all applicants for
46 appointment [*Proposed Bylaws 1-5(c)(2)(A)*] which is optional under the Boards,
47 Committees and Commissions law [*1 O.C. 105.7-1(b)(1)*].
48 e. The removal or termination of appointment recommendation process has changed to
49 comply with the Boards, Committees and Commissions law [*Proposed Bylaws 1-6*].
• The Removal Law will be followed for removal of elected members [*1 O.C.*
104] and the Boards, Committees and Commission law will be followed for

50 termination of appointed members [1 O.C. 105.6-1(c)] and ONCOA will
51 follow the process in 4-1(g) of the proposed bylaws.
52 f. A section has been added to the bylaws related to trainings and conferences to be more
53 specific about training members of ONCOA will be required to attend and the number of
54 commissioners who will attend each training or conference [Proposed Bylaws 1-7] to
55 comply with the Boards, Committees and Commissions law [1 O.C. 105.10-3(7)].
56 Regardless of the number of trainings mandated by the bylaws; ONCOA members will be
57 limited to five (5) training stipends for full days of training [Proposed Bylaws 1-7(s)(2)].
58

59 B. ARTICLE II. OFFICERS

- 60 a. Additional duties of the Chairperson include [Proposed Bylaws 2-2]:
- 61 • Presenting or designating an ONCOA member to present quarterly reports to
 - 62 the OBC in accordance with the Boards, Committees and Commissions law [1
 - 63 O.C. 105.12-3];
 - 64 • Attendance at annual, semi-annual and budget meetings of the General Tribal
 - 65 Council or designating an attendee [1 O.C. 105.12-4]; and
 - 66 • Supervising and evaluating current ONCOA staff, hired prior to the adoption
 - 67 of these bylaws, according to the Nation's Personnel Policies and Procedures;
- 68 b. Changes to the Vice-Chairperson's duties include [Proposed Bylaws 2-3]:
- 69 • The Vice-Chairperson is no longer responsible to receive and record all
 - 70 donations of funds to ONCOA or to submit the record of such donations the
 - 71 Accounting Office per the Cash Handling Policy and Procedures [Current
 - 72 Bylaws 2.4.2].
- 73 c. Additional duties of the Secretary include [Proposed Bylaws 2-4]:
- 74 • Ensuring all correspondence, notices of meetings, minutes, packets and
 - 75 attachments are maintained, recorded and filed in accordance with the Boards,
 - 76 Committees and Commissions law [1 O.C. 105.10-3(f)] and the Open Records
 - 77 and Open Meetings law [1 O.C. 107.15].
 - 78 • A provision was added that if both the Chairperson and the Vice-Chairperson
 - 79 positions become vacant before the end of their terms; the Secretary will call
 - 80 and preside over a meeting until a new Chairperson and/or Vice-Chairperson
 - 81 is elected at which point the Chairperson, or Vice-Chairperson in the absence
 - 82 of the Chairperson, will preside [Proposed Bylaws 2-4(d)]. In this instance the
 - 83 Secretary's presence can be used to constitute quorum [Proposed Bylaws 3-
 - 84 5].
- 85 d. The mandatory reporting responsibility of all commissioners of elder abuse to the Elder
- 86 Services Manager was added [Proposed Bylaws 2-5(e)].
- 87 e. Additional language was added to the subcommittee section detailing that subcommittees
- 88 are not eligible for a stipend unless a specific exception is made by the OBC or the General
- 89 Tribal Council [Proposed Bylaws 2-6(e)]. This complies with requirements for
- 90 subcommittees in the Boards, Committees and Commissions law [1 O.C. 105.13-10].
- 91 f. Language was added that a Commissioner may be dismissed from their Officer position by
- 92 majority vote of the Commissioners in attendance at an ONCOA meeting with an
- 93 established quorum [Proposed Bylaws 2-7(c)].
- 94 g. Language was added restricting ONCOA members from holding more than one Officer
- 95 position at the same time [Proposed Bylaws 2-7(d)].
- 96 h. The Budgetary Sign-off Authority and Travel section is new to these bylaws based on
- 97 requirements in the amended Boards, Committees and Commissions law [1 O.C. 105.10-
- 98 3(b)(6)].

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- ONCOA will use levels for budgetary sign-off authority that are as set forth in the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors. The BCSO will have sign-off authority over requests for stipends, travel per diem and business expense reimbursement [*Proposed Bylaws 2-8(a)(1)(A)*]. All ONCOA Officers will have sign-off authority and two (2) Officers must sign-off on budgetary requests [*Proposed Bylaws 2-8*].
 - i. Although not applicable to ONCOA; ONCOA will follow the budgetary sign-off levels dictated by the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors, page 217, which includes the following levels of sign-off authority:
 1. Budgeted items with three bids for items between \$3,000 and \$10,000;
 2. Unbudgeted items between \$1,000 and \$5,000; and
 3. Budgeted but sole source items between \$1,000 and \$5,000.
- All travel must be authorized by two (2) Officer positions [*Proposed Bylaws 2-8(a)(1)*] in accordance with the Travel and Expense Policy [*2 O.C. 219.4-2*]. All travel must be approved through a majority vote of ONCOA members in attendance at a regular or emergency ONCOA meeting with a quorum [*Proposed Bylaws 2-8(b)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)(B)*]. ONCOA members may travel in a Tribal vehicle when certified and must follow the Vehicle Driver Certification and Fleet Management law [*2 O.C. 210*].
 - i. The ability to hire personnel was removed from the bylaws starting from the date the bylaws amendments are adopted by the OBC moving forward [*Proposed Bylaws 2-9*].
 - This provision applies to future hiring authority and does not affect current personnel who will keep their positions.

C. ARTICLE III. MEETINGS

Meetings in Current Bylaws [Article III]	Meetings in Proposed Bylaws Amendments [Article III]
Regular Meetings <ul style="list-style-type: none"> • Regularly Scheduled – Once Monthly 	Regular Meetings <ul style="list-style-type: none"> • Regularly Scheduled – Twice Monthly
Emergency Meetings <ul style="list-style-type: none"> • Twenty-Four (24) Hour Notice 	Emergency Meetings <ul style="list-style-type: none"> • Twenty-Four (24) Hour Notice
Special Meetings <ul style="list-style-type: none"> • Twenty-Four (24) Hour Notice 	Special Meetings <ul style="list-style-type: none"> • Special Meetings were removed.
	Joint Meetings <ul style="list-style-type: none"> • As Needed Per Approval of OBC.

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- a. The regular meeting time and date was changed [*Proposed Bylaws 3-1*] and listed in the bylaws in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(1)*]. An additional monthly meeting was added.
- b. The ONCOA Secretary will ensure notices of meeting agendas, location, documents and minutes are provided to all Commissioners, the OBC liaison and the public [*Proposed Bylaws 3-1(b)*] in accordance with the Open Records and Open Meetings law [*1 O.C. 107.7-2*].
- c. Special meetings were removed [*Current Bylaws 3.4*].
- d. A provision was added that the Secretary or staff of ONCOA will notify the Nation’s Secretary within seventy-two (72) hours with notice of any emergency meetings, the reason for the emergency meeting, and an explanation of why the matter could not wait for a

142 regular meeting [*Proposed Bylaws 3-2(c)*] in accordance with the Boards, Committees and
143 Commissions law [*1 O.C. 105.10-3(c)(2)(A)*].

144
145 e. Joint Meetings. The bylaws contain joint meetings with the OBC [*Proposed Bylaws 3-3*] on an as needed basis, with the approval of the OBC in compliance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(3)*]. Joint meetings will be held in the OBC conference room. The meeting notice, agenda documents and minutes for joint meetings will be provided and the joint meetings will be conducted in accordance with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.

The agenda will be agreed upon by the ONCOA Chairperson upon ONCOA approval and the OBC liaison with OBC approval;

The BCSO will provide all parties the agenda, meeting packet and meeting notes;

No action will take place at the joint meeting; and if it is agreed that further action is needed, either the OBC or ONCOA, or both, will take the issue back to their respective meetings for action through the OBC liaison to the OBC or the Chairperson of ONCOA;

The Chairperson of ONCOA will facilitate the meeting;

Formal motions to call the meeting to order, take action or adjourn are unnecessary; and

Actions will be requested by consensus of both bodies.

146 f. E-polls were added as an acceptable form of voting and will be conducted by the
147 Chairperson or the Vice-Chairperson or Secretary in the Chairperson’s absence or
148 discretion and in accordance with the Boards, Committees and Commissions law
149 [*Proposed Bylaws 3-7(b)*] and [*1 O.C. 105.10-3(c)(6)(C) and (D)*] and [*1 O.C. 105.11*].

151 D. ARTICLE IV. EXPECTATIONS

152 This section is new to these bylaws based on the requirements established in the Boards, Committees
153 and Commissions law [*1 O.C. 105.10-3(d)*].

154 a. Behavioral requirements and enforcement measures were added [*Proposed Bylaws 4-1*] in
155 accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(1)*].
156 Enforcement of behavioral expectations include [*Proposed Bylaws 4-1(g)*]:

- 157 • Commissioner may be added to the agenda for discussion [*Proposed Bylaws*
158 *4-1(g)(1) and (2)*].
 - 159 a. Optional peacemaking session;
 - 160 b. Discussion may include petition for removal under the Removal law
161 [*1 O.C. 104*], recommendation for termination of appointment for
162 OBC consideration under the Boards, Committees and Commissions
163 law [*1 O.C. 105.6-2(c)*] or sanctions and penalties under any laws of
164 the Nation.
 - 165 i. These options require a two-thirds (2/3) majority vote.
 - 166 ii. A provision was added defining an un-excused absence as
167 failure to notify a Board Officer, in writing, of his or her
168 pending absence no less than thirty (30) minutes before the
169 scheduled meeting that he or she will be absent from
170 [*Proposed Bylaws 4-1(g)(3)(A)*].
 - 171 iii. A provision was added that prior to taking any action above,
172 the ONCOA Chairperson or Officer designee will send a

173 certified letter to Commissioner asking what their intent is
174 serving on ONCOA; which may result in the optional
175 peacemaking mentioned above [*Proposed Bylaws 4-*
176 *1(g)(5)(A) and (B)*].
177

178 b. The bylaws include a provision that prohibits intentional acts of violence [*Proposed*
179 *Bylaws 4-2*] in accordance with the Boards, Committees and Commissions law [*1 O.C.*
180 *105.10-3(d)(2)*].

181 • ONCOA members are encouraged to report threats of or observed violence to
182 the ONCOA Chairperson or Oneida Police Department [*Proposed Bylaws 4-*
183 *2(a)(1)*].

184 c. The bylaws include a provision prohibiting Commissioners from the use of or under the
185 influence of alcohol, intoxicants, illegal drugs or barbiturates while acting in their official
186 capacity [*Proposed Bylaws 4-3*] in accordance with the Boards, Committee and
187 Commissions law [*1 O.C. 105.10-3(d)(3)*].

188 d. ONCOA is required to comply with the Nation's Social Media Policy. If creating a social
189 media account, ONOCA must appoint an administrator by majority vote [*2 O.C. 218*].
190 Additionally, ONCOA members must abide by their Oath of Office and must refrain from
191 posting, attaching or writing anything related to ONCOA business or activities on social
192 media unless authorized by the bylaws or by a majority vote of a quorum of ONCOA
193 members in attendance [*Proposed Bylaws 4-4(b)*]. This complies with the Boards,
194 Committees and Commissions law [*1 O.C. 105.10-3(d)(4)*].

195 e. ONCOA will be required to comply with the Nation's laws governing conflicts of interest
196 [*2 O.C. 217*] and [*1 O.C. 105.10-3(d)(5) and 105.15*]. ONCOA members will [*Proposed*
197 *Bylaws 4-5(a) to (c)*]:

198 • Sign the Nation's Conflict of Interest Disclosure Form prior to being sworn
199 into ONCOA;

200 • Disclose any potential conflicts to the ONCOA Chairperson and the Oneida
201 Nation Secretary; and

202 • Recuse themselves from any decision where a potential conflict exists.

203 • Additionally, ONCOA will determine any conflicts of interest related to
204 familial relationships beyond the requirements in the Nation's laws
205 [*Proposed Bylaws 4-5(d)*].

206 a. This aligns with the Conflict of Interest law of the Nation which allows
207 for entities to outline further conflicts and prohibited activities
208 resulting from those conflicts of interest [*2 O.C. 217.7-2*].
209

210 E. ARTICLE V. STIPENDS AND COMPENSATION

211 A section was added to the bylaws that details stipends, compensation and corresponding requirements
212 in accordance with the Boards, Committees and Commissions law [*O.C. 1 105.10-3(e)*].

213 a. This section provides a list of eligible stipends and corresponding eligibility requirements
214 that members of ONCOA are eligible to receive [*Proposed Bylaws 5-1*].

215 • A full day of training is required to be eligible for a stipend [*1 O.C. 105.13-*
216 *8(a)*]; and

217 • Only trainings and conference required by law, bylaws or resolution are
218 eligible to receive a stipend [*1 O.C. 105.13-8(b)*].

219 b. Besides travel, per diem and business expense reimbursement; no other compensation is
220 allowed [*Proposed Bylaws 5-2*].
221

222 F. ARTICLE VI. RECORDS AND REPORTING

223 The Boards, Committees and Commissions law established added requirements related to records and
224 reporting [1 O.C. 105.10-3(f)].

- 225 a. ONCOA will use the agenda format provided by the BCSO as approved by ONCOA and
226 submitted to the ONCOA Chairperson or Staff according to ONCOA's established process
227 [Proposed Bylaws 6-1]. This complies with the Boards, Committees and Commissions law
228 [1 O.C. 105.10-3(f)(1)].
- 229 • The timeframe for submitting agenda items has changed from at the meeting
230 to one week prior to the meeting with late submittals being forwarded to the
231 next agenda [Proposed Bylaw 6-1(a)].
 - 232 • Packets and meeting materials will be available [Proposed Bylaws 6-1(b)] in
233 accordance with the Open Records and Open Meetings law and [1 O.C. 107.7-
234 2].
- 235 b. Minutes will utilize the BCSO format and will be submitted to the BCSO by the end of the
236 fourth (4th) week of the month the meeting was held [Proposed Bylaws 6-2]. This meets
237 the requirements established by the Boards, Committees and Commissions law [1 O.C.
238 105.10-(f)(2)].
- 239 c. All attachments will be attached to and maintained with the meeting minutes and the
240 agenda to be maintained by the BCSO [Proposed Bylaws 6-3]. This meets requirements
241 established by the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(3)].
- 242 d. A requirement was added that the BCSO will audio record all meetings and maintain all
243 audio files. Executive session is not required to be recorded [Proposed Bylaws 6-5]. This
244 complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(5)] and
245 the Open Records and Open Meetings law [1 O.C. 107.7-3].
246

247 G. ARTICLE VII. AMENDMENTS

- 248 a. A provision was added requiring that amendments follow the Boards, Committees and
249 Commissions law and any other policy of the Nation in accordance with the Boards,
250 Committees and Commissions law [1 O.C. 105.10-3(g)]. Additionally, a provision was
251 added that the bylaws be reviewed at the beginning of each fiscal year [Proposed Bylaws
252 7-1].
253

254 SECTION 5. RELATED LEGISLATION

255 There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws
256 related to the proposed bylaws.

- 257 A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows
258 for the creation of committees for the proper conduct of tribal business of the Nation [Oneida
259 Nation Constitution, Article IV, Section 1(g)]. There are no conflicts between the proposed bylaws
260 and the Oneida Nation Constitution.
261
- 262 B. Boards, Committees and Commissions [1 O.C. 105]. This law establishes all requirements related
263 to elected and appointed boards, committees and commissions of the Nation; excluding the OBC
264 or standing committees of the OBC and the Nation's corporations. The law governs the procedures
265 regarding the appointment and election of persons to boards, committees and commissions, creation
266 of bylaws, maintenance of official records, compensation, and other items related to the Nation's
267 boards, committees and commissions. ONCOA is elected by the Nation's qualified voting
268 membership and unexpired vacancies are appointed by the OBC [Proposed Bylaws 1-5(b) and
269 (c)(2)]. The requirements for ONCOA's proposed bylaws are contained in this law as well as a
270 requirement that all existing entities of the Nation comply with the format detailed in the law as
271 well as the requirement to present the bylaws for adoption by the OBC within a reasonable

272 timeframe [1 O.C. 105.10]. The proposed bylaws comply with and there are no conflicts with the
273 Boards, Committees and Commissions law.
274

275 C. Election [1 O.C. 102]. The Election law governs the procedures for the conduct of orderly elections
276 of the Nation, including pre-election activities such as caucuses and nominations [1 O.C. 102.1-1].
277 The law governs all procedures used in the election process [1 O.C. 102.1-2]. The ONCOA is
278 elected by the General Tribal Council [Proposed Bylaws 1-5(b)]. The proposed bylaws comply
279 with the requirements established in the Election law and there are no conflicts between the bylaws
280 and the Election law.
281

282 D. Removal Law [1 O.C. 104]. This law governs the removal process related to ONCOA members
283 that are elected by the qualified voting membership of the Nation. This law contains due process
284 measures related to specific causes for removal, petition requirements, preliminary review by the
285 Judiciary, a hearing that includes potential witnesses and a burden of proof by a person seeking the
286 removal by clear and convincing evidence that ground(s) for removal exist and a Special GTC
287 Meeting that requires a 2/3 affirmative majority vote. The proposed bylaws include additional
288 behavioral expectations that if not followed may result in a petition for removal [Proposed Bylaws
289 4-1(g)(4)(A)]. This aligns with the Boards, Committees and Commissions law [1 O.C. 105.10-
290 3(d)]. The proposed bylaws comply and there are no conflicts with the Removal Law.
291

292 E. Code of Ethics [1 O.C. 103]. ONCOA members are required to abide by the Code of Ethics law
293 and Article IV of the bylaws addresses the behavioral expectations of members some of which are
294 covered in the Code of Ethics law [Proposed Bylaws 4-1(d)]. This law promotes the highest ethical
295 conduct from elected and appointed government officials and expects that officials will
296 demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all
297 public activities to inspire public confidence and trust in the governmental officials of the Oneida
298 Nation. Government officials are also expected to adhere to the laws, customs, and traditions of
299 the Nation. The proposed bylaws comply and there are no conflicts with the Code of Ethics.
300

301 F. Social Media Policy [2 O.C. 218]. This law regulates the Nation's social media accounts including
302 how content is managed and who has authority to post on social media on behalf of the Nation.
303 ONCOA must register social media accounts with the Nation's Secretary's Office to include
304 specific information related to access to the account, acknowledgment and compliance with the
305 Computer Resources Ordinance [2 O.C. 215] and this policy, use a Nation issued email address
306 and ensure all content complies with all applicable laws of the Nation, state or federal laws. The
307 bylaws identify that ONCOA must comply with the Social Media Policy in accordance with the
308 Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(4)]. The bylaws go beyond this
309 law and contain a provision that ONOCA must follow their Oath of Office and are also prohibited
310 from posting any information related to ONCOA meetings or business on social media without
311 approval from the bylaws or a majority vote of ONCOA [Proposed Bylaws 4-4(b)]. The proposed
312 bylaws comply and there are no conflicts with the Social Media Policy.
313

