

Oneida Nation

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Oneida, WI 54155

BC Resolution # 08-12-20-B Amendments to the Boards, Committees, and Commissions Law

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Boards, Committees, and Commissions law ("the Law") was adopted by the Oneida Business Committee through BC-05-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, BC-09-26-18-C; and
- WHEREAS,** the purpose of the Law is to govern boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions; and
- WHEREAS,** the Oneida Business Committee adopted emergency amendments to the Law through resolution BC-03-11-20-B and BC-03-17-20-C in accordance with the emergency adoption process set forth by the Legislative Procedures Act; and
- WHEREAS,** the emergency amendments addressed the ineligibility of an individual to serve on a board, committee, or commission due to the potential for a conflict of interest to exist based on his or her employment with the Nation, as well as how meetings are held and the limitations on stipends in response to the COVID-19 pandemic; and
- WHEREAS,** the emergency amendments are set to expire on September 17, 2020; and
- WHEREAS,** the Legislative Operating Committee has developed permanent amendments to the Law for consideration by the Oneida Business Committee; and
- WHEREAS,** the amendments to the Law allow the Business Committee Support Office to repost a vacancy for an additional time period if insufficient applications are received, as long as notification is provided to the Oneida Business Committee; and

- WHEREAS,** the amendments to the Law allow the Business Committee Support Office to request additional time from the Oneida Business Committee for compiling the applications, summary of qualifications, or results of any investigation; and
- WHEREAS,** the amendments to the Law clarify a deadline for when a Chairperson of an entity has to submit a recommendation for an appointment to the entity for the Oneida Business Committee's consideration; and
- WHEREAS,** the amendments to the Law allow for the oath of office to be taken at an alternative time and location other than during a regular or special Oneida Business Committee meeting as determined by the Secretary, as long as a quorum of the Oneida Business Committee is present to witness the oath; and
- WHEREAS,** the amendments to the Law require that the entity's bylaws provide how the entity shall approve purchases or travel on behalf of the entity, but clarify the Business Committee Support Office has budgetary sign off authority on behalf of the entity; and
- WHEREAS,** the amendments to the Law reinstate the requirement that an entity audio record all meetings; and
- WHEREAS,** the amendments to the Law clarify that only a member of an entity shall respond to e-polls; and
- WHEREAS,** the amendments to the Law eliminate the requirement that a member of a board, committee, or commission be *physically* present during the entirety of a meeting or joint meeting in order to be eligible to receive a meeting stipend, but still require the member to demonstrate presence and participate for the entire meeting through another means; and
- WHEREAS,** the amendments to the Law address how technological issues during a meeting held through telecommunications is addressed and how it may affect a member's eligibility for a meeting stipend; and
- WHEREAS,** the amendments to the Law provide that meetings and joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications; and
- WHEREAS,** the amendments to the Law revise how the limitation of stipend eligible meetings is calculated; and
- WHEREAS,** the amendments to the Law clarify how eligibility for a conference or training stipend is calculated; and
- WHEREAS,** the amendments to the Law provide a deadline for a member to activate his or her e-mail address, and clarify when an ad hoc or alternate member of an entity must have an official e-mail address; and
- WHEREAS,** the amendments to the Law specify that certain positions within the Nation are ineligible to serve on a board, committee, or commission of the Nation due to the potential for a real or perceived conflict of interest to exist; and

WHEREAS, in the development of these amendments the Legislative Operating Committee used input from representatives from the Oneida Law Office, Business Committee Support Office, Oneida Land Commission, Oneida Trust Enrollment Committee, Oneida Nation Commission on Aging, Oneida Nation School Board, Oneida Police Commission, Oneida Personnel Commission, and Oneida Nation Arts Board collected during the one (1) year review of the Law adopted through resolution BC-09-26-18-C; and

WHEREAS, in accordance with the Legislative Procedures Act, a legislative analysis and fiscal impact statement were completed for the amendments to the Law; and

WHEREAS, a public meeting on the proposed amendments to this Law was not held in accordance with the Legislative Procedures Act due to the COVID-19 pandemic; and

WHEREAS, on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, which was then subsequently extended through August 11, 2020, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, and BC-07-08-20-A; and

WHEREAS, on March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer at Home*" declaration which prohibits all public gatherings of any number of people and orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed; and

WHEREAS, the Nation's COVID-19 Core Decision Making Team modified the "*Safer at Home*" declaration on April 21, 2020, with the issuance of the "*Updated Safer at Home*" declaration, on May 19, 2020, with the "*Safer at Home Declaration, Amendment, Open for Business*" declaration, and then again on June 10, 2020, with the issuance of the "*Stay Safer at Home*" declaration; and

WHEREAS, on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period; and

WHEREAS, although a public meeting was not held for the proposed amendments to this Law, the public comment period for the amendments to this Law was held open until July 9, 2020; and

WHEREAS, the Legislative Operating Committee reviewed and considered all public comments received on July 9, 2020, and July 16, 2020; and

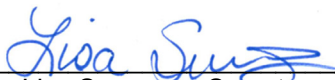
NOW THEREFORE BE IT RESOLVED, that the amendments to the Boards, Committees, and Commissions law are hereby adopted and shall be effective on August 26, 2020.

BE IT FURTHER RESOLVED, that the amended Boards, Committees, and Commissions law hereby supersedes any conflicting language that may be found in the bylaws of boards, committees, or commissions of the Nation.

BE IT FINALLY RESOLVED, that an individual employed in a position identified in section 105.15-3(a)-(c) that is currently simultaneously serving on an elected board, committee, or commission of the Nation shall be allowed to complete his or her term.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 8 members were present at a meeting duly called, noticed and held on the 12th day of August, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."