

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

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Memorandum

TO: Legislative Operating Committee
FROM: Lynn A. Franzmeier, Staff Attorney
DATE: June 19, 2013
RE: Election Law and Comprehensive Policy Amendments Re: Boards, Committees and Commissions Members

Proposed changes to the Election Law and the Comprehensive Policy Governing Boards Committees and Commissions would prohibit Tribal members from (1) running for more than one elective seat per election; (2) serving on more than one Board, Committee or Commission; or (3) serving as a member on any Board, Committee or Commission while employed by the Tribe.

Running for More than One Elective Seat per Election

During the 2002 General Election, fourteen candidates ran for more than one elective seat on the ballot. Twelve candidates ran for 2 seats; one candidate ran for 3 seats and one candidate ran for 4 seats. Only two of those candidates won more than one seat. One candidate won a seat on the Oneida Gaming Commission and won the Tribal Chair seat – the candidate declined the Oneida Gaming Commission seat. The other candidate won a seat on the Trust/Enrollment Committee and on the Oneida Nation Commission on Aging. That candidate did not decline either seat.

In 2005, twelve candidates ran for more than one seat during the General Election – eleven candidates ran for 2 seats and one candidate ran for 3 seats. Only 1 candidate won more than 1 seat. That individual won a seat on both the Trust/Enrollment Committee and on the Oneida Nation Commission on Aging. Neither seat was declined.

In 2008, fourteen people ran for more than one seat - twelve candidates ran for 2 seats and 2 candidates ran for 3 seats. Three people won 2 seats and no candidate declined any seat that he or she won. The multiple winning candidates won seats on the Oneida Gaming Commission and Land Claims Commission; Trust/Enrollment Committee and Oneida Nation School Board; and the Oneida Nation Commission on Aging and Land Claims Commission.

In 2010, the Election Law was amended to prohibit individuals who run for a seat on either the Oneida Business Committee or a judicial court or commission from running for more than one seat in an election. During the 2011 General Election, only 2 people ran for more than one seat on entities other than the Oneida Business Committee or the Oneida Appeals Commission. Each candidate ran for two seats and neither candidate won more than one seat.

Limiting Tribal Members from Serving on More than One Board, Committee or Commission or on Any Board, Committee or Commission while Employed by the Tribe

There are currently 155 available seats on twenty-one different boards, committees and commissions. From the information provided, it has been determined that there are 19 individuals who serve on more than one Board, Committee or Commission.¹ Thirteen of those individuals serve on 2 Boards, Committees or Commissions and six individuals serve on 3 Boards, Committees or Commissions.

In July 2012, GTC voted down a referendum question to prohibit Tribal employees from serving on Boards, Committees or Commissions. Currently, there are approximately 55 Tribal employees² who serve on a Board, Committee or Commission. Seven of those Tribal employees serve on 2 Boards, Committees or Commissions; and two Tribal employees serve on 3 Boards, Committees or Commissions.

The proposed amendments would prohibit individuals from serving in multiple seats, whether appointed or elected, and would prohibit employees from serving in any elected or appointed seat. It is unclear what impact these amendments will have on the Tribe's Boards, Committees and Commissions.

Conclusion

Since the 2010 amendments to the Election Law, there has only been one General Election, however, there was a significant reduction in the number of Tribal members who ran for more than one seat during that election. The proposed amendments would prohibit all individuals from running for more than one seat during an election; prohibit all individuals from holding more than one election or appointed seat at the same time; and prohibit Tribal employees from holding an elected or appointed seat.

1 This does not include individuals who serve on a Tribal Corporate Board and on another Tribal Board, Committee or Commission or on more than one Tribal Corporate Board.

2 "Tribal employee" includes those individuals who are employed by a Board, Committee or Commission, such as ONCOA and/or individuals who are serving as political appointees for the OBC. There are currently 6 Tribal employees who fall into this category. "Tribal employee" does not include those individuals who are required to serve on a Board, Committee or Commission as part of their job requirements or who serve on a Tribal Corporate Board.

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Committee Members

Melinda J. Danforth
Vince DelaRosa
David P. Jordan
Paul Ninham
Brandon Stevens

Memorandum

TO: Legislative Operating Committee
FROM: Melinda J. Danforth, Legislative Operating Committee Chair
DATE: June 14, 2013
RE: REQUEST FOR ACTION: Public Meeting Date for Amendments to the Comprehensive Policy Governing Boards, Committees and Commissions

Please find attached the following for your consideration:

1. Public Meeting Notice: Amendments to the Comprehensive Policy Governing Boards, Committees and Commissions
2. Comprehensive Policy Governing Boards, Committees and Commissions (strikeout/redline)
3. Comprehensive Policy Governing Boards, Committees and Commissions (clean copy)

Overview

The Amendments to the Comprehensive Policy Governing Boards, Committees and Commissions will be retitled as "Board, Committees and Commissions" (Law) and enacted as a law. The purpose of the Law is to govern the creation and dissolution of boards, committees and commissions; appointment 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 Law will limit a Tribal member to one (1) appointed position on a Board, Committee or Commission. Tribal members will not be allowed to hold more than one Board, Committee or Commission position and Tribal Corporation Board position at the same time. Amendments will also limit a Tribal member to serve a maximum of two (2) consecutive full terms in any one (1) appointed position. Upon adoption of the Law, the resolution will contain a grandfather clause to allow all elected persons serving in an office on the effective date of this amendment to have their current term counted as their first term regardless of the number of terms previously elected to that office. The Law will also prohibit Tribal members from serving as an elected or appointed official and as a Tribal employee.

Requested Action

Motion to approve a July 18, 2013 public meeting for Amendments to the Comprehensive Policy Governing Boards, Committees and Commissions.

Notice of Public Meeting

Topic: Amendments to the Comprehensive Policy Governing Boards, Committees and Commissions

When & Where:

Thursday, July 18,
2013 at 12:15 p.m.

OBC Conference
Room

Second Floor, Norbert Hill
Center—Oneida, WI



Public Comment

Period:

June 27, 2013 to
July 25, 2013

Those who cannot attend the Public Meeting may submit written comments regarding this legislative proposal. Those who attend the Public Meeting may also submit written comments and/or a written transcript of their testimony from the meeting. All written submissions must be received by the last day of the Public Comment Period.

To submit written comments, obtain a copy of the Public Meeting documents, or learn more about the public meeting process, please visit or contact the Legislative Reference Office, located on the second floor of the Norbert Hill Center, Oneida WI.

Mail:

Legislative Reference Office
PO Box 365,
Oneida, WI 54155

E-Mail:

LRO Paralegal Tonya Boucher
TBoucher@oneidanation.org

Phone:

(920)869-4240 or
(800)236-2214

Summary of the Proposal

The amendments would retitle the policy as “Board, Committees and Commissions” (Law) and enact it as a law. The amendments would also:

- Govern the creation and dissolution of boards, committees and commissions; and the appointment of persons to boards, committees and commissions;
- Set out the type of information required to be contained within bylaws;
- Determine how official records are maintained and compensation is paid;
- Limit a Tribal member to one (1) appointed position on a Board, Committee or Commission. Tribal members will not be allowed to hold more than one Board, Committee or Commission position and Tribal Corporation Board position at the same time.
- Limit a Tribal member to serve a maximum of two (2) consecutive full terms in any one (1) appointed position. Upon adoption of the Law, the resolution will contain a grandfather clause to allow all elected persons serving in an office on the effective date of this amendment to have their current term counted as their first term, regardless of the number of terms previously elected to that office.
- Prohibit Tribal members from serving as an elected or appointed official and as a Tribal employee.

The Public Meeting materials, including the draft proposal, legislative analysis and any other relevant documents, will be made available at the Public Meeting, or can be obtained in advance through the Legislative Reference Office. The Public Meeting materials are also available on the Tribal Website at:

<https://oneida-nsn.gov/PublicHearings.aspx>



Comprehensive Policy Governing Chapter 6
Boards, Committees and Commissions

- 6.1. Purpose and Policy
- 6.2. Adoption, Amendment, Repeal
- 6.3. Definitions
- 6.4. ApplicationsApplicability
- 6.5. Creation and Dissolution of an Entity
- Article VI. Appointed Positions
- Article VII. Elected Positions
- 6.6. Appointed or Elected Officials
- 6.7. Vacancies
- 6.8. Applications

- 6.9. Oath of Office
- Article VIII 6.10. Bylaws of Boards, Committees and Commissions
- Article IX. 6.11. Minutes
- Article XI. Stipends, Reimbursement and Compensation for Services 6.12. Stipends and Reimbursements
- Article XII 6.13. Confidential Information
- Article XIII 6.14. Conflicts of Interest
- Article X. Dissolution of Entities
- 6.15. Enforcement and Penalties

Analysis by the Legislative Reference Office

Amendments to the Comprehensive Policy Governing Boards, Committees and Commissions (Comprehensive Policy) have been requested by Oneida Business Committee (OBC) Member Vince DelaRosa.

Originally, the Comprehensive Policy was added to the Active Files List at the April 3, 2013 LOC meeting, for consideration of three main changes:

1. Setting term limits for seats on Tribal boards, committees and commissions.
2. Prohibiting Tribal employees from serving on Tribal boards, committees and commissions.
3. Allowing a person to only serve on one Tribal board, committee or commission (hereinafter “entity”) at a time. *See 3-27-23 Agenda Request Form.*

These changes were requested, in part, in response to a referendum question presented to the GTC at the July 7, 2012 Special Election. The GTC was asked to vote on the following question: “Should there be term limits for all Board, Committee, and Commission positions, including the Business Committee?” Of the 474 votes cast, 330 (69.6%) voted in support of the question, while 116 (24.5%) opposed it and 28 (5.9%) did not respond. [See *Oneida Nation 2012 Special Election Final Report*].

Additional changes were also made to update and improve the document. The main changes include:

- Changing the form – although the proposed draft contains most of the same provisions as the current Comprehensive Policy, it would be retitled “Board, Committees and Commissions”

Summary of Law

Purpose	To govern Oneida boards, committees and commissions
Authorized Entities	Internal Audit Dept., Tribal Secretary, Tribal Chair, OBC, Judiciary, GTC
Policy Mechanism	Processes for: creation and dissolution of entities, appointing officials, noticing and filling vacancies & applications. Establishes standards for: oath of office, bylaws, reporting, stipends, confidentiality, conflicts of interest.
Enforcement Mechanism	Disqualification as a candidate, termination of appointment, reference to Removal Law for elected officials
Due Process	No appeals for disqualification or appointment termination
Jurisdiction	All Tribal entities created by the GTC or OBC, except for separately-chartered corporations and the Judicial system. Any person appointed or elected to serve on such an entity (officials).

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36 and enacted as a law (hereinafter “the Law”), instead of as a policy. The current
37 Comprehensive Policy would be repealed when this Law goes into effect. *See 6.2-4.*

- 38 • Any new Tribal boards, committees and commissions must be created by resolution or by
39 adoption of a law which establishes the entity.
- 40 • New language clarifies that this Law would not apply to the OBC, the Tribal Judicial System,
41 or to separately-chartered Tribal corporate boards, committees and commissions.
- 42 • Applicants for all appointed and elected positions would be required to submit their
43 application in person and no longer by mail, interoffice mail, fax or other method.
- 44 • Officials may be able to be sworn in – i.e. take the oath of office - in places other than in
45 person at an OBC meeting.
- 46 • A new condition is imposed on the various stipends an official may earn – stipends can only
47 be paid if the entity has submitted any required reports to the OBC or GTC.
- 48 • An additional requirement means that in order for officials to receive a meeting stipend, the
49 official must have been physically present for at least one hour during which entity business
50 was discussed.
- 51 • Appointed entities can now request an exception to the one-meeting-stipend-per-month rule
52 for extenuating circumstances, subject to OBC approval.

53 54 **Remaining Policy Considerations**

- 55 1. Status of Standing Committees - Because the OBC is excepted from the definition of entity,
56 it appears that the Standing Committees of the OBC would also not be considered entities
57 under this Law. If persons other than OBC members are appointed to a standing committee,
58 those persons would appear to not be subject to this Law or to these requirements, so it is not
59 clear how issues like stipends or term limits would be governed. Further, one of the reasons
60 for these new requirements in this Law is to avoid conflicts of interest that may arise due to
61 consecutive service on more than one entity – if standing committees are not considered
62 entities as defined by this Law, then there would be no prohibition against serving on a
63 standing committee and on another Tribal entity at the same time.
- 64 2. New language in 6.12-2 states that stipends will be paid to officials provided that all required
65 reports have been submitted to the OBC and GTC. However, it is not clear if the intent is
66 that, if the reports have not been submitted, those stipends be forfeited, or if the intent is that
67 the stipends only be withheld until all necessary reports were in.
- 68 3. In order to ensure that the intent of this Law is met, it may be helpful to more clearly define
69 what a “seat” or “office” refers to. Section 6.8-4(b)(4) provides that a person may serve a
70 maximum of two consecutive full terms in any one appointed seat (not two consecutive full
71 terms on an entity) and that a minimum period equivalent to one term must lapse before the
72 prior official is eligible for another term in the same seat.
- 73 • Some entities (generally elected) have different “seats” based on whether the official is
74 an officer or not – for example, the OBC has nine positions – four officer positions, and
75 five non-officer positions. For other entities, it is less clear - the officers are chosen by the
76 entity internally on a regular basis (often once a year, or for a full term after a new term
77 starts). The Law does not clarify whether (or how) service as an officer would determine
78 what counts as a separate “seat”.
- 79 • Some entities identify different requirements or qualifications for different members, and
80 it is not known if fulfilling different qualifications or membership requirements would

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81 affect whether an official had the same “seat”. For example, the Personnel Commission
 82 bylaws state that: “The entire combined Commission may not consist of more than two
 83 members from any one division of the Oneida Tribe, or less than seven community
 84 members who are not employed by the Tribe.” Therefore, it is not known if a person
 85 who served two consecutive terms as a representative of a particular division, but then
 86 stopped working for the Tribe, could remain on for a third term as a community member
 87 because it is a different seat.

