



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA
Business Committee Conference Room-2nd Floor Norbert Hill Center
April 17, 2019
9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
- III. Current Business**
 1. Domestic Animals Law Amendments (pg. 2)
- IV. New Submissions**
 1. GTC Petition Process (pg. 31)
 2. Indian Preference in Contracting Law Amendments (pg. 39)
- V. Additions**
- VI. Administrative Updates**
 1. Children's Code Update (pg. 40)
 2. Boards, Committees and Commissions Law Amendments (pg. 46)
- VII. Executive Session**
- VIII. Recess/Adjourn**



Legislative Operating Committee
April 17, 2019

Domestic Animals Law Amendments

Submission Date: 9/19/18	Public Meeting: 3/11/19
LOC Sponsor: Jennifer Webster	Emergency Enacted: n/a

Summary: *This is a request to make necessary changes and updates to the law in regard to issues with violations, enforcement and appeals, procedure at hearings, restitution, citations, and viscous and dangerous dogs.*

9/19/18 LOC: Motion by Jennifer Webster to add the Domestic Animals Ordinance to the active files list and assign Jennifer Webster as the Sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

10/5/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Kelly McAndrews, Eric Boulanger, Michelle Myers, Jeff Mears, Vanessa Miller, Steve Linskens, Laura Manthe. The purpose of this work meeting was to begin identifying potential amendments that can be made to the law, and discussing areas that could benefit from further discussion.

10/23/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Kelly McAndrews, Jeff Mears, Vanessa Miller, Steve Linskens, Laura Manthe, Brenda Haen, Eric Krawczyk. The purpose of this work meeting was to finish reviewing the law and discussing potential amendments that could be made.

11/9/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Jeff Mears, Vanessa Miller, Steve Linskens, Jennifer Falck, Eric Boulanger, Michelle Myers. The purpose of this work meeting was to review research that was completed, and discuss parking lot issues. The LRO will update the draft and schedule another work group meeting before the draft is presented to the LOC.

12/13/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Eric Boulanger, Chad Wilson, Laura Manthe, Steve Linskens, Shad Webster, Patrick Pelky. The purpose of this work meeting was to review and discuss the proposed draft of the amendments before the draft is presented to the LOC for consideration.

12/19/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review the proposed draft created by the work group, and determine the next steps for moving forward. Attorney will update the draft, and a legislative analysis will be completed.

1/16/19 LOC: Motion by Jennifer Webster to accept the draft and the legislative analysis of the amendments to the Domestic Animals law and defer these items to a work meeting for further consideration; seconded by Ernest Stevens III. Motion carried unanimously.

- 1/16/19:** *Work Meeting.* Present: Jennifer Webster, Kirby Metoxen, Daniel Guzman, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review the policy considerations contained in the legislative analysis.
- 1/25/19:** *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck, Shad Webster, Eric Boulanger, Steve Linskens, Michelle Meyers, Vanessa Miller, Jeff Mears. The purpose of this work meeting was to review and discuss the fine, penalty, and licensing fee schedule resolution, discuss complaints received from the community, and discuss fiscal impacts.
- 2/6/19 LOC:** Motion by Jennifer Webster to approve the public meeting packet and direct that a public meeting for the amendments to the Domestic Animals law be held on Monday, March 11, 2019; seconded by Kirby Metoxen. Motion carried unanimously.
- 2/26/19:** *Work Meeting.* Present: Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Eric Boulanger, Joel Maxam, Shad Webster, Jeff Mears, Steve Linskens. The purpose of this work meeting was to discuss: 1) the timeframe to adoption of the proposed amendments and the various deadlines required for that; 2) what is required in the fiscal impact statements that each department will be completing for the LOC; and 3) implementation and any tasks that will need to be completed for the law to be successfully implemented.
- 3/8/19:** *Work Meeting.* Present: Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Joel Maxam, Steve Linskens, Vanessa Miller, Jacy Rasmussen. The purpose of this work meeting was to discuss the various standard operating procedures that will have to be created based on the proposed amendments and what department will be responsible for the development of each one. During this work meeting potential fiscal impacts and the development of fiscal impact statements were also discussed.
- 3/11/19:** Public Meeting Held. Present: Kirby Metoxen, Clorissa N. Santiago, Brandon Wisneski, Lee Cornelius, Jennifer Falck, Kristen Hooker, Joel Maxam, Steve Linskens, Laura Manthe, Robert Keck, James Petitjean.
- 3/20/19 LOC:** Motion by Daniel Guzman King to approve the fiscal impact statement memorandum and forward to the Environmental, Health, Safety, and Land Division, Oneida Police Department, Oneida Nation Judiciary, and the Oneida Land Commission directing that a fiscal impact statement of the proposed amendments to the Domestic Animals law be prepared and submitted to the LOC by April 19, 2019; seconded by Ernest Stevens III. Motion carried unanimously.