314 G. Computer Resources Ordinance [2 O.C. 215]. ONCOA members are considered users under this
315 law and must comply with the established requirements to ensure appropriate use of the Nation's
316 computer resources. The bylaws comply and there are no conflicts with the Computer Resources
317 Ordinance. Members of an entity must sign an acknowledgment form indicating notice of the
318 Nation's applicable computer and media related laws according to the Boards, Committees and
319 Commissions law [1 O.C. 105.14-3(b)]. The proposed bylaws comply and there are no conflicts
320 with the Computer Resources Ordinance.
321

- 322 H. Travel and Expense Policy [2 O.C. 219]. Members of the ONCOA are eligible to be reimbursed
323 for travel and per diem to attend a conference or training in accordance with this policy. The BCSO
324 will have sign-off authority over requests for stipends, travel per diem and business expense
325 reimbursement [*Proposed Bylaws 2-8(a)(1)(A)*]. All travel must be authorized by two (2) Officers
326 [*Proposed Bylaws 2-8(a)*] in accordance with the Travel and Expense Policy [2 O.C. 219.4-2].
327 ONCOA will approve all board travel by majority vote of the board [*Proposed Bylaws 2-8(b)*] in
328 accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. The
329 proposed bylaws comply and there are no conflicts with the Travel and Expense Policy.
330
- 331 I. Conflict of Interest [2 O.C. 217]. This law applies to ONCOA and establishes specific limitations
332 to which information or materials that are confidential or may be used by a competitor of the
333 Nation's enterprises or interests may be used to protect the interests of the Nation. The Boards,
334 Committees and Commissions law establishes that amended bylaws require members to disclose
335 potential or real conflicts annually [1 O.C. 105.10-3(d)(5) and 105.15]. The proposed bylaws
336 include an additional provision that requires disclosure when any familial relationships exist
337 between a Commissioner and any other party whom ONCOA will be formally interacting with.
338 The potentially conflicted Commissioner or any other Commissioner with knowledge of the
339 relationship must disclose the existence of the relationship to ONCOA. ONCOA will vote to
340 determine if a conflict exists and if so the conflicted ONCOA member will be required to recuse
341 themselves [*Proposed Bylaws 4-5(d)*]. This aligns with the Conflict of Interest law of the Nation
342 which allows for entities to outline further conflicts and prohibited activities resulting from those
343 conflicts of interest [2 O.C. 217.7-2]. Penalties for failure to disclose conflicts of interest include
344 a removal petition in accordance with the Removal Law for elected members, termination of
345 appointment in accordance with the Boards, Committees and Commissions law for appointed
346 members, and enforcement of any penalties in accordance with the laws of the Nation [2 O.C.
347 217.6-2 and 6-3]. The proposed bylaws comply and there are no conflicts with the Conflict of
348 Interest law.
349
- 350 J. Open Records and Open Meetings [1 O.C. 107]. This law details how records must be maintained
351 and made available to the public [1 O.C. 107.15] and that meetings are open to the public unless
352 specific criteria are met which allow the meetings to be closed [1 O.C. 107.17]. Public notice of
353 meetings is also required by this law [1 O.C. 107.15-1]. The bylaws delegate the maintenance of
354 the records to the ONCOA Secretary [*Proposed Bylaws 2-4(a) and 6-3*]. ONCOA meetings are
355 open to the public except portions that meet the exceptions in this law related to personnel matters
356 or contracts are being discussed and deemed confidential [*Proposed Bylaws 3-4*]. Meeting packets
357 and backup materials are available to all ONCOA members [*Proposed Bylaws 6-1(b)*] and in
358 accordance with this law which states that any requestor has the right to make or receive a copy of
359 a public record [1 O.C. 107.7-2]. The proposed bylaws comply and there are no conflicts with the
360 Open Records and Open Meetings law.
361
- 362 K. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. ONCOA is considered an entity
363 [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)] under this
364 law and members of ONCOA are authorized to travel in the Nation's vehicles. The law requires
365 the Human Resources Department or designee to ensure drivers, including ONCOA members, are
366 certified to drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires
367 ONCOA members (officials) to have written consent from the ONCOA prior to being approved to
368 use a Tribal vehicle [2 O.C. 210.6-1(b)(2)]. Certification includes providing the Human Resources
369 Department with the appropriate license, training certifications, and insurance information [2 O.C.
370 210.8-1]. Additionally, ONCOA members must abide by all reporting requirements in this law [2
371 O.C. 210.9-2].

- 372 a. ONCOA members who violate this law may be subject to:
373 i. any laws regarding sanctions or penalties; and
374 ii. termination of appointment following the Boards, Committees and Commissions
375 law [1 O.C. 105].

ONEIDA NATION COMMISSION ON AGING BYLAWS

The purpose of the Oneida Nation Commission on Aging shall be to adhere to the Oneida Nation's Vision, Mission and Priorities and to be knowledgeable and supportive of all programs and services to meet the needs of the Elder members of the Oneida Nation.

1. Article I. Authority

- 1.1. *Name*: The name of this Commission shall be the Oneida Nation Commission on Aging and may be referred to as ONCOA.
- 1.2. *Authority*. ONCOA is delegated authority by the Oneida Business Committee pursuant to the authority delegated by the Constitution of the Oneida Tribe of Indians of Wisconsin, under Article IV., Section 1., Subsection (g) and is further recognized by the adoption of these bylaws on June 25, 2003 and amended on December 13, 2011 and July 11, 2012.
- 1.3. *Office*. The official mailing address of this entity shall be:

Oneida Nation Commission on Aging
P.O. Box 365
Oneida, WI 54155

The physical meeting place shall be determined at a meeting of this entity and may change from time to time as determined by the entity, and shall be within the Oneida Reservation Boundaries unless noticed to the membership prior to designating the meeting location.

- 1.4. *Membership*. ONCOA shall be made up as follows:
- 1.4.1. *Number of Members*. There shall be nine (9) Commissioners on ONCOA who shall be enrolled Oneida Tribal members who are age 55 or older and reside in Brown or Outagamie County.
- 1.4.2. *How elected or appointed*. Commissioners of ONCOA shall be elected in accordance with the Oneida Election Law.
- 1.4.3. *Terms*. Commissioners of ONCOA shall serve for terms of three (3) years, so arranged that, as nearly as practicable, the terms of one-third (1/3) of the ONCOA Commissioners shall expire each year. No Commissioner may serve more than two consecutive three (3) year terms.¹ A period of not less than one (1) year shall lapse before a Commissioner, who has completed two consecutive terms, may be eligible for another term as Commissioner.

¹Wis. Stat. 46.82(4)(c).

ONEIDA NATION COMMISSION ON AGING BYLAWS

- 1.4.4 *Vacancies.* Vacancies on ONCOA shall be filled by an appointment from ONCOA. The appointment shall be the person who received the most votes during the previous election without being elected to ONCOA. This procedure shall be repeated as necessary until all vacancies are filled. Such Commissioner shall serve the remainder of the unexpired term he or she is appointed to.
- 1.4.5 *Removal / Resignation.*
- 1.4.5.1 A Commissioner may be removed from office in accordance with the Removal Law.
- 1.4.5.2 Four (4) unexcused absences within one year from any duly called meeting by an elected Commissioner may be cause for removal. Failure to contact ONCOA or staff before a meeting is held constitutes an unexcused absence.
- 1.4.5.3 Resignation - Resignation of any Commissioner shall be submitted in writing to the ONCOA Chairperson to be presented at the next regular ONCOA meeting for action.

2 Article II. Officers

- 2.1 *Officers.* ONCOA shall have three officers: Chairperson, Vice Chairperson and Secretary. The officers of ONCOA shall perform other duties as may be required or requested by the Oneida Business Committee or Oneida General Tribal Council.
- 2.2. *How Chosen and length of term.* The tenure of the officers shall be for one (1) year by election of ONCOA within thirty (30) days after the newly elected Commissioners have been sworn in by the Oneida Business Committee.
- 2.3. *Chairperson duties.*
- 2.3.1. The Chairperson shall preside at all meetings of ONCOA and maintain orderly discussions at such meetings.
- 2.3.2. The Chairperson shall be responsible for calling and developing an agenda in conjunction with the ONCOA Secretary for all meetings—regular, special and emergency.
- 2.3.3. The Chairperson shall receive, review and monitor all correspondence of ONCOA and present a quarterly report of ONCOA activities to the Oneida Business Committee.
- 2.3.4. The Chairperson shall be responsible for submitting the approved meeting

ONEIDA NATION COMMISSION ON AGING BYLAWS

minutes of ONCOA to the Oneida Business Committee Secretary.

- 2.3.5. The Chairperson shall be responsible for submitting an approved ONCOA report for the Semi-Annual and Annual Report to the Oneida General Tribal Council for inclusion in reports to the Tribal membership.
- 2.3.6. The Chairperson shall oversee the appropriate and/or required reports are submitted to agencies and other resources of funding in a timely manner.
- 2.3.7. The Chairperson shall provide monthly budget updates at duly called regular meetings.
- 2.3.8. The Chairperson shall sign all correspondence of ONCOA including stipends, letters of correspondence, reports, and commission expenses, except for any checks or authorization of the Chairperson's own stipends or expenses.
- 2.3.9. The Chairperson shall meet with the Oneida Business Committee Liaison and Elderly Services Director periodically to discuss Elder Services Activities.
- 2.3.10. Other duties as appointed by the Commission.

2.4. *Vice Chairperson Duties*

- 2.4.1. The Vice Chairperson shall perform the duties of the Chairperson in the absence or the incapacity of the Chairperson. In case of resignation or death of the Chairperson, the Vice Chairperson shall become the Chairperson for the remainder of the term or until election of officers has occurred.
- 2.4.2. The Vice Chairperson shall receive and record all donations of funds to ONCOA and submit it to the Oneida Accounting Office per the Cash Handling Policy and Procedures.
- 2.4.3. The Vice Chairperson shall have second sign-off authority on stipends and other ONCOA expenses except for any checks or authorization of the Vice Chairperson's own stipends or expenses.
- 2.4.4. Other duties as appointed by ONCOA.

2.5. *Secretary Duties*

- 2.5.1. The Secretary shall be responsible to ensure ONCOA meeting minutes are recorded and reviewed by the ONCOA Commissioners.
- 2.5.2. The Secretary shall sign, date, and file approved ONCOA minutes.

ONEIDA NATION COMMISSION ON AGING BYLAWS

- 2.5.3. The Secretary shall be responsible to coordinate, in conjunction with the Chairperson, regular, special and emergency ONCOA meetings.
- 2.5.4. The Secretary shall have sign off authority on stipends and ONCOA expenses when the Chairperson and Vice Chairperson are not available, except for any checks or authorization of the Secretary's own stipends and expenses.
- 2.5.5. The Secretary shall have the authority to call to order and preside at duly called meetings of ONCOA in the absence of the Chairperson and Vice Chairperson.
- 2.5.6. Other duties as appointed by ONCOA.

2.6. *Commissioner Duties*

- 2.6.1. Commissioners shall attend regularly scheduled ONCOA meetings and participate in discussion.
- 2.6.2. Commissioners shall attend special or emergency meetings, training and workshops approved by ONCOA unless excused.
- 2.6.3. Commissioners shall participate in advocacy efforts.
- 2.6.4. Commissioners shall take time to read ONCOA reports and minutes prior to meetings.
- 2.6.5. Other duties as appointed by ONCOA.

2.7. *Personnel*

- 2.7.1. ONCOA shall have the authority to hire personnel for the benefit of the entity, provided that such position is provided for in the annual ONCOA budget.

2.8. *Standing and Special Committees*

- 2.8.1. Standing and special committees shall be created when necessary and filled by a Commissioner of ONCOA.
- 2.8.2. A majority vote of ONCOA Commissioners present at a duly called meeting shall be required to create a special committee. When so created, such committee members shall be appointed by the Chairperson and the appointment shall be terminated upon completion of their term which ordinarily shall result in a written report to the Commission. Should a Committee be established which for whatever reason is no longer meeting a valid need or goal of the Committee it may be terminated by a majority vote of ONCOA at any time.

ONEIDA NATION COMMISSION ON AGING BYLAWS

3. Article III. Meetings

3.1. A duly called meeting is a meeting ONCOA had determined to be required for all Commissioners to attend. Such meetings shall include but not be limited to regular, special and emergency meetings; and workshops and training related to elder issues.

3.2. *Regular meetings.*

3.2.1 Regular meetings of ONCOA shall be held on the second Tuesday of each month at 1:00 p.m. Notices of meeting, location, and agenda shall be forwarded to the Oneida Business Committee Liaison and other interested parties by the Chairperson with the assistance of the Secretary. Meetings shall be run in accordance with Robert's Rules of Order.

3.3. *Emergency meetings*

3.3.1. An emergency meeting shall convene outside of regular or special meetings to address an urgent matter.

3.3.2. An emergency meeting may be called by the Chairperson or a quorum of ONCOA. The emergency causing the meeting shall be set forth in the minutes.

3.4 *Special meetings*

3.4.1. A special meeting may be called by the Chairperson, by the Vice Chairperson in absence of the Chairperson, or by a quorum of ONCOA.

3.4.2. Special meetings are to address specific issues of ONCOA and/or convene at a time outside of the regular meeting time.

3.4.3. Special meetings shall require at least a twenty-four (24) hour notice to each Commissioner.

3.5. *Quorum*

3.5.1. A quorum of ONCOA shall be required for action and shall consist of five (5) Commissioners; one (1) of which shall be the Chairperson, Vice Chairperson or Secretary.

3.6. *Order of Business*

3.6.1. Call to Order

3.6.2. Welcome and Prayer

ONEIDA NATION COMMISSION ON AGING BYLAWS

- 3.6.3. Roll Call
 - 3.6.4. Approval of Current Agenda
 - 3.6.5. Approval of previous meeting minutes (if any)
 - 3.6.6. Reports
 - 3.6.7. Tabled Business
 - 3.6.8. Old Business
 - 3.6.9. New Business
 - 3.6.10. Executive Session.
 - 3.6.11. Adjournment.
 - 3.6.12. This order may be modified or changed by the Chairperson depending on expediency and the need for each item in need of consideration.
- 3.7. *Voting.*
- 3.7.1. Decisions of ONCOA shall be based on a majority of a quorum of Commissioners present at a regular, special or emergency called meeting. The officer presiding at a meeting shall vote only in case of a tie.
- 3.8. *Closed and/or Confidential Session*
- 3.8.1. Meetings of ONCOA shall be open to the general public unless otherwise allowed under these bylaws.
 - 3.8.2. Portions of any regular, special and/or emergency meetings may be closed to address personnel issues, sensitive client issues, or community sensitive issues for the purpose of confidentiality and shall be addressed under the Executive Session portion of the agenda.
- 3.9. *Stipends*
- 3.9.1. An ONCOA Commissioner shall be eligible for a stipend for each duly called regular, special or emergency meeting in the amount of \$75.00 provided a quorum was met for at least an hour, the Commissioner attended the meeting for at least an hour, and budget has been provided for such stipends. NOTE: On November 14, 2001, the Oneida Business Committee, per the Comprehensive Policy

ONEIDA NATION COMMISSION ON AGING BYLAWS

Governing Boards, Committees and Commissions approved an exception to increase the stipend fees from \$50.00 to \$75.00 contingent upon funding.

- 3.9.2. A stipend request shall be accompanied by the meeting sign in sheet which notates the meeting start and end times and stipend request form appropriately signed by two (2) of the three (3) officers of ONCOA.
 - 3.9.3. In accordance with the Oneida Comprehensive Policy Governing Boards, Committees and Commissions, in addition to any per diem, Commissioners who are required to attend trainings and workshops in accordance with 2.6.2 shall be eligible for a stipend in the amount of \$100.00 for each full day they are present at the conference. Provided that, no payments shall be made for those days spent traveling to and from the training or workshop. This payment is contingent upon funding.
4. Article IV. Reporting
- 4.1. Format. Agenda items shall be in a format approved by ONCOA.
 - 4.1.1. Items to be on the agenda shall be provided at the meeting.
 - 4.1.2. Packets of the proposed agenda and the backup documentation shall be made available to ONCOA Commissioners. Executive session items shall be stamped confidential and returned to the Secretary after the meeting for filing and disposal.
 - 4.2. Minutes. Minutes for each meeting shall be typed and in consistent format designed to generate the most informative record of the meetings of the entity.
 - 4.3. Attachments. Handouts, reports, memoranda and the like shall 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. External Reporting
 - 4.4.1. Only the Chairperson shall report to the Oneida General Tribal Council, Oneida Business Committee and the designated Business Committee Liaison unless another Commissioner is formally delegated the responsibility to do this reporting by ONCOA.
 - 4.4.2. A quarterly report for ONCOA shall be made by the Chairperson or a designated Commissioner at a specified Oneida Business Committee meeting.
 - 4.4.3. Only a formally delegated Commissioner shall represent ONCOA when reporting to any groups of people, including internal and external meetings or gatherings.

ONEIDA NATION COMMISSION ON AGING BYLAWS

4.5. Oneida General Tribal Council

- 4.5.1. The Chairperson or a designated officer shall represent ONCOA when reporting to the Oneida General Tribal Council as required for Oneida General Tribal Council Annual and Semi-Annual meetings.

5. Article V. Educational Requirements

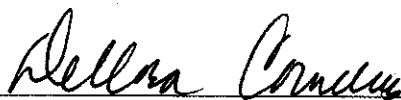
- 5.1. *Training.* Training shall be mandatory and shall be contingent on funding. Exceptions may be made for good cause shown regarding specific training events, however, alternative training shall be provided that insures that all ONCOA Commissioners are equally knowledgeable of their duties and responsibilities.

6. Article VI. Amendments

6.1. Amendments to Bylaws

- 6.1.1. ONCOA shall adopt, amend or repeal any provisions of these bylaws at a duly called regular meeting by a majority vote, provided that the proposed amendments have been submitted in writing at a regular meeting of ONCOA. Amendments are effective immediately upon adoption by ONCOA with subsequent approval of the Legislative Operating Committee and the Oneida Business Committee.
- 6.1.2. ONCOA shall conduct a review of these bylaws to determine that they remain current, as needed.

These bylaws, as amended and revised are hereby attested to as adopted by the Oneida Nation Commission on Aging at a duly called meeting on the 26th day of June, 2012 by the Chairperson of the Oneida Nation Commission on Aging's signature.



DELLORA CORNELIUS, CHAIRPERSON
ONEIDA NATION COMMISSION ON AGING

and approved by the Oneida Business Committee at a duly called meeting held on the 11th day of July, 2012 by the Secretary of the Oneida Business Committee's signature.