- 88 • Of the eleven appointed entities, at least five have staggered terms. The Law does not
 89 address whether an official would be able to skirt the two-term limit by seeking to fill a
 90 different vacant seat on the same entity during his second term. By filling a different
 91 vacant seat, the Official would not be serving in any one seat for two full consecutive
 92 terms, and since that would be considered a different “seat” it could be argued that the
 93 Official could then proceed to serve two more consecutive terms in the new “seat”.

94 Analysis

95 **New Provisions**

96 The Law clarifies that membership on an entity is not considered employment, and adds
 97 that:

- 98 • Any person who serves on an entity shall not simultaneously serve on another entity or be a
 99 Tribal employee. *See 6.14-1.*
- 100 • A person shall not be eligible for appointment if it would result in serving simultaneously on
 101 more than one tribal or corporate board, committee or commission. (This Law only addresses
 102 appointed positions; it does not state that a person is ineligible to be elected to a seat if it
 103 would result in simultaneous service on more than one entity.) *See 6.8-4(b)(3)*
- 104 • Except where an employee is required to serve on a specific entity as a condition of
 105 employment (i.e. a job requirement), an official is not permitted to hold any employed
 106 position with the Tribe during his or her term of office. An official is required to resign his or
 107 her membership on an entity before beginning employment with the Tribe. However, a
 108 sunset provision is added so that persons currently serving as an employee and official would
 109 be exempt from this new rule until their current term expires. *See 6.14-3 and footnote to*
 110 *6.14-3.*
- 111 • A person may serve a maximum of two consecutive full terms in any one appointed seat, and
 112 then is required to leave that seat for a period equal to one full term before s/he is eligible for
 113 that seat again. During the period of ineligibility, the official can serve on a different seat on
 114 the same entity or on a different entity. The Law includes a grandfather clause - any officials
 115 serving in an appointed office when this Law goes into effect would have their current term
 116 counted as their first term, regardless of the number of terms that official had previously been
 117 seated. This Law does not place any term limits on elected seats or offices. *See 6.8-4(b)(4)*

118 **Additional Changes to the Comprehensive Policy/New BCC Law**

119 The Comprehensive Policy applies to any individual appointed or elected to a Tribal
 120 entity; but the Law adds that it also applies to any others to whom the OBC or GTC may,
 121 through legislative action, direct this Law to apply. *See 6.4-1.*

122 The definition for “official” is revised – it still means any person appointed or elected to
 123 membership on a Tribal entity, but now is also someone “in a position where the individual
 124 membership on a Tribal entity, but now is also someone “in a position where the individual
 125

126 filling that position has the authority and power to exercise some portion of sovereign functions
127 of the Tribe without control from another authority other than law.” *See 6.3-1.*

128 The Law still defines an “entity” as a board, committee, or commission created by the
129 GTC or OBC, whose officials are appointed by the OBC or elected by the GTC. New language
130 states that the following are not considered “entities” for the purposes of this Law, meaning they
131 would not be subject to these requirements:

- 132 • The OBC – the OBC is governed by the Tribal Constitution and bylaws. If the OBC is not
133 subject to this Law, then it appears that OBC Standing Committees would also not be subject
134 to this Law.
- 135 • Boards of a separately-chartered Tribal corporation – such corporations are generally
136 autonomous.
- 137 • The Tribe’s Judicial System – the Judiciary and the Family Court Commission will be
138 governed by the Judiciary Law and the current Appeals Commission is governed by the
139 Administrative Procedures Act addendum and internal court rules. *See 6.1-1 and 6.2-1(c).*

140
141 The following chart shows the organizations that are, and that are not, considered
142 “entities” for the purposes of this Law.

Elected Entities (this Law applies)	Appointed Entities (this Law applies)	NOT Considered Entities (i.e. not subject to this Law)
1. Oneida Nation Commission on Aging 2. Election Board 3. Gaming Commission 4. Land Commission 5. Land Claims Commission 6. School Board 7. Trust/Enrollment Committee	1. Anna John Nursing Home Commission 2. Oneida Nation Arts Board 3. Child Protective Board 4. Environmental Resource Board 5. Library Board 6. Personnel Commission 7. Oneida Police Commission 8. Powwow Committee 9. Pardon Screening Committee 10. SEOTS Advisory Board 11. Veterans Affairs Committee	1. Oneida Business Committee 2. Appeals Commission 3. Oneida Judiciary 4. Oneida Family Commission 5. Tribally-Chartered Corporate Boards 6. Audit Committee 7. Finance Committee 8. Legislative Operating Committee 9. Standing Committee on the Quality of Life 10. Community Development and Planning Committee

143
144 **Creation and Dissolution of an Entity**

145 The Law adds that one of the purposes of the Law is to govern the creation and
146 dissolution of Tribal boards, committees and commissions (entities). New language is added to
147 address the creation and dissolution of an entity, which includes the following requirements:

- 148 • Entities must be created by the GTC or OBC through resolution or approval of a law
149 creating the entity. A grandfather clause is also added for existing entities that were not
150 created by resolution or approval of a law - those entities would remain in effect until
151 dissolved.
- 152 • The adopting resolution or law must state whether the entity’s officials are appointed or
153 elected, and must establish the purpose, powers and duties of the entity, including the
154 entity’s ability (if any) to:
 - 155 ○ Make decisions or direct decisions be made on behalf of the Tribe.
 - 156 ○ Issue fines or citations.

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- o Conduct hearings, including the types of hearings the entity may hear and minimum due process requirements. *See 6.5-1 and 6.5-2.*

Vacancies

The Law revises language to state that removal of an elected official is effective in accordance with the Removal Law, not with in accordance with adopted and approved procedures of the entity. Without such a grant of authorization, an entity could not establish a separate method for removing an elected official, unless it meets the requirements of the Removal law. *See 6.7-2(d),(e) and the Comprehensive Policy, 6-5.*

The Tribal Secretary is still required to post notice of vacancies on Tribal entities, but in fewer locations. The Law only requires notice to be provided “through” the Tribal Secretary’s Office and in the Tribal newspaper. The Secretary is no longer required to post notice of vacancies in the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the SEOTS Building, the One Stop locations, in the minutes of the OBC, and at any reasonable location requested by the entity. *See 6.7-4 and the Comprehensive Policy, section 5-4.*

Applications

All applications seeking election or appointment are required to be filed in person with the Tribal Secretary or a designated agent, and can no longer be sent by mail, interoffice mail, fax or any other method. Although it is not expressly stated in the Law, it appears that no other person could bring the application to the Tribal Secretary to file it for the applicant – only the applicant could file it. *See 6.8-2.*

Appointments, Oaths of Office

Instead of requiring that all officials take their oaths at an OBC meeting, new provisions allow the OBC to approve an official to take their oath at a special event or through video conferencing or similar technology. *See 6.9-3(a).*

Instead of requiring the OBC to make appointments at regular or special meetings, the Law requires appointments to be made at any duly called OBC meeting. This would appear to include emergency meetings, as long as the emergency meeting was called in accordance with the requirements for calling emergency meetings. *See 6.6-1(a)(3).*

Elected Officials

A new provision states that elected officials will be selected in accordance with the Election Law, and that the Election Board is required to notify a petitioner or nominee whether s/he is eligible to be placed on the ballot. Other provisions relating to the election of officials are deleted, presumably to be addressed in the Election Law. *See 6.6-2 and the Comprehensive Policy, sections 7.1 and 7.2.*

Bylaws

The Law clarifies that bylaws “shall direct the internal governance of the entity” and adds that bylaws must conform to any laws that govern the powers and duties of the entity, not just to this Law. *See 6.10-1.*

Currently, the Comprehensive Policy sets out a specific format and order for bylaws, and identifies various information that must be set out in the bylaws. The Law no longer identifies specific articles that must be divided into specific sections, but it does still require that bylaws include certain information. The required information is the same, except that the Law requires a few additional things be included in bylaws:

- Any subsequent amendments to the creation document. *See 6.10-3(a)(2).*

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- 203 • Any duties a vice-chair may assume in the chair's absence. *See 6.10-3(b)(3).*
- 204 • How long the officer terms will be, and any other limitations or criteria specific to
- 205 officers. *See 6.10-3(b)(5).*
- 206 • How special meetings are called and noticed. *See 6.10-3(c)(2)*
- 207 • Any specific requirements for minutes and reports
- 208 • Who is responsible for submitting minutes and reports as required. *See 6.10-3(d).*

209 **Stipends**

210 A new condition is added – stipends will be paid to officials provided that all required
211 reports have been submitted to the OBC and GTC. This would mean that if a necessary report is
212 not provided, no official on that entity would be able to receive stipends they had earned, even if
213 the official was not responsible for any of the reporting. *See 6.12-2.*

214 A new rule is also added for meeting stipends – not only must the meeting last at least an
215 hour, but entity business must have been discussed for at least one hour of that meeting and the
216 official must have been present for at least an hour of the meeting where entity business is
217 discussed. *See 6.12-3(a).*

218 A new provision allows an appointed entity to request an exception to the number of
219 meetings eligible for a stipend for extenuating circumstances through a bylaws amendment
220 subsequently approved by the OBC. Although the frequency of the stipends may be revised, it
221 appears that the maximum amount paid cannot be revised – each stipend would still be no more
222 than \$50. *See 6.12-3(c).*

223 **Potential Overlap**

224 The new Law contains provisions similar to those in the current Comprehensive Policy
225 addressing confidential information, conflicts of interest, financial interests, business
226 relationships and various ethical requirements.

227 Some provisions addressing competition with the Tribe are deleted. Rules about the sorts
228 of gifts that an official could give or accept have been deleted, and a new provision states that the
229 Code of Ethics shall govern the acceptance and reporting of all gifts given and received by an
230 individual. *See 6.14-7.*

231 Some of the remaining provisions are similar – or have the same effect as – provisions
232 found in other Tribal laws. This Law will enact provisions that overlap with, and in some cases
233 conflict with, other Oneida laws. For example, both the current Code of Ethics and the Conflict
234 of Interest Policy address conflicts of interest and/or confidentiality as they relate to officials;
235 and the Open Records and Open Meetings Law generally governs the retention, release, removal
236 and destruction of records, but various provisions in this Law do so as well. *See 6.13 and 6.14.*

237 It may be appropriate to identify the desired relationship between all legislation
238 governing Tribal entities and officials through the combined amendments of this Law and other
239 Tribal laws. For some types of requirements, it may be helpful to contain all of the relevant
240 provisions in one single legislative document.

241 **Please see Attachment A for a comparison chart showing examples of similarities**
242 **between provisions in this Law and provisions in the Code of Ethics.**

243 *Conflicts of Interest*

244 Candidates for election, and applicants for appointment, are still required to complete and
245 submit a conflict of interest declaration with their application. However, the current Policy only
246 requires the candidate/applicant to disclose all known conflicts, whereas the Law would require

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247 the candidate/applicant to disclose all possible conflicts, outside activities or interests that
 248 conflict or suggest a potential conflict. *See 6.14-2.*

249 **Immediate Family**

250 The term “immediate family” is used in two provisions in the Law:

- 251 • 6.13-4. No official shall disclose confidential information acquired by reason of his/her
 252 relationship or status with the Tribe [...] for the advantage, gain, or profit of an immediate
 253 family member or associate.
- 254 • 6.14-4. No official, or his or her immediate family, may have a financial interest in any
 255 transaction between the entity and an outside party where the official has a financial or
 256 familial relationship.

257 Both the Comprehensive Policy and the revised Law define the following relationships as
 258 immediate family: parents, siblings, children, grandchildren, grandparents, mothers-in-law,
 259 fathers-in-law, sisters-in-law and brothers-in-law. However, some of the relationships that are
 260 currently included in the definition of immediate family are deleted, while other relationships are
 261 added.

- 262 • The following relationships are deleted from the definition of “immediate family”: daughter-
 263 in-law/son-in-law, grandchild of a spouse, grandparent of a spouse.
- 264 • The following relationships are added to the definition of “immediate family”: husband/wife,
 265 aunt/uncle, niece/nephew, first and second cousins, stepparents (but not stepchildren), and “Someone
 266 who is recognized by GTC and/or its delegate as a member of the person’s extended family.” *See*
 267 *6.3-1(f).*

268 **Miscellaneous Changes**

269 A new provision adds that termination of appointment is final and is not an appealable
 270 action. *See 6.6-1.*

271 New language clarifies that a person who violates this Law may not only be disqualified
 272 from taking office, but also from actually running for office. *See 6.15-2.*

273 Currently, a resignation from office is effective upon deliverance of a letter to the entity
 274 or when the entity, by motion, accepts a verbal resignation. The Law instead makes a resignation
 275 effective on the date requested in a resignation, or immediately if no date is identified. *See 6.7-*
 276 *2(f).*

277 Currently, the Comprehensive Policy contains a provision that requires entities to report
 278 to a OBC member who is their designated liaison, and which sets out related requirements for the
 279 liaison and the entity. This section is deleted from the Law - there is no longer any reference to
 280 an OBC liaison. *See 8.4(d)(4) and the Comprehensive Policy, section 8-4.*

281 **Other**

282 Various entities bylaws (and possibly some laws and policies) refer to the Comprehensive
 283 Policy Governing Boards, Committees and Commissions. Those documents may need to be
 284 revised to reflect the title change and the change from a Policy to a Law. *See for example the*
 285 *Anna John Nursing Home bylaws, section 1-5(c).*

286 Various entities may also need to revise their bylaws to ensure compliance with this Law.
 287 For example, the Arts Board bylaws provide that a member may serve no more than three terms
 288 consecutively, and the Powwow Committee bylaws state that Committee members shall not be
 289 limited in the number of terms that can be served consecutively or otherwise. *See the Arts Board*
 290 *bylaws, section 1-4(d), and the Powwow Committee bylaws, section 1-4(b).*

291 There is no entity responsible to manage compliance with - or enforcement of - this Law.
 292 In 6.10, provisions describe requirements for bylaws for each entity but the Law does not specify

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293 what entity ensures compliance with the bylaw requirements. It is current practice for bylaws to
294 be reviewed by the LOC but this is not mentioned in the Law. In 6.10-1, the Law will require all
295 entities to comply with the bylaw format and present them for adoption but the Law does not
296 state who adopts the bylaws.

