

# Oneida Tribe of Indians of Wisconsin

Post Office Box 365



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Phone: (414) 869-2214



Oneida, WI 54155



UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

## RESOLUTION #- 8-02-95-A

**WHEREAS,** the Oneida Tribe of Indians of Wisconsin 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 Tribe of Indians of Wisconsin, 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,** it is in the best interests of the Oneida Tribe of Indians of Wisconsin to collect all regulations regarding the existence of boards, committees and commissions into a single location, and

**WHEREAS,** the Oneida Legislative Operating Committee has taken such action and the attached policy has completed the appropriate hearing processes as directed under the Oneida Administrative Procedures Act, and

**WHEREAS,** the Oneida Business Committee wishes to adopt this comprehensive policy

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee hereby adopts the attached "Comprehensive Policy Governing Boards, Committees and Commissions" for implementation effective August 17, 1995, and

**NOW THEREFORE BE IT FURTHER RESOLVED,** that the Oneida Tribal Secretary, or her designee, is responsible for forwarding copies of this resolution and the policy to the Chairpersons and Secretaries of all existing boards, committees and commissions of the Oneida Tribe of Indians of Wisconsin on or before August 3, 1995, and


**NOW THEREFORE BE IT FURTHER RESOLVED**, that all boards, committees and commissions of the Oneida Tribe of Indians of Wisconsin are directed to forward to the Oneida Tribal Secretary the current stipend rate(s) paid by the board, committee or commission on or before August 17, 1995 to be granted an exception to Article XI of the attached policy stipend rate, and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that boards, committees or commissions failing to forward the current stipend rate on or before August 17, 1995 shall be paid at the rate set out in Article XI of this policy.

**NOW THEREFORE BE IT FINALLY RESOLVED**, that members of boards, committees and commissions, or other interested parties, wishing to attend introductory training on this policy shall send such notice to the attention of Stephanie Decorah, Legislative Operating Committee who shall notify such persons of said introductory training which shall take place on or before September 13, 1995 during normal business hours of the Oneida Tribe of Indians of Wisconsin.

#### **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. 5 Members were present at a meeting duly called, noticed and held on the 2nd Day of August, 1995, that the foregoing resolution was duly adopted at such meeting by a vote of 4 Members for; 0 Members against, and 0 Members not voting; and that said resolution has not been rescinded or amended in any way.

  
Julie Barton, Tribal Secretary  
Oneida Business Committee

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## STATEMENT OF EFFECT Resolution Regarding Comprehensive Policy Governing Boards, Committees and Commissions

### Summary

This resolution adopts the Comprehensive Policy Governing Boards, Committees and Commissions.

### Analysis

This policy attempts to regulate all aspects of boards, committees and commissions of the Oneida Tribe of Indians of Wisconsin. This includes - applications, vacancies, appointments, elected positions, by-laws, minutes, dissolutions, and payment of stipends.

This policy attempts to place in one location all aspects of the existence of boards, committees and commissions that have been dealt with in various motions, policies and historical procedures. No attempt was made to change the procedures, except where necessary to reflect the structure of the Oneida Tribe of Indians of Wisconsin as it stands today.

There are no laws or policies currently in place which would prohibit adoption of this policy. This policy has had the required Public Hearing in accordance with the Administrative Procedures Act and appropriate changes have been made as a result of comments received.

### Conclusion

There are no legal issues which would prohibit adoption of this policy.

## Comprehensive Policy Governing Boards, Committees and Commissions

### Article I. Purpose and Policy

1-1. It is the purpose of this policy to govern the standard procedures regarding the appointment of persons to boards, committees and commissions, creation of by-laws, maintenance of official records, and other items related to boards, committees and commissions.

1-2. It is the policy to have consistent and standard procedures for choosing and appointing the most qualified persons to boards, committees and commissions, for creation of by-laws governing boards committees and commissions, and for the maintenance of information created by and for boards, committees and commissions.

### Article II. Adoption, Amendment, Repeal

2-1. This policy is adopted by the Oneida Business Committee pursuant to the authority granted by the Oneida General Tribal Council by resolution # 3-02-95A

2-2. This policy may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council, regardless of where the original adoption took place.