PATRICIA NINHAM HOEFT, SECRETARY
ONEIDA BUSINESS COMMITTEE



Legislative Operating Committee
October 2, 2019

Oneida Land Commission Bylaws Amendments

Submission Date: 9/6/17	Public Meeting: n/a
LOC Sponsor: David P. Jordan	Emergency Enacted: n/a Expires: n/a

Summary: *Last term the Oneida Land Commission requested amendments to its bylaws to allow for the transfer of its hearing authority to the Judiciary. 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 Jennifer Webster to add Oneida Land Commission By-Laws Amendments to the active files list with David P. Jordan as the sponsor; Seconded by Daniel Guzman King. Motion carried.

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.

9/26/18 OBC: Motion by Lisa Summers to adopt resolution BC-09-26-18-C 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 (OBCSO), 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 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 & Pow-wow), 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 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 second of the two informational meetings.

1/31/19: *LOC Work Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, David P. Jordan, Daniel Guzman-King, Kirby Metoxen, Jennifer Webster. The purpose of this meeting was to discuss the progress, in general, of the Nation’s boards, committees and commissions on getting their bylaws amended and their likelihood of meeting the March 26, 2019 deadline set forth in resolution BC-09-26-18-C to present their bylaws to the Oneida Business Committee for adoption. Based on the discussion, a decision was made to have the LOC draft a memorandum to the Oneida Business Committee seeking an extension of the March 26, 2019 deadline for all boards, committees and commissions to present their bylaws amendments to the Oneida Business Committee for adoption.

2/6/19 LOC: Motion by Jennifer Webster to approve the memorandum from Chairman David P. Jordan to the Oneida Business Committee seeking an extension of the March 26, 2019 bylaws amendments deadline and to forward the memorandum to the Oneida Business

Committee to be placed on the February 13, 2019 Oneida Business Committee meeting agenda for consideration; Seconded by Kirby Metoxen. Motion carried.

2/22/19:

OBC Work Session. Present: Jennifer Falck, Kristen M. Hooker, Lisa Summers, Daniel Guzman-King, Jennifer Webster, Tehassi Hill, Brandon Stevens, Trish King, David P. Jordan, Kirby Metoxen. The purpose of this meeting was to discuss the February 13, 2019 memo from the LOC Chairman to the OBC regarding Amendments to Boards, Committees and Commissions By-Laws Timeline in which it requested an extension of the deadline for submitting bylaws to the OBC for adoption. During the meeting, the LRO Staff Attorney assigned this item provided a status update on the progress of the boards, committees and commissions on the amending of their bylaws to comply with the Boards, Committees and Commissions law within the six (6) month deadline imposed by resolution BC-09-26-18-C. The OBC decided not to grant an extension of the six (6) month deadline. Instead, the OBC directed the LRO to continue pushing the bylaws forward and to return to the March 19, 2019 OBC work session to provide a progress report on the boards, committees and commissions' bylaws amendments.

3/14/19:

LOC Work Meeting. Present: Kirby Metoxen, David P. Jordan, Jennifer Webster, Ernest Stevens III, Lisa Summers, Kristen M. Hooker, Clorissa Santiago, Jennifer Falck, Maureen Perkins. The purpose of this work meeting was to discuss the portion of the 3/13/19 OBC Meeting relating the bylaws amendments that were on the agenda and OBC's directive to now have all bylaws amendments reviewed by the OBC during a work session before being added to an OBC Meeting agenda for consideration and possible adoption. The next step is for the LRO drafting attorney to attend the OBC work session on March 19, 2019 to discuss further.

3/19/19:

OBC Work Session. Present: Lisa Summers, Patricia King, Brandon Stevens, David P. Jordan, Daniel Guzman-King, Jo Anne House, Jennifer Falck, Clorissa Santiago, Kristen M. Hooker, Lisa Liggins, Cathy Bachhuber. The purpose of this OBC work session was for the Legislative Reference Office Staff Attorney to provide the OBC with a status update on the progress made by the boards, committees and commissions on the amending of their bylaws to conform to the Boards, Committees and Commissions law. Based on the update and the discussion that followed, the OBC: (1) decided to grant an exception to the March 26, 2019 deadline set forth in resolution BC-09-26-19-C for the Nation's boards, committees and commissions to present their bylaws to the OBC for adoption; and (2) directed the LRO to draft a memo for the next LOC meeting to be forwarded to the OBC indicating the same.

**During its subsequent review of the Oneida Gaming Commission's proposed bylaws amendments, the OBC decided to add the following requirements to all of the boards, committees and commissions' bylaws amendments: (1) that, the recommendations for termination be by a majority vote of the members in attendance at a meeting of the entity's established quorum; (2) that, notice of meetings be provided to all members of the entity without exception (per request of LOC that all meetings be duly called); (3) that, the sign-off level for all entities, not assigned a specific level therein, be the same as the Area Director/Enterprise Director level set forth in the Nation's purchasing manual, and that, two (2) of the entity's Officers be required to sign-off on all*

such purchases; (4) that, under the “Selection of Officers” section, a provision be added (as its own separate subsection) to allow members to be dismissed (not removed as initially proposed) from their Officer positions by a simple majority vote of the entity; (5) that, the entities review their bylaws each time a vacancy is filled by a new member; (6) that, stipend amounts not be listed in the entity’s bylaws; and (7) that, assuming its adoption, the resolution governing joint meetings be referenced in the joint meeting section of the entity’s bylaws.

3/20/19 LOC: Motion by Ernest Stevens III to approve the Boards, Committees and Commissions Bylaws Update Memo and forward to the Oneida Business Committee; Seconded by Daniel Guzman-King. Motion carried.

3/27/19 OBC: Motion by Lisa Summers to grant the seventeen (17) entities that have begun the process of amending their bylaws to conform to the Boards, Committees and Commissions law, an exception to the March 26, 2019, deadline set forth in resolution BC-09-26-18-C for presenting bylaws amendments to the Business Committee for adoption; Seconded by David P. Jordan. Motion carried.

4/16/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jo Anne House, Lisa Liggins, Kristen M. Hooker, Clorissa Santiago. The purpose of this OBC work session was to review the Election Board’s bylaws amendments. During this meeting, the OBC also decided that all boards, committees and commissions must add the word “titled” next to the name of the purchasing manual they are required to reference in the “sign-off” section of their bylaws to provide clarification on why the term “Oneida Tribe of Indians” is being used instead of the “Nation”.

5/1/19: *LOC Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Kristen M. Hooker, Brandon Wisneski, Jennifer Falck, Clorissa Santiago, Maureen Perkins. The purpose of this meeting was to discuss some of the hurdles the LRO has encountered under the current bylaws amendments process and to consider whether a more efficient process should be implemented to get the Nation’s boards, committees and commissions’ bylaws amendments before the Oneida Business Committee for adoption.

7/29/19-7/30/19: *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens (7/29 only), Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Tehassi Hill (7/29 only), Kristen Hooker, Jennifer Falck, Maureen Perkins, Brooke Doxtator, Laura Laitinen-Warren. The purpose of this work session was to provide the OBC an opportunity to review and consider all drafts of the Boards, Committees and Commissions’ bylaws amendments in advance of being added to the OBC agenda for formal consideration and possible adoption.

Next Steps:

- Accept the Oneida Land Commission’s Bylaws Amendments.
- Forward the Oneida Land Commission’s Bylaws Amendments to the Oneida Business Committee for consideration.

ONEIDA LAND COMMISSION BYLAWS

- 1
- 2 **Article I. Authority**
- 3 1-1. *Name.* The name of this entity shall be the Oneida Land Commission, hereinafter
- 4 referred to as the “Commission.”
- 5 1-2. *Establishment.* The Commission, originally named the Land Committee, was established
- 6 by the Oneida General Tribal Council on February 28, 1941, through
- 7 adoption of Ordinance No. 1 - Lands, and reestablished as the Oneida Land
- 8 Commission within the Real Property law that was adopted by the Oneida
- 9 Business Committee through resolution BC-5-29-96-A and amended from
- 10 time-to-time thereafter.
- 11 1-3. *Authority.* The Commission was established for the purpose of managing the Nation’s
- 12 land resources, with authority to carry out the all powers and duties as
- 13 delegated under the following laws of the Nation:
- 14 (a) The Real Property law;
- 15 (b) The Leasing law;
- 16 (c) The Building Code;
- 17 (d) The Condominium Ordinance;
- 18 (e) The Zoning and Shoreland Protection law;
- 19 (f) The Eviction and Termination law;
- 20 (g) The Landlord-Tenant law;
- 21 (h) The Mortgage and Foreclosure law;
- 22 (i) The Cemetery Law; and
- 23 (j) All any other delegating law, policy, rule and/or resolution of the Nation.
- 24
- 25 1-4. *Office.* The official mailing address of the Commission shall be:
- 26 Oneida Land Commission
- 27 P.O. Box 365
- 28 Oneida, Wisconsin 54155
- 29
- 30 1-5. *Membership.*
- 31 (a) *Number of Members.* The Commission shall consist of seven (7)
- 32 Commissioners.
- 33 (b) *Elected.* Commissioners shall be elected in accordance with the Nation’s
- 34 election laws and/or policies for three (3) year staggered terms with expiring
- 35 positions elected every year.
- 36 (1) Commissioners shall hold office until their term expires, they resign,
- 37 or they are removed/terminated from office.
- 38 (A) Although a Commissioner’s term has expired, he or she shall
- 39 remain in office and serve until a successor has been sworn
- 40 in by the Oneida Business Committee.

- 41 (B) A Commissioner may resign at any time verbally at a
 42 meeting or by delivering written notice to the Oneida
 43 Business Committee Support Office and the Commission
 44 Chairperson or Chairperson's designee.
 45 (i) The resignation is deemed effective upon acceptance
 46 by Commission motion of a Commissioner's verbal
 47 resignation or upon delivery of the written notices.
- 48 (c) *Vacancies.* Vacancies on the Commission shall be filled as follows:
 49 (1) *Expired Terms.* Vacancies caused by the expiration of a
 50 Commissioner's term shall be filled by election in accordance with
 51 the laws and/or policies of the Nation governing elections.
 52 (2) *Unexpired Terms.* Vacancies in unexpired terms shall be filled by
 53 appointment by the Oneida Business Committee pursuant to the
 54 Boards, Committees and Commissions law for the remainder of the
 55 unexpired term.
 56 (A) The Chairperson of the Commission may provide the Oneida
 57 Business Committee recommendations on applications for
 58 appointment by the executive session in which the
 59 appointment is intended to be made.
- 60 (d) *Qualifications of Commissioners.* To qualify for membership on the
 61 Commission, a person shall:
 62 (1) Be a member of the Oneida Tribe;
 63 (2) Be a resident of Brown or Outagamie County;
 64 (3) Be at least eighteen (18) years of age or older; and
 65 (4) Not be employed within the Nation's Audit Department, Finance
 66 Department or Law Office; as a Division Director or Area Manager
 67 for the Nation; or as an independent contractor for Land
 68 Management.
 69
- 70 1-6. *Termination or Removal.* A Commissioner found to be in violation of these bylaws, or any
 71 other governing laws of the Nation, may be subject to the following:
 72 (a) If the Commissioner was elected, the Commission's filing of a petition for
 73 his or her removal pursuant to the Removal law and/or any other law of the
 74 Nation governing the removal of elected officials.
 75 (b) If the Commissioner was appointed, the Commission's recommendation to
 76 the Oneida Business Committee for the termination of his or her
 77 appointment pursuant to the Boards, Committees and Commissions law and
 78 /or any other law of the Nation governing the termination of appointed
 79 officials.
 80 (c) The filing of a petition for removal or submission of a recommendation for
 81 termination shall be decided by a majority vote of the Commissioners in
 82 attendance at a Commission meeting of an established quorum.

- 83
84 1-7. *Trainings and Conferences.* Each Commissioner shall attend, on an annual basis,
85 mandatory trainings/conferences on topics such as: land management; real
86 property; zoning; federal, state and/or Tribal real estate/property laws; land
87 use, development and acquisition; and Robert's Rules of Order.
88 (a) Regardless of the number of trainings/conferences that he or she is required
89 to attend, no Commissioner shall be eligible to receive stipends for
90 attending more than five (5) full days of mandatory trainings/conferences
91 per year.
92

93 **Article II. Officers**

- 94 2-1. *Officers.* The Officers of the Commission shall consist of a Chairperson, a Vice-
95 Chairperson and a Secretary.
96
- 97 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the
98 Chairperson shall be as follows:
99 (a) To call and preside over all meetings of the Commission and provide notice
100 of emergency meetings in accordance with these bylaws and the Nation's
101 Open Records and Open Meetings law;
102 (b) To, personally or through a designee, submit quarterly reports to the Oneida
103 Business Committee and annual/semi-annual reports to the Oneida General
104 Tribal Council in accordance with the Boards, Committees and
105 Commissions law; and
106 (c) To attend, or designate a Commissioner to attend, the Oneida Business
107 Committee meeting where the Commission's quarterly report appears on
108 the agenda.
109
- 110 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the
111 Vice-Chairperson shall be as follows:
112 (a) To preside over all meetings in the absence of the Chairperson.
113
- 114 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the
115 Secretary shall be as follows:
116 (a) To be responsible for keeping/taking the official minutes of all Commission
117 meetings, audio recording all meetings, submitting copies of the minutes to
118 the Oneida Business Committee Support Office in accordance with the
119 Boards, Committees and Commissions law; and making minutes available
120 to all Commissioners, as well as the public, per the requirements of these
121 bylaws and the Nation's Open Records and Open Meetings law; and
122 (b) In the event that both the Chairperson and Vice-Chairperson positions
123 become vacant before the end of their terms, to call meetings of the
124 Commission to fill the vacancies and to preside over those meetings for the

- 125 sole purpose of selecting new Officers, at which point the Chairperson, or
 126 Vice-Chairperson in the absence of the Chairperson, shall preside.
 127
- 128 2-5. *Selection of Officers.* The Commission shall select its Officers by majority vote at the first
 129 regular meeting of an established quorum following the newly elected
 130 Commissioners being sworn in.
- 131 (a) Officers shall serve one (1) year terms and shall only hold one (1) Officer
 132 position per Officer term.
- 133 (1) If a vacancy occurs in an Officer position, the Commission shall
 134 make a replacement appointment at the first regular meeting
 135 following the vacancy, to serve the remainder of the vacated
 136 Officer's term.
- 137 (b) Commissioners may be dismissed from their Officer positions by majority
 138 vote of the Commissioners in attendance at a meeting of an established
 139 quorum.
 140
- 141 2-6. *Subcommittees.* Subcommittees of the Commission may be created and dissolved by the
 142 Commission as it deems necessary so long as in accordance with the Boards,
 143 Committees and Commissions law.
- 144 (a) Members of a subcommittee created by the Commission shall not be eligible
 145 for stipends unless a specific exception is made by the Oneida Business
 146 Committee or the Oneida General Tribal Council.
 147
- 148 2-7. *Budgetary Sign-Off Authority and Travel.* The Commission shall follow the Nation's
 149 policies and procedures regarding purchasing and sign-off authority.
- 150 (a) Levels of budgetary sign-off authority for the Commission shall be as set
 151 forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing*
 152 *Policies and Procedures*, for Area Directors/Enterprise Directors.
- 153 (1) All Officers of the Commission have sign-off authority and two (2)
 154 Officers shall be required to sign-off on all budgetary requests,
 155 except as follows:
- 156 (A) The Oneida Business Committee Support Office shall have
 157 sign-off authority over requests for stipends, travel per diem
 158 and business expense reimbursement.
- 159 (b) The Commission shall approve a Commissioner's request to travel on its
 160 behalf by a majority vote of the Commissioners in attendance at a regular
 161 or emergency meeting of an established quorum.
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- 163 2-8. *Personnel.* The Oneida Land Commission does not have authority to hire personnel for
 164 the benefit of the entity.
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Article III. Meetings

3-1. *Regular Meetings.* The Commission shall meet the second and fourth Monday of every month, commencing at 5:00 p.m., in the Little Bear Conference Room located at N7332 Water Circle Place in Oneida, Wisconsin. The time and place for the meetings shall be established by the Commission.

- (a) The second Monday of each month shall be devoted to leasing, departmental issues and concerns, and other comments and concerns pertaining to land issues. The fourth Monday of each month shall be devoted to the acquisition of land and consideration of purchase proposals and other comments and concerns pertaining to land issues.
- (b) The Commission may change its regular meeting date, time and location from time-to-time as it determines necessary by majority vote of the Commissioners in attendance at a meeting of an established quorum so long as notice is given to all Commissioners in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.
- (c) Notice of meeting location, agenda, minutes and materials shall be provided by the Oneida Business Committee Support Office to all Commissioner in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law.
- (d) Cancelled meeting process shall follow the Standard Operating Procedures established between the Land Commission and the appropriate administrative support.

3-2. *Emergency Meetings.* An emergency meeting may be called when a timely decision related to any of the Commission's powers or duties is needed before the next regularly scheduled Commission meeting that if not made in a timely manner may be detrimental to the membership or the Nation.

- (a) Emergency meetings may be called by the Chairperson or by three (3) Commissioners at any time.
- (b) The Chairperson or Chairperson's designee shall provide at least twenty-four (24) hours advance notice of the emergency meeting to all Commissioners in writing and by telephone call, stating the specific purpose for the meeting, and, along with the public, shall further provide them with notice in accordance with the Open Records and Open Meetings law.
- (c) Within seventy-two (72) hours of an emergency meeting, the Commission shall provide the Nation's Secretary with the notice of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular meeting.