297 The Law states that it may only be amended or repealed by the OBC pursuant to the
298 procedures set out in the Legislative Procedures Act (LPA). Currently, the Comprehensive
299 Policy may be amended by either the OBC or the GTC. The LPA requires legislation to identify
300 whether the OBC and/or GTC may adopt or amend a law, so it appears that the GTC would no
301 longer be able to take action to amend or repeal this legislation once it becomes a law. *See 6.2-2*
302 *and the LPA, section 16.11-1(b).*

303 The Law does not specify an effective date so the provisions of the LPA would apply and
304 the effective date would be ten days after the date of adoption of the resolution. *See 6.2-1 and*
305 *16.9-3.*

306 A public hearing has not been held.

307 **Please see Attachment B for the remaining drafting issues.**

308

309

310

Attachment A

Comparison: Similar Provisions in the New Law and in the Code of Ethics

<i>Revised Law</i>	<i>Code of Ethics</i>
<p>6.14-4. <i>Financial Interests.</i> No official, or his or her immediate family, may have a financial interest in any transaction between the entity and an outside party where the official has a financial or familial relationship.</p>	<p>3.3-5. A government official should disqualify themselves when their action or inaction might reasonably be questioned, including, but not limited to</p> <p style="padding-left: 40px;">(b) knowledge that individually or any member of their family or spouse's immediate family, or anyone residing in their household has a financial interest in the subject matter of a proceeding or action, or has any other interest that could be substantially affected [...]</p> <p>3.3-7. A government official should maintain a distance in financial dealings that would tend to reflect an influence for personal gain, including, but not limited to</p> <p style="padding-left: 40px;">(a) dealings that tend to reflect on their impartiality, interference with performance of governmental duties, or exploit the governmental office</p> <p style="padding-left: 40px;">(b) involvement in businesses that have financial impact or other influence on tribal businesses or actions.</p>
<p style="text-align: center;"><i>Revised Law</i></p> <p>6.14-5. <i>Investments.</i> An official shall avoid personal investment in any business with which the Tribe has or is expected to have a contractual or other business relationship.</p>	<p style="text-align: center;"><i>Code of Ethics</i></p> <p>3.3-7. A government official should maintain a distance in financial dealings that would tend to reflect an influence for personal gain, including, but not limited to</p> <p style="padding-left: 40px;">(b) involvement in businesses that have financial impact or other influence on tribal businesses or actions.</p>
<p style="text-align: center;"><i>Revised Law</i></p> <p>6.14-6. An official shall not use his or her relationship with the Tribe to exercise undue influence to obtain anything which is not</p>	<p style="text-align: center;"><i>Code of Ethics</i></p> <p>3.3-3(b) A government official ... should at all times act in a manner that promotes public confidence in the honesty and impartiality of government officials, including but not limited to [...]</p> <p style="padding-left: 40px;">(2) using prestige of the office to advance private interests of others</p>

freely available to all prospective purchasers.	(3) conveying use of special influence or being specially influenced.
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Attachment B Miscellaneous Issues

The Law now requires an entity’s bylaws to identify how many members constitute a quorum. Often, entities will also identify whether any officers are required to constitute quorum – for example, requiring that either the chair or vice chair be present as part of the quorum. It may be helpful to require the bylaws to also identify whether any particular officers are required as part of the quorum. *See 6.10-3(c)(3)*.

There are various terms used in the Law that it may be helpful to clarify:

- **Creation document.** 6.10-3(a)(2) requires bylaws to identify the “creation document” and any subsequent amendments – it is not known if this refers to the bylaws, or if this refers to the new requirement that an entity must be created by the GTC or OBC through resolution or approval of a law creating an entity.
- **Special and emergency meetings** - bylaws must not just list how emergency meetings are called and noticed, but also how special meetings are called and noticed. 6.10-3(c)(2). Since this Law governs boards, committees and commissions, it may be helpful to identify herein what constitutes a special or emergency meeting.
- **Familial relationship.** Although the term “immediate family” is defined and used in the Law, 6.14-4 refers to familial relationships, but it is not clear what it is intended to encompass.

The language of 6.8-4(b)(3) prohibits serving simultaneously on more than one tribal or corporate board, committee or commission. This does not just prohibit simultaneous service on two entities subject to this Law – this prohibits simultaneous service with any board, committee or commission of any tribe (tribal is lower-case), or of any tribal or nontribal corporation (the language says tribal “or” corporate, it does not refer to Tribally-chartered corporations).

As written, 6.8-4(b)(3) and 6.14-3 both appear to repeat the requirement of 6.14-1, but both add additional or different information.

- Section 6.14-3 states that an official must resign his or her membership on an entity prior to commencing employment with the Tribe. Section 6.8-4(b)(3) only states that a person would not be eligible for appointment if the appointment would result in simultaneous service on more than one entity. This does not address what would happen if the appointment had already occurred.
- There may be conflict between sections 6.14-1 and 6.14-3. Section 6.14-1 states “Any person who serves on an entity shall not simultaneously [...] be a Tribal employee” – there are no exceptions or qualifications. By comparison, 6.-14-3 states “Except where an employee is required to serve on a specific board, committee or commission as a

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353 condition of employment (i.e. a job requirement), an official is not permitted to hold any
 354 position of employment with the Tribe during his or her term.”

355
 356 It is not known if 6.8-4(b)(3) is intended to prohibit Tribally-chartered corporations from
 357 appointing persons to their boards, committees or commissions if that person has already been
 358 appointed to a Tribal entity. This Law specifically states that it does not apply to Tribally-
 359 chartered corporations, so if an appointed official seeks appointment to a Tribally-chartered
 360 corporate board, it does not appear that the provision of this Law stating that such a person “shall
 361 not be eligible for appointment” could be enforced against the corporation.

362
 363 The Law states that all removal or destruction of documents must be done by approval
 364 from a quorum of the entity at a duly called meeting, “in accordance with the Open Records and
 365 Open Meetings Law.” However, the Open Records and Open Meetings Law does not require
 366 approval from a quorum of the entity; it only says that the general retention period for records
 367 usually seven years; and that records may not be destroyed while litigation is pending, or within
 368 60 days of denying a request for records. *See 6.14-9 and the Open Records and Open Meetings*
 369 *Law, sections 7.7-0, 7.9-4 and 7.9-6.*

370
 371 Stipends will be paid to officials provided that all required reports have been submitted to
 372 the OBC and GTC. This would mean that if a necessary report is not provided, no official on that
 373 entity would be able to receive stipends they had earned, even if the official was not responsible
 374 for any of the reporting. It is not clear whether this means that, when a reporting requirement is
 375 not met, the stipends would be forfeited completely, or if this means the stipends would simply
 376 be held until the reports are submitted. *See 6.12-2.*

377
 378 Submitted by: Taniquelle J Thurner, Legislative Analyst
 379 Legislative Reference Office

381 Boards, Committees and Commissions

383 ~~Article I. Purpose and Policy~~ **6.1. Purpose and Policy**

384 ~~6.1-1.~~ It is the purpose of this ~~policy law~~ to govern the ~~standard procedures regarding the~~ **creation**
 385 **and dissolution of boards, committees and commissions;** appointment of persons to boards,
 386 committees and commissions; creation of bylaws; maintenance of official records,
 387 compensation; and other items related to boards, committees and commissions. This ~~policy law~~
 388 does not apply to Tribal corporations due to the corporate structure and autonomy of those
 389 entities.

390 ~~6.1-2.~~ It is the policy ~~of the Tribe~~ to have consistent and standard procedures for: **creating and**
 391 **dissolving boards, committees and commissions;** choosing and appointing the most qualified
 392 persons to ~~boards, committees and commissions, for creation of by laws governing~~ **serve on**
 393 **boards, committees and commissions;** **creating bylaws;** and for the maintenance of information
 394 created by and for boards, committees and commissions.

396 ~~Article II~~ **6.2. Adoption, Amendment, Repeal**

397 ~~6.2-1.~~ This ~~policy law~~ was adopted by the Oneida Business Committee by resolution ~~# BC 5-14-~~

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398 ~~97 F and amended by resolutions # BC 09 27 06 E and # BC 09 22 10 C.~~
 399 ~~2-6.2-2.~~ This ~~policy~~law may be amended ~~or repealed by the Oneida Business Committee~~
 400 pursuant to the procedures set out in the ~~Oneida Administrative~~Legislative Procedures Act ~~by the~~
 401 ~~Oneida Business Committee or the Oneida General Tribal Council, regardless of where the~~
 402 ~~original adoption took place.~~

403 ~~6.2-3.~~ Should a provision of this ~~policy~~law or the application thereof to any person or
 404 circumstances be held as invalid, such invalidity shall not affect other provisions of this
 405 ~~policy~~law which are considered to have legal force without the invalid portions.

406 ~~2-4.~~ Any ~~policy, regulation, rule, resolution or motion, or portion thereof, which directly~~
 407 ~~conflicts with the provisions of this policy is hereby repealed to the extent that it is inconsistent~~
 408 ~~with or is contrary to this policy. Provided that meeting stipends for elected members of a~~
 409 ~~board, committee or commission that are in effect on [adoption date of the amendments] shall~~
 410 ~~remain unaffected, but prior exceptions to this policy for appointed entities shall be repealed to~~
 411 ~~extent that meeting stipends are inconsistent with this policy.~~

412 ~~6.2-4.~~ In the event of a conflict between a provision of this law and a provision of another law,
 413 the provisions of this law shall control. Provided that this law repeals the following:

414 (a) BC-08-02-95-A (Adoption of the Comprehensive Policy Governing Boards,
 415 Committees and Commissions)

416 (b) BC-5-14-97-F (Regarding Adoption of Amendments to Comprehensive Policy
 417 Governing Boards, Committees and Commissions);

418 (c) BC-09-27-06-E (Adoption of Termination of Appointment Amendments); and

419 (d) BC-09-22-10-C (Comprehensive Policy Governing Boards, Committees and
 420 Commissions Amendments).

421 ~~6.2-5.~~ This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of
 422 Wisconsin.

423

424 **Article III 6.3. Definitions**

425 ~~6.3-1.~~ This ~~article~~section shall govern the definitions of words and phrases ~~as used herein~~within
 426 ~~this law.~~ All words not defined herein shall be used in their ordinary and everyday sense.

427 ~~3-4.~~ "Application" ~~means any process by which a person proceeds to be appointed to a vacancy.~~

428 ~~3-5.~~ "Appointment" ~~means the process by which a person is chosen to fill a vacancy.~~

429 ~~3-7.(a)~~ "Conference" means any training, seminar, meeting, or other assembly of persons
 430 which is not an assembly of the entity.

431 ~~12-2.(b)~~ "Confidential information" means all information or data, whether printed,
 432 written, or oral, concerning business or customers of the ~~Oneida~~Tribe, disclosed to,
 433 acquired by, or generated by officials in confidence at any time during their elected or
 434 appointed term ~~or during their employment.~~

435 ~~3-2.(c)~~ "Entity" means a board, committee or commission created by the General Tribal
 436 Council or the Oneida Business Committee whose ~~members~~officials are appointed by the
 437 Oneida Business Committee or elected by the General Tribal Council. This does not
 438 include the Oneida Business Committee, the Tribe's judicial system or the board of a
 439 separately chartered Tribal corporation.

440 (d) "Final action" means the failure to file a timely appeal, denial of an appeal, filing of a
 441 final written opinion, or action of final determination by the Oneida Business Committee
 442 or General Tribal Council.

443 | ~~13-10. The following words are defined for the purposes of this subpart:~~

444 | ~~(a)~~ (e) “Financial interest” means any profit sharing arrangements, rebates, payments,
445 | commissions, or compensation in any form, and shall include any form of ownership,
446 | regardless of ability to control the activities of the business. Provided that, this shall not
447 | include ownership of shares which, other than in combination with others, cannot exert a
448 | controlling influence on the activities of the business and in relation to the outstanding
449 | shares, the ownership of shares represents a small part of the whole.

450 | ~~e(f)~~ e(f) “Immediate family” means a person’s husband, wife, the mother, father, ~~sister,~~
451 | ~~brother, daughter, son, granddaughter, grandson, grandfather, grandmother and these~~
452 | ~~relationships with any spouse~~daughter, brother, sister, grandparent, grandchild, aunt,
453 | uncle, niece, nephew, mother-in-law, father-in-law, brother-in-law, sister-in-law, first or
454 | second cousin, step-parent, or someone who is recognized by the General Tribal Council
455 | and/or its delegate as a member of the person’s extended family.

456 | ~~3-10.(g)~~ 3-10.(g) “Official” means any person appointed or elected to membership on an entity of
457 | the ~~Oneida~~ Oneida ~~Tribe~~ Tribe in a position where the individual filling that position has the authority
458 | and power to exercise some portion of sovereign functions of the Tribe without control
459 | from another authority other than law.

460 | ~~3-8.(h)~~ 3-8.(h) “Per diem” means the payment made by the Tribe to offset the costs of being
461 | out-of-town or on travel on behalf of the ~~Oneida~~ Oneida ~~Tribe of Indians of Wisconsin.~~

462 | (i) “Resignation” means the written notice to an entity’s officer or acceptance by motion
463 | of the entity of a verbal or written resignation.