Next Steps:

- Accept the public meeting comments and public meeting comment review memorandum and defer to a work meeting for further consideration.



TO: Legislative Operating Committee (LOC)
FROM: Clorissa N. Santiago, Legislative Reference Office, Staff Attorney
DATE: April 17, 2019
RE: Domestic Animals Law Amendments: Public Meeting Comment Review

On March 11, 2019, a public meeting was held regarding proposed amendments to the Domestic Animals law (“the Law”). The public comment period was then held open until March 18, 2019. This memorandum is submitted as a review of the oral and written comments received within the public meeting and public comment period.

The public meeting draft, public meeting transcript, and written comments received are attached to this memorandum for review.

Comment 1 – Prohibited Animals Resolution:

304.10. Prohibited Animals

304.10-2. Prohibited Animals. Prohibited animals include the following orders and families, whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

(a) *Class Mammalia.*

- (1) **Order Chiroptera.** This includes all bat species.
- (2) **Order Artiodactyla.** This includes hippopotamuses, giraffes, camels, and deer, but does not include domestic cattle, swine, sheep, goats, alpaca, and llama as exotic animals.
- (3) **Order Carnivora.**
 - (A) **Family Felidae.** This includes lions, tigers, cougars, leopards, ocelots, and servals, but does not include domestic cats as exotic animals.
 - (B) **Family Canidae.** This includes wolves, wolf hybrids, coyotes, coyote hybrids, foxes, and jackals, but does not include domestic dogs as exotic animals.
 - (C) **Family Ursidae.** This includes all bears.
 - (D) **Family Mustelidae.** This includes weasels, skunks, martins, and minks, but does not include ferrets as exotic animals.
 - (E) **Family Procyonidae.** This includes raccoons, and coatis.
 - (F) **Family Hyaenidae.** This includes hyenas.
 - (G) **Family Viverridae.** This includes civets, genets, and mongooses.
- (4) **Order Edentatia.** This includes anteaters, armadillos, and sloths.
- (5) **Order Marsupialia.** This includes opossums, kangaroos, wallabies, and sugar gliders.
- (6) **Order Perissodactyla.** This includes rhinoceroses, and tapirs, but does not

include horses, goats, and mules as exotic animals.

(7) Order Primates. This includes lemurs, monkeys, chimpanzees, and gorillas.

(8) Order Proboscidae. This includes elephants.

(9) Order Rodentia. This includes squirrels, beavers, porcupines, and prairie dogs, but does not include guinea pigs, rats, mice, gerbils, and hamsters as exotic animals.

(b) *Class Reptilia.*

(1) Order Squamata.

(A) Family Helodermatidae. This includes Gila monsters and Mexican beaded lizards.

(B) Family Varaidae. This includes any monitor lizard which will normally grow over two feet in length.

(C) Family Iguanidae. This includes green iguanas and rock iguanas, but does not include all other types of iguanas which are not green or rock iguanas.

(D) Family Boidae. This includes all species whose adult length may exceed eight (8) feet.

(E) Family Colubridae. This includes boomslangs and African twig snakes.

(F) Family Elapidae. This includes coral snakes, cobras, and mambas.

(G) Family Nactricidae. This includes keelback snakes, but does not include all other snakes not keelback.

(H) Family Viperidae. This includes copperheads, cottonmouths, and rattlesnakes.

(2) Order Crocodilia. This includes crocodiles, alligators, caimans, and gavials.

(c) *Class Aves.*

(1) Order Falconiformes. This includes eagles, hawks, and vultures.

(2) Order Rheiformes. This includes rheas.

(3) Order Struthioniformes. This includes ostriches.

(4) Order Casuariiformes. This includes cassowaries and emus.

(5) Order Strigiformes. This includes owls.

(d) *Class Arachnida.*

(1) Order Scorpiones,

(A) Family Buthidae. This includes scorpions.

(2) Order Araneae,

(A) Family Therididae. This includes the Argentina red widow spider, brown widow spider, red-black widow spider, red widow spider, southern black widow spider, and Western widow spider.

(B) Family Laxoscelidae, This includes the brown recluse spider.

(e) *Class Chilopoda.*

(1) Order Scolopendromorpha,

(A) Family Scolopendridae. This includes centipedes.

(f) Any Federal or State endangered or threatened species.