Proposed Draft

- 208 3-3. *Joint Meetings.* Joint meetings between the Commission and the Oneida Business
 209 Committee shall be held as agreed upon between the parties at the Norbert
 210 Hill Center located in Oneida, Wisconsin.
- 211 (a) Notice of the joint meeting agendas, documents and minutes shall be
 212 provided, and the joint meetings conducted, in accordance with resolution
 213 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with
 214 the Boards, Committees and Commissions – Definitions and Impact, as may
 215 be amended from time-to-time hereafter.
 216
- 217 3-4. *Quorum.* A quorum is required to conduct business on behalf of the Commission and
 218 shall consist of no less than four (4) Commissioners, one (1) of which shall
 219 include the Chairperson, Vice-Chairperson or Secretary; provided, the
 220 Secretary is presiding over the meeting in accordance with section 2-4(b) of
 221 these bylaws.
 222
- 223 3-5. *Order of Business.* The order of business, so far as applicable, shall be:
- 224 (a) Call to order
 225 (b) Adoption of Agenda
 226 (c) Reading of Minutes
 227 (d) Old Business
 228 (e) New Business
 229 (f) Reports
 230 (g) Other Business
 231 (h) Executive Session
 232 (i) Adjournment
 233
- 234 3-6. *Voting.* Decisions shall be by majority vote of the Commissioners in attendance at
 235 a meeting of an established quorum, with each Commissioner having one
 236 (1) vote.
- 237 (a) The Chairperson or presiding Officer shall not vote except to resolve a tie.
 238 (b) E-polls may be conducted in accordance with the Boards, Committees and
 239 Commissions law so long as the item subject to the e-poll had previously
 240 been on a meeting agenda.
- 241 (1) The Vice-Chairperson, in the absence or discretion of the Chair-
 242 person, shall be responsible for conducting e-polls.
 243

Article IV. Expectations

- 244 4-1. *Behavior of Commissioners.* Commissioners are expected to:
- 245 (a) Uphold the laws, regulations, policies of the Nation, and any memorandums
 246 of agreement between the Oneida Business Committee and the
 247 Commission;
 248

- 249 (b) Perform their duties to the best of their ability with honor, respect, dignity,
250 and sincerity;
- 251 (c) Behave in a manner that promotes the highest ethical and moral standard
252 and be knowledgeable about, and conform to the Code of Ethics;
- 253 (d) Maintain confidential information with the strictest confidentiality;
- 254 (e) Ensure that all decisions and recommendations are made in the best interest
255 of the Oneida Nation as a whole; and
- 256 (f) Attend all regularly scheduled Commission meetings.
- 257 (1) Unless medically incapacitated, four (4) unexcused absences from
258 regularly scheduled meetings of the Commission within a one (1)
259 year period may be grounds for removal/termination or disciplinary
260 action hereunder.
- 261 (A) An absence shall be deemed unexcused if a Commissioner
262 fails to provide an Officer with written notice of his or her
263 pending absence at least thirty (30) minutes prior the missed
264 meeting.
- 265 (2) Failure to attend fifty percent (50%) of the Commission's regular
266 scheduled meetings within a twelve (12) month period for any
267 reason may be grounds for removal/termination or disciplinary
268 action hereunder.
- 269 (g) *Enforcement.* Any Commissioner found to be in violation of this or any
270 section of these bylaws may be subject to the following:
- 271 (1) Sanctions and penalties in accordance with any laws or policies of
272 the Nation governing sanctions and/or penalties for officials.
- 273 (2) If the Commissioner was elected, the Commission's filing of a
274 petition for his or her removal pursuant to the Removal law and/or
275 any other laws or policies of the Nation governing the removal of
276 elected officials.
- 277 (3) If the Commissioner was appointed, the Commission's
278 recommendation to the Oneida Business Committee for termination
279 of his or her appointment pursuant to the Boards, Committees and
280 Commissions law and/or any other laws or policies of the Nation
281 governing the termination of appointed officials.
- 282 (A) The filing of a petition for removal or recommendation for
283 termination shall be decided by a majority vote of the
284 Commissioners in attendance at a meeting of an established
285 quorum.
- 286
- 287 4-2. *Prohibition of Violence.* Commissioners are strictly prohibited from committing
288 intentionally violent acts that inflict, attempt to inflict, or threaten to inflict
289 emotional or bodily harm on another person, or damage to personal
290 property.

Proposed Draft

- 291 4-3. *Drug and Alcohol Use.* The use of alcohol and illegal drugs by a Commissioner while
 292 performing official responsibilities on behalf of the Commission is strictly
 293 forbidden.
 294
- 295 4-4. *Social Media.* Commissioners shall adhere to the Oneida Nation’s Social Media Policy
 296 and their oath of office when using social media while acting on behalf of
 297 or as a representative of the Commission.
 298
- 299 4-5. *Conflict of Interest.* Commissioners shall abide by all laws of the Nation governing
 300 conflicts of interest.
 301 (a) Commissioners shall be knowledgeable about and conform to the Conflict
 302 of Interest law.
 303

304 **Article V. Stipends and Compensation**

- 305 5-1. *Stipends.* Commissioners shall be eligible for the following stipends as set forth in
 306 and subject to these bylaws; the Boards, Committees and Commissions law;
 307 and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-
 308 D Boards, Committees and Commissions Law Stipends, as may be further
 309 amended from time-to-time hereafter:
 310 (a) Two (2) meeting stipends per month, provided that:
 311 (1) A quorum was established;
 312 (2) The meeting of the established quorum lasted for at least one (1)
 313 hour; and
 314 (3) The Commissioner collecting the stipend was physically present for
 315 the entire meeting.
 316 (b) A stipend for attending a conference or training, provided that:
 317 (1) The Commissioner attended a full day of training or was present at
 318 the conference for a full day; and
 319 (2) The Commissioner’s attendance at the conference or training was
 320 required by law, bylaws or resolution.
 321 (c) A stipend for attending a Judiciary hearing so long as the attendance was
 322 required by official subpoena.
 323 (d) A stipend for attending a duly called joint meeting between the Commission
 324 and the Oneida Business Committee, provided that:
 325 (1) A quorum was established by the Commission;
 326 (2) The joint meeting lasted for at least one (1) hour; and
 327 (3) The Commissioner collecting the stipend was physically present for
 328 the entire joint meeting.
 329 (e) A stipend for attending an official hearing of the Commission.
 330 (1) Commissioners shall rotate their attendance at official hearings of
 331 the Commission that are mandated by the Nation’s governing laws.

Proposed Draft

332 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized
 333 by the Boards, Committees and Commissions law, Commissioners shall not
 334 be eligible for any other form of compensation for duties/activities they
 335 perform on behalf of the Commission.
 336

337 **Article VI. Records and Reporting**

338 6-1. *Agenda Items.* Agenda items shall be maintained in a format developed by the Oneida
 339 Business Committee Support Office.

- 340 (a) Each agenda item must include an agenda request form with all necessary
 341 documentation for that item.
- 342 (b) Each agenda item must have a sponsor with the Oneida Business Committee
 343 Support Office serving as the default sponsor.
- 344 (c) All internal agenda requests must be signed by the appropriate Division
 345 Director and have a representative present at the meeting.
- 346 (d) Items to be on the agenda shall be provided at least twenty-four (24) hours
 347 before the meeting.
 348 (1) Items provided less than twenty-four (24) hours before the meeting
 349 shall not be accepted, unless approved by a majority vote of the
 350 Commissioners in attendance at a meeting of an established quorum.
- 351 (e) Executive Session items shall only be provided to the Commissioners and
 352 must be marked as confidential.
- 353 (f) Revised agenda packets will be created and kept in a shared file. A revised
 354 agenda packet shall be created anytime there are additional items added to
 355 the agenda.

357 6-2. *Minutes.* Minutes shall be prepared in a format created by the Oneida Business
 358 Committee Support Office to generate the most informative record of the
 359 meeting.

- 360 (a) Minutes shall contain, verbatim, the motions made during the meeting and
 361 a summary of the action taken at the meeting if needed to complete the
 362 record.
- 363 (b) Meeting minutes may contain case numbers or redacted information when
 364 necessary to protect personal or other confidential matters in compliance
 365 with the Open Records and Open Meetings law.
- 366 (c) Copies of the Commission's meeting minutes shall be provided to the
 367 Oneida Business Committee Support Office within thirty (30) days of the
 368 meeting.
 369

370 6-3. *Attachments.* All handouts, reports, memorandum and the like shall be labeled
 371 appropriately; attached to the meeting minutes and agenda in which they
 372 were presented; and maintained in a shared file with the Oneida Business
 373 Committee Support Office.

374
 375 6-4. *Oneida Business Committee Liaison.* The Commission shall regularly communicate with
 376 the member of the Oneida Business Committee who is its designated
 377 liaison.

378 (a) The frequency and method of communication shall be as agreed upon by
 379 the Commission and the liaison, but not less than that required in any law
 380 or policy on reporting developed by the Oneida Business Committee or the
 381 Oneida General Tribal Council.
 382

383 6-5. *Audio Recordings.* All open session portions of meetings shall be audio recorded by the
 384 Secretary or Secretary's designee with a device provided or approved by the
 385 Oneida Business Committee Support Office and sent to the Oneida Business
 386 Committee Support Office to maintain in accordance with the Nation's
 387 Open Records and Open Meetings law.

388 (a) *Exception.* Audio recordings of executive session portions of a Commission
 389 meeting shall not be recorded.
 390

391 **Article VII. Amendments**

392 7-1. *Amendments.* Upon written notice, the Commission may propose amendments to these
 393 bylaws for consideration at any regular meeting.

394 (a) The Commission may only adopt amendments revising, adding to or
 395 repealing any or all of the foregoing bylaws at a subsequent meeting.

396 (1) Any amendments to these bylaws shall conform to the requirements
 397 of the Boards, Committees and Commissions law and any other
 398 policy of the Nation.

399 (2) Such amendments shall thereafter be submitted for review by the
 400 Legislative Operating Committee and final approval by the Oneida
 401 Business Committee before implementation.

402 (b) The Commission shall review these bylaws at the first meeting following
 403 the election of Officers the Commission, but no less than on an annual basis.
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Oneida Land 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 Tribal 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 [1 O.C. 105.10].		
Intent of the Bylaws	The Oneida Land Commission (OLC) bylaws provide a framework for the operation and management of OLC to govern the standard procedures regarding the way the commission conducts its affairs, including: the election and appointment of persons to OLC, 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 OLC was established to manage the Nation's land resources with authority to carry out all powers and duties as delegated under the laws of the Nation [Proposed Bylaws 1-3].		
Related Legislation	Oneida Nation Constitution, Land Ordinance NO. 1 – Lands, Real Property law, Leasing law, Building Code, Condominium Ordinance, Zoning and Shoreline Protection Ordinance, Administrative Procedures Act, Eviction and Termination law, Landlord-Tenant law, Mortgage and Foreclosure law, Boards, Committees and Commissions law, Election law, Removal Law, Code of Ethics law, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	Removal from an elected position on OLC follows the Removal Law [1 O.C. 104] and termination from an appointed position on OLC follows the Boards, Committees and Commissions law [1 O.C. 105.7-4]. OLC included an enforcement mechanism that dictates that violation of the bylaws may result in sanctions and/or penalties, removal proceedings or termination of appointment [Proposed Bylaws 4-1(g)].		
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. OLC bylaws amendments were added to the Active Files List on September 6, 2017, with David P.
 3 Jordan as the sponsor.

- 4 B. By the authority of the General Tribal Council, the Land Commission was established February 28,
5 1941, in section 3 of Ordinance No. 1, Lands. OLC is re-recognized and re-created under the Real
6 Property Law [6 O.C. 601] with the adoption of Resolution BC-05-29-96-A and most currently
7 amended by Resolution BC-05-09-18-A. The current bylaws were approved on December 10, 2008,
8 by the OBC.
9

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

- 11 A. The proposed bylaws comply with the Boards, Committees and Commissions law.
12 B. The proposed bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-
13 09-26-18-D Boards, Committees and Commissions Law Stipends” which details the types, specific
14 dollar amounts and eligibility requirements of stipends.
15 C. The proposed bylaws comply with OBC Resolution BC-03-27-19-D titled “Oneida Business
16 Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.
17

18 SECTION 4. AMENDMENTS

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

20 A. ARTICLE I. AUTHORITY

- 21 a. The vacancy section was changed requiring an OLC member whose term has ended to
22 remain in their position until their replacement is sworn in by the OBC [*Proposed Bylaws*
23 *1-5(b)(1)(A)*] which is optional under the Boards, Committees and Commissions law [*1*
24 *O.C. 105.6-2(a)(1)*].
25 b. A provision was added giving the Chairperson the option to make recommendations on
26 applications for appointment to fill vacancies on behalf of the OLC to the OBC prior to the
27 executive session where the appointment is made [*Proposed Bylaws 1-5(c)(2)(A)*] which
28 is optional under the Boards, Committees and Commissions law [*1 O.C. 105.7-1(b)*].
29 c. The resignation process has changed in accordance with the Boards, Committees and
30 Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted:
31
 - Verbally and accepted by motion at a meeting; or
 - By delivering a written resignation to the Business Committee Support Office
32 (BCSO) and OLC Chairperson or Chairperson’s designee [*Proposed Bylaws*
33 *1-5(b)(1)(B)*].
34 d. The following qualifications were changed in the bylaws [*Proposed Bylaws 1-5(d)(4)*]:
35
 - The restriction that OLC members not be employed within the Nation’s Audit
36 Department, Finance Department or Law Office; as a Division Director or
37 Area Manager for the Nation; or as an independent contractor for Land
38 Management.
 - The restriction that OLC members not be employed by Land Management was
39 removed [*Current Bylaws 1-4(b)(3)*].
40 e. A process for submitting a recommendation to the OBC to consider terminating an
41 appointment in accordance with the Boards, Committees and Commissions law was added
42 to the bylaws for members who were appointed by the OBC [*Proposed Bylaws 1-6(b)*].
43 f. A provision was added that the filing of a petition for removal or submission of a
44 recommendation for termination of appointment for the OBC to consider must be decided
45 by a majority vote of Commissioners in attendance at a Commission meeting of an
46 established quorum [*Proposed Bylaws 1-6(c)*].
47 g. A Trainings and Conferences section was added that details the types of trainings and
48 conferences OLC members are required to attend. Regardless of required trainings or
49 conferences, each member of the OLC will only receive a training stipend for up to five
50 (5) full days of mandatory training per year [*Proposed Bylaws 1-7*].
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54 **B. ARTICLE II. OFFICERS**

- 55 a. The Chairperson, or OLC member designee, is now required to attend the OBC meeting
56 when the OLC quarterly report is on the agenda [*Proposed Bylaws 2-2(c)*].
- 57 b. If the Chairperson and the Vice-Chairperson both become vacant before the end of their
58 terms, the Secretary is now required to call meetings of the OLC and preside over those
59 meetings until a Chairperson and Vice-Chairperson are selected after which point the
60 Chairperson or Vice-Chairperson in the Chairperson's absence, shall preside [*Proposed*
61 *Bylaws 2-4(b)*]. In this case the Secretary may create a quorum [*Proposed Bylaws 3-4*].
- 62 c. Subcommittees must follow the Boards, Committees and Commissions law and OLC
63 members of subcommittees are not eligible for stipends unless a specific exception is made
64 by the OBC or the General Tribal Council [*Proposed Bylaws 2-6*] in accordance with the
65 Boards, Committees and Commissions law [*1 O.C. 105.13-10*].
- 66 d. The Budgetary and Sign-Off Authority and Travel section is new to these bylaws based on
67 requirements in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)*].
- 68 • OLC will use levels for budgetary sign-off authority that are as set forth in the
69 Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures
70 Manuel for Area Directors/Enterprise Directors. The BCSO will have sign-off
71 authority over requests for stipends, travel per diems and business expense
72 reimbursement [*Proposed Bylaws 2-7(a)(1)(A)*]. All OLC Officers shall have
73 sign-off authority and two (2) Officers must sign-off on budgetary requests
74 [*Proposed Bylaws 2-7*].
 - 75 i. Although not applicable to the OLC; the OLC will follow the
76 budgetary sign-off levels dictated by the Oneida Tribe of
77 Indians of Wisconsin Purchasing Policies and Procedures
78 Manuel for Area Directors/Enterprise Directors, page 217
79 which includes the following levels of sign-off authority:
 - 80 1. Budgeted items with three bids for items between
81 \$3,000 and \$10,000.
 - 82 2. Unbudgeted items between \$1,000 and \$5,000.
 - 83 3. Budgeted but sole source items between \$1,000 and
84 \$5,000.
 - 85 • All travel must be authorized by two (2) Officers in accordance with the Travel
86 and Expense Policy [*2 O.C. 219.4-2*]. All travel must be approved through
87 majority vote of a quorum of OLC in attendance at a regular or emergency
88 OLC meeting [*Proposed Bylaws 2-7(b)*] in accordance with the Boards,
89 Committees and Commissions law [*1 O.C. 105.10-3(b)(6)(B)*].

91 **C. ARTICLE III. MEETINGS**

Meetings in Current Bylaws [Article III]	Meetings in Proposed Bylaws Amendments [Article III]
<u>Regular Meetings</u> <ul style="list-style-type: none"> • Regularly Scheduled – Once Monthly <ul style="list-style-type: none"> ○ Leasing, departmental issues and concerns, and other land issues 	<u>Regular Meetings</u> <ul style="list-style-type: none"> • Regularly Scheduled – Twice Monthly <ul style="list-style-type: none"> ○ Second Monday of the month devoted to leasing, departmental issues and concerns and land issues. ○ Fourth Monday of the month devoted to the acquisition of land and consideration of purchase proposals.
<u>Land Acquisition Meetings</u> <ul style="list-style-type: none"> • Once Monthly <ul style="list-style-type: none"> ○ Acquisition of land and consideration of purchasing proposals 	
<u>Special Meetings</u> <ul style="list-style-type: none"> • Called by Chairperson or four (4) Commissioners with twenty-four (24) hour notice. 	<u>Special Meetings</u> <ul style="list-style-type: none"> • Removed.
	<u>Emergency Meetings</u> <ul style="list-style-type: none"> • Added. Twenty-four (24) hour notice in writing by Official email and by telephone call. • Called by Chairperson or three (3) Commissioners.
	<u>Joint Meetings</u> <ul style="list-style-type: none"> • Added. As Needed Per Approval of OBC.

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- a. Special meetings were removed [*Current Bylaws 3-1(c)*].
- b. Emergency meetings were added with a requirement of twenty-four (24) hour advance notice in writing by Official email and by telephone communication [*Proposed Bylaws 3-2(b)*].
- c. A provision was added per the Boards, Committees and Commissions law that the OLC will notify the Nation’s Secretary within seventy-two (72) hours of holding an emergency meeting 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 [*Proposed Bylaws 3-2(c)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(2)(A)*].

d. The bylaws contain joint meetings with the OBC [*Proposed Bylaws 3-3*] on an as needed basis, with the approval of the OBC in compliance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(3)*]. Joint meetings will be held in the OBC conference room. The meeting notice, agenda documents and minutes for joint meetings will be provided and the joint meetings will be conducted in accordance with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.

The agenda will be agreed upon by the OLC Chairperson upon OLC approval and the OBC liaison with OBC approval;

The BCSO will provide all parties the agenda, meeting packet and meeting notes;

No action will take place at the joint meeting; and if it is agreed that further action is needed, either the OBC or the OLC, or both, will take the issue back to their respective meetings for action through the OBC liaison to the OBC or the Chairperson of the OLC;

The Chairperson of the OLC will facilitate the meeting;

Formal motions to call the meeting to order, take action or adjourn are unnecessary; and

Actions will be requested by consensus of both bodies.

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- e. E-polls were added as an acceptable form of voting and will be conducted by the Chairperson or the Vice-Chairperson when the Chairperson is absent or discretion in accordance with the Boards, Committees and Commissions law [*Proposed Bylaws 3-6(b)*] and [*1 O.C. 105.10-3(c)(6)(C) and (D)*] and [*1 O.C. 105.11*].

D. ARTICLE IV. EXPECTATIONS

109 This section is new to these bylaws based on the requirements established in the Boards, Committees
110 and Commissions law [1 O.C. 105.10-3(d)].