2-3. Should a provision of this policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy which are considered to have legal force without the invalid portions.

2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed in whole or in part unless specifically re-enacted after adoption of this policy.

### Article III. Definitions

3-1. This article shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

3-2. "Entity" means any board, committee or commission created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee

3-3. "Vacancy" means any position on any board, committee or commission caused by resignation, end of term, removal, or creation of new position.

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

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

3-6. "Task Force or Ad Hoc" means a group of persons gathered to pursue a single goal, the accomplishment of which means the disbanding of the group. The goal is generally accomplished in a short time period, i.e. less than one year, but the goal itself may be long-term.

3-7. "Conference" means any training, seminar, meeting, or other assembly of persons which is not an assembly of the entity.

3-8. "Per Diem" means the payment made by the Tribe to offset the costs of being out-of-town or to travel on behalf of the Oneida Tribe of Indians of Wisconsin.

3-9. "Stipend" means that amount paid by the Oneida Tribe of Indians of Wisconsin to persons on boards, committees and commissions of the Oneida Tribe of Indians of Wisconsin to offset the expenses of being a member on the board, committee or commission.

#### Article IV. Applications

4-1. All applications shall be generated by the Oneida Tribal Secretary's Office and approved by the Oneida Business Committee.

4-2. The content of applications shall be as follows:

a. questions designed to obtain the following information

- i. name
- ii. address
- iii. phone number
- iv. enrollment number
- v. position applied for

b. applications may contain any other questions necessary to obtain information necessary to making an informed decision as to the qualifications of any individual to hold any vacancy.

c. Form A-1, attached, is the current approved 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 with the Tribal Secretary's office by 4:30 p.m. of the deadline date. Postmarked envelopes are 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 Tribal Secretary shall notify by postcard all persons who have filed an application of the date the application was filed and whether it will be considered for the election or appointment. A tentative date for appointment or election will be placed on the postcard with the instruction that this is a tentative date and further information can be requested by calling the Tribal Secretary's Office. Postcard information should be in substantially similar format as that in Figure 1.

Your application was received on:

Tentative date for appointment or election:

You application is is not being considered.

For more information, call the Tribal Secretary's Office at 869-2214.

Figure 1

4-4. Applications for elected positions shall be verified according to the Oneida Election Ordinance. Applications for appointed positions shall be verified by the Tribal Secretary's Office as needed or as required in the by-laws of the entity.

4-5. In the event that there are insufficient applicants after the deadline date has passed for appointed positions, the Tribal Chairperson may elect to

- a. Include within the pool of appointed persons late applications, or
- b. Repost for an additional time period. In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.

#### **Article V. Vacancies**

5-1. This article shall govern when vacancies occur, and where and when notice of the vacancies shall be posted.

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

- a. End of Term. A vacancy is effective as of 4:30 p.m. of the last day of the month in which the term ends as of the by-laws of the entity.
- b. Removal. Removal is effective, under adopted and approved procedures of the entity, when the final action has taken place. Where a final action is defined as
  - i. failure to file a timely appeal,
  - ii. denial of appeal, or
  - iii. final written opinion is filed.
- c. Resignation. A resignation is effective upon:
  - i. Deliverance of a letter to the entity, or
  - ii. Acceptance by motion of the entity of a verbal resignation.
- d. New Positions. Vacancies on new entities are effective upon adoption of by-laws.
- e. Interim Positions. Vacancies of interim positions are effective upon creation of interim positions by the Oneida Business Committee or General Tribal Council.

5-3. All notices of vacancy shall be sent to the entities for clarification or confirmation prior to notification to the Oneida Business Committee. The following guidelines are minimum notice requirements:

- a. End of Term. Entity should be notified 60 days prior to end of term by the Tribal Secretary.
- b. Removal or Resignation. Entity should be notified as soon as final action is taken by the Oneida Business Committee or General Tribal Council to accept the resignation, or final action according to any Removal law of the Tribe.