Candice Skenandore (written): In order to avoid future amendments to the Domestic Animals (Law), the Legislative Operating Committee (LOC) may want to consider removing proposed section 304.10 Prohibited Animals from the Law and place this information into a resolution. This will allow the list of prohibited animals to be revised from time to time as the Community's needs change. The Law could simply refer to the Resolution and the Resolution can be published alongside the Law on the Code of Laws so as the Community has easy access to such information.

Response

The commenter requests that section 304.10 of the Law be removed, and instead have the information contained in section 304.10 placed in a resolution to be adopted by the Oneida Business Committee. The commenter believes that having the information addressed by resolution would allow for greater flexibility in amending the prohibited animals list as the Nation's needs change in the future. Resolutions are considered to provide more flexibility than a law because a resolution does not have to follow the requirements of the Legislative Procedures Act. [1 O.C. 109].

Section 304.10 of the Law contains much valuable information that should remain in the Law including:

- The general provision that no person is allowed to bring into, keep, harbor, maintain, offer for sale or barter, act as a custodian, have custody or control of, or release to the wild on the Reservation a prohibited animal [3 O.C. 304.10-1];
- A prohibited animal exception that allows certain individuals to own, harbor, or possess prohibited animals, including those individuals who are eligible for any grandfather provisions included in this law's adopting resolution, and any zoological park and/or sanctuary, an educational or medical institution, and/or a specially trained entertainment organization who receives a permit from the Environmental, Health, Safety, and Land Division [3 O.C. 304.10-3];
- The authority delegated to the Environmental, Health, Safety, and Land Division to issue a prohibited animal permit when certain conditions exist [3 O.C. 304.10-4];
- The authority delegated to the Environmental, Health, Safety, and Land Division to approve a wildlife refuge and/or sanctuary to release prohibited animals within the Reservation without applying for and receiving a prohibited animal permit [3 O.C. 304.10-5];
- Provisions regarding the Oneida Police Department and Oneida Conservation Department's authority to seize prohibited animals [3 O.C. 304.10-6];
- The requirement of an owner of a prohibited animal that has been released or escapes to immediately notify the Oneida Police Department and/or the Oneida Conservation Department [3 O.C. 304.10-7]; and
- Provisions regarding the forfeiture of prohibited animals [3 O.C. 304.10-8].

It is not recommended that any of the above stated provisions be removed from the Law and placed into a resolution of the Nation.

Section 304.10-2 of the Law provides specific information as to what orders and families of animals, whether bred in the wild or in captivity, and any or all hybrids, are prohibited from being

on the Reservation. The animals listed alongside the orders and families in the Law serve as examples and are not an exhaustive list of all animals that are prohibited.

Section 304.10-2, unlike the other provisions of section 304.10, could potentially be removed from the Law and placed into a resolution. Providing the prohibited animals list within the Law itself allows for more convenience to the reader as all the relevant information regarding prohibited animals is found in one place. Although there may be more convenience to the reader, the flexibility to revise and amend the prohibited animals list is affected as any changes to the Law would be required to follow the Legislative Procedures Act which can be a lengthy process.

On the other hand, providing the prohibited animals list through a resolution of the Nation would provide more flexibility and ease in adjusting the prohibited animals list to fit the needs of the Nation as those needs may change in the future. Allowing the flexibility to change the prohibited animals list by resolution would result in the necessity for a reader looking for information on prohibited animals to consult more than one document to find all the relevant information, which may be considered an inconvenience.

Whether or not to include the list of prohibited animals in the Law itself, or in a resolution, is a policy decision for the Legislative Operating Committee to make. The Legislative Operating Committee may determine:

1. The Law should remain as currently drafted and provide the prohibited animals list in section 304.10-2 of the Law.
2. Section 304.10-2 of the Law which provides the prohibited animals list should be removed, and instead the Legislative Operating Committee should include a provision that requires the prohibited animals list to be set by resolution.
 - a. If the Legislative Operating Committee makes this determination then the following language is recommended:
304.10-2. *Prohibited Animals.* The Oneida Business Committee shall provide through the adoption of a resolution which orders and families of animals, whether bred in the wild or in captivity, and any or all hybrids are prohibited from being on the Reservation.

LOC Consideration

Comment 2 – Alpacas and Llamas:

Candice Skenandore (written): I applaud the LOC for their continued support of excluding animals such as alpacas and llamas from the list of prohibited animals. This will ensure that our Community can enjoy these creatures for generations to come. Should the LOC choose to remove the list of prohibited animals and instead identify such animals by Resolution, I recommend that

alpacas and llamas still be allowed to safely reside within the Reservation boundaries [*See proposed Domestic Animals, 3 O.C. 304.10-2 (a) (2)*].