- 111 a. Behavioral expectations were added [Proposed Bylaws 4-1]. The definition for unexcused
112 absence was changed and now requires written notice of an intended absence to an OLC
113 Officer at least thirty (30) minutes prior to the start of the meeting [Proposed Bylaws 4-
114 1(f)(1)(A)]. The current bylaws require a twenty-four (24) hour notice to an OLC Officer
115 [Current Bylaws 5-4]. Enforcement of behavioral expectations includes recommendation
116 by the OLC for termination of the member’s appointment by the OBC and sanctions or
117 penalties according to any applicable laws and policies of the Nation both of which requires
118 a majority vote of the OLC in attendance at a meeting with an established quorum
119 [Proposed Bylaws 4-1(g)] and [1 O.C. 105.10.3(d)(1)]. Intentional misuse of Tribal funds
120 was removed as a cause for the filing of a removal petition [Current Bylaws 5-5(c)].
- 121 b. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional
122 or bodily harm or damage to property are prohibited and violations could result in the
123 OLC’s recommendation to the OBC to terminate the member from the OLC or imposition
124 of sanctions or penalties according to any applicable laws and policies of the Nation
125 [Proposed Bylaws 4-2] [1 O.C. 105.10.3(d)(2)].
- 126 c. OLC members are prohibited from the use of alcohol or illegal drugs while performing
127 official responsibilities on behalf of the Commission [Proposed Bylaws 4-3] and [1 O.C.
128 105.10-3(d)(3)]. This is a change from the current bylaws which prohibit the use of illegal
129 drugs at any time [Current Bylaws 5-5(d)].
- 130 d. OLC members must follow the Nation’s Social Media Policy and their Oath of Office when
131 using social media on behalf of or as a representative of the Commission [Proposed Bylaws
132 4-4] and [1 O.C. 105.10-3(d)(4)].
- 133 e. The OLC will be required to abide by the Nation’s Conflict of Interest law and the Boards,
134 Committees and Commissions law [1 O.C. 105.10-3(d)(5) and 105.15] which includes
135 disclosure of conflicts of interest annually and alleviation or mitigation of the conflict of
136 interest [Proposed Bylaws 4-5] and [1 O.C. 105.10-3(d)(5)].

137
138 **E. ARTICLE V. STIPENDS AND COMPENSATION**

139 A new section was added to the bylaws that details stipend, compensation and corresponding
140 requirements in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(e)].

- 141 a. This section provides a list of eligible stipends and corresponding eligibility requirements
142 that members of the OLC are eligible to receive [Proposed Bylaws 5-1]. Commissioners
143 will rotate their attendance at official hearings of the Commission that are mandated by the
144 laws of the Nation [Proposed Bylaws 5-1(e)(1)]. This section complies with Resolution
145 BC-05-08-19-B titled “Amending Resolution BC-09-26-18-D Boards, Committees and
146 Commissions Law Stipends” and the Boards, Committees and Commissions law:
 - 147 • A full day of training is required to be eligible for a stipend [1 O.C. 105.13-8(a)];
148 and
 - 149 • Only trainings and conferences required by law, bylaws or resolution are eligible
150 to receive a stipend [1 O.C. 105.13-8(b)].

151 Commissions will rotate their attendance at official hearings of the Commission that are
152 mandated by the Nation’s laws [Proposed Bylaws 5-1(e)(1)].

- 153 b. Besides travel, per diem and business expense reimbursement authorized by the Boards,
154 Committees law [1 O.C. 105.13-9]; no other compensation will be provided to the OLC
155 members [Proposed Bylaws 5-2].

156
157 **F. ARTICLE VI. RECORDS AND REPORTING**

- 158 a. The Boards, Committees and Commissions law established added requirements related to
159 records and reporting [1 O.C. 105.10-3(f)] and this section details changes from the OLC's
160 current bylaws.
- 161 • The OLC will use the agenda format developed by the BCSO [Proposed Bylaws
162 6-1]. This complies with the Boards, Committees and Commissions law [1 O.C.
163 105.10-3(f)(1)].
 - 164 a. Each agenda item must have a sponsor with the BCSO serving as the
165 default sponsor [Proposed Bylaws 6-1(b)].
 - 166 b. All internal agenda requests must be signed by the appropriate
167 Division Director and have a representative at the meeting [Proposed
168 Bylaws 6-1(c)].
 - 169 c. A revised packet will be created anytime there are additional items
170 added to the agenda [Proposed Bylaws 6-1(f)].
 - 171 • The OLC's minutes will contain verbatim motions made during the meeting, a
172 summary of the action taken at the meeting and the OLC will submit minutes to
173 the BCSO within thirty (30) days of the meeting [Proposed Bylaws 6-2]. This
174 meets the requirements established by the Boards, Committees and Commissions
175 law [1 O.C. 105.10-(f)(2)].
 - 176 • Although not mentioned; packets and meeting materials will be available to the
177 public in accordance with the Open Records and Open Meetings law [1 O.C.
178 107.7-2].
 - 179 • All attachments will be attached to and maintained with the meeting minutes and
180 agenda and maintained in a shared file with the BCSO [Proposed Bylaws 6-3].
181 This meets requirements established by the Boards, Committees and Commissions
182 law [1 O.C. 105.10-3(f)(3)].
 - 183 • A requirement was added that the OLC Secretary or Secretary's designee will
184 audio record all meetings with a device provided or approved by the BCSO and
185 maintain all audio files in accordance with the Open Records and Open Meetings
186 law. Executive session is not required to be recorded [Proposed Bylaws 6-5]. This
187 complies with the Boards, Committees and Commissions law [1 O.C. 105.10-
188 3(f)(5)] and the Open Records and Open Meetings law [1 O.C. 107.7-3].

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190 **G. ARTICLE VII. AMENDMENTS**

- 191 a. A provision was added requiring that amendments follow the Boards, Committees and
192 Commissions law and any other policy of the Nation in accordance with the Boards,
193 Committees and Commissions law [1 O.C. 105.10-3(g)] and that the bylaws be reviewed
194 as needed but no less than annually [Proposed Bylaws 7-1].

195
196 **SECTION 5. RELATED LEGISLATION**

197 There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws
198 that establish duties and requirements of the OLC in addition to laws referenced in the bylaws.

- 199 A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows
200 for the creation of committees for the proper conduct of tribal business of the Nation [Oneida
201 Nation Constitution, Article IV, Section 1(g)]. The proposed bylaws comply and there are no
202 conflicts with the Oneida Nation Constitution.
203
- 204 B. Land Ordinance NO. 1 – Lands [Adopted by GTC Resolution 02-28-1941]. The Land Ordinance
205 NO. 1 – Lands was adopted by GTC to govern the administration of Tribal lands, including the
206 making, holding and revoking of land assignments. OLC was originally established as the Land
207 Committee by the Land Ordinance NO. 1 – Lands to accept, investigate and recommend to the

208 OBC all applications for land assignments and to serve as an advisory capacity in matters relating
209 to the tribal land program. The proposed bylaws comply and there are no conflicts with the Land
210 Ordinance NO. 1 – Lands law.
211

212 C. Administrative Rulemaking [1 O.C. 106]. This law governs the administrative rulemaking process
213 for the adoption and amendment of administrative rules by authorized agencies of the Nation.
214 Administrative rules developed under this law have the same force and effect as the law that
215 delegated the authority to the authorized agency. The proposed bylaws comply and there are no
216 conflicts with the Administrative Rulemaking law.

- 217 a. OLC is considered an authorized agency and an entity under this law.
- 218 i. OLC is required to follow the administrative rulemaking procedures contained in
219 this law for the promulgation of all rules when delegated rulemaking authority to
220 act as an authorized agency. Administrative rulemaking authority must be
221 delegated by a law of the Nation to implement, interpret and/ or enforce a law of
222 the Nation.
 - 223 ii. When acting as an entity under this law, OLC shall prepare all financial analyses
224 upon request indicating financial effects of a proposed administrative rule
225 promulgated by an authorized entity of the Nation in compliance with this law.
- 226 b. OLC has been delegated administrative rulemaking authority as an authorized agency
227 under the following laws of the Nation:
- 228 i. Real Property [6 O.C. 601]
 - 229 ii. Leasing [6 O.C. 602]
 - 230 iii. Eviction and Termination [6 O.C. 604]
 - 231 iv. Landlord-Tenant [6 O.C. 605]
 - 232 v. Mortgage and Foreclosure [6 O.C. 612]
- 233

234 D. Real Property [6 O.C. 601]. This law establishes OLC’s seven (7) member elected membership
235 and the responsibilities that are directly related to this law including:

- 236 i. Interpret the provisions of this law and create policy directives to guide Land
237 Management in implementing the same;
 - 238 ii. Approve or deny all easements and land use licenses;
 - 239 iii. Review and adopt Land Management’s standard operating procedures for entering
240 agriculture and commercial leases pursuant to the Leasing law; approve or deny
241 all acquisition of Tribal land;
 - 242 iv. Allocate and assign land uses to all Tribal land, except those uses governed by the
243 Public Use of Tribal Land law, based on the Land Use Technical Unit rules which
244 the Oneida Planning Department shall develop in collaboration with affected
245 Oneida divisions and departments and the Oneida Land Commission;
 - 246 v. Name all buildings, roads, parks and the like on Tribal land; and
 - 247 vi. Approve all land acquisition transactions.
 - 248 vii. Approve the conversion of Tribal fee land into Tribal trust land with a resolution.
- 249

- 250 b. Administrative rulemaking authority delegated to OLC under this law:
- 251 i. Land Management and OLC shall jointly develop rules regarding requests for
252 easements for landlocked properties.
 - 253 ii. Land Management and OLC shall further develop rules related to probate. The
254 rules will include timelines to ensure timely probate completion and land
255 consolidation.
 - 256 iii. OLC shall develop rules to allocate and assign land uses to all Tribal land, except
257 uses governed by the Public Use of Tribal Land law.

- 258 iv. OLC and the Comprehensive Housing Division shall exercise joint rulemaking
259 authority to provide process requirements, including but not limited to advertising,
260 notice, prequalification, and selection, that apply in all circumstances when the
261 Nation is selling a residential property.
262 v. Land Management and OLC shall develop easement and land use license rules.
263 vi. The Oneida Planning Department shall develop the Land Use Technical Unit rules
264 in collaboration with OLC.
265 vii. Administrative rules must be promulgated in accordance with the administrative
266 rulemaking procedures delegated to OLC as an authorized agency under the
267 Administrative Rulemaking law [1 O.C. 106].

268 The proposed bylaws comply and there are no conflicts with the Real Property law.
269

270 E. Leasing [6 O.C. 602]. This law sets out all requirements related to the Nation's leases and OLC's
271 role in this process. OLC has been granted administrative rulemaking under this law.
272 Administrative rules must be promulgated in accordance with the administrative rulemaking
273 procedures delegated to OLC under this law as an authorized agency under the Administrative
274 Rulemaking law [1 O.C. 106]. The proposed bylaws comply and there are no conflicts with the
275 Leasing law.

- 276 a. Administrative rulemaking authority under this law has been granted to Land Management
277 to develop and OLC to approve the following rules:
278 i. The format and requirements in the lease document applications for different types
279 of leases, as well as additional procedures and processes to be followed when
280 offering and awarding lease documents.
281 ii. Application submission process for a lease document which must include a lease
282 award process and a bidding process used to determine the valuation of agricultural
283 leases.
284 iii. Administrative fees for issuing a lease document or conducting any other
285 administrative transaction.
286

287 F. Eviction and Termination [6 O.C. 604]. This law delegates OLC administrative rulemaking
288 authority jointly with Land Management and the Comprehensive Housing Division.
289 Administrative rules must be promulgated in accordance with the administrative rulemaking
290 procedures delegated to OLC as an authorized agency under the Administrative Rulemaking law
291 [1 O.C. 106]. The proposed bylaws comply and there are no conflicts with the Eviction and
292 Termination law. OLC shall develop rules jointly with:

- 293 i. Land Management to:
294 1. further govern the processes contained in this law related to agricultural
295 and business contracts; and
296 2. regulate the disposition of personal property in relation to agricultural and
297 business contracts.
298 ii. The Comprehensive Housing Division to:
299 1. define habitual noise violations;
300 2. govern the execution of warrants, alcohol violations, obstruction/resisting,
301 inspection related calls in which a law enforcement agency responds;
302 3. further govern the processes contained in this law related to residential
303 contracts; and
304 4. govern the disposition of personal property in relation to residential
305 contracts.
306

307 G. Landlord-Tenant [6 O.C. 605]. This law governs the mechanisms for protecting the rights of the
308 landlords and tenants of the Nation's rental programs. The law has delegated OLC administrative

309 rulemaking authority jointly with the Comprehensive Housing Division (CHD) related to
310 residential rental programs for providing housing to tenants on the Reservation. Administrative
311 rules must be promulgated in accordance with the administrative rulemaking procedures delegated
312 jointly to OLC and the CHD as authorized agencies under the Administrative Rulemaking law [*1*
313 *O.C. 106*]. The proposed bylaws comply and there are no conflicts with the Landlord-Tenant law.
314 Administrative rulemaking authority granted jointly with the CHD includes establishing rules:

- 315 1. naming residential rental programs and providing the specific
316 requirements and regulations that apply to each program for specific
317 members of the Nation to include: elder members, low-income members
318 and families; and members in general.
- 319 2. governing the selection of applicants for the issuance of rental agreements.
- 320 3. governing the disposition of personal property.
- 321 4. detailing how and when rent is decreased pursuant to untenability of a
322 rental premises.

323
324 H. Mortgage and Foreclosure [*6 O.C. 612*]. This law governs the standards and requirements for
325 participation in the Nation's mortgage programs and has delegated OLC administrative rulemaking
326 authority jointly with the Comprehensive Housing Division related to:

- 327 1. governing the selection of applicants for the issuance of a mortgage;
- 328 2. governing the requirements of mortgages entered by the Comprehensive
329 Housing Division;
- 330 3. further governing the disposition of personal property; and
- 331 4. razing a foreclosed upon property.

332 OLC and the Comprehensive Housing Division Director shall jointly approve the foreclosure
333 determination standard operating procedure. The proposed bylaws comply and there are no
334 conflicts with the Mortgage and Foreclosure law.
335

336 I. Administrative Procedures Act [*1 O.C. 101*]. This law details the procedures used by OLC to
337 conduct hearings for disputes arising under Tribal law. The proposed bylaws comply and there are
338 no conflicts with the Administrative Procedures Act. OLC has been granted hearing body authority
339 under the following laws of the Nation:

- 340 i. Building Code [*6 O.C. 603*]
- 341 ii. Condominium Ordinance [*6 O.C. 604*]
- 342 iii. Zoning and Shoreline Protection Law [*6 O.C. 605*]

343
344 J. Building Code [*6 O.C. 603*]. OLC has been delegated hearing body authority under this law to
345 hear appeals to the Zoning Administrator's decision related to a denial or revocation of a permit
346 issued under this code. The hearings shall be held in accordance with the Administrative
347 Procedures Act [*1 O.C. 101*]. The bylaws comply and there are no conflicts with the Building
348 Code.
349

350 K. Condominium Ordinance [*6 O.C. 604*]. OLC may order partitions of a condominium property
351 under this law. OLC has been delegated hearing body authority under this law to hear appeals to
352 complaints arising from this law, the overrule contract, the condominium instruments, the bylaws
353 or decisions of a condominium association or its board of directors or appeals may be filed with
354 the Oneida Judiciary. The hearings shall be held in accordance with the Administrative Procedures
355 Act [*1 O.C. 101*]. The proposed bylaws comply and there are no conflicts with the Condominium
356 Ordinance.
357

358 L. Zoning and Shoreline Protection [*6 O.C. 605*]. OLC has the duty and power to carry out the intent
359 and purposes of this law and to enforce the provisions in the law including:

- 360 i. adopt and have custody of zoning maps of the reservation and shall investigate
- 361 disputes and decide all mapping disputes
- 362 ii. recommend all fees related to the administration of this law to the OBC for
- 363 adoption
- 364 iii. approve all applications
- 365 iv. approve changes inconsistent with an approved development plan for specific
- 366 reasons listed in the law
- 367 v. initiate legal proceedings and may extend time limits of development schedules
- 368 vi. approve final development plans and any changes to the final plan
- 369 vii. rights to hear appeals when an application is denied by the Zoning Administrator
- 370 viii. extend land use permits for specific reasons detailed in the law
- 371 ix. consider conditional use permits
- 372 x. have authority to revoke licenses
- 373 xi. may impose additional conditions on permits
- 374 xii. issue variances
- 375 xiii. shall hold public hearings on applications to rezone property
- 376 xiv. shall approve procedures related to any non-conformance through administrative
- 377 remedies
- 378 xv. shall review leases of lessee's who violate this law and may terminate said lease
- 379 or allow the lease to continue with or without conditions

380 OLC has hearing body authority under this law to hear appeals related to permits denied or revoked
381 by the Zoning Administrator as well as contested fines issued under this law. All hearings are
382 subject to the Administrative Procedures Act [1 O.C. 101]. The proposed bylaws comply and
383 there are no conflicts with the Zoning and Shoreline Protection law.
384

385 M. Cemetery Law [1 O.C. 127]. This law governs the administrative authority over the Oneida Nation
386 cemeteries on the Oneida Reservation. The OLC is delegated authority to designate parcel(s) of
387 land to be used for one (1) or more Oneida Nation Cemeteries [1 O.C. 127.4-2]. The OLC will
388 receive a copy of an action taken or planned action to remedy any complaints filed with Land
389 Management [1 O.C. 127.9-2]. The proposed bylaws comply and there are no conflicts with the
390 Cemetery Law.
391

392 N. Boards, Committees and Commissions [1 O.C. 105]. This law establishes all requirements related
393 to elected and appointed Boards, Committees and Commissions of the Nation. The law governs
394 the procedures regarding the appointment and election of persons to boards, committees and
395 commissions, creation of bylaws, maintenance of official records, compensation, and other items
396 related to boards, committees and commissions. OLC is elected by the General Tribal Council
397 [Proposed Bylaws 1-5(b)]. The requirements for entity bylaws are contained in this law as well as
398 a requirement that all existing entities of the Nation comply with the format detailed in the law and
399 present the bylaws for adoption by the OBC within a reasonable timeframe. The proposed bylaws
400 comply and there are not conflicts with the Boards, Committees and Commissions law.
401

402 O. Election [1 O.C. 102]. This law governs the election process for elected members of the OLC. The
403 Election law governs the procedures for the conduct of orderly elections of the Nation, including
404 pre-election activities such as caucuses and nominations [1 O.C. 102.1-1]. The law governs all
405 procedures used in the election process [1 O.C. 102.1-2]. The OLC is elected by the General Tribal
406 Council [Proposed Bylaws 1-5(b)]. The proposed bylaws comply and there are no conflicts with
407 the Election law.
408

409 P. Removal Law [1 O.C. 104]. This law governs the removal process related members that are elected
410 by the qualified voting membership of the Nation. This law contains due process measures related

411 to specific causes for removal, petition requirements, preliminary review by the Judiciary, a hearing
412 that includes potential witnesses and a burden of proof by a person seeking the removal by clear
413 and convincing evidence that ground(s) for removal exist and a Special GTC Meeting that requires
414 a 2/3 affirmative majority vote. OLC proposed bylaws include additional behavioral expectations
415 that if not followed may result in a petition for removal [*Proposed Bylaws 4-1(g)(2)*]. This aligns
416 with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)*]. The proposed bylaws
417 comply and there are no conflicts with the Removal Law.
418