5-4. Notice of vacancies shall be by the Tribal Secretary's Office in the following locations:

- a. Tribal Secretary's Office
- b. Positions of prominence as directed by the Legislative Operating Committee
- c. Kalihwisaks
- d. Minutes of the Oneida Business Committee, and
- e. Any reasonable location requested by the entity.

5-5. The Tribal Secretary's Office shall forward the notice of vacancy to the Oneida Business Committee for approval and direction to post notice as set out in this Article. The Tribal Secretary shall post notice of vacancies at the following times:

- a. End of Term. Automatically thirty days prior to completion of the term.
- b. Removal. Upon notice by Secretary, or other person authorized by the by-laws of the entity, to the Tribal Secretary's Office.
- c. Resignation. Upon notice by the Secretary, or other person authorized by the by-laws of the entity, to the Tribal Secretary's Office.
- d. New Positions. Upon one of the following conditions:
  - i. if not specified, immediately upon creation of entity or adoption of by-laws, whichever is later, or
  - ii. upon date specified when creating the entity.
- e. Interim Members. Upon one of the following:
  - i. upon completion of the term designated to hold in new entity, or
  - ii. upon completion of vacant term of the pre-existing entity

#### **Article VI. Appointed Positions**

6-1. All appointments, unless otherwise specifically noted within the by-laws of the entity, shall be made by the Oneida Business Committee at regular or special Oneida Business Committee meetings. Provided that, no applicant may be appointed who fails to meet the requirements set out in the entity's by-laws.

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

- a. Five (5) business days after close of notice, all applications shall be delivered to the Chairperson of the Oneida Business Committee along with a summary of qualifications to hold office.
- b. Within a reasonable time, the Chairperson shall:
  - i. choose an applicant for appointment, or
  - ii. ask the Tribal Secretary's Office to re-notice the vacancy because of ineligible, unqualified, or under qualified applicants.
- c. Forward choice of applicants to all Council members prior to appointment:
  - i. Council members may accept the Chairperson's selected applicants, or
  - ii. Reject an applicant by majority vote of a quorum at any regular or special Oneida Business Committee meeting.

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 Oneida 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 Oneida Tribal Secretary's Office.

1. 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.

6-4. The Tribal Secretary shall notify all applicants of the final status of their application. The Tribal Chairperson shall forward a list of all applicants to the Tribal Secretary and the final decision regarding the selection after the procedures in sec. 6-2 are completed. Provided that, the Tribal Secretary shall include on the notice to the applicant the following paragraph:

"The Oneida Tribe of Indians of Wisconsin reports all income paid by the Tribe in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions 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."

## **Article VII. Elected Positions**

7-1. All elected positions, unless otherwise noted in the by-laws of the entity, shall be nominated at a caucus held during a July, Semi-Annual General Tribal Council Meeting. Provided that, the Tribal Secretary shall include on the notice to the petitioner or nominee the following paragraph:

"The Oneida Tribe of Indians of Wisconsin reports all income paid by the Tribe in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions 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."

7-2. All other processes shall be as directed on the Oneida Election Ordinance.

7-3. All elected positions 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.

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

1. 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.

### **Article VIII. By-Laws of Boards, Committees and Commissions**

8-1. By-Laws of all Boards, Committees and Commissions shall conform to this outline. All existing entities must comply with this format and present by-laws 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.

8-2. Specifically excepted from this article are Task Forces and Ad Hoc Committees. However, these entities must have, at minimum, mission or goal statements for completion of the task.

8-3. There 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 the following information:

- 1. Name. All entities should list the full name of the entity. In addition, there should be listed any short name that will be officially used.
- 2. Authority. This section should state the citation and name, if any, of the creation document.
- 3. Office. There should be listed the official office or post box of the entity.
- 4. Membership. The following information should be in this section:
  - i. Number of members;
  - ii. How elected or appointed;
  - iii. How vacancies are filled
  - iv. The qualifications of the members.

b. "Article II. Officers" consists of the following information:

- 1. Chair and Vice-Chair. This section creates the positions of the entity. Other positions may also be created here.
- 2. Chair duties. Because of the importance of this position, those duties and limitations should be specifically listed.
- 3. Vice-Chair duties. Because of the importance of this position, those duties and limitations should be specifically listed.
- 4. Additional Offices and Duties. There should be additional sections as needed for every office created in subsection 1 above.