Response

The commenter expresses gratitude to the Legislative Operating for ensuring that alpacas and llamas are not placed on the prohibited animal list provided in section 304.10-2 of the Law so that the community can continue to enjoy these animals.

There is no recommended revision based on this comment.

LOC Consideration

Comment 3 – Sugar Gliders:

304.10. Prohibited Animals

304.10-2. Prohibited Animals. Prohibited animals include the following orders and families, whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

(a) *Class Mammalia.*

(5) **Order Marsupialia.** This includes opossums, kangaroos, wallabies, and sugar gliders.

Candice Skenandore (written): I do not agree with the LOC's decision to continue including sugar gliders from the list of prohibited animals and ask that the LOC reconsider allowing these adorable marsupialia to reside on the Reservation [*See proposed Domestic Animals, 3 O.C. 304.10-2 (a) (5)*]. According to PetMD, sugar gliders make excellent pets so long as the owner(s) understands the needs of these amazing creatures. Sugar gliders are nocturnal, meaning they can provide companionship to our Community members that may work the 3rd shift or have trouble sleeping. The average life-span of a sugar glider is 5-7 years which is enough time to teach children the importance of taking care of another life while not burdening a family with a lengthy commitment. Typical adult male sugar gliders weigh 0.22-0.35 lbs and adult females weigh 0.18-0.29 lbs. Females only produce 1-2 joeys (babies) per litter which will ensure that the Community will not be overrun with sugar gliders. Lastly, sugar gliders are omnivores (eat both plant and animal matter) and enjoy insects such as crickets and mealworms. Allowing sugar gliders to reside on the Reservation may ease the noise of the occasional cricket that gets trapped in a house or dwelling during those long summer months. This could improve the sanity and sleep of the Community [*See PetMD, <https://www.petmd.com/exotic/care/all-about-sugar-gliders>*].

The LOC should be made aware that sugar gliders can also serve as emotional support animals. According to Americans with Disabilities Act National Network, emotional support animals are animals that provide companionship, relieve loneliness, and may help with depression, anxiety and certain phobias. An article by College Avenue Magazine talks about a student’s struggle after brain surgery and that her sugar glider named “Zaboo” provide comfort to her during her recovery process [See *College Avenue Magazine*, <https://collegian.com/2018/02/sugar-gliders-can-be-service-animals-too/>]. I highly encourage the LOC to reconsider denying our Community the comfort, joy, and emotional support that sugar gliders bring.

Response

The commenter disagrees with the inclusion of sugar gliders on the prohibited animal list found in section 304.10-2(a)(5).

The determination of what animals to prohibit from the Reservation is a policy decision for the Legislative Operating Committee to make. The Legislative Operating Committee may determine:

1. The Law should remain as currently drafted and prohibited sugar gliders from being kept as pets on the Reservation.
2. The Law should be revised to remove sugar gliders from the prohibited animals list and therefore be allowed to be kept as pets on the Reservation.
 - a. If the Legislative Operating Committee makes this determination then the following revision should be made:

304.10-2. Prohibited Animals. Prohibited animals include the following orders and families, whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

- (a) Class Mammalia.
 - (5) Order Marsupialia. This includes opossums, kangaroos, and wallabies, but does not include ~~and~~ sugar gliders as prohibited animals.

LOC Consideration

Comment 4 – Limit of the Number of Hens Allowed:

304.9. Hens

304.9-3. *Limit on the Number of Hens Allowed.* The number of hens an owner may keep is dependent on the size of the residential lot.

- (a) An owner may to keep up to four (4) hens on a residential lot that is two (2) acres in size or smaller.

(b) An owner may keep up to eight (8) hens on a residential lot two (2) acres in size or larger.

Laura Laitinen-Warren on behalf of Chairman Tehassi Hill (written): Good Afternoon, Chairman Hill has would like to ensure consideration for the amount of hens needed for egg production to provide for a family. The limit on 4 hens for property that is two acres or smaller may be too restrictive. The Oneida Nation demonstrates our right to food sovereignty, and we want to be sure we are not putting up barriers for citizens who also wish to exercise this right. Thank you for the opportunity to comment.

Response

The commenter shares concerns that the limit of up to four (4) hens on a residential lot that is two (2) acres or smaller may be too restrictive in terms of egg production to provide for a family. The commenter expresses the importance of our right to food sovereignty and wants to ensure this limitation on the number of hens is not a barrier for those members of the Nation who wish to exercise their right to food sovereignty.