464 | ~~3-9.(j)~~ 3-9.(j) “Stipend” means that amount paid by the ~~Oneida~~ Oneida ~~Tribe of Indians of Wisconsin~~ to
465 | persons serving on ~~boards, committees and commissions of the Oneida Tribe of Indians~~
466 | ~~of Wisconsin entities~~ to offset the expenses of being ~~a member on the board, committee~~
467 | ~~or commission~~ an official.

468 | ~~3-6.(k)~~ 3-6.(k) “Task ~~Force~~ force or ~~Ad Hoc~~ ad hoc committee” means a group of persons
469 | gathered to pursue a single goal, the accomplishment of which means the disbanding of
470 | the group. ~~The~~ goal is generally accomplished in a short time period, i.e. less than one
471 | (1) year, but the goal itself may be long-term.

472 | (l) “Termination of appointment” means the official action taken by the Oneida Business
473 | Committee to end an official’s appointment on an entity based upon a recommendation of
474 | the Tribal Chairperson.

475 | (m) “Tribal” or “Tribe” means the Oneida Tribe of Indians of Wisconsin.

476 | (n) “Tribal Secretary” means the Oneida Tribal Secretary or the office of the Tribal
477 | Secretary.

478 | ~~b(o)~~ b(o) “Transaction” means any activity wherein a provider of goods and/or services is
479 | compensated in any form.

480 | ~~3-3.(p)~~ 3-3.(p) “Vacancy” means any open position on ~~any board, committee or commission an~~
481 | entity caused by resignation, end of term, removal, termination, or creation of a new
482 | position.

483 |

484 | 6.4. Applicability

485 | 6.4-1. This law shall apply to any individual appointed or elected to membership on an entity of
486 | the ~~serve as an official for or on behalf of the Tribe and who serves as an official, and to any~~
487 | others to whom the ~~Oneida~~ Tribe ~~Business Committee or General Tribal Council may, through~~

488 legislative action, direct this law to apply.

489

490 **Article IV 6.5. Creation and Dissolution of an Entity**

491 6.5-1. Except as provided in 6.5-2, an entity shall be created by the General Tribal Council or the
492 Oneida Business Committee through resolution or approval of a law creating the entity. The
493 resolution or law shall state whether the officials of an entity are appointed or elected and shall
494 also establish the purpose, powers and duties of the entity, including the entity's ability to:

495 (a) Make decisions or direct decisions be made on behalf of the Tribe.

496 (b) Issue fines or citations.

497 (c) Conduct hearings, including the types of hearings the entity may hear and minimum
498 due process requirements.

499 6.5-2. Entities in existence on the date of approval of this law that were not created through
500 resolution or law shall remain ineffect until dissolved in accordance with 6.5-3.

501 **Article X. Dissolution of Entities**

502 ~~10-1. All entities of the Tribe shall be dissolved according to this Article.~~ 6.5-3. An entity shall
503 be dissolved by motion of the General Tribal Council or the Oneida Business Committee
504 provided that other specific directions may be included within bylaws.

505 ~~10-2.(a) A task force or ad hoc committee dissolves upon a set date or acceptance of a~~
506 ~~final report. Unless otherwise indicated, the materials generated by a task force or ad hoc~~
507 ~~committee shall be forwarded to the Tribal Secretary's Office for proper disposal within~~
508 ~~two weeks of dissolution.~~

509 ~~10-3. All other entities of the Tribe shall be dissolved only by motion of the Oneida General~~
510 ~~Tribal Council or the Oneida Business Committee.~~

511 ~~10-4.6.5-4. All Chairpersons and Secretaries of dissolved entities~~ The Chairperson and Secretary,
512 if any, of a dissolved entity, task force or ad hoc committee shall be responsible for closing out
513 all open business of the entity or committee and forwarding materials. Unless otherwise
514 indicated, the materials generated by ~~these entities~~ a dissolved entity, task force or ad hoc
515 committee shall be forwarded within two (2) weeks of dissolution to the Tribal Secretary's ~~Office~~
516 for proper storage and/or disposal ~~within two weeks of dissolution.~~

517 ~~9-4. In the event of dissolution of an entity, all files and documents are required to be forwarded~~
518 ~~to the Tribal Secretary's Office for proper storage and disposal.~~

519

520 **Article VI. Appointed Positions**

521 **6.6. Appointed or Elected Officials**

522 ~~6-1. All appointments shall be made by the Oneida Business Committee at regular or special~~
523 ~~Oneida Business Committee meetings. Provided that, no applicant may be appointed who fails~~
524 ~~to meet the requirements set out in the entity's by laws.~~

525 6.6-1. Selection of Appointed Officials. An appointed official serves at the discretion of the
526 Oneida Business Committee and is subject to a termination of appointment in accordance with
527 this law, said termination of appointment is final and is not an appealable action.

528 ~~6-2. The following procedures shall be used to determine who shall be appointed:~~

529 ~~a. Five (5) business days after close of notice, all applications shall be delivered to the~~
530 ~~Tribal Chairperson along with a summary of qualifications to hold office.~~

531 (a) An appointment shall be made as follows:

532 (1) The Tribal Secretary shall deliver all verified and completed applications and

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a summary of qualifications to the Tribal Chairperson within five (5) business days after close of notice. All applications filed after the deadline may be considered in the event there were insufficient applicants.

(b2) Within a reasonable time, the Tribal Chairperson shall:

1. choose an applicant for appointment (A) Make an appointment recommendation to the Oneida Business Committee for consideration; or (2B) ask Request the Tribal Secretary's Office to re-notice the vacancy because of ineligible, unqualified, or under qualified an insufficient number of eligible or qualified applicants. Prior applicants will be considered to have filed applications within the deadline period created for the re-notice.

e. Forward choice of applicants to all Council members prior to appointment:

1. Council members may accept the Tribal Chairperson's selected applicants, or
2. Reject an applicant by majority vote of a quorum at any regular or special Oneida Business Committee meeting.

(3) Oneida Business Committee members shall, by majority vote of a quorum, accept or reject the Tribal Chairperson's selected applicant at a duly called Oneida Business Committee meeting.

(4) In the event an applicant declines an appointment or becomes ineligible for appointment, the Tribal Chairperson may select another applicant from the applications filed by the posted deadline.

(b) The Tribal Secretary shall notify all applicants of the final status of their application.

6-3. All appointments are official upon taking an oath at a regular or special Oneida Business Committee meeting and all rights and delegated authorities of membership in the entity shall vest upon taking the oath. The Tribal Secretary shall notify the chosen persons when they should appear for taking the oath.

a. Originals of the signed oath shall be maintained by the Tribal Secretary's Office.

b. Copies of the oath shall be forwarded to the new member and the entity.

c. Wording of oaths shall be approved by the Oneida Business Committee and kept on file by the Tribal Secretary's Office.

6.6-2. Elected Officials. All officials who serve in elected positions shall be selected in accordance with the Election Law. The Election Board shall notify a petitioner or nominee whether he or she is eligible to be placed on the ballot.

Article V6.7. Vacancies

56.7-1. This article section shall govern when vacancies a vacancy occurs on an entity, and where and when a notice of the vacancies vacancy shall be posted.

5-2. The following vacancies shall be effective as listed herein.

6.7-2. A vacancy shall be effective and noticed to an entity as follows:

(a) End of Term.

A(1) An end of term vacancy is effective as of at 4:30 p.m. of on the last day of the month in which the term ends as of the by laws of the entity is scheduled to end or as otherwise specified in the entity bylaws.

(2) The Tribal Secretary shall send notice to an entity sixty (60) calendar days

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- 578 prior to the end of term.
- 579 ~~(db)~~ New Positions. ~~Vacancies on new entities are~~ A vacancy on a new entity is
580 effective upon adoption or amendment of bylaws.
- 581 ~~(ec)~~ Interim Positions. ~~Vacancies~~ A vacancy of an interim positions ~~are~~ is effective upon
582 ~~creation of~~ approval of the interim positions by the Oneida Business Committee or
583 General Tribal Council.
- 584 ~~(bd)~~ Removal. A Rremoval is effective ~~under adopted and approved procedures of the~~
585 ~~entity, when the final action has taken place. Where a final action is defined as~~
586 1. ~~failure to file a timely appeal,~~
587 2. ~~denial of appeal, or~~
588 3. ~~final written opinion is filed.~~
589 in accordance with the Tribe's removal law. The Tribal Secretary shall send a notice to
590 the entity within one (1) business day of the removal.
- 591 (e) Termination of Appointment. A termination of appointment is effective upon a two-
592 thirds majority vote by the Oneida Business Committee to approve the termination. The
593 Tribal Secretary shall send a notice to the entity within one (1) business day of the
594 termination of appointment.
- 595 (ef) Resignation. A resignation is effective upon:
596 1. ~~Deliverance of a letter to the entity, or~~
597 2. ~~Acceptance by motion of the entity of a verbal resignation,~~ the date requested
598 in a resignation or immediately if no date is identified.
- 599 ~~5-3. All notices of vacancy shall be sent to the entities for clarification or confirmation prior to~~
600 ~~notification to the Oneida Business Committee. The following guidelines are minimum notice~~
601 ~~requirements:~~
- 602 a. ~~End of Term. Entity should be notified 60 days prior to end of term by the Tribal~~
603 ~~Secretary.~~
- 604 b. ~~Removal or Resignation. Entity should be notified as soon as final action is taken by~~
605 ~~the Oneida Business Committee or General Tribal Council to accept the resignation, or~~
606 ~~final action according to any Removal law of the Tribe.~~
- 607 ~~5-4. Notice of vacancies shall be by the Tribal Secretary's Office in the following locations:~~
- 608 a. ~~Tribal Secretary's Office~~
- 609 b. ~~The Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community~~
610 ~~Health Center, the South Eastern Wisconsin Oneida Tribal Services (SEOTS) building~~
611 ~~and the Highway 54 and E & EE Oneida One Stops.~~
- 612 c. ~~Kalihwisaks~~
- 613 d. ~~Minutes of the Oneida Business Committee, and~~
- 614 e. ~~Any reasonable location requested by the entity.~~
- 615 ~~5-5. The Tribal Secretary's Office shall forward the notice of vacancy to the Oneida Business~~
616 ~~Committee for approval and direction to post notice as set out in this Article. The Tribal~~
617 ~~Secretary shall post notice of vacancies at the following times:~~
- 618 a. ~~End of Term. Automatically thirty days prior to completion of the term.~~
- 619 b. ~~Removal. Upon notice by Secretary, or other person authorized by the by laws of the~~
620 ~~entity, to the Tribal Secretary's Office.~~
- 621 c. ~~Resignation. Upon notice by the Secretary, or other person authorized by the by laws~~
622 ~~of the entity, to the Tribal Secretary's Office.~~

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d. ~~New Positions. Upon one of the following conditions:~~

~~1 if not specified, immediately upon creation of entity or adoption of by laws, whichever is later, or~~

~~2. upon date specified when creating the entity.~~

e. ~~Interim Members. Upon one of the following:~~

~~1. upon completion of the term designated to hold in new entity, or~~

~~2. upon completion of vacant term of the pre-existing entity~~

f. ~~Termination of appointment. At the next Oneida Business Committee meeting following the termination of appointment.~~

6.7-3. The Tribal Secretary shall forward a notice of vacancy to the Oneida Business Committee for approval to post a vacancy as follows:

(a) At least thirty (30) days prior to an end of term.

(b) Upon verification of a final action for a removal, termination of appointment, creation of a new official position, or upon receipt of notice of an accepted resignation.

6.7-4. The Tribal Secretary shall provide notice of vacancies through the Tribal Secretary's Office and the Tribal newspaper.

6.8. Applications

~~4-1. Applications All applications the Tribal Secretary's Office and~~ 6.8-1. *Content and Approval.*

(a) Application forms for official positions shall be generated by the Tribal Secretary and approved by the Oneida Business Committee. The Tribal Secretary shall be responsible for maintaining and providing approved application forms in a consistent format.

~~4-2.(b) The content of applications~~ an application shall be as follows:

~~a. questions~~ designed to obtain the following minimum information as follows:

(1) ~~n~~Name;

(2) ~~a~~Address;

(3) ~~p~~Phone number or other method of preferred contact;

(4) ~~e~~Enrollment number;

(5) ~~p~~Position applied for; and

~~(b) applications may contain a~~ Any other questions necessary to obtain information necessary to making an informed decision as to the qualifications of any individual to hold anya vacancy.

~~e. Form A-1, attached, is the current approved~~ 6.8-2. *Filing. A completed* application form in use and shall be placed in the Tribal Secretary's Office and other locations specified by the Tribal Secretary's Office.

~~4-3. Applications shall be filed in person with the Tribal Secretary's office by 4:30 p.m. of the deadline date. Postmarked envelopes are~~ Secretary, or designated agent, during normal business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday. An application shall not be accepted as filed if postmarked by the deadline date and received by the Tribal Secretary's Office within five (5) business days of the deadline. At the completion of the posted deadline for filing applications the it was mailed, sent by internal Tribal mail delivery, faxed or delivered by any other method.

6.8-3. *Notice.* The Tribal Secretary shall notify by post ard mail all persons who have filed an application ~~of the:~~

- 668 (a) The date the application was filed ~~and whether it:~~
- 669 (b) Whether the application will be considered for ~~the~~ election or appointment. ~~A~~
- 670 (c) The tentative date for appointment ~~will be placed on the post card with the instruction that~~
- 671 ~~this is a tentative date and further information can be requested by calling the Tribal Secretary's~~
- 672 ~~Office. Postcard information should be in substantially similar format as that in Figure 1.~~

	673	
	674	Tentative date for appointment or or election:
Your application was received on:	675	4.4. Applications for elected positions
You application <input type="checkbox"/> is <input type="checkbox"/> is not being considered.	676	shall be verified according to the Oneida
For more information, call the Tribal Secretary's Office at 889-2214.	677	Election Ordinance. Applications for
	678	appointed positions shall be verified by
	679	the Tribal Secretary's Office as needed or
	680	as required in the by laws of the entity.