5. How chosen. There should be specifically set out how a member of the entity will occupy an official position as set out in this Article.
  6. Personnel. State entities authority for hiring personnel and the duties of such personnel.
- c. "Article III. Meetings" consists of the following information:
1. Regular meetings. There shall be listed when and where regular meetings shall be held, and, how notice of the agenda, documents, and minutes will be disbursed to the members.
  2. Emergency meetings. There shall be listed how Emergency meetings shall be called and noticed.
  3. Quorum. This section shall list how many members create a quorum.
  4. Order of Business. This section sets out how the agenda will be set up.
  5. Voting. This section should list how voting shall be taken, what percentages shall be needed to pass different items.
- d. "Article IV. Reporting" consists of the following information:
1. Agenda items shall be in an identified format.
  2. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity.
  3. 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.
- e. "Article V. Amendments" consists of:
1. Amendments to By-laws. There should be described how amendments to the by-laws shall take place. Provided that, amendments conform to the requirements of this and any other policy. Provided further, that amendments are approved by the Oneida Business Committee prior to implementation.

#### **Article IX. Minutes**

- 9-1. All minutes shall be submitted to the Oneida 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 according to this Article, and any specific directions within approved by-laws.
- 9-3. No action or approval of minutes is required by the Oneida Business Committee on minutes submitted by an entity unless specifically required by the by-laws of that entity.

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

#### **Article X. Dissolution of Entities.**

10-1. All entities of the Tribe shall be dissolved according to this Article. Provided that other specific directions may be included within by-laws.

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

10-3. All other entities of the Tribe shall be dissolved only by motion of the Oneida General Tribal Council or the Oneida Business Committee. Unless otherwise indicated, the materials generated by these entities shall be forwarded to the Tribal Secretary's Office for proper disposal within two weeks of dissolution.

10-4. All Chairpersons and Secretaries of dissolved entities shall be responsible for closing out open business of the entity and forwarding materials.

#### **Article XI. Stipend**

11-1. All entities shall receive reimbursement for expenses and stipends as set out in this Article and according to procedures for payment as set out by the Oneida Tribe of Indians of Wisconsin.

11-2. The Oneida Tribe recognizes that persons serving on entities of the Tribe, whether elected or appointed, incur some expense. Therefore, the Tribe, in order to attract persons to serve on entities, will pay stipends to these members in accordance with this Article.

11-3. Members serving on entities shall be paid a stipend of \$50.00 for each meeting which has established a quorum in accordance with the duly adopted by-laws of that entity for at least one hour, regardless of the length of the meeting. Members collecting stipends must be present for at least one hour of the meeting, regardless of the length of the meeting. The Oneida Business Committee may from time to time amend this amount by Resolution adopted at a duly called meeting.

11-4. Exceptions to the amount of the stipend may be made by the Oneida Business Committee, provided the following procedures are followed:

a. The entity petitions the Oneida Business Committee for an exception through a Resolution which indicates the reasons why the stipend should be different, and what would be an appropriate stipend.

b. This resolution shall be posted in the Kalihwisaks two weeks prior to adoption by the Oneida Business Committee. All interested parties are asked to submit comments in writing to the Oneida Business Committee, care of the Tribal Secretary's Office.

c. The Oneida Business Committee shall adopt or reject the resolution at a duly called meeting of the Oneida Business Committee.

11-5. Payment of stipends, in addition to any per diem, to members who are authorized to travel on behalf of the entity shall be in the amount of \$100.00 for each full day they are present at the conference. Provided that, no payments shall be made for those days spent traveling to and from the conference.

11-6. All members of entities shall be reimbursed according to the Tribal policy for travel to and from conferences, and for normal business expenses naturally related to membership in the entity.

11-7. Task Force members shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.