The limitation of up to four (4) hens on a residential lot that is two (2) acres or smaller was a policy decision made by the Legislative Operating Committee. The Legislative Operating Committee made the decision on what extent to limit hens after research was conducted on the limitations of hens in other surrounding municipalities. The research demonstrated the following limitations on the number of hens allowed in other local municipalities:

- City of De Pere: Up to four (4) hens are allowed with a permit;
- City of Green Bay: Up to four (4) hens are allowed with a permit;
- Village of Ashwaubenon: Up to four (4) hens are allowed with a permit;
- Village of Howard: Up to four (4) hens allowed on lots of two acres or less, up to eight (8) hens allowed on lots larger than two acres; and
- Village of Hobart: Up to six (6) hens allowed on properties in single family zoning districts.

Although not required to be, the Legislative Operating Committee determined that this was a matter in which consistency with our neighboring municipalities would be beneficial to the Nation.

Additionally, the Legislative Operating Committee decided to base the limitation on the size of the residential lot in acknowledgement that there are many different homes found throughout the Reservation, and a home with a larger lot size could be better equipped to house more hens without causing a nuisance.

The limitation on the number of hens that are allowed on certain lot sizes within the Reservation is a policy decision for the Legislative Operating Committee to make. The Legislative Operating Committee may determine:

1. The Law should remain as currently drafted and provide the limitation of up to four (4) hens on a residential lot that is two (2) acres or smaller.
2. The Law should be amended to increase the limitation on the number of hens that are allowed on a residential lot that is two (2) acres or smaller.

- a. If the Legislative Operating Committee makes this determination then the Legislative Operating Committee will have to determine what the appropriate limitation on the number of hens allowed on a residential lot that is two (2) acres or smaller.

LOC Consideration

1 **Title 3. Health and Public Safety - Chapter 304**
2 **DOMESTIC ANIMALS**
3 **Kátse?na Olihwá'ke**
4 *matters concerning the pet animals*
5

304.1. Purpose and Policy	304.8. Livestock
304.2. Adoption, Amendment, Conflicts	304.9. Hens
304.3. Definitions	304.10. Prohibited Animals
304.4. Jurisdiction	304.11. Dangerous Animals
304.5. Authority	304.12. Owner Liability
304.6. Treatment of Animals	304.13. Enforcement of Violations
304.7. Dogs and Cats	

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2 **304.1. Purpose and Policy**

3 304.1-1. *Purpose.* The purpose of this law is to:

- 4 (a) protect the health, safety, and welfare of the community by requiring certain basic
5 measures to prevent the spread of disease carried by domestic animals;
6 (b) set minimum standards for the treatment of animals;
7 (c) prohibit certain species of animals from being brought onto the Reservation;
8 (d) regulate the keeping of livestock on lots zoned residential within the Reservation; and
9 (e) establish consequences for damages caused by domestic animals.

10 304.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the
11 community by:

- 12 (a) requiring certain basic measures to prevent the spread of disease carried by domestic
13 animals;
14 (b) establishing requirements for licensing domestic animals, and
15 (c) regulating the types of animals which may be kept as domestic animals.
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17 **304.2. Adoption, Amendment, Repeal**

18 304.2-1. This law was adopted by Oneida Business Committee by resolution BC-03-13-96-B
19 and amended by resolutions BC-06-22-11-G, BC-06-28-17-B, and BC-__-__-__-__.

20 304.2-2. This law may be amended or repealed by the Oneida Business Committee and/or
21 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

22 304.2-3. Should a provision of this law or the application thereof to any person or
23 circumstances be held as invalid, such invalidity shall not affect other provisions of this law
24 which are considered to have legal force without the invalid portions.

25 304.2-4. In the event of a conflict between a provision of this law and a provision of another
26 law, the provisions of this law shall control.

27 304.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.
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29 **304.3. Definitions**

30 304.3-1. This section shall govern the definitions of words and phrases used within this law. All
31 words not defined herein shall be used in their ordinary and everyday sense.

32 (a) "District Quarantine" means a rabid or otherwise diseased domestic animal is
33 suspected or known to be within a discernible area and all such animals reasonably
34 suspected of being infected are subject to enforced isolation for a period of time to limit
35 or prevent the spread of disease or infection and during which time said animals are
36 tested for diseases, including rabies.

37 (b) "Fine" means a monetary punishment issued to a person violating this law.

38 (c) "Hen" means a female chicken (*Gallus gallus domesticus*).

39 (d) "Livestock" means any equine (i.e. horse, donkey, etc.), bovine (i.e. cow, steer,

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40 heifer, etc.), sheep, goat, pig.

41 (e) "Nation" means the Oneida Nation.