- 681 4.5. ~~In the event that there are insufficient applicants after the deadline date has passed for~~
- 682 ~~appointed positions, the Tribal Chairperson may elect to~~
- 683 ~~a. Include within the pool of appointed persons late applications, or~~
- 684 ~~b. Repost for an additional time period. In the event of reposting, prior applicants will be~~
- 685 ~~considered to have filed applications within the deadline period.~~

(d) The following notice of income reporting:
The Oneida Tribe of Indians of Wisconsin reports all income paid by the Oneida Tribe in whatever
form. The Internal Revenue Service of the United States considers stipends paid to officials to be
income which may be offset by expenses related to that income. You will receive an income report
which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep
documentation of expenses related to this income.

6.8-4. Verification.

(a) Elected Officials. Applications for elected official positions shall be verified in
accordance with the Election Law.

- (b) Appointed Officials.
 - (1) The Tribal Secretary shall be responsible for the verification of applications
for appointed official positions in accordance with the bylaws of the entity.
 - (2) An applicant shall meet all eligibility requirements of the entity's bylaws in
order to be eligible for an appointment.
 - (3) A person shall not be eligible for appointment if the appointment would result
in serving simultaneously on more than one (1) tribal or corporate board,
committee, or commission.
 - (4) A person may serve a maximum of two (2) consecutive full terms in any one
(1) appointed seat. A minimum period equivalent to one (1) term shall lapse in
order for a prior official to be eligible for another term in the same seat for the
same office. Nothing shall bar a person from seeking an appointment for a
different seat or office.¹

¹ In accordance with Resolution ~~1~~, all appointed persons serving in an office on the effective date of this law shall
have their current term counted as their first term regardless of the number of terms previously appointed to that
office.

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709 **6.9. Oath of Office**

710 ~~6.9-1. The following oath is the standard oath to be used unless a specific oath for the entity is~~
 711 ~~pre-approved by the Oneida Business Committee shall be used by all entities, except as allowed~~
 712 ~~in 6.9-2:~~

713 I, <name>, do hereby promise to uphold the laws and regulations of the Oneida Tribe of Indians of
 714 Wisconsin, the General Tribal Council, and the Tribal Constitution. -I will perform my duties to the best of
 715 my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and with the
 716 strictest confidentiality.

717
 718 I will carry out the duties and responsibilities as a member of the <entity name>, and all recommendations
 719 shall be made in the best interest of the Oneida Tribe as a whole.

720 ~~d. Revisions of oaths shall be approved by the Oneida Business Committee prior to~~
 721 ~~usage.~~

722 ~~e. All oaths shall be 6.9-2. An entity may request an alternative oath specific to the~~
 723 ~~entity and shall be~~ sufficient to make the ~~appointee~~individual aware of ~~their~~his or her
 724 duty to the ~~Oneida~~ Tribe and as ~~members of the entity.~~

725 ~~6.4. The an official. An alternative oath shall be pre-approved by the Oneida Business~~
 726 ~~Committee prior to usage and kept on file by the Tribal Secretary shall notify all applicants of~~
 727 ~~the final status of their application. The Tribal Chairperson shall forward a list of all applicants~~
 728 ~~to the Tribal Secretary and the final decision regarding the selection after the procedures in sec.~~
 729 ~~6-2 are completed. Provided that, the Tribal Secretary shall include on the notice to the applicant~~
 730 ~~the following paragraph:~~

731 ~~"The Oneida Tribe of Indians of Wisconsin reports all income paid by the Oneida Tribe in~~
 732 ~~whatever form. The Internal Revenue Service of the United States considers stipends paid to members of~~
 733 ~~boards, committees, and commissions to be income which may be offset by expenses related to that~~
 734 ~~income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is~~
 735 ~~also your responsibility to keep documentation of expenses related to this income."~~

736 ~~6-5. Termination of Appointment. Appointed members of entities serve at the discretion of the~~
 737 ~~Oneida Business Committee. Upon the recommendation of the Tribal Chair, an appointed~~
 738 ~~member of an entity may have his or her appointment terminated by the Oneida Business~~
 739 ~~Committee by a two-thirds majority vote of the entire Oneida Business Committee.~~

740
 741 **Article VII. Elected Positions**

742 ~~7-1. All elected positions, unless otherwise noted in the by-laws of the entity, shall be nominated~~
 743 ~~at a caucus called by the Oneida Election Board, or petition for ballot placement, in accordance~~
 744 ~~with the Oneida Election Law. Provided that, when the Election Board notifies a petitioner or~~
 745 ~~nominee that he or she is eligible to be placed on the ballot, the following paragraph shall be~~
 746 ~~included:~~

747 ~~"The Oneida Tribe of Indians of Wisconsin reports all income paid by the Tribe in whatever form.~~
 748 ~~The Internal Revenue Service of the United States considers stipends paid to members of boards,~~
 749 ~~committees, and commissions to be income which may be offset by expenses related to that income. You~~
 750 ~~will receive an income report which is also forwarded to the Internal Revenue Service, it is also your~~
 751 ~~responsibility to keep documentation of expenses related to this income."~~

752 ~~7-2. All other processes shall be as directed in the Oneida Election Law.~~

753 ~~7-3. All elected positions~~6.9-3. All appointments and persons elected are official upon taking an
 754 oath at a regular or special Oneida Business Committee meeting and all rights and delegated
 755 authorities of ~~membership in the entity~~official shall vest upon taking the oath.

756 ~~a. Originals~~(a) The Oneida Business Committee may approve the taking of an oath at a

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special event or through video conferencing or similar technology, as requested.

(b) The Tribal Secretary shall:

(1) Notify the chosen persons when they should appear for taking the oath;

(2) Maintain originals of the signed oath ~~shall be maintained by the Tribal Secretary's Office; and~~

b. Copies~~(3) Forward copies~~ of the oath ~~shall be forwarded~~ to the new ~~member~~official and the entity.

~~e. Wording of oaths shall be approved by the Oneida Business Committee and kept on file by the Tribal Secretary's Office. The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee:~~

~~I, (name), do hereby promise to uphold the laws and regulations of the Oneida Tribe of Indians of Wisconsin, the General Tribal Council, and the Tribal Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and with the strictest confidentiality.~~

~~I will carry out the duties and responsibilities as a member of the (entity name), and all recommendations shall be made in the best interest of the Oneida Tribe as a whole.~~

~~d. Revisions of oaths shall be approved by the Oneida Business Committee prior to usage.~~

~~e. All oaths shall be sufficient to make the appointee aware of their duty to the Tribe and as members of the entity.~~

6.10. Bylaws

6.10-1. Each entity shall have a set of bylaws, which shall direct the internal governance of the entity-

Article VIII. By Laws of Boards, Committees and Commissions

~~8-1. By Laws of all Boards, Committees and Commissions and shall conform to~~with all of the provisions of this outline, law and any laws that govern the powers and duties of the entity. Bylaws of entities shall contain the basic information as directed within this section, although more information is not prohibited. All existing entities ~~must~~shall comply with this format and present ~~by laws~~bylaws for adoption within a reasonable time after creation of the entity, ~~or within a reasonable time after adoption of this policy. By laws must contain this minimum information, although more information is not prohibited.~~

~~86.10-2. Specifically excepted from this article~~section are ~~Task Forces and Ad Hoc Committees~~task force or ad hoc committees. However, these ~~entities must~~committees shall have, at a minimum, mission or goal statements for completion of the task.

~~86.10-3. There~~Bylaws shall ~~be the following~~ Articles:

~~a. Article I. Authority.~~

~~b. Article II. Officers~~

~~c. Article III. Meetings~~

~~d. Article IV. Reporting~~

~~e. Article V. Amendments~~

~~8-4. Sections. Articles shall be divided into "Sections" as set out.~~

~~a. "Article I. Authority" consists of~~contain the following information:

(a) Authority

(1) Name. ~~All entities should~~list the full name of the entity. ~~In~~in addition, ~~there~~

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- 803 ~~should be listed to~~ any ~~short~~abbreviated name that will be officially used.
- 804 (2) Authority. ~~This section should s~~State the citation and name, if any, of the
- 805 creation document and any subsequent amendments.
- 806 (3) Office. ~~There should be listed~~List the official physical address of the office or
- 807 post box, if any, and the mailing address of the entity.
- 808 (4) Membership. ~~The~~List the following information ~~should be~~ in this section:
- 809 (A) Number of ~~members~~officials;
- 810 (B) How elected or appointed;
- 811 (C) Length of term
- 812 ~~(D) How vacancies are a vacancy will be filled; and~~
- 813 ~~D.(E)~~ The qualifications of the ~~members~~officials.
- 814 (b. ~~"Article II.~~) ~~Officers" consists of the following information; and Personnel.~~
- 815 (1) Chair and Vice-Chair. This section creates ~~the~~these positions of the entity.
- 816 Other positions may also be created here.
- 817 (2) Chair duties. Because of the importance of this position, those duties and
- 818 limitations should be specifically listed.
- 819 (3) Vice-Chair duties. Because of the importance of this position, those duties
- 820 and limitations should be specifically listed, including any duties a Vice-Chair
- 821 may assume in the Chair's absence.
- 822 (4) Additional Offices and Duties. There should be additional sections as needed
- 823 for every office created ~~in subsection 1 above~~.
- 824 (5) How chosen. ~~There should be specifically set out~~Specify how a
- 825 ~~member~~officers will be selected, length of ~~the entity will occupy an official~~
- 826 ~~position as set out in this Article~~officer terms and any other limitations or criteria
- 827 specific to officers.
- 828 (6) Personnel. State ~~entities~~whether the entity has authority for hiring personnel
- 829 and the duties of such personnel, if any.
- 830 (c. ~~"Article III.~~) ~~Meetings" consists of the following information;~~
- 831 (1) Regular meetings. ~~There shall be listed~~List when and where regular meetings
- 832 shall be held, and; how the notice of the agenda, documents, and minutes will be
- 833 disbursed to the ~~members~~officials.
- 834 (2) Special and Emergency meetings. ~~There shall be listed~~List how
- 835 ~~Emergency~~special and/or emergency meetings shall be called and noticed.
- 836 (3) Quorum. ~~This section shall l~~List how many ~~members~~officials create a
- 837 quorum.
- 838 (4) Order of Business. ~~This section sets out~~List how the agenda will be set up.
- 839 Agenda items shall be in an identified and consistent format.
- 840 (5) Voting. ~~This section should l~~List how voting shall be ~~taken, done and~~ what
- 841 percentages ~~shall be~~are needed to pass ~~different~~ items.
- 842 (d) Minutes and Reports. List any specific requirements for minutes and reports and
- 843 who is responsible for submitting minutes and reports to the Oneida Business Committee
- 844 and General Tribal Council as required.
- 845 ~~d. "Article IV. Reporting" consists of the following information:~~
- 846 ~~1. Agenda items shall be in an identified format.~~
- 847 ~~e. "Article V. Amendments" consists of:~~

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(~~4~~e) Amendments to Bylaws. ~~There should be described~~ Describe how amendments to the bylaws shall take place. Provided that, amendments conform to the requirements of this and any other ~~policy~~ law. Provided further, that amendments are approved by the Oneida Business Committee prior to implementation.

6.11. Minutes

~~2.6.11-1.~~ All minutes shall be submitted to the Tribal Secretary within a reasonable time after approval by the entity.

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

~~3.~~(b) 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. Entities will report to the Oneida Business Committee member who is their designated liaison. This reporting format may be as the liaison and entity agree to, but not less than that required in any policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council. Reports shall be made within a reasonable time after a meeting is held, or as the Oneida Business Committee member liaison and entity agree. Provided that, the agreement is to uphold the ability of the liaison to act as a support to that entity.~~

Article IX ~~6.11.~~ Minutes

~~9-1.~~ All minutes shall be submitted to the Tribal Secretary's Office within a reasonable time after approval by the entity.

9-2. Actions taken by an entity are valid when minutes are approved; provided that, minutes are filed and approved according to this Article section, and any specific directions within approved by laws/bylaws.

~~9.6.11-3.~~ No action or approval of minutes is required by the Oneida Business Committee on minutes submitted by an entity unless specifically required by the bylaws of that entity.

Article XI

~~6.12.~~ Stipends, Reimbursement and Compensation for Service and Reimbursements

~~6.12-1.~~ Compensation and reimbursement for expenses shall be as set out in this Article section and according to procedures for payment as set out by the Oneida Tribe of Indians of Wisconsin.

~~6.12-2.~~ The Oneida Tribe recognizes that persons serving on entities of the Tribe officials, whether elected or appointed, incur some expense. Therefore, the Tribe, in order to attract persons to serve on entities, shall pay stipends to these members officials in accordance with this Article section provided that all required reports have been submitted to the Oneida Business Committee and General Tribal Council.

~~6.12-3.~~ Meeting Stipends for Appointed ~~Members~~ Officials.