419 Q. Code of Ethics [1 O.C. 103]. OLC members are required to abide by the Code of Ethics law and
420 Article IV of the bylaws addresses the behavioral expectations of members some of which are
421 covered in the Code of Ethics law [*Proposed Bylaws 4-1*]. This law promotes the highest ethical
422 conduct from elected and appointed government officials and expects that officials will
423 demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all
424 public activities to inspire public confidence and trust in the governmental officials of the Oneida
425 Nation. Government officials are also expected to adhere to the laws, customs, and traditions of
426 the Nation. The proposed bylaws comply and there are no conflicts with the Code of Ethics.
427

428 R. Social Media Policy [2 O.C. 218]. This law regulates the Nation's social media accounts including
429 how content is managed and who has authority to post on social media on behalf of the Nation.
430 Boards, committees and commissions must register social media accounts with the Nation's
431 Secretary's Office to include specific information related to access to the account, acknowledgment
432 and compliance with the Computer Resources Ordinance and this policy, use a Nation issued email
433 address and ensure all content complies with all applicable laws of the Nation, state or federal laws.
434 The bylaws identify that OLC must comply with the Social Media Policy and that OLC members
435 will abide by their Oath of Office while using social media while acting on behalf of or as a
436 representative of the Commission [*Proposed Bylaws 4-4*]. This complies with the Boards,
437 Committees and Commissions law [*1 O.C. 105.10-3(d)(4)*]. The proposed bylaws comply and there
438 are no conflicts with the Social Media Policy [*2 O.C. 218*].
439

440 S. Travel and Expense Policy [2 O.C. 219]. Members of OLC are eligible to be reimbursed for travel
441 and per diem to attend a conference or training with OLC approval. This law details that boards,
442 committees and commissions must detail levels of sign-off authority required for travel [*2 O.C.*
443 *219.4-2*]. The BCSO will have sign-off authority over requests for stipends, travel per diems and
444 business expense reimbursement [*Proposed Bylaws 2-7(a)(1)(A)*]. The OLC must approve travel
445 by majority vote and two (2) Officers must sign off on all travel requests [*Proposed Bylaws 2-7*].
446 The proposed bylaws comply and there are no conflicts with the Travel and Expense Policy.
447

448 T. Conflict of Interest [2 O.C. 217]. This law applies to OLC and establishes specific limitations to
449 which information or materials that are confidential or may be used by a competitor of the Nation's
450 enterprises or interests may be used to protect the interests of the Nation. The Boards, Committees
451 and Commissions law establishes that amended bylaws require members to disclose potential or
452 real conflicts annually [*1 O.C. 105.10-3(d)(5) and 105.15*]. The proposed bylaws include the
453 required provision [*Proposed Bylaws 4-5*]. The proposed bylaws comply and there are no conflicts
454 with the Conflict of Interest law.
455

456 U. Open Records and Open Meetings [1 O.C. 107]. This law details how records must be maintained
457 and made available to the public and that meetings are open to the public unless specific criteria
458 are met which allow the meetings to be closed [*1 O.C. 107.15 and 107.17*]. Public notice of
459 meetings is also required by this law [*1 O.C. 107.15-1*]. The bylaws delegate the maintenance of
460 the records to the OLC Secretary [*Proposed Bylaws 2-4(a)*]. OLC meetings are open to the public
461 except portions that meet the exceptions in this law related to personnel matters or contracts are

462 being discussed and deemed confidential [Bylaws 3-1(c)]. Meeting packets and backup materials
463 are available to all OLC members and in accordance with this law which states that any requestor
464 has the right make or receive a copy of a public record [1 O.C. 107.7-2]. The bylaws comply and
465 there are no conflicts with the Open Records and Open Meetings law.
466

467 V. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The OLC is considered an entity
468 [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)] under this
469 law and are authorized to travel in the Nation's vehicles. The law requires the Human Resources
470 Department or designee to ensure drivers, including OLC members, are certified to drive a vehicle
471 of the Nation or a personal vehicle on Tribal business. The law requires OLC members (officials)
472 to have written consent from the OLC prior to being approved to use a Tribal vehicle [2 O.C. 210.6-
473 1(b)(2)]. Certification includes providing the Human Resources Department with the appropriate
474 license, training certifications, and insurance information [2 O.C. 210.8-1]. Additionally, OLC
475 members must abide by all reporting requirements in this law [2 O.C. 210.9-2].

- 476 a. OLC members who violate this law may be subject to:
- 477 i. any laws regarding sanctions or penalties; and
 - 478 ii. termination of appointment following the Boards, Committees and Commissions
479 law [1 O.C. 105].
- 480
481
482

Oneida Land Commission Bylaws

Article I. Authority

1-1. *Name.* The name of this entity shall be the Oneida Land Commission, hereinafter referred to as the “Commission.”

1-2. *Authority.* By the authority of the General Tribal Council, the Commission was established February 28, 1941 in section 3 of Ordinance No. 1, Lands. The Commission is re-recognized and created under the Real Property Law, Article XVI. The Commission shall have the following powers and duties:

- (a) Set standards of professional competence and conduct for professions detailed in the Real Property Law, review the examination grades of prospective new practitioners, grant licenses, investigate complaints of alleged unprofessional conduct, and perform other functions as designated by the Real Property Law.
- (b) Hear and decide contested cases that may arise out of the Real Property Law.
- (c) Implement and interpret provisions of the Real Property Law.
- (d) Supervise the actions of the Division of Land Management Director, consistently with the General Manager’s supervisory authority.
- (e) Accept, investigate, and report all transfers of Oneida land to the Business Committee.
- (f) Review, investigate, and approve the Tribal purchase of land, in accord with the annual acquisition budget approved by the General Tribal Council and implemented by the Business Committee.
- (g) Monitor and make decisions for the most efficient and beneficial use of the Land Acquisition Budget and implementation of the Land Acquisition Plan.
- (h) Develop and implement policies and procedures for the Commission and the Division of Land Management.
- (i) Develop and participate in training sessions relating to real property.

1-3. *Office.* The official mailing address of the Commission shall be:

Oneida Land Commission
P.O. Box 365
Oneida, Wisconsin 54155
-or-
Oneida Land Commission
c/o Division of Land Management
470 Airport Road
Oneida, Wisconsin 54155

1-4. *Membership.*

(a) *Number of Members.* The Commission shall be comprised of seven (7) members, elected for three (3) year terms.

(1) Terms shall be staggered, with expiring positions elected every year. The first elected Commissioners shall serve according to the following formula, and staggering of terms shall begin thereafter:

(A) The three (3) candidates receiving the three (3) highest number of votes shall serve an initial term of three (3) years.

- (B) The two (2) candidates receiving the next two (2) highest number of votes shall serve an initial term of two (2) years.
- (C) The two (2) candidates receiving the next two (2) highest number of votes shall serve an initial term of one (1) year.
- (D) Commissioners elected from that point forward shall serve three (3) year terms.
- (b) *Qualifications.* To qualify for membership a person shall:
- (1) be a member of the Oneida Tribe.
 - (2) be a resident of Brown or Outagamie County
 - (3) not be employed by the Division of Land Management.
- (c) *Stipends.* A Commission member shall receive a stipend, as funds permit, in an amount specified under the Comprehensive Policy Governing Boards, Committees and Commissions, unless otherwise specified by a Tribal Resolution approved by the Business Committee. Stipends shall not be allowed for canceled meetings, or for meetings that
- (1) do not address agenda items; or
 - (2) do not last at least one (1) hour; or
 - (3) do not have a quorum present.
- (d) *Vacancies.* Vacancies shall be filled pursuant to the procedures found in these bylaws.
- (1) For a vacancy having a term of less than one (1) year remaining, the Business Committee may appoint a qualified applicant to fill the vacancy for the remainder of the vacated term. If a quorum of the Commission cannot be met until the vacancy is filled, the Business Committee shall appoint a qualified applicant to fill the vacancy for the remainder of the term as soon as possible. In an attempt to find a qualified applicant to fill the position, the Business Committee shall advertise the vacancy in the Kalihwisaks and the Tribal Secretary shall accept applications. The Commission may recommend a candidate from the applications received.
 - (2) For a vacancy having a term greater than one (1) year remaining, the vacancy shall be filled in the next regular or special election held by the Tribe.
- (e) The Commission shall only accept a resignation in written form and shall promptly forward a copy to the Tribal Secretary. Unless otherwise specified in the written resignation, resignations shall be effective upon delivery to the Commission.

Article II. Officers

- 2-1. The Commission shall have three (3) officers: Chairperson, Vice-chairperson and Secretary.
- 2-2. *Chairperson Duties.* The Chairperson shall preside over all meetings and may not vote except in cases of a tie.
- 2-3. *Vice-Chairperson Duties.* The Vice-chairperson shall preside over all meetings in the absence of the Chairperson and, when presiding, may not vote except in cases of a tie. In all other instances, when not chairing a meeting, the Vice-chairperson may vote.
- 2-4. *Secretary Duties.* The Secretary shall keep the official minutes and meeting materials of the Commission.

2-5. *How Chosen.* The Commission shall select its officers at its first regular meeting after newly elected members are sworn in.

(a) *Vacancy.* If a vacancy occurs in an officer position, the Commission shall make a replacement appointment at the first regular meeting following the vacancy, to serve the remainder of the vacated officer's term.

2-6. *Personnel.* The Oneida Land Commission does not have authority to hire personnel for the benefit of the entity.

Article III. Meetings

3-1. *Meetings.* The Commission shall meet the second and fourth Monday of every month. The time and place for meetings shall be established by the Commission.

(a) *Regular Meetings.* The Commission shall hold a regular meeting on the second Monday of each month, devoted to leasing, departmental issues and concerns, and other comments and concerns pertaining to land issues.

(b) *Land Acquisition Meetings.* The Commission shall hold a land acquisition meeting on the fourth Monday of each month, devoted to the acquisition of land and consideration of purchase proposals and other comments and concerns pertaining to land issues.

(c) *Special Meetings.* Special Meetings may be called by the Chairperson or four (4) Commissioners at any time. Such meetings shall be conducted in the same manner as regular scheduled meetings. The Chairperson shall give 24 hour notice to all members and state a specific purpose.

(d) *Presence of Division Director.* The Director of the Division of Land Management, or a designated representative, is required to attend all regular scheduled and special meetings.

3-2. *Conduct of Business*

(a) *Quorum.* A quorum required for the conduct of business shall consist of four (4) members, including either the Chairperson or the Vice-Chairperson.

(b) *Order of Business.* The order of business, so far as applicable, shall be:

- (1) Call to order
- (2) Adoption of Agenda
- (3) Reading of Minutes
- (4) Old Business
- (5) New Business
- (6) Reports
- (7) Other Business
- (8) Executive Session
- (9) Adjournment

(c) *Voting.* Decisions shall be by majority vote, with each member having one vote except for the Chairperson or other presiding officer, who shall not vote except to resolve a tie.

(1) No phone poll of Commission members shall be accepted as a vote of the Commission.

(2) No proxy votes are allowed.

3-3. *Subcommittees.* The Commission may appoint such continuing or limited purpose

subcommittees as it deems necessary, which shall serve at the pleasure of the Commission.

3-4. *Hearing Bodies.* The Commission may appoint a body for arranging or conducting public hearings and/or contested case hearings (e.g. evictions, foreclosures, licensing decisions, probate).

3.5 *Stipends and Hearing Bodies.* Hearing body members are eligible to receive a stipend regardless of the length of the hearing.

Article IV. Reporting

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

(a) Items to be on the agenda shall be provided at least 24 hours before the meeting.

(b) Items with less than 24 hours notice shall not be accepted, unless approved by a majority vote of the Commission.

(c) Packages of the proposed agenda and back up documentation will be made available to the Commissioners as early as is practical. Executive items are to be in a separate sealed envelope stamped confidential.

4-2. *Minutes.* Minutes shall be preserved in a consistent typed format designed to generate the most informative record of the Commission's meetings.

(a) Meeting Materials. Handouts, reports, memoranda and the like may be attached to the minutes and agenda, or may be kept separately, provided that all such materials are identified as to the meeting in which they were presented.

(b) Where the interests of confidentiality so require (i.e., loans), personal names shall be replaced with a loan number, case number or other non-personally identifiable number.

(c) All minutes shall be submitted to the Secretary's office within thirty (30) days after approval by the Commission.

4-3. *Reports.* The Commission is responsible to the General Tribal Council and the Business Committee for the following reports and activities:

(a) Providing semi-annual reports, based upon activities completed.

(b) Providing an annual meeting, projecting future purchases, plans and activities.

4-4. The Commission's quarterly report to the Business Committee shall include all relevant names of Tribal members, even if those names had been replaced with non-personally identifiable numbers in the minutes.

Article V. Obligations of Committee Members

5-1. *Robert's Rules of Order.* Commission members shall be knowledgeable or become knowledgeable about Robert's Rules of Order.

5-2. *Code of Ethics.* Commission members shall be knowledgeable about, and conform with the Oneida Code of Ethics, adopted by Resolution 11-23-94-A, and any amendments thereto.

5-3. *Conflict of Interest.* Commission members shall be knowledgeable about, and conform with Oneida Conflict of Interest policies.

5-4. *Meeting Attendance.* Commission members shall attend all regularly scheduled Commission meetings unless they have submitted an excuse to a Commission officer or the Division Director at least 24 hours prior to the meeting.

5-5. Removal. Commission members may be removed pursuant to the Oneida Removal Law:

(a) Failure to attend four (4) regularly scheduled meetings without notice may be

grounds for removal from the Commission.

- (b) Failure to attend fifty percent (50%) of an entity's regular scheduled meetings within a twelve (12) month period for any reason.
- (c) Intentional mis-use of Tribal funds,
- (d) Alcohol use while performing official responsibilities or use of illegal drugs at any time.

Article VI. Procedures on Contested Matters

6-1. Grievances regarding any land-related transaction shall be resolved in accordance with the Real Property Law and the Administrative Procedures Act.

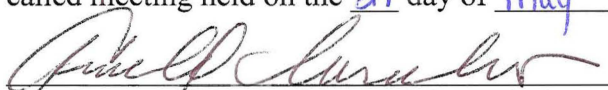
- (a) Wherever possible and allowed by law, the Director of the Division of Land Management shall first attempt to resolve the matter before submitting the issue to the Commission.
- (b) Upon receipt of notice of a contested matter by the Director of the Division of Land Management, or a special committee thereof, the Commission shall hold or provide for the holding of a hearing in accordance with the Administrative Procedures Act for all cases within its jurisdiction.

Article VII. Amendments

7-1. The Commission, upon written notice, at a regular meeting may adopt amendments revising, adding to or repealing any or all of the foregoing bylaws, provided that the proposed amendments have been submitted in writing at the previous regular meeting. Such amendments shall thereafter be submitted for review by the Legislative Operating Committee and final approval by the Business Committee.

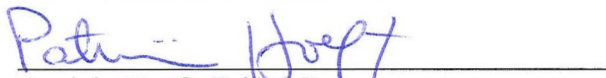
7-2. Updating and Review. At the first meeting following the election of officers, the Commission shall conduct a review of these bylaws to determine that they remain current.

These bylaws as amended and revised, were adopted by the Oneida Land Commission at a duly called meeting held on the 27th day of May, 2008.



Amelia Cornélius, Oneida Land Commission, Chairperson

And approved by the Oneida Business Committee at a duly called meeting held on the 10th day of December, 2008.



Patricia Hoefft, Tribal Secretary

~~Oneida Land Commission Bylaws~~

ONEIDA LAND COMMISSION BYLAWS

Article I. - Authority

~~1-1. 1-1. Name.-~~ _____ The name of this entity shall be the Oneida Land Commission, hereinafter _____ referred to as the "Commission."

~~1-2. Establishment. The Commission, originally named Authority. By the authority of the General Tribal Council, the Commission Land Committee, was established~~ _____ ~~by the Oneida General Tribal Council on February 28, 1941 in section 3, through~~ _____ ~~adoption of Ordinance No. 1, Lands. The Commission is re-recognized, and created under the Real Property Law, Article XVI. The Commission shall have the following powers and duties:~~

~~(a) Set standards of professional competence and conduct for professions detailed in the Real Property Law, review the examination grades of prospective new practitioners, grant licenses, investigate complaints of alleged unprofessional conduct, and perform other functions~~ reestablished as designated by the Real Property Law.

~~(b) Hear and decide contested cases that may arise out of the Real Property Law.~~

~~(c) Implement and interpret provisions of the Real Property Law.~~

~~(d) Supervise the actions of the Division of Land Management Director, consistently with the General Manager's supervisory authority.~~

~~(e) Accept, investigate, and report all transfers of the Oneida land to the Business Committee.~~

~~(f) Review, investigate, and approve the Tribal purchase of land, in accord with the annual acquisition budget approved~~ Land _____ Commission within the Real Property law that was adopted by the General Tribal Council and implemented by the Business Committee. Oneida Business Committee through resolution BC-5-29-96-A and amended from _____ time-to-time thereafter.

~~1-3. Authority. (g) Monitor and make decisions for the most efficient and beneficial use of the Land~~

~~Acquisition Budget and implementation of the Land Acquisition Plan.~~

~~(h) Develop and implement policies and procedures for the Commission and the Division of Land Management.~~

~~(i) Develop and participate in training sessions relating to real property.~~

~~1-3. The Commission was established for the purpose of managing the Nation's~~ _____ ~~land resources, with authority to carry out the all powers and duties as~~ _____ ~~delegated under the following laws of the Nation:~~

~~(a) The Real Property law;~~

~~(b) The Leasing law;~~

~~(c) The Building Code;~~

~~(d) The Condominium Ordinance;~~

~~(e) The Zoning and Shoreland Protection law;~~

~~(f) The Eviction and Termination law;~~

- ~~(g) The Landlord-Tenant law;~~
- ~~(h) The Mortgage and Foreclosure law;~~
- ~~(i) The Cemetery Law; and~~
- ~~(j) All any other delegating law, policy, rule and/or resolution of the Nation.~~

~~1-4. Office.~~ ~~Office.~~ The official mailing address of the Commission shall be: ~~Oneida Land Commission~~

~~Oneida Land Commission~~
~~P.O. Box 365~~
~~Oneida, Wisconsin 54155~~

~~-or-~~

~~Oneida Land Commission~~
~~e/o Division of Land Management~~
~~470 Airport Road~~
~~Oneida, Wisconsin 54155~~

~~1-5. 1-4. Membership.~~

~~(a) Number of Members.~~ —The Commission shall ~~be comprised~~ consist of seven (7) ~~members, elected for three (3) year terms.~~

~~(a) (1) Terms shall be staggered, with expiring positions elected every year. The first elected _____ Commissioners shall serve according to the following formula, and staggering of terms shall begin thereafter.:~~

~~(A) The three (3) candidates receiving the three (3) highest number of votes shall serve an initial term of three (3) years.~~

~~(B) The two (2) candidates receiving the next two (2) highest number of votes shall serve an initial term of two (2) years.~~

~~(C) The two (2) candidates receiving the next two (2) highest number of~~
(b) votes Elected. Commissioners shall be elected in accordance with the Nation's election laws and/or policies for three (3) year staggered terms with expiring positions elected every year.

(1) Commissioners shall hold office until their term expires, they resign, or they are removed/terminated from office.

(A) Although a Commissioner's term has expired, he or she shall remain in office and serve an initial term of one (1) year.