42 (f) "Owner" means any person who owns, harbors, keeps, controls or acts as a caretaker
43 for an animal. Absent evidence of alternative adult ownership, this law presumes that
44 domestic animals are owned by the adult homeowner or renter.

45 (g) "Penalty" means a punishment, other than a fine, imposed on a person violating this
46 law and/or the rules created pursuant to this law and may include, but is not limited to,
47 the confiscation of wildlife with return of the same at the discretion of the Trial Court and
48 restitution.

49 (h) "Reservation" means all the property within the exterior boundaries of the
50 Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida
51 7 Stat. 566, and any lands added thereto pursuant to federal law.

52 (i) "Residential household" means a residential lot, except for those residential lots
53 designed as multi-family lots, in which each family unit within the lot constitutes a
54 separate household.

55 (j) "Tethering" means the act of fastening an animal to a stationary object while
56 unattended so that the animal can only range within a set radius. Tethering does not
57 include the use of a leash to walk an animal.

58 (k) "Trial Court" means the Trial Court of the Oneida Nation Judiciary, which is the
59 judicial system that was established by Oneida General Tribal Council resolution GTC-
60 01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

61 (l) "Quarantine" means the act of keeping an animal in enforced isolation for a period of
62 time to limit or prevent the spread of disease or infection and during which time said
63 animal is tested for diseases, including rabies.

64 65 **304.4. Jurisdiction**

66 304.4-1. *Personal Jurisdiction.* This law applies to:

67 (a) All members of the Nation; the Nation's entities and corporations; and members of
68 other federally-recognized tribes.

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

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

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

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

81 304.4-2. *Territorial Jurisdiction.* This law extends within the Reservation to all land owned by
82 the Nation and individual trust and/or fee land of a member of the Nation.

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304.5. Authority

304.5-1. *General.* This law governs the keeping of all domestic animals which are commonly owned as household pets. Domestic animals include, but are not limited to dogs, cats, ferrets, rabbits, guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians, and arachnids.

(a) Domestic animals do not include prohibited exotic animals as identified in section 304.10-2.

304.5-2. *Authority of the Oneida Police Department and Conservation Department.* Oneida Police Officers and Conservation Wardens shall have the authority to:

(a) investigate complaints involving domestic animals;

(b) enforce the provisions of this law through appropriate means, including but not limited to:

(1) seizing any animal that is taken, employed, used, or possessed in violation of this law and/or mistreated, rabid or otherwise in danger or dangerous;

(2) issuing citations consistent with the fine and penalty schedule developed in accordance with this law; and

(3) using force, up to and including lethal force, to stop an immediate threat to public safety caused by an animal.

(A) Where lethal force is used, such execution shall be conducted in as humane manner as possible and, to the extent feasible, avoids damage to the animal's head for the purpose of rabies testing.

304.5-3. *Fine, Penalty, and Licensing Fee Schedule.* The Environmental, Health, Safety, and Land Division and the Environmental Resource Board are hereby delegated joint authority to develop a fine, penalty, and licensing fee schedule. The fine, penalty, and licensing fee schedule shall be adopted by the Oneida Business Committee by resolution.

304.5-4. *Disease Investigation and Quarantine.* The Environmental, Health, Safety, and Land Division, the Emergency Management Coordinator, and the Comprehensive Health Division are hereby delegated joint authority to establish standard operating procedures related to disease investigations and quarantines.

304.5-5. *Issuance of Licenses.* The Environmental, Health, Safety, and Land Division shall make all decisions related to the issuance of a license and/or permit in accordance with this law, unless otherwise noted.

304.6. Treatment of Animals

304.6-1. *Food and Water.* An owner shall provide an animal with a daily supply of food and water sufficient to maintain the animal in good health.

304.6-2. *Shelter.* An owner shall meet the minimum standards for indoor and outdoor shelter for an animal. All shelter shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.

(a) *Minimum indoor standards of shelter.* Minimum standards for indoor shelter include the following:

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125 (1) *Temperature.* The ambient temperature of the indoor shelter shall be
126 compatible with the health of the animal.

127 (2) *Ventilation.* Indoor shelter facilities shall be adequately ventilated by natural
128 or mechanical means to provide for the health of the animal at all times.

129 (b) *Minimum outdoor standards of shelter.* Minimum standards for outdoor shelter
130 include the following:

131 (1) *Shelter from Sunlight.* When sunlight is likely to cause heat exhaustion of an
132 animal tied or caged outside, sufficient shade by natural or artificial means shall
133 be provided to protect the animal from direct sunlight. Caged does not include
134 farm fencing used to confine livestock.