(a) Except as provided in sub (a)(b) and unless otherwise declined by the entity through its bylaws, or declined by a member(s), an official, appointed members officials serving on entities shall be paid eligible for a stipend of no more than \$fifty dollars (\$50.00) per month when at:

(1) At least one (1) meeting is conducted where a quorum has been established in accordance with the duly adopted by laws of that entity. ~~Provided that the~~

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- 893 bylaws:
894 (2) The meeting lasts for at least one (1) hour and ~~that members collecting~~
895 ~~stipends must be~~entity business was discussed for at least one (1) hour; and
896 (3) The official was physically present for at least one (1) hour of the meeting
897 during which entity business was discussed.-
- 898 ~~(a) Members~~(b) Officials serving on the Oneida Child Protective Board shall be exempt
899 from the \$fifty dollar (\$50.00) stipend per month limitation and shall be eligible to
900 receive a \$fifty dollar (\$50.00) stipend for each meeting held in accordance with 446.12-
901 3.
- 902 44(c) An entity may request an exception to the number of meetings eligible for a
903 stipend for extenuating circumstances through a bylaws amendment subsequently
904 approved by the Oneida Business Committee.
- 905 6.12-4. Meeting Stipends for Elected ~~Members~~Officials. Unless otherwise declined by the entity
906 through its bylaws, or declined by a member(s),an official, elected membersofficials serving on
907 entities shall be paid a minimum stipend of \$fifty dollars (\$50.00) for each meeting which when:
908 (a) At least one (1) meeting is conducted where a quorum has been established a quorum
909 in accordance with the ~~duly adopted by laws of that entity~~bylaws;
910 (b) The meeting lasts for at least one (1) hour,regardless of the length of the meeting.-
911 Members collecting stipends must be and entity business was discussed for at least one
912 (1) hour; and
913 (c) The official was physically present for at least one (1) hour of the meeting,regardless
914 of the length of the meeting.-
- 915 446.12-5. The Oneida Business Committee shallmay periodically review the amounts provided
916 for meeting stipends and, based on the availability of funds, shall adjust those amounts
917 accordingly by amending this Policylaw.
- 918 44-6.12-6. Conferences and Training. A member of any entity, An elected or appointed, official
919 shall be reimbursed in accordance with the Tribal policy for travel and per diem, for attending a
920 conference or training. -Provided that an official:
- 921 (a) A member shall Shall be eligible for a \$one hundred dollar (\$100.00) stipend for each
922 full day the memberofficial is present at thea conference or training, when attendance at
923 the conference or training- that is required by law, bylawbylaws or resolution.
- 924 (b) A member shall Shall not be eligible for a conference and trainingto collect a stipend
925 if that training is not required by law, bylaw or resolution.
- 926 (c) No stipend payments shall be made for those days spent traveling to and from thea
927 conference or training.
- 928 446.12-7. All members of entitiesAn official shall be eligible for reimbursement for normal
929 business expenses naturally related to membership in the entity in accordance with Tribal policy.
- 930 446.12-8. Task Force membersforce and ad hoc committee members of subcommittees shall not
931 be eligible for stipends unless specific exception is made by the Oneida Business Committee or
932 the Oneida General Tribal Council.

934 Article XII6.13. Confidential Information

935 126.13-1. The Oneida Tribe is involved in numerous business ventures and governmental
936 functions where it is necessary that private information be kept in the strictest confidence to
937 assure the continued success and welfare of the Tribe. It is in the best interest of the Oneida

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938 ~~Tribe that all officials maintain in a confidential manner all information, whether of historical,~~
 939 ~~immediate, or future use or need. The Oneida~~The Tribe desires that all officials who have access
 940 to ~~the Oneida Tribe's~~any Tribal confidential information be subject to specific limitations in
 941 order to protect the interest, success and welfare of the ~~Oneida~~Tribe. It is the intention of the
 942 ~~Oneida~~Tribe that no ~~persons engaged in by the Tribe~~officials, nor their ~~relatives~~ immediate
 943 family members or associates, benefit from the use of confidential information.

944 ~~12-3.6.13-2.~~ Confidential information shall be considered and kept as the private and privileged
 945 records of the ~~Oneida~~Tribe in accordance with the Open Records and ~~will~~Open Meetings Law
 946 and shall not be divulged to any person, firm, corporation, or other entity except by direct written
 947 authorization of the Oneida Business Committee.

948 ~~12-4.6.13-3.~~ An official ~~will~~shall continue to treat as private and privileged any confidential
 949 information, and ~~will~~shall not release any such information to any person, firm, corporation, or
 950 other entity, either by statement, deposition, or as a witness, except upon direct written authority
 951 of Oneida Business Committee, and the ~~Oneida~~Tribe shall be entitled to an injunction by any
 952 competent court to enjoin and restrain the unauthorized disclosure of such information. ~~Such~~
 953 restriction continues after termination of the relationship with the ~~Oneida~~Tribe and the entity.

954 ~~12-5. Upon completion or termination of his/her elected or appointed term of membership in an~~
 955 ~~entity, for any cause whatsoever, the official will surrender to the Oneida Tribe, in good~~
 956 ~~condition, all records kept by the employee.~~

957 ~~12-6.13-4.~~ No official shall disclose confidential information acquired by reason of his/her
 958 relationship or status with the ~~Oneida~~Tribe for his/her personal advantage, gain, or profit, or for
 959 the advantage, gain, or profit of ~~a relative~~an immediate family member or associate.

960

961 ~~Article XIII~~6.14. **Conflicts of Interest**

962 ~~Subpart A. General~~

963 ~~136.14-1.~~ The ~~Oneida~~Tribe recognizes the ability of all persons to serve on entities of the
 964 ~~Oneida~~Tribe. However, it is also recognized that the delegated authority and responsibilities of
 965 an entity may cause conflict with membership on other entities or employment. Therefore, any
 966 person who serves on an entity shall not simultaneously serve on another entity or be a Tribal
 967 employee.

968 ~~136.14-2.~~ ~~It is the policy of the Oneida Tribe to request a~~Disclosure. A candidate ~~to disclose or~~
 969 ~~applicant shall submit, with the application form, a signed conflict of interest declaration~~
 970 ~~disclosing all possible conflicts, outside activities or interests that conflict or suggest a potential~~
 971 ~~conflict~~ prior to election or appointment in order to allow the conflicts to be resolved in a timely
 972 manner in accordance with Tribal law.

973 ~~Subpart G. Reporting~~

974 ~~13-23. All~~ (a) Any conflicts of interest or potential conflicts of interest that arises during
 975 membership on an entity shall be immediately reported to the Tribal Secretary ~~of the~~
 976 ~~Oneida Tribe.~~ Upon receiving information of a potential conflict of interest, the Tribal
 977 Secretary shall request a determination from the Oneida Law Office whether further
 978 action must be taken by the ~~Oneida~~Tribe regarding the status of the official.

979 ~~13-3. Officials shall~~ (b) Failure to disclose and resolve conflicts ~~of interest in a~~
 980 ~~reasonable and timely manner. Failure to resolve conflicts shall result in~~ may result in
 981 removal from office for an elected officials and may result in the termination of
 982 appointment for an appointed officials. ~~Provided that, all applicants shall submit, with~~

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983 | ~~the application forms, a signed conflict of interest declaration disclosing all known~~
 984 | ~~conflicts~~official.

985 | ~~13-4. This article sets forth specifically prohibited conflicts of interests. However, for any~~
 986 | ~~individual candidate or member on an entity, conflicts may arise within the by laws of that entity~~
 987 | ~~or employment relationships.~~

988 | ~~13-5.(c)~~ No official shall act as a consultant, agent, representative for, or hold any
 989 | position as an officer, director, partner, trustee, or ~~belong as~~be a member ~~in~~of a board,
 990 | committee or commission, or the like without first disclosing such activity to determine
 991 | possible conflicts of interest.

992 | ~~Subpart B~~6.14-3. Employment Interests

993 | ~~13-6. No.~~ Except where required as a condition of employment, an official shall ~~not~~ hold ~~office in~~
 994 | ~~an entity which has authority over~~any position of employment with the ~~area in which the Tribe~~
 995 | ~~during his or her term. An~~ official ~~is employed by the Oneida Tribe or elsewhere. The Oneida~~
 996 | ~~Tribe recognizes the ability of all persons to serve on entities of the Oneida Tribe, however,~~
 997 | ~~recognizes the conflict arising out of~~shall resign his or her membership on an entity ~~and~~prior to
 998 | ~~commencing~~ employment ~~in an area over which~~with the ~~Tribe. Membership on an~~ entity ~~has~~
 999 | ~~authority.~~

1000 | ~~13-7. Employment is defined for this subpart as that area which the employee supervises or is~~
 1001 | ~~supervised in regards to a specific subject matter.~~

1002 | ~~13-8. Authority of an entity is defined for this subpart as that area over which the entity has~~
 1003 | ~~subject matter jurisdiction delegated either by the Oneida Business Committee or Oneida~~
 1004 | ~~General Tribal Council, and for which that authority may~~shall not be ~~regulatory, oversight, or~~
 1005 | ~~otherwise.~~considered employment.²

1006 | ~~Subpart C~~6.14-4. Financial Interests, Investments, and Gifts

1007 | ~~13-9.~~ No official, or ~~their~~his or her immediate family, may have a financial interest in any
 1008 | transaction between the entity and an outside party where the official has a financial or familial
 1009 | relationship.

1010 | ~~13-11. As referred to in this Subpart, entity includes for~~(a) For the purposes of defining
 1011 | conflicts, entity, as referred to in this section includes the programs or enterprises over
 1012 | which the entity has delegated authority.

1013 | ~~13-12.~~6.14-5. Investments. An ~~Officials~~ shall avoid personal investment in any business with
 1014 | which the ~~Oneida~~ Tribe has or is expected to have a contractual or other business relationship.
 1015 | Notwithstanding the foregoing, however, an investment by an official in a business with which
 1016 | the ~~Oneida~~ Tribe has dealings is permissible if the Oneida Business Committee or other
 1017 | delegated authority determines in writing that:

1018 | (a) the investment is not made or cannot be considered to have been made on the basis of
 1019 | confidential information; and

1020 | (b) the investment cannot be expected to adversely affect or influence the official's
 1021 | judgment in the performance of any services or obligations on behalf of the ~~Oneida~~
 1022 | Tribe.

1023 | ~~13-13. Officials~~6.14-6. Undue Influence. An official shall not use ~~their~~his or her relationship

² In accordance with Resolution ~~N~~, an official who is employed with the Tribe on the effective date of 6.14-3 shall be exempt from that section until such time as his or her current term expires.

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1024 with the ~~Oneida~~ Tribe to exercise undue influence to obtain anything which is not freely
1025 available to all prospective purchasers.

1026 ~~13-6.14. No-7. Gifts. The Tribe's Code of Ethics shall govern the acceptance and reporting of~~
1027 ~~all gifts given and received by an official.~~

1028 ~~official shall accept gifts, payments for personal gain, opportunities to invest,~~
1029 ~~opportunities to act as an agent, a consultant, or a representative for actual or potential~~
1030 ~~purchasers, sales sources, contractors, consultants, customers or suppliers, or accept any~~
1031 ~~direct or indirect benefit from any actual or potential purchaser, sales source, contractor,~~
1032 ~~consultant, customer, or supplier.~~

1033 ~~13-15. No official shall accept any gift, entertainment, service, loan, promise of future~~
1034 ~~benefits or payment of any kind which the Oneida Business Committee or other~~
1035 ~~delegated authority determines adversely affects or influence his/her judgement in the~~
1036 ~~performance of any services, duties, obligations or responsibilities to the Oneida Tribe, or~~
1037 ~~impairs confidence in the Oneida Tribe.~~

1038 ~~13-16. Notwithstanding the foregoing, however, officials may accept or provide~~
1039 ~~business related meals, entertainment, gifts or favors when the value involved is~~
1040 ~~insignificant and the Oneida Business Committee or other delegated authority has~~
1041 ~~determined that it clearly will not place him/her under any obligation.~~

1042 *Subpart D. Competition With The Oneida Tribe*

1043 ~~13-17. No official shall enter into competition with the Oneida Tribe in the~~
1044 ~~purchase or sale of any property, property rights or interests, without prior consent~~
1045 ~~of the Oneida Tribe.~~

1046 ~~13-18. An official may enter into competition with the Oneida Tribe where the activity engaged~~
1047 ~~is approved through an Oneida entrepreneur development program or other similar Oneida~~
1048 ~~program and does not otherwise violate this policy.~~

1049 *Subpart E.14-8. Use Of Tribal Assets*

1050 ~~13-19. All bank accounts for ~~tribal~~Tribal funds shall be maintained in the name of the Oneida~~
1051 ~~Tribe and will~~shall be reflected on the ~~Oneida Tribe's~~Tribal's books in accordance with Generally
1052 Accepted Accounting ~~Principles. Each official shall comply with the system of internal~~
1053 ~~accounting controls sufficient to provide assurances that:~~

1054 ~~Procedures.~~

1055 ~~13-20. Each official shall comply with the system of internal accounting controls sufficient to~~
1056 ~~provide assurances that:~~

1057 ~~(a.) all transactions are executed in accordance with management's~~Tribal authorization;
1058 ~~and practices;~~

1059 ~~(b.) access to assets is permitted only in accordance with management's~~
1060 ~~authorization~~when authorized; and

1061 ~~(c.) all transactions are recorded to permit preparation of financial statements in~~
1062 ~~conformity with generally accepted accounting principles or~~ Generally Accepted
1063 ~~Accounting Principles and~~ other applicable criteria.

1064 ~~13-21.6.14-9. Records. Any records created or obtained while as an official of an entity of the~~
1065 ~~Oneida Tribe is/are the property of the Oneida Tribe and can only be removed or destroyed.~~

1066 ~~Upon completion or termination of his/her elected or appointed term of membership in an entity,~~
1067 ~~for any cause whatsoever, the official shall surrender to the Tribe, in good condition, all records~~
1068 ~~kept. All removal or destruction of documents shall be~~ by approval from a quorum of the entity

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1069 | at a duly called meeting. ~~All removal or destruction of documents must be made~~ in accordance
 1070 | with the Open Records and Open Meetings ~~L~~Law.

1071 | *Subpart F. Disclosure*

1072 | ~~13-22. Each official shall disclose any outside activities or interests that conflict or suggest a~~
 1073 | ~~potential conflict with the best interests of the Oneida Tribe by completely filling out the~~
 1074 | ~~application for membership or informing the Oneida Business Committee or other designated~~
 1075 | ~~authority after election or appointment of a conflict arising during membership on an entity.~~

1076 | ~~13-24.~~6.14-10. Noncompliance. Any evidence of noncompliance with any policy regarding the
 1077 | use of ~~tribe~~Tribal assets shall be immediately reported to the internal audit staff. If the internal audit
 1078 | staff finds evidence of noncompliance they shall notify the Oneida Law Office of the ~~Oneida~~
 1079 | Tribe, who ~~will~~shall then make a determination of further action to be taken, if any.