~~(D) Commissioners elected from that point forward shall serve three (3) year terms.~~

~~(b) Qualifications. To qualify for membership a person shall:~~

~~(1) be until a member of the Oneida Tribe.~~

~~(2) be a resident of Brown or Outagamie County~~

~~(3) not be employed~~ successor has been sworn
in by the Division of Land
Management.

~~(c) Oneida Stipends. A Commission member shall receive a stipend, as funds permit, in an amount specified under the Comprehensive Policy Governing Boards, Committees and Commissions, unless otherwise specified by a Tribal Resolution approved by the Business Committee. Stipends shall not be allowed for canceled meetings, or for meetings that~~

~~(1) do not address agenda items; or~~

~~(2) do not last~~ (B) A

Commissioner may resign at least one

~~(1) hour; or~~

~~(3) do not have~~ any time verbally at
a quorum present.

~~(d) Vacancies. Vacancies shall be filled pursuant~~
meeting or by delivering written notice to the procedures found in these bylaws.

(1) For a vacancy having a term of less than one (1) year remaining, the Oneida Business Committee may appoint a qualified applicant to fill the vacancy for the remainder of the vacated term. If a quorum of the Support Office and the Commission cannot be met until the vacancy is filled, the Business Committee shall appoint a qualified applicant to fill the vacancy for the remainder of the term as soon as possible. In an attempt to find a qualified applicant to fill the position, the Business Committee shall advertise the vacancy in the Kalihwisaks and the Tribal Secretary shall accept applications. The Commission may recommend a candidate from the applications received.
Chairperson or Chairperson's designee.

(2) For a vacancy having a term greater than one (1) year remaining, the vacancy shall be filled in the next regular or special election held by the Tribe.

~~(e) The Commission shall only accept a~~ (i) The resignation in written form and shall promptly forward a copy to the Tribal Secretary. Unless otherwise specified in the written resignation, resignations shall be ~~is~~ deemed effective upon acceptance by Commission motion of a Commissioner's verbal resignation or upon delivery of the written notices.

~~(c) Vacancies.~~ Vacancies on the Commission shall be filled as follows:

~~(1) Expired Terms.~~ Vacancies caused by the expiration of a Commissioner's term shall be filled by election in accordance with the laws and/or policies of the Nation governing elections.

~~(2) Unexpired Terms.~~ Vacancies in unexpired terms shall be filled by appointment by the Oneida Business Committee pursuant to the Boards, Committees and Commissions law for the remainder of the unexpired term.

~~(A) The Chairperson of the Commission may provide the Oneida Business Committee recommendations on applications for appointment by the executive session in which the appointment is intended to be made.~~

~~(d) Qualifications of Commissioners.~~ To qualify for membership on the Commission, a person shall:

~~(1) Be a member of the Oneida Tribe;~~

~~(2) Be a resident of Brown or Outagamie County;~~

~~(3) Be at least eighteen (18) years of age or older; and~~

~~(4) Not be employed within the Nation's Audit Department, Finance Department or Law Office; as a Division Director or Area Manager for the Nation; or as an independent contractor for Land Management.~~

~~1-6. Termination or Removal.~~ A Commissioner found to be in violation of these bylaws, or any other governing laws of the Nation, may be subject to the following:

~~(a) If the Commissioner was elected, the Commission's filing of a petition for his or her removal pursuant to the Removal law and/or any other law of the Nation governing the removal of elected officials.~~

~~(b) If the Commissioner was appointed, the Commission's recommendation to the Oneida Business Committee for the termination of his or her appointment pursuant to the ~~Commission~~ Boards, Committees and Commissions law and /or any other law of the Nation governing the termination of appointed officials.~~

~~(c) The filing of a petition for removal or submission of a recommendation for termination shall be decided by a majority vote of the Commissioners in attendance at a Commission meeting of an established quorum.~~

~~1-7. Trainings and Conferences.~~ Each Commissioner shall attend, on an annual basis, mandatory trainings/conferences on topics such as: land management; real

property; zoning; federal, state and/or Tribal real estate/property laws; land use, development and acquisition; and Robert's Rules of Order.

(a) Regardless of the number of trainings/conferences that he or she is required to attend, no Commissioner shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

Article II. Officers

2-1.— Officers. The Officers of the Commission shall ~~have three (3) officers:~~ consist of a Chairperson, a ~~Vice-chairperson~~ Chairperson and a Secretary.

2-2.— Responsibilities of the Chairperson—Duties.— The ~~Chairperson shall~~ duties, responsibilities and limitations of the ~~Chairperson shall be as follows:~~ Chairperson shall be as follows:

(a) ~~To call and~~ To call and preside over all meetings ~~and may not vote except in cases of a tie of the Commission and provide notice~~ of emergency meetings in accordance with these bylaws and the Nation's ~~Open~~ Open ~~Records~~ Records ~~and Open Meetings law;~~ and Open Meetings law;

(b) ~~To, personally or through a designee, submit quarterly reports to the Oneida Business Committee and annual/semi-annual reports to the Oneida General Tribal Council in accordance with the Boards, Committees and Commissions law; and~~ To, personally or through a designee, submit quarterly reports to the Oneida Business Committee and annual/semi-annual reports to the Oneida General Tribal Council in accordance with the Boards, Committees and Commissions law; and

(c) ~~To attend, or designate a Commissioner to attend, the Oneida Business Committee meeting where the Commission's quarterly report appears on the agenda.~~ To attend, or designate a Commissioner to attend, the Oneida Business Committee meeting where the Commission's quarterly report appears on the agenda.

2-3.— Responsibilities of the Vice-Chairperson—Duties.— The ~~duties, responsibilities and limitations of the~~ Vice-chairperson ~~Chairperson shall be as follows:~~ Chairperson shall be as follows:

~~To preside over all meetings in the~~ To preside over all meetings in the

(a) ~~absence of the Chairperson and, when presiding, may not vote except in cases of a tie. In all other instances, when not chairing a meeting, the Vice chairperson may vote.~~ absence of the Chairperson and, when presiding, may not vote except in cases of a tie. In all other instances, when not chairing a meeting, the Vice chairperson may vote.

2-4.— Responsibilities of the Secretary—Duties.— The ~~duties, responsibilities and limitations of the~~ Secretary shall ~~be as follows:~~ be as follows:

(a) ~~To be responsible for keeping/taking the official minutes and meeting materials of the Commission of all Commission meetings, audio recording all meetings, submitting copies of the minutes to the Oneida Business Committee Support Office in accordance with the Boards, Committees and Commissions law; and making minutes available to all Commissioners, as well as the public, per the requirements of these bylaws and the Nation's Open Records and Open Meetings law; and~~ To be responsible for keeping/taking the official minutes and meeting materials of the Commission of all Commission meetings, audio recording all meetings, submitting copies of the minutes to the Oneida Business Committee Support Office in accordance with the Boards, Committees and Commissions law; and making minutes available to all Commissioners, as well as the public, per the requirements of these bylaws and the Nation's Open Records and Open Meetings law; and

(b) In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, to call meetings of the Commission to fill the vacancies and to preside over those meetings for the sole purpose of selecting new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.

2-5. ~~How Chosen.~~ Selection of Officers. The Commission shall select its ~~officers~~ Officers by majority vote at ~~it~~the first _____ regular meeting ~~after~~ of an established quorum following the newly elected ~~members are~~ _____ Commissioners being sworn in.

(a) ~~Vacancy.~~ (a) Officers shall serve one (1) year terms and shall only hold one (1) Officer _____ position per Officer term.

(1) If a vacancy occurs in an ~~officer~~ Officer position, the Commission shall make a replacement appointment at the first regular meeting following the vacancy, to serve the remainder of the vacated ~~officer's~~ Officer's term.

(b) Commissioners may be dismissed from their Officer positions by majority vote of the Commissioners in attendance at a meeting of an established quorum.

2-6. Subcommittees. Subcommittees of the Commission may be created and dissolved by the Commission as it deems necessary so long as in accordance with the Boards, Committees and Commissions law.

(a) Members of a subcommittee created by the Commission shall not be eligible for stipends unless a specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

2-7. Budgetary Sign-Off Authority and Travel. The Commission shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(a) Levels of budgetary sign-off authority for the Commission shall be as set forth in the manual titled, Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures, for Area Directors/Enterprise Directors.

(1) All Officers of the Commission have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:

(A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.

(b) The Commission shall approve a Commissioner's request to travel on its behalf by a majority vote of the Commissioners in attendance at a regular or emergency meeting of an established quorum.

2-8. ~~2-6.~~ Personnel. The Oneida Land Commission does not have authority to hire personnel for _____ the benefit of the entity.

Article III. Meetings

3-1. Regular Meetings. ~~The Commission shall meet the second and fourth Monday of every month, commencing at 5:00 p.m., in the Little Bear Conference Room located at N7332 Water Circle Place in Oneida, Wisconsin. The time and place for the meetings shall be established by the Commission.~~

~~(a) Regular Meetings. The Commission shall hold a regular meeting on the~~
The second

Monday of each month, shall be devoted to leasing, departmental issues and concerns, and other comments and concerns pertaining to land issues.

~~(b) Land Acquisition Meetings. The Commission shall hold a land acquisition meeting~~

~~(a) on the~~ The fourth Monday of each month, shall be devoted to the acquisition of land and consideration of purchase proposals and other comments and concerns pertaining to land issues.

~~(c) Special~~ (b) The Commission may change its regular meeting date, time and location from time-to-time as it determines necessary by majority vote of the Commissioners in attendance at a meeting of an established quorum so long as notice is given to all Commissioners in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings. Special law, prior to the implementation of a new date, time and/or location.

(c) Notice of meeting location, agenda, minutes and materials shall be provided by the Oneida Business Committee Support Office to all Commissioner in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law.

(d) Cancelled meeting process shall follow the Standard Operating Procedures established between the Land Commission and the appropriate administrative support.

3-2. Emergency Meetings. An emergency meeting may be called when a timely decision related to any of the Commission's powers or duties is needed before the next regularly scheduled Commission meeting that if not made in a timely manner may be detrimental to the membership or the Nation.

(a) Emergency meetings may be called by the Chairperson or four (4) by three (3) Commissioners at any time. Such meetings shall be conducted in the same manner as regular scheduled meetings.

(b) The Chairperson shall give or Chairperson's designee shall provide at least twenty-four (24-hour) hours advance notice of the emergency meeting to all members Commissioners in writing and state-by telephone call, stating the specific purpose for the meeting, and, along with the public, shall further provide them with notice in accordance with the Open Records and Open Meetings law.

(c) Within seventy-two (72) hours of an emergency meeting, the Commission shall provide the Nation's Secretary with the notice of the emergency

meeting, the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular meeting.

3-3. Joint Meetings. Joint meetings between the Commission and the Oneida Business Committee shall be held as agreed upon between the parties at the Norbert Hill Center located in Oneida, Wisconsin.

(a) Notice of the joint meeting agendas, documents and minutes shall be provided, and the joint meetings conducted, in accordance with resolution BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with the Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.

~~3-4. Quorum. (d) Presence of Division Director. The Director of the Division of Land Management, or a designated representative,~~ A quorum is required to attend all regular scheduled and special meetings.

~~3-2. Conduct of Business~~

~~(a) Quorum. A quorum required for the conduct of business on behalf of the Commission and~~ shall consist of no less than four (4) members, including either Commissioners, one (1) of which shall include the Chairperson or the Vice-Chairperson or Secretary; provided, the Secretary is presiding over the meeting in accordance with section 2-4(b) of these bylaws.

~~(b)~~

~~3-5. Order of Business. The order of business, so far as applicable, shall be: (1)~~

- ~~(a) Call to order~~
- ~~(b) (2) Adoption of Agenda~~
- ~~(c) (3) Reading of Minutes~~
- ~~(d) (4) Old Business (5)~~
- ~~(e) New Business (6)~~
- ~~(f) Reports~~
- ~~(g) (7) Other Business~~
- ~~(h) (8) Executive Session~~
- ~~(i) (9) Adjournment~~
- ~~(e)~~

3-6. Voting. Decisions shall be by majority vote of the Commissioners in attendance at a meeting of an established quorum, with each member Commissioner having one vote (1) vote. except for the (a) The Chairperson or other presiding officer, who Officer shall not vote except to resolve a tie.

(b) E-polls may be conducted in accordance with the Boards, Committees and Commissions law so long as the item subject to the e-poll had previously been on a meeting agenda.

(1) The Vice-Chairperson, in the absence or discretion of the Chairperson, shall be responsible for conducting e-polls.

Article IV. ~~(Expectations~~

~~4-1) No phone poll.~~ *Behavior of Commissioners.* Commissioners are expected to: _____

- ~~(a) Uphold the laws, regulations, policies of the Nation, and any memorandums of agreement between the Oneida Business Committee and the Commission-members shall;~~
- ~~(b) Perform their duties to the best of their ability with honor, respect, dignity, and sincerity;~~
- ~~(c) Behave in a manner that promotes the highest ethical and moral standard and be ~~accepted~~ knowledgeable about, and conform to the Code of Ethics;~~
- ~~(d) Maintain confidential information with the strictest confidentiality;~~
- ~~(e) Ensure that all decisions and recommendations are made in the best interest of the Oneida Nation as a ~~vote of the~~ whole; and~~
- ~~(f) Attend all regularly scheduled Commission meetings.
 - ~~(1) Unless medically incapacitated, four (4) unexcused absences from regularly scheduled meetings of the Commission within a one (1) year period may be grounds for removal/termination or disciplinary action hereunder.
 - ~~(A) An absence shall be deemed unexcused if a Commissioner fails to provide an Officer with written notice of his or her pending absence at least thirty (30) minutes prior the missed meeting.~~~~
 - ~~(2) Failure to attend fifty percent (50%) of the Commission's regular scheduled meetings within a twelve (12) month period for any reason may be grounds for removal/termination or disciplinary action hereunder.~~~~
- ~~(g) Enforcement. Any Commissioner found to be in violation of this or any section of these bylaws may be subject to the following:
 - ~~(1) Sanctions and penalties in accordance with any laws or policies of the Nation governing sanctions and/or penalties for officials.~~
 - ~~(2) If the Commissioner was elected, the Commission's filing of a petition for his or her removal pursuant to the Removal law and/or any other laws or policies of the Nation governing the removal of elected officials.~~
 - ~~(3) If the Commissioner was appointed, the Commission's recommendation to the Oneida Business Committee for termination of his or her appointment pursuant to the Boards, Committees and Commissions law and/or any other laws or policies of the Nation governing the termination of appointed officials.
 - ~~(A) The filing of a petition for removal or recommendation for termination shall be decided by a majority vote of the Commissioners in attendance at a meeting of an established quorum.~~~~~~

~~4-2. *Prohibition of Violence.* Commissioners are strictly prohibited from committing intentionally violent acts that inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on another person, or damage to personal property.~~

~~4-3. *Drug and Alcohol Use.* The use of alcohol and illegal drugs by a Commissioner while performing official responsibilities on behalf of the Commission is strictly forbidden.~~

~~4-4.(2) No proxy votes are allowed.~~

~~3-3. *Subcommittees.* The Commission may appoint such continuing or limited purpose~~

~~subcommittees as it deems necessary, which shall serve at the pleasure of the Commission.~~

~~3-4. *Hearing Bodies.* The Commission may appoint a body for arranging or conducting public hearings and/or contested case hearings (e.g. evictions, foreclosures, licensing decisions, probate).~~

~~3. *Social Media.* Commissioners shall adhere to the Oneida Nation's Social Media Policy and their oath of office when using social media while acting on behalf of or as a representative of the Commission.~~

~~4-5. *Conflict of Interest.* Commissioners shall abide by all laws of the Nation governing conflicts of interest.~~

~~(a) Commissioners shall be knowledgeable about and conform to the Conflict of Interest law.~~

Article V. Stipends and Compensation

~~5-1. *Stipends.* ~~Hearing Bodies. Hearing body members are~~ Commissioners shall be eligible to receive a for the following stipends as set forth in and subject to these bylaws; the Boards, Committees and Commissions law; and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-~~

~~D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:~~

~~(a) Two (2) meeting stipends per month, provided that:~~

~~(1) A quorum was established;~~

~~(2) The meeting of the established quorum lasted for at least one (1) hour; and~~

~~(3) The Commissioner collecting the stipend regardless of the length of the was physically present for the entire meeting.~~

~~(b) A stipend for attending a conference or training, provided that:~~

~~(1) The Commissioner attended a full day of training or was present at the conference for a full day; and~~

~~(2) The Commissioner's attendance at the conference or training was required by law, bylaws or resolution.~~

~~(c) A stipend for attending a Judiciary hearing so long as the attendance was required by official subpoena.~~

~~(d) A stipend for attending a duly called joint meeting between the Commission and the Oneida Business Committee, provided that:~~

~~(1) A quorum was established by the Commission;~~

~~(2) The joint meeting lasted for at least one (1) hour; and~~

~~(3) The Commissioner collecting the stipend was physically present for the entire joint meeting.~~

~~(e) A stipend for attending an official hearing of the Commission.~~

~~(1) Commissioners shall rotate their attendance at official hearings of the Commission that are mandated by the Nation's governing laws.~~

~~5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, Commissioners shall not~~

~~be eligible for any other form of compensation for duties/activities they perform on behalf of the Commission.~~

Article VI.

~~Article IV.~~ Records and Reporting

~~4-1. 6-1. Agenda— Items.~~ Agenda items shall be ~~in an identified format maintained in a format developed by the Oneida Business Committee Support Office.~~

- ~~(a) (a) Items to be on the~~ Each agenda ~~shall be provided at least 24 hours before~~ item must include an agenda request form with all necessary documentation for that item.
- ~~(b)~~ Each agenda item must have a sponsor with the Oneida Business Committee Support Office serving as the default sponsor.
- ~~(c)~~ All internal agenda requests must be signed by the appropriate Division Director and have a representative present at the meeting.
- ~~(d) (b) Items with~~ to be on the agenda shall be provided at least twenty-four (24) hours before the meeting.
 - ~~(1) Items provided~~ less than twenty-four (24) hours notice before the meeting shall not be accepted, unless approved by a majority vote of the Commission Commissioners in attendance at a meeting of an established quorum.
- ~~(e) (c) Packages of the proposed agenda and back up documentation will be made available~~ Executive Session items shall only be provided to the Commissioners and must be marked as early as is practical. Executive items are to be in a separate sealed envelope stamped confidential.
- ~~(f) 4-2.~~ Revised agenda packets will be created and kept in a shared file. A revised agenda packet shall be created anytime there are additional items added to the agenda.

~~6-2. Minutes. -~~ Minutes shall be ~~preserved~~ prepared in a ~~consistent typed~~ format ~~designed~~ created by the Oneida Business Committee Support Office to generate the most informative record of the ~~Commission's meetings~~ meeting.

- ~~(a)~~ (a) Minutes shall contain, verbatim, the motions made during the meeting and a summary of the action taken at the meeting if needed to complete the record.
 - ~~(b) Meeting Materials. Handouts~~ minutes may contain case numbers or redacted information when necessary to protect personal or other confidential matters in compliance with the Open Records and Open Meetings law.
 - ~~(c)~~ Copies of the Commission's meeting minutes shall be provided to the Oneida Business Committee Support Office within thirty (30) days of the meeting.