135 (2) *Climatic Conditions.* Natural or artificial shelter appropriate to the local
136 climatic conditions for the animal concerned shall be provided as necessary for
137 the health of the animal.

138 (3) *Adverse Weather.* If an animal is tied or confined unattended outdoors under
139 weather conditions which adversely affect the health of the animal, a weather
140 appropriate shelter of suitable size to accommodate the animal shall be provided.

141 (c) *Space Standards.* Enclosures shall be constructed and maintained so as to provide
142 sufficient space to allow each animal adequate freedom of movement. Inadequate space
143 may be indicated by evidence of debility, stress, or abnormal behavior patterns.

144 (1) *Dog Kennels.* Dog kennels shall meet the following space requirements
145 where, if there are multiple dogs in the same kennel, the base kennel space
146 requirement is based on the size of the largest dog and the additional kennel space
147 requirements are based on the size of each additional dog kept in the kennel:

148 (A) *Dog Size Between One and Thirty-Five Pounds.* A dog that weighs
149 between one (1) and thirty-five (35) pounds shall have a required base
150 kennel space of sixty (60) square feet. Required additional kennel space
151 per additional dog of this size is twelve (12) square feet.

152 (B) *Dog Size Between Thirty-Six and Seventy-Five Pounds.* A dog that
153 weighs between thirty-six (36) and seventy-five (75) pounds shall have a
154 required base kennel space of eighty (80) square feet. Required additional
155 kennel space per additional dog of this size is eighteen (18) square feet.

156 (C) *Dog Size Seventy-Six Pounds or Greater.* A dog that weighs seventy-
157 six (76) pounds or more shall have a required base kennel space of one
158 hundred (100) square feet. Required additional kennel space per additional
159 dog of this size is twenty-four (24) square feet.

160 (d) *Sanitation Standards.* An owner shall meet the minimum standards of sanitation for
161 both indoor and outdoor shelter. Minimum sanitation standards require waste matter from
162 the animal to be removed within twenty-four (24) hours of its deposit.

163 (e) *Shelter Exception for Livestock.* In the case of livestock kept on farms on land zoned
164 agricultural, nothing in this section shall be construed as imposing shelter requirements or
165 standards more stringent than normally accepted husbandry practices.

166 304.6-3. *Tethering.* If a kennel or enclosed yard is not available, an owner may tether an
167 unsupervised animal as long as the owner meets the following conditions:

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168 (a) the tether is connected to the animal with a buckle type collar or body harness made
169 of nylon or leather not less than one inch (1”) in width and at least two inches (2”) greater
170 in diameter than the animal’s neck or torso;

171 (1) The use of a choke collar, prong collar head harness, or other similar type of
172 head harness or collar shall be prohibited for the use of tethering.

173 (b) the tether is at least twelve feet (12’) long and allows the animal to move in all
174 directions unimpeded;

175 (c) the total weight of the tether does not exceed ten percent (10%) of the animal’s body
176 weight;

177 (d) the animal is tethered so as to prevent injury, strangulation, or entanglement, and
178 allows the animal access to water and shelter;

179 (e) the tethered animal is not sick, injured, or nursing;

180 (f) the animal is not tethered on any vacant property or land or with an unoccupied
181 dwelling; and

182 (g) the animal is not tethered in a manner that allows the animal to cross onto public
183 space or property of others.

184 304.6-4. *Mistreatment of Animals.* No person may treat any animal in a manner which causes
185 harm, injury or death. This section does not apply to:

186 (a) normal and accepted veterinary and/or care practices; or

187 (b) teaching, research or experimentation conducted at a facility regulated under federal
188 or applicable state law.

189 304.6-5. *Mandatory Reporting.* An employee of the Nation shall report any animal
190 mistreatment witnessed during the regular course of his or her employment with the Nation to
191 the Oneida Police Department and any other appropriate entity.

192 193 **304.7. Dogs and Cats**

194 304.7-1. *License Required.* An owner shall be required to obtain a license for any dog or cat
195 five (5) months of age or older on an annual basis.

196 (a) *License Period.* The license year shall commence on January 1st and end on
197 December 31st of every year.

198 (b) *License Eligibility.* To be eligible for a license, the owner shall provide:

199 (1) the licensing fee; and

200 (2) proof of current rabies vaccination.

201 (c) *Placement of License Tag.* Upon the receipt of a license the owner shall be provided
202 a license tag for the dog or cat. The owner shall securely attach the license tag to the
203 animal’s collar and shall require the animal wear the collar at all times.

204 (1) *Exception.* A dog or cat shall not be required to wear the collar if the dog or
205 cat is:

206 (A) hunting or actively involved in herding or controlling livestock if the
207 animal is under control of its owner;

208 (B) within the owner’s residence and/or securely confined in a fenced
209 area; and/or

210 (C) being shown during a competition.