1080 |
 1081 | *Subpart H*6.15. Enforcement A and Penalties

1082 | ~~13-25. Officials~~6.15-1. An official found to be in violation of this ~~policy~~law may be removed
 1083 | pursuant to the ~~Tribe's~~ Removal Law if elected or have ~~their~~his or her appointment terminated in
 1084 | accordance with this law if appointed.

1085 | ~~13-26. Candidates for appointment or election to office~~6.15-2. A candidate or applicant found
 1086 | in violation of this ~~policy~~law may be disqualified from running for or taking office.

1087 |
 1088 | *End.*

1089 |

1091 |
 1092 | Adopted - BC-8-2-95-A
 1093 | Amended - BC-5-14-97-F
 1094 | Emergency Amendments BC-03-06-01-A
 1095 | Emergency Amendments - BC-04-12-06-JJ
 1096 | Amended - BC-9-27-06-E (permanent adoption of emergency amendments)
 1097 | Emergency Amendments – BC-11-12-09-C
 1098 | Extension of Emergency Amendments – BC-05-12-10-I
 1099 | Amended – BC-09-22-10-C

Chapter 6 Boards, Committees and Commissions

6.1. Purpose and Policy	6.9. Oath of Office
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36
- 6.1. Purpose and Policy**
- 6.1-1. It is the purpose of this law to govern the creation and dissolution of boards, committees and commissions; appointment of persons to boards, committees and commissions; creation of bylaws; maintenance of official records, compensation; and other items related to boards, committees and commissions. This law does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.
- 6.1-2. It is the policy of the Tribe to have consistent and standard procedures for: creating and dissolving boards, committees and commissions; choosing and appointing the most qualified persons to serve on boards, committees and commissions; creating bylaws; and for the maintenance of information created by and for boards, committees and commissions.
- 6.2. Adoption, Amendment, Repeal**
- 6.2-1. This law was adopted by the Oneida Business Committee by resolution _____.
- 6.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.
- 6.2-3. 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.
- 6.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that this law repeals the following:
- (a) BC-08-02-95-A (Adoption of the Comprehensive Policy Governing Boards, Committees and Commissions)
 - (b) BC-5-14-97-F (Regarding Adoption of Amendments to Comprehensive Policy Governing Boards, Committees and Commissions);
 - (c) BC-09-27-06-E Adoption of Termination of Appointment Amendments); and
 - (d) BC-09-22-10-C (Comprehensive Policy Governing Boards, Committees and Commissions Amendments).
- 6.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.
- 6.3. Definitions**
- 6.3-1. 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) "Conference" means any training, seminar, meeting, or other assembly of persons which is not an assembly of the entity.

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- 37 (b) “Confidential information” means all information or data, whether printed, written,
38 or oral, concerning business or customers of the Tribe, disclosed to, acquired by, or
39 generated by officials in confidence at any time during their elected or appointed term.
- 40 (c) “Entity” means a board, committee or commission created by the General Tribal
41 Council or the Oneida Business Committee whose officials are appointed by the Oneida
42 Business Committee or elected by the General Tribal Council. This does not include the
43 Oneida Business Committee, the Tribe’s judicial system or the board of a separately
44 chartered Tribal corporation.
- 45 (d) “Final action” means the failure to file a timely appeal, denial of an appeal, filing of a
46 final written opinion, or action of final determination by the Oneida Business Committee
47 or General Tribal Council.
- 48 (e) “Financial interest” means any profit sharing arrangements, rebates, payments,
49 commissions, or compensation in any form, and shall include any form of ownership,
50 regardless of ability to control the activities of the business. Provided that, this shall not
51 include ownership of shares which, other than in combination with others, cannot exert a
52 controlling influence on the activities of the business and in relation to the outstanding
53 shares, the ownership of shares represents a small part of the whole.
- 54 (f) “Immediate family” means a person’s husband, wife, mother, father, son, daughter,
55 brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, mother-in-law,
56 father-in-law, brother-in-law, sister-in-law, first or second cousin, step-parent, or
57 someone who is recognized by the General Tribal Council and/or its delegate as a
58 member of the person’s extended family.
- 59 (g) “Official” means any person appointed or elected to membership on an entity of the
60 Tribe in a position where the individual filling that position has the authority and power
61 to exercise some portion of sovereign functions of the Tribe without control from another
62 authority other than law.
- 63 (h) “Per diem” means the payment made by the Tribe to offset the costs of being out-of-
64 town or on travel on behalf of the Tribe.
- 65 (i) “Resignation” means the written notice to an entity’s officer or acceptance by motion
66 of the entity of a verbal or written resignation.
- 67 (j) “Stipend” means that amount paid by the Tribe to persons serving on entities to offset
68 the expenses of being an official.
- 69 (k) “Task force or ad hoc committee” means a group of persons gathered to pursue a
70 single goal, the accomplishment of which means the disbanding of the group. The goal is
71 generally accomplished in a short time period, i.e. less than one (1) year, but the goal
72 itself may be long-term.
- 73 (l) “Termination of appointment” means the official action taken by the Oneida Business
74 Committee to end an official’s appointment on an entity based upon a recommendation of
75 the Tribal Chairperson.
- 76 (m) “Tribal” or “Tribe” means the Oneida Tribe of Indians of Wisconsin.
- 77 (n) “Tribal Secretary” means the Oneida Tribal Secretary or the office of the Tribal
78 Secretary.
- 79 (o) “Transaction” means any activity wherein a provider of goods and/or services is
80 compensated in any form.
- 81 (p) “Vacancy” means any open position on an entity caused by resignation, end of term,

82 removal, termination, or creation of a new position.
83

84 **6.4. Applicability**

85 6.4-1. This law shall apply to any individual appointed or elected to serve as an official for or on
86 behalf of the Tribe and who serves as an official, and to any others to whom the Oneida Business
87 Committee or General Tribal Council may, through legislative action, direct this law to apply.
88

89 **6.5. Creation and Dissolution of an Entity**

90 6.5-1. Except as provided in 6.5-2, an entity shall be created by the General Tribal Council or
91 the Oneida Business Committee through resolution or approval of a law creating the entity. The
92 resolution or law shall state whether the officials of an entity are appointed or elected and shall
93 also establish the purpose, powers and duties of the entity, including the entity's ability to:

- 94 (a) Make decisions or direct decisions be made on behalf of the Tribe.
- 95 (b) Issue fines or citations.
- 96 (c) Conduct hearings, including the types of hearings the entity may hear and minimum
97 due process requirements.

98 6.5-2. Entities in existence on the date of approval of this law that were not created through
99 resolution or law shall remain in effect until dissolved in accordance with 6.5-3.

100 6.5-3. An entity shall be dissolved by motion of the General Tribal Council or the Oneida
101 Business Committee provided that other specific directions may be included within bylaws.

- 102 (a) A task force or ad hoc committee dissolves upon a set date or acceptance of a final
103 report.

104 6.5-4. The Chairperson and Secretary, if any, of a dissolved entity, task force or ad hoc
105 committee shall be responsible for closing out all open business of the entity or committee.
106 Unless otherwise indicated, the materials generated by a dissolved entity, task force or ad hoc
107 committee shall be forwarded within two (2) weeks of dissolution to the Tribal Secretary for
108 proper storage and/or disposal.
109

110 **6.6. Appointed or Elected Officials**

111 6.6-1. *Selection of Appointed Officials.* An appointed official serves at the discretion of the
112 Oneida Business Committee and is subject to a termination of appointment in accordance with
113 this law, said termination of appointment is final and is not an appealable action.

- 114 (a) An appointment shall be made as follows:

- 115 (1) The Tribal Secretary shall deliver all verified and completed applications and
116 a summary of qualifications to the Tribal Chairperson within five (5) business
117 days after close of notice. All applications filed after the deadline may be
118 considered in the event there were insufficient applicants.

- 119 (2) Within a reasonable time, the Tribal Chairperson shall:

- 120 (A) Make an appointment recommendation to the Oneida Business
121 Committee for consideration; or

- 122 (B) Request the Tribal Secretary to re-notice the vacancy because of an
123 insufficient number of eligible or qualified applicants. Prior applicants will
124 be considered to have filed applications within the deadline period created
125 for the re-notice.

- 126 (3) Oneida Business Committee members shall, by majority vote of a quorum,

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127 accept or reject the Tribal Chairperson's selected applicant at a duly called Oneida
128 Business Committee meeting.

129 (4) In the event an applicant declines an appointment or becomes ineligible for
130 appointment, the Tribal Chairperson may select another applicant from the
131 applications filed by the posted deadline.

132 (b) The Tribal Secretary shall notify all applicants of the final status of their application.

133 6.6-2. *Elected Officials.* All officials who serve in elected positions shall be selected in
134 accordance with the Election Law. The Election Board shall notify a petitioner or nominee
135 whether he or she is eligible to be placed on the ballot.

136

137 **6.7. Vacancies**

138 6.7-1. This section shall govern when a vacancy occurs on an entity, and where and when a
139 notice of the vacancy shall be posted.

140 6.7-2. A vacancy shall be effective and noticed to an entity as follows:

141 (a) End of Term.

142 (1) An end of term vacancy is effective at 4:30 p.m. on the last day of the month
143 in which the term is scheduled to end or as otherwise specified in the entity
144 bylaws.

145 (2) The Tribal Secretary shall send notice to an entity sixty (60) calendar days
146 prior to the end of term.

147 (b) New Positions. A vacancy on a new entity is effective upon adoption or amendment
148 of bylaws.

149 (c) Interim Positions. A vacancy of an interim position is effective upon approval of the
150 interim position by the Oneida Business Committee or General Tribal Council.

151 (d) Removal. A removal is effective in accordance with the Tribe's removal law. The
152 Tribal Secretary shall send a notice to the entity within one (1) business day of the
153 removal.

154 (e) Termination of Appointment. A termination of appointment is effective upon a two-
155 thirds majority vote by the Oneida Business Committee to approve the termination. The
156 Tribal Secretary shall send a notice to the entity within one (1) business day of the
157 termination of appointment.

158 (f) Resignation. A resignation is effective upon the date requested in a resignation or
159 immediately if no date is identified.

160 6.7-3. The Tribal Secretary shall forward a notice of vacancy to the Oneida Business Committee
161 for approval to post a vacancy as follows:

162 (a) At least thirty (30) days prior to an end of term.

163 (b) Upon verification of a final action for a removal, termination of appointment,
164 creation of a new official position, or upon receipt of notice of an accepted resignation.

165 6.7-4. The Tribal Secretary shall provide notice of vacancies through the Tribal Secretary's
166 Office and the Tribal newspaper.

167

168 **6.8. Applications**

169 6.8-1. *Content and Approval.*

170 (a) Application forms for official positions shall be generated by the Tribal Secretary and
171 approved by the Oneida Business Committee. The Tribal Secretary shall be responsible

172 for maintaining and providing approved application forms in a consistent format.
 173 (b) The content of an application shall be designed to obtain the minimum information as
 174 follows:

- 175 (1) Name;
- 176 (2) Address;
- 177 (3) Phone number or other method of preferred contact;
- 178 (4) Enrollment number;
- 179 (5) Position applied for; and
- 180 (6) Any other questions necessary to obtain information necessary to making an
 181 informed decision as to the qualifications of any individual to hold a vacancy.

182 6.8-2. *Filing.* A completed application shall be filed in person with the Tribal Secretary, or
 183 designated agent, during normal business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday.
 184 An application shall not be accepted as filed if it was mailed, sent by internal Tribal mail
 185 delivery, faxed or delivered by any other method.

186 6.8-3. *Notice.* The Tribal Secretary shall notify by mail all persons who have filed an
 187 application:

- 188 (a) The date the application was filed;
- 189 (b) Whether the application will be considered for election or appointment.
- 190 (c) The tentative date for appointment or election.
- 191 (d) The following notice of income reporting:

192 The Oneida Tribe of Indians of Wisconsin reports all income paid by the Oneida Tribe in whatever
 193 form. The Internal Revenue Service of the United States considers stipends paid to officials to be
 194 income which may be offset by expenses related to that income. You will receive an income report
 195 which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep
 196 documentation of expenses related to this income.

197 6.8-4. *Verification.*

198 (a) Elected Officials. Applications for elected official positions shall be verified in
 199 accordance with the Election Law.

200 (b) Appointed Officials.

- 201 (1) The Tribal Secretary shall be responsible for the verification of applications
 202 for appointed official positions in accordance with the bylaws of the entity.
- 203 (2) An applicant shall meet all eligibility requirements of the entity's bylaws in
 204 order to be eligible for an appointment.
- 205 (3) A person shall not be eligible for appointment if the appointment would result
 206 in serving simultaneously on more than one (1) tribal or corporate board,
 207 committee, or commission.
- 208 (4) A person may serve a maximum of two (2) consecutive full terms in any one
 209 (1) appointed seat. A minimum period equivalent to one (1) term shall lapse in
 210 order for a prior official to be eligible for another term in the same seat for the
 211 same office. Nothing shall bar a person from seeking an appointment for a
 212 different seat or office.¹

213

¹ In accordance with Resolution , all appointed persons serving in an office on the effective date of this law shall have their current term counted as their first term regardless of the number of terms previously appointed to that office.

214 **6.9. Oath of Office**

215 6.9-1. The following standard oath shall be used by all entities, except as allowed in 6.9-2:

216 I, <name>, do hereby promise to uphold the laws and regulations of the Oneida Tribe of Indians of
217 Wisconsin, the General Tribal Council, and the Tribal Constitution. I will perform my duties to the best of
218 my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and with the
219 strictest confidentiality.