~~6-3. Attachments.~~ All handouts, reports, ~~memoranda~~ memorandum and the like ~~may be~~ shall be labeled appropriately; attached to the meeting minutes

and agenda, or may be kept separately, provided that all such materials are identified as to the meeting in which they _____ were presented; and maintained in a shared file with the Oneida Business _____ Committee Support Office.

(b) Where the interests of confidentiality so require (i.e., loans), personal names shall be replaced with a loan number, case number or other non-personally identifiable number.

(c) All minutes shall be submitted to the Secretary's office within thirty (30) days after approval by the Commission.

~~4-3. Reports.~~ The Commission is responsible to the General Tribal Council and the

6-4. Oneida Business

Committee for the following reports and activities:

(a) Providing semi-annual reports, based upon activities completed.

(b) Providing an annual meeting, projecting future purchases, plans and activities.

~~4-4.~~ The Commission's quarterly report to the Liaison. The Commission shall regularly communicate with _____ the member of the Oneida Business Committee shall include all relevant names of Tribal members, even if those names had been replaced with non-personally identifiable numbers in the minutes who is its designated _____ liaison.

~~Article V. Obligations of Committee Members~~

~~5-1. Robert's Rules of Order.~~ Commission members shall be knowledgeable or become knowledgeable about Robert's Rules of Order.

~~5-2. Code of Ethics.~~ Commission members shall be knowledgeable about, and conform with the Oneida Code of Ethics, adopted by Resolution 11-23-94 A, and any amendments thereto.

~~5-3. Conflict of Interest.~~ Commission members shall be knowledgeable about, and conform with Oneida Conflict of Interest policies.

~~5-4. Meeting Attendance.~~ Commission members shall attend all regularly scheduled Commission meetings unless they have submitted an excuse to a Commission officer or the Division Director at least 24 hours prior to the meeting.

~~5-5. Removal.~~ Commission members may be removed pursuant to the Oneida Removal Law:

(a) Failure to attend four (4) regularly scheduled meetings without notice may be

1 grounds for removal from the
2 Commission.

3 (b) Failure to attend fifty percent (50%) of an entity's regular scheduled meetings within
4 a twelve (12) month period for any reason.

5 (c) Intentional mis use of Tribal
6 funds,

7 (d) Alcohol use while performing official responsibilities or use of illegal drugs at
8 any time.

9
10 ~~Article VI. Procedures on Contested~~
11 ~~Matters~~

12 ~~6-1. Grievances regarding any land related transaction shall be resolved in accordance with~~
13 ~~the~~
14 ~~Real Property Law and the Administrative Procedures~~
15 ~~Act.~~

16 (a) ~~Wherever possible and allowed by law, the Director of the Division of Land~~
17 ~~Management shall first attempt to resolve the matter before submitting the issue to~~
18 ~~the Commission.~~

19 (b) ~~Upon receipt of notice of a contested matter by the Director of the Division of~~
20 ~~Land~~
21 ~~Management, or a special committee thereof, the Commission shall hold or provide~~
22 ~~for the holding of a hearing in accordance with the Administrative Procedures Act~~
23 ~~for all cases within its jurisdiction.~~

24 (a) The frequency and method of communication shall be as agreed upon by
25 the Commission and the liaison, but not less than that required in any law
26 or policy on reporting developed by the Oneida Business Committee or the
27 Oneida General Tribal Council.

28
29 6-5. Audio Recordings. All open session portions of meetings shall be audio recorded by the
30 Secretary or Secretary's designee with a device provided or approved by the
31 Oneida Business Committee Support Office and sent to the Oneida Business
32 Committee Support Office to maintain in accordance with the Nation's
33 Open Records and Open Meetings law.

34 (a) Exception. Audio recordings of executive session portions of a Commission
35 meeting shall not be recorded.

36
37 **Article VII. -Amendments**

38 7-1. The Commission, upon Amendments. Upon written notice, the Commission may propose
39 amendments to these bylaws for consideration at any regular
40 meeting.

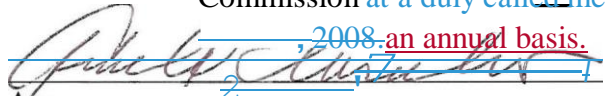
41 (a) The Commission may only adopt amendments revising, adding ~~to or to~~
42 or ~~_____~~ repealing ~~any or all of the~~
43 ~~foregoing bylaws, provided that the proposed~~ at a subsequent meeting.

44 (1) Any amendments ~~have been submitted in writing at the previous~~
45 ~~regular meeting, to these bylaws shall conform to the requirements~~
46 ~~of the Boards, Committees and Commissions law and any other~~
47 ~~policy of the Nation.~~

48 (2) Such amendments shall thereafter be submitted for review by the
49 ~~_____~~ Legislative Operating Committee and final approval by the Oneida
50 ~~_____~~ Business Committee before implementation.

51 ~~7.2. Updating and Review. At (b) The Commission shall review these bylaws at the~~
52 ~~first meeting following the election of officers, Officers the~~
53 ~~Commission shall conduct a review of these bylaws to determine that they remain~~
54 ~~current.~~

55
56
57
58 ~~These bylaws as amended and revised, were adopted by the Oneida Land~~
59 ~~Commission at a duly called meeting held, but no less than on the 11th day of (fQJ~~
60 ~~_____, 2008, an annual basis.~~

61 
62 Am

63 elia Cornelius, Oneida Land Commission, Chairperson

64
65 ~~And approved by the Oneida Business Committee at a duly called meeting held on the 10th~~
66 ~~day of Dec.e\, 1 _____,~~
67 ~~2008.~~

68 

69 _____
70
71 Patricia Hoeft, Tri a Se re ary

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



AGENDA REQUEST FORM

- 1) Request Date: 9/4/19
- 2) Contact Person(s): Dustin Shenandoe
 Dept: Arts
 Phone Number: 5250 Email: dskena12@oneidanation.org
- 3) Agenda Title: Separating Dollars for Arts policy from procedure
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
To improve processes for the Dollars for Arts program

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

- 1) Title 1, Chapter 128
- 2) _____
- 3) _____
- 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
Title 1, Chapter 128
- 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: Dustin Shenandoe

Please send this form and all supporting materials to:

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

Title 1. Government and Finances – Chapter 128
ONEIDA NATION ARTS PROGRAM – DOLLAR FOR ART PROJECTS POLICIES

128.1.	Purpose and Policy	128.5.	Dollars for Arts Project Awards and Fellowships
128.2.	Adoption, Amendment, Repeal	128.6.	Peer Review Panel Process
128.3.	Definitions	128.7.	Reconsideration Policy and Appeal Process
128.4.	Format of the Dollars for Arts Project		

128.1. Purpose and Policy

128.1-1. The purpose of the Oneida Nation Arts Program -- Dollars for Arts Project (DAP) -- is to regrant funds from the Wisconsin State Arts Board and the Oneida Tribe of Indians of Wisconsin Oneida.

128.1-2. DAP provides funds to support excellence, innovations and the development of the arts in Oneida for individual artists and community groups. The arts include both traditional and contemporary styles in dance, literature, music, theatre, and visual arts.

128.2. Adoption, Amendment, Repeal

128.2-1. This law may be adopted by the Oneida Business Committee or the Oneida General Tribal Council and is effective 30 calendar days from date of adoption.

128.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council regardless of where the original adoption took place.

128.2-3. 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.

128.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this policy.

128.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

128.3. Definitions

128.3-1. 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) "Peer Panel" refers to community members, approved by the Oneida Nation Arts Board, to adjudicate grant applications.

(b) "The fiscal sponsor" refers to organization who is fiscally and legally responsible for the grant award of an organization or individual who is not eligible within the guidelines. The fiscal receiver, with the applicant organization, signs the grant application. In addition, a written contract between the organization and the fiscal receiver specifying the responsibilities of each party must be submitted with the application form.

(c) "In-kind contributions" are goods or services contributed to the organization by individuals, other agencies, or businesses that have a demonstrable cash value. These may include items such as donated or discounted space and equipment rental, printing, advertising, or other services. In-kind contributions are valued at fair market price and must be documented and capable of being verified upon request. The time of any non-professional volunteers will not be considered in-kind contribution.

128.4. Format of the Dollars for Arts Project

128.4-1. Oneida Nation Arts Board Approval of Review Criteria -- the Oneida Nation Arts Board identifies and adopts application review criteria prior to the funding cycle.

(a) The approved Review Criteria is available to applicants and is used by all panelists during adjudication.

128.4-2. Notification of Grant Program -- all grant programs will be announced in the tribal newspaper. In addition, ONAP staff and ONAB will seek to promote DAP in other venues.

128.4-3. Technical Assistance -- ONAP is available to conduct workshops for individual artists and community groups in grant writing. ONAP is also available to assist in project development.

128.4-4. Prior Application -- all applicants will be required to discuss project ideas with ONAP staff prior to application. ONAP will keep record of applicants contact.

128.4-5. Application Due Date -- Applications are due in the ONAP office by 4:30 on the due date or postmarked on the due date. Staff review application for eligibility as stated in the application guidelines; ineligible applications will be returned.

128.4-6. Peer Panelist Selection -- Panelists will be recruited by the ONAP staff and board.

(a) A list of potential panelists with varying expertise and backgrounds will be brought before the board for approval prior to granting cycle.

(b) When ONAP has received applications, staff will select panelists with appropriate expertise and limited conflicts of interest from the board approved list.

128.4-7. Peer Panelist Role and Training -- The ONAP staff will contact panelists and train panelists via telephone; panelists will be given applications and conflict of interest statements will be collected; panelists will review applications.

128.4-8. Notification of Panel Meeting -- all applicants will receive notification of the day, time and location of the panel meeting one week prior. All meetings are open to the general public.

128.4-9. Panel Meeting -- An Oneida Nation Arts Board member is a non voting member of the peer panel and facilitates the meeting. The peer panel reviews each application using the guideline review criteria. Applicants are strongly encouraged to attend the panel meeting. Peer panelists may ask applicants questions pertaining to the review criteria. Applicants may make a 5 minute presentation on the proposed project. Individual panelist rate and score the application on its own merit using the review criteria. Each panelist's scores are tabulated and a final composite score is given for each application.

128.4-10. Oneida Nation Arts Board (ONAB) Approval -- ONAB will determine funding awards based on panel's recommendations.

128.4-11. Notification of Awards -- All applicants will be notified of award or denial. Applicants who were funded will receive a contract and other materials.

128.4-12. Appeal Process - Appeals must be made within 30 days of notification.

128.4-13. Payment -- Applicants who were funded return signed contracts, vouchers, and other materials and payment is released.

128.4-14. Funded Activities -- Grant supported activities occur.

(a) Activities are open to the public

(b) The Oneida Nation Arts Program and the Wisconsin Arts Board are given recognition in either written materials or in public display.

128.4-15. Project Modification -- Applicants may modify their projects to meet budgetary or other unforeseen constraints with approval of ONAP staff. Up-dated budget and project summary may be requested by ONAP staff.

128.4-16. Failure to Complete Project -- Applicants who fail to complete project as stated in original or modified application and as is stated in the grant agreement are not permitted to re-apply for funding until their application is in compliance with their proposal and grant agreement. ONAP staff is available to assist applicants towards compliance.

128.4-17. Turn-Back Funds -- If applicant can not within reason fulfill the grant application as stated in the original or modified proposal, the applicant must turn-back the funds from the DAP program. If funds are not returned, ONAP may sue for breach of agreement.

128.4-18. Final Grant Report -- Final grant report due 30 days after project is completed.

128.5. Dollars for Arts Project Awards and Fellowships

128.5-1. The Dollars for Arts Program (DAP) is a regranting program funded by the Wisconsin Arts Board and the Oneida Tribe of Indians of Wisconsin. DAP provides funds to individuals and organizations that promote excellence, innovations and the development of the arts in Oneida.

128.5-2. Community Awards - are for arts projects that are new and innovative or significantly enhance an existing program in the Oneida community.

- (a) Eligibility -- Applications that do not meet the eligibility requirements will be ineligible for panel review and will be returned to applicant.
- (b) Basic Requirements
 - (1) Applicant must contact ONAP staff about the proposed project prior to application due date.
 - (2) Applicant may not receive funds for this project from the Northeastern Arts Council, Fox Valley Arts Alliance, or any other organization receiving regranting funds from the Wisconsin Arts Board.
 - (3) Application must be received by or post marked by due date.
 - (4) Project activities must occur during the specified grant times.
 - (5) If past grant awardee, applicant has submitted final grant report.
- (c) Who May Apply (applicant must meet one of the following conditions.)
 - (1) The applicant must hold tax-exempt status under Section 501(c)3 of the Internal Revenue Code; or
 - (2) The applicant must be a Oneida Tribal Program whose mission is to provide a community service.
 - (3) The applicant (a community group) is using a separate not-for-profit organization as a fiscal sponsor.
- (d) Activities Not Funded (however, may be used as cash match in a project)
 - (1) Purchase of capital equipment (items costing more than \$300 with a useful life of more than one year) or capital expenditures, e.g., renovation of existing facilities;
 - (2) Prizes or awards
 - (3) Refreshments or receptions
 - (4) Activities not open to the general public
- (e) Grant Amounts and Matching Requirements
 - (1) Applicants may request up to fifty percent of the total project costs.
 - (2) Grants must be matched at least dollar for dollar in either cash or a combination of cash and in-kind contributions.
 - (3) At least one-half of the amount requested must be matched with cash.

(4) Salary expense is considered a cash match.

128.5-3. Oneida Fellowship Awards - are a \$500 cash award to individual artists for artistic excellence in the Oneida community. There is a maximum of two Fellowships available per fiscal year available in the first funding cycle only.

- (a) Eligibility -- Applications that do not meet the eligibility requirements will be ineligible for panel review and will be returned to applicant.
- (b) Basic Requirements
 - (1) Applicant must contact ONAP staff about the proposed project prior to application due date.
 - (2) Application must be received by or post marked by due date.
 - (3) The applicant has not received a Fellowship from the Oneida Nation Arts Projects within the last 3 years from this application due date.
 - (4) Artist has not received an Artist Development Award in the current fiscal year.
 - (5) If past grant awardee, applicant has submitted final grant report.
- (c) Who May Apply
 - (1) The applicant must be 18 years old or older and an enrolled Oneida member.
- (d) Public Component
 - (1) Applicant must present a public display or performance during the grant period.
 - (2) Applicant agrees to serve as an artist mentor during the grant period.
- (e) Grant Amounts and Matching Requirements
 - (1) \$500 award, no matching requirements.

128.5-4. Artist Development Awards - are available to artists in the community who have identified a special project that will enhance their professional development and benefit the Oneida community.

- (a) Eligibility -- Applications that do not meet the eligibility requirements will be ineligible for panel review and will be returned to applicant.
- (b) Basic Requirements
 - (1) Applicant must contact ONAP staff about the proposed project prior to application due date.
 - (2) Applicant may not receive funds for this project from the Northeastern Arts Council, Fox Valley Arts Alliance, or any other organization receiving regrating funds from the Wisconsin Arts Board.
 - (3) Application must be received by or post marked by due date.
 - (4) Artist has not received a Fellowship Award in the current fiscal year.
 - (5) Artist has not received a Artist Development in the current fiscal year.
 - (6) Project activities must occur during the specified grant times.
 - (7) If past grant awardee, applicant has submitted final grant report.
- (c) Who May Apply (applicant must meet one of the following conditions.)
 - (1) The applicant must be 18 years old or older.
 - (2) Parent/guardian or fiscal sponsor is applying on behalf of a child under 18.
- (d) Activities Not Funded (however, may be used as cash match in a project)
 - (1) Purchase of capital equipment (items costing more than \$300 with a useful life of more than one year) or capital expenditures, e.g., renovation of existing facilities;

- (2) Prizes or awards
- (3) Refreshments or receptions
- (4) Activities not open to the general public
- (e) Grant Amounts and Matching Requirements
 - (1) Applicants may request up to fifty percent of the total project costs.
 - (2) Grants must be matched at least dollar for dollar in either cash or a combination of cash and in-kind contributions.
 - (3) At least one-half of the amount requested must be matched with cash.

128.6. Peer Review Panel Process

128.6-1. An eligible application is review and adjudicated by a community panel comprised of individuals from the Oneida community, the arts community, and not for profit or business community with expertise in arts, business, or community affairs. The panels are chaired by an Oneida Nation Arts Board member, who facilitates the meeting as a non voting member of the panel.

- (a) Oneida Nation Arts Board may serve as the peer panel in the event that there are few applications for review in a funding cycle.
- (b) Names of potential panelists and their areas of expertise are collected by the ONAP staff, with the Oneida Nation Arts Board approving the panelists list prior to the grant cycle.
 - (1) When ONAP has received applications, staff will select panelists with appropriate expertise and limited conflicts of interest from the board approved list.
 - (2) The ONAP staff will contact panelists and train panelists via telephone; panelists will be given applications and conflict of interest statements will be collected.
- (c) The size of the peer panel is determined by the number of the applications.
 - (1) All panels will have a minimum of three panelists or a maximum of seven panelists.
 - (2) The majority of the panel will be tribal members with at least one Oneida member serving on panels of less than five people and at least two Oneida members serving on panels of five or more people.
- (d) Each application is reviewed on its own merit using the Oneida Nation Arts Board adopted Review Criteria.
 - (1) The Oneida Nation Arts Board approves of the Review Criteria prior to the granting cycle.

128.6-2. Panel Meetings are open to the public.

- (a) Applicants will be notified of the panel meeting date, place and time at least one week prior meeting.
- (b) Applicants are encouraged to attend the meeting, panelists may ask for clarification from the applicant as it pertains to the review criteria.
 - (1) Applicants for the Community Awards and the Artist Development Awards may make a five minute presentation on their project.

128.7. Reconsideration Policy and Appeal Process

128.7-1. The reconsideration policy is designed to review the method and fairness of the ONAP

panel process concerning a grant application.

- (a) The subjective panel's evaluations of artistic quality or merit, the quality of the artistic activity, or the artistic work of an individual artist are not subject to appeal.
- (b) The amount of the grant may not be appealed.

132.7-2. Applicants may request reconsideration of a funding decision if the applicant can demonstrate:

- (a) The panel or review team used incorrect review criteria; or
- (b) There was influence by an ONAP staff person or ONAP volunteer panelist having a conflict of interest; or
- (c) Required information submitted by the applicant was withheld from consideration.

128.7-3. Applicant must send a formal letter to the ONAP director stating the reason for reconsideration based on one or more of the three points above, and evidence of the grounds for appeal within 30 days of notification of the ONAP grant award in question.

128.7-4. An appeals committee, appointed by the Oneida Nation Arts Board chair, will review all requests for appeal and make recommendations to the full Oneida Nation Arts Board at its next business meeting.

128.7-5. All decisions of the Oneida Nation Arts Board are final and may not be appealed further.

End.

Adopted-BC-9-13-00-C