220
221 I will carry out the duties and responsibilities as a member of the <entity name>, and all recommendations
222 shall be made in the best interest of the Oneida Tribe as a whole.

223 6.9-2. An entity may request an alternative oath specific to the entity and shall be sufficient to
224 make the individual aware of his or her duty to the Tribe and as an official. An alternative oath
225 shall be pre-approved by the Oneida Business Committee prior to usage and kept on file by the
226 Tribal Secretary.

227 6.9-3. All appointments and persons elected are official upon taking an oath at a regular or
228 special Oneida Business Committee meeting and all rights and delegated authorities of the
229 official shall vest upon taking the oath.

230 (a) The Oneida Business Committee may approve the taking of an oath at a special event
231 or through video conferencing or similar technology, as requested.

232 (b) The Tribal Secretary shall:

233 (1) Notify the chosen persons when they should appear for taking the oath;

234 (2) Maintain originals of the signed oath; and

235 (3) Forward copies of the oath to the new official and the entity.

236

237 **6.10. Bylaws**

238 6.10-1. Each entity shall have a set of bylaws, which shall direct the internal governance of the
239 entity and shall conform with all of the provisions of this law and any laws that govern the
240 powers and duties of the entity. Bylaws of entities shall contain the basic information as directed
241 within this section, although more information is not prohibited. All existing entities shall
242 comply with this format and present bylaws for adoption within a reasonable time after creation
243 of the entity.

244 6.10-2. Specifically excepted from this section are task force or ad hoc committees. However,
245 these committees shall have, at a minimum, mission or goal statements for completion of the
246 task.

247 6.10-3. Bylaws shall contain the following information:

248 (a) Authority

249 (1) Name. List the full name of the entity in addition to any abbreviated name that
250 will be officially used.

251 (2) Authority. State the citation and name, if any, of the creation document and any
252 subsequent amendments.

253 (3) Office. List the official physical address of the office, if any, and the mailing
254 address of the entity.

255 (4) Membership. List the following information in this section:

256 (A) Number of officials;

257 (B) How elected or appointed;

258 (C) Length of term

259 (D) How a vacancy will be filled; and

- 260 (E) The qualifications of the officials.
- 261 (b) Officers and Personnel.
- 262 (1) Chair and Vice-Chair. This section creates these positions of the entity.
- 263 Other positions may also be created here.
- 264 (2) Chair duties. Because of the importance of this position, those duties and
- 265 limitations should be specifically listed.
- 266 (3) Vice-Chair duties. Because of the importance of this position, those duties
- 267 and limitations should be specifically listed, including any duties a Vice-Chair
- 268 may assume in the Chair's absence.
- 269 (4) Additional Offices and Duties. There should be additional sections as needed
- 270 for every office created.
- 271 (5) How chosen. Specify how officers will be selected, length of officer terms
- 272 and any other limitations or criteria specific to officers.
- 273 (6) Personnel. State whether the entity has authority for hiring personnel and the
- 274 duties of such personnel, if any.
- 275 (c) Meetings.
- 276 (1) Regular meetings. List when and where regular meetings shall be held, and
- 277 how the notice of the agenda, documents, and minutes will be disbursed to the
- 278 officials.
- 279 (2) Special and Emergency meetings. List how special and/or emergency
- 280 meetings shall be called and noticed.
- 281 (3) Quorum. List how many officials create a quorum.
- 282 (4) Order of Business. List how the agenda will be set up. Agenda items shall be
- 283 in an identified and consistent format.
- 284 (5) Voting. List how voting shall be done and what percentages are needed to
- 285 pass items.
- 286 (d) Minutes and Reports. List any specific requirements for minutes and reports and
- 287 who is responsible for submitting minutes and reports to the Oneida Business Committee
- 288 and General Tribal Council as required.
- 289 (e) Amendments to Bylaws. Describe how amendments to the bylaws shall take place.
- 290 Provided that, amendments conform to the requirements of this and any other law.
- 291 Provided further, that amendments are approved by the Oneida Business Committee prior
- 292 to implementation.

293

294 6.11. Minutes

295 6.11-1. All minutes shall be submitted to the Tribal Secretary within a reasonable time after

296 approval by the entity.

297 (a) Minutes shall be typed and in a consistent format designed to generate the most

298 informative record of the meetings of the entity.

299 (b) Handouts, reports, memoranda, and the like may be attached to the minutes and

300 agenda, or may be kept separately, provided that all materials can be identified to the

301 meeting in which they were presented.

302 6.11-2. Actions taken by an entity are valid when minutes are approved provided that, minutes

303 are filed and approved according to this section, and any specific directions within approved

304 bylaws.

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305 6.11-3. No action or approval of minutes is required by the Oneida Business Committee on
306 minutes submitted by an entity unless specifically required by the bylaws of that entity.

307

308 **6.12. Stipends and Reimbursements**

309 6.12-1. Compensation and reimbursement for expenses shall be as set out in this section and
310 according to procedures for payment as set out by the Tribe.

311 6.12-2. The Tribe recognizes that officials, whether elected or appointed, incur some expense.
312 Therefore, the Tribe, in order to attract persons to serve on entities, shall pay stipends to officials
313 in accordance with this section provided that all required reports have been submitted to the
314 Oneida Business Committee and General Tribal Council.

315 6.12-3. *Meeting Stipend for Appointed Officials.*

316 (a) Except as provided in (b) and unless otherwise declined by the entity through its
317 bylaws or declined by an official, appointed officials serving on entities shall be eligible
318 for a stipend of no more than fifty dollars (\$50.00) per month when:

319 (1) At least one (1) meeting is conducted where a quorum has been established in
320 accordance with the bylaws;

321 (2) The meeting lasts for at least one (1) hour and entity business was discussed
322 for at least one (1) hour; and

323 (3) The official was physically present for at least one (1) hour of the meeting
324 during which entity business was discussed.

325 (b) Officials serving on the Oneida Child Protective Board shall be exempt from the fifty
326 dollar (\$50.00) stipend per month limitation and shall be eligible to receive a fifty dollar
327 (\$50.00) stipend for each meeting held in accordance with 6.12-3.

328 (c) An entity may request an exception to the number of meetings eligible for a stipend
329 for extenuating circumstances through a bylaws amendment subsequently approved by
330 the Oneida Business Committee.

331 6.12-4. *Meeting Stipend for Elected Officials.* Unless otherwise declined by the entity through
332 its bylaws, or declined by an official, elected officials serving on entities shall be paid a
333 minimum stipend of fifty dollars (\$50.00) for each meeting when:

334 (a) At least one (1) meeting is conducted where a quorum has been established in
335 accordance with the bylaws;

336 (b) The meeting lasts for at least one (1) hour and entity business was discussed for at
337 least one (1) hour; and

338 (c) The official was physically present for at least one (1) hour of the meeting.

339 6.12-5. The Oneida Business Committee may periodically review the amounts provided for
340 meeting stipends and, based on the availability of funds, shall adjust those amounts accordingly
341 by amending this law.

342 6.12-6. *Conferences and Training.* An elected or appointed official shall be reimbursed in
343 accordance with the Tribal policy for travel and per diem for attending a conference or training.
344 Provided that an official:

345 (a) Shall be eligible for a one hundred dollar (\$100.00) stipend for each full day the
346 official is present at a conference or training that is required by law, bylaws or resolution.

347 (b) Shall not be eligible to collect a stipend for those days spent traveling to and from a
348 conference or training.

349 6.12-7. An official shall be eligible for reimbursement for normal business expenses naturally

350 related to membership in the entity in accordance with Tribal policy.

351 6.12-8. Task force and ad hoc committee members shall not be eligible for stipends unless
352 specific exception is made by the Oneida Business Committee or the General Tribal Council.
353

354 **6.13. Confidential Information**

355 6.13-1. The Tribe desires that all officials who have access to any Tribal confidential
356 information be subject to specific limitations in order to protect the interest, success and welfare
357 of the Tribe. It is the intention of the Tribe that no officials, nor their immediate family members
358 or associates, benefit from the use of confidential information.

359 6.13-2. Confidential information shall be considered and kept as the private and privileged
360 records of the Tribe in accordance with the Open Records and Open Meetings Law and shall not
361 be divulged to any person, firm, corporation, or other entity except by direct written
362 authorization of the Oneida Business Committee.

363 6.13-3. An official shall continue to treat as private and privileged any confidential information,
364 and shall not release any such information to any person, firm, corporation, or other entity, either
365 by statement, deposition, or as a witness, except upon direct written authority of Oneida Business
366 Committee, and the Tribe shall be entitled to an injunction by any competent court to enjoin and
367 restrain the unauthorized disclosure of such information. Such restriction continues after
368 termination of the relationship with the Tribe and the entity.

369 6.13-4. No official shall disclose confidential information acquired by reason of his/her
370 relationship or status with the Tribe for his/her personal advantage, gain, or profit, or for the
371 advantage, gain, or profit of an immediate family member or associate.
372

373 **6.14. Conflicts of Interest**

374 6.14-1. The Tribe recognizes the ability of all persons to serve on entities of the Tribe. However,
375 it is also recognized that the delegated authority and responsibilities of an entity may cause
376 conflict with membership on other entities or employment. Therefore, any person who serves on
377 an entity shall not simultaneously serve on another entity or be a Tribal employee.

378 6.14-2. *Disclosure.* A candidate or applicant shall submit, with the application form, a signed
379 conflict of interest declaration disclosing all possible conflicts, outside activities or interests that
380 conflict or suggest a potential conflict prior to election or appointment in order to allow the
381 conflicts to be resolved in a timely manner in accordance with Tribal law.

382 (a) Any conflict of interest or potential conflict of interest that arises during membership
383 on an entity shall be immediately reported to the Tribal Secretary. Upon receiving
384 information of a potential conflict of interest, the Tribal Secretary shall request a
385 determination from the Oneida Law Office whether further action must be taken by the
386 Tribe regarding the status of the official.

387 (b) Failure to disclose and resolve conflicts may result in removal from office for an
388 elected official and may result in the termination of appointment for an appointed official.

389 (c) No official shall act as a consultant, agent, representative for, or hold any position as
390 an officer, director, partner, trustee, or be a member of a board, committee or
391 commission, or the like without first disclosing such activity to determine possible
392 conflicts of interest.

393 6.14-3. *Employment Interests.* Except where required as a condition of employment, an official
394 shall not hold any position of employment with the Tribe during his or her term. An official shall

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395 resign his or her membership on an entity prior to commencing employment with the Tribe.
 396 Membership on an entity shall not be considered employment.²

397 6.14-4. *Financial Interests*. No official, or his or her immediate family, may have a financial
 398 interest in any transaction between the entity and an outside party where the official has a
 399 financial or familial relationship.

400 (a) For the purposes of defining conflicts, entity, as referred to in this section includes
 401 the programs or enterprises over which the entity has delegated authority.

402 6.14-5. *Investments*. An official shall avoid personal investment in any business with which the
 403 Tribe has or is expected to have a contractual or other business relationship. Notwithstanding the
 404 foregoing, however, an investment by an official in a business with which the Tribe has dealings
 405 is permissible if the Oneida Business Committee or other delegated authority determines in
 406 writing that:

407 (a) the investment is not made or cannot be considered to have been made on the basis of
 408 confidential information; and

409 (b) the investment cannot be expected to adversely affect or influence the official's
 410 judgment in the performance of any services or obligations on behalf of the Tribe.

411 6.14-6. *Undue Influence*. An official shall not use his or her relationship with the Tribe to
 412 exercise undue influence to obtain anything which is not freely available to all prospective
 413 purchasers.

414 6.14-7. *Gifts*. The Tribe's Code of Ethics shall govern the acceptance and reporting of all gifts
 415 given and received by an official.

416 6.14-8. *Use Of Tribal Assets*. All bank accounts for Tribal funds shall be maintained in the
 417 name of the Tribe and shall be reflected on the Tribe's books in accordance with Generally
 418 Accepted Accounting Principles. Each official shall comply with the system of internal
 419 accounting controls sufficient to provide assurances that:

420 (a) all transactions are executed in accordance with Tribal authorization practices;

421 (b) access to assets is permitted only when authorized; and

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

424 6.14-9. *Records*. Any record created or obtained while an official is the property of the Tribe.
 425 Upon completion or termination of his/her elected or appointed term of membership in an entity,
 426 for any cause whatsoever, the official shall surrender to the Tribe, in good condition, all records
 427 kept. All removal or destruction of documents shall be by approval from a quorum of the entity
 428 at a duly called meeting in accordance with the Open Records and Open Meetings Law.

429 6.14-10. *Noncompliance*. Any evidence of noncompliance with any policy regarding the use of
 430 Tribal assets shall be immediately reported to the internal audit staff. If the internal audit staff
 431 finds evidence of noncompliance they shall notify the Oneida Law Office of the Tribe, who shall
 432 then make a determination of further action to be taken, if any.

433

434 **6.15. Enforcement and Penalties**

435 6.15-1. An official found to be in violation of this law may be removed pursuant to the Tribe's
 436 Removal Law if elected or have his or her appointment terminated in accordance with this law if

² In accordance with Resolution **X**, an official who is employed with the Tribe on the effective date of 6.14-3 shall be exempt from that section until such time as his or her current term expires.

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437 appointed.
438 6.15-2. A candidate or applicant found in violation of this law may be disqualified from running
439 for or taking office.

440
441 *End.*

~~442~~
444

445 Adopted - BC-8-2-95-A
446 Amended - BC-5-14-97-F
447 Emergency Amendments BC-03-06-01-A
448 Emergency Amendments - BC-04-12-06-JJ
449 Amended - BC-9-27-06-E (permanent adoption of emergency amendments)
450 Emergency Amendments – BC-11-12-09-C
451 Extension of Emergency Amendments – BC-05-12-10-I
452 Amended – BC-09-22-10-C