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211 304.7-2. *Rabies Vaccinations Required.* An owner shall be required to obtain a rabies
212 vaccination for any dog or cat five (5) months of age or older.

213 304.7-3. *Limit on the Number of Dogs and Cats.* An individual may keep no more than two (2)
214 dogs or three (3) cats; and a total of no more than four (4) dogs and cats combined; in a single
215 residential household.

216 (a) *Exception.* The limit on the number of dogs and cats a person may keep or possess
217 does not apply to a person who:

218 (1) is eligible for any grandfather provisions included in this law's adopting
219 resolution;

220 (2) keeps or possesses a litter of pups or kittens, or a portion of a litter, for a
221 period not exceeding five (5) months from birth;

222 (3) resides on property zoned agricultural; and/or

223 (4) obtains a permit for the additional dog or cat.

224 (b) *Permit for Additional Dogs or Cats.* A person may keep more than two (2) dogs or
225 three cats (3) in a single residential household if the owner obtains a permit from the
226 Environmental, Health, Safety, and Land Division for the additional animal. The
227 application for the permit must be signed by the owner and contain the signature of the
228 landowner of the residential household if the landowner is not the applicant.

229 (1) By seeking a permit for an additional dog or cat the owner agrees that he or
230 she shall reduce the number of licensed dogs or cats on the premises if there are
231 two (2) or more nuisance complaints against the residential household within one
232 (1) calendar year caused by, or related to, the number of dogs or cats housed on
233 the premises.

234 (2) If two (2) or more nuisance complaints are received against the residential
235 household due to the number of dogs or cats housed on the premises, the owner
236 shall reduce the number of animals within thirty (30) days.

237 304.7-4. *Running at Large.* An owner shall not allow a dog or cat to run at large by being any
238 place except upon the premises of the owner, unless the dog or cat is crated, penned, or on a
239 leash under the control of a person physically able to control the animal.

240 (a) A stray dog or cat running at large may be referred to the Oneida Police Department
241 or Oneida Conservation Department.

242 (b) When an Oneida Police Officer or Oneida Conservation Warden finds a dog or cat
243 running at large, the officer and/or warden shall, if possible, pick up and impound such
244 animal.

245 (c) Whenever any impounded animal bears an identification mark, such as a collar with
246 identification tags or license tag, the owner shall be notified as soon as reasonably
247 possible.

248 304.7-5. *Nuisance.* An Oneida Police Officer or Oneida Conservation Warden may pick up and
249 impound a dog or cat that has been found to be a nuisance. A dog or cat shall be found to be a
250 nuisance if the actions of the dog or cat:

251 (a) resulted in two (2) or more verified disturbances due to excessive barking and/or
252 other noise by the animal, or the animal running at large; and/or

253 (b) resulted in one (1) or more verified disturbance due to threatening behavior by the

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254 animal running at large.

255 304.7-6. *Investigations for Suspected Animal Bites.* The owner shall notify the Oneida Police
256 Department in the event the owner's cat or dog bites a human or another domestic animal.

257 (a) The responding Oneida Police Officer or Oneida Conservation Warden shall:

258 (1) Ascertain whether the domestic animal is properly licensed and has current
259 vaccinations.

260 (2) Ensure all information provided is correct.

261 (3) Contact the Environmental, Health, Safety and Land Division to provide
262 notification of the domestic animal bite.

263 (4) If the cat or dog has current rabies vaccinations, order the owner to:

264 (A) Quarantine the animal for ten (10) days; and

265 (B) Present the animal for examination by a veterinarian within twenty-
266 four (24) hours of the bite, on the last day of quarantine and on one (1) day
267 in between the first twenty-four (24) hours and the tenth (10th) day.

268 (5) If the cat or dog does not have current rabies vaccination, order the owner to:

269 (A) Quarantine the animal for ten (10) days or deliver the animal to an
270 isolation facility at the owner's expense. If a home quarantine is ordered,
271 the owner shall present the domestic animal for examination by a
272 veterinarian within twenty-four (24) hours of the bite, on the last day of
273 quarantine and on one (1) day in between the first twenty-four (24) hours
274 and the tenth (10th) day; or

275 (B) Euthanize the animal and send the specimen for analysis at the
276 owner's expense, if the animal has exhibited any signs of rabies.

277 (b) Upon expiration of a quarantine period, a veterinarian may extend the quarantine
278 period. Upon expiration of all quarantine periods, if the veterinarian certifies that the
279 animal has not exhibited any signs of rabies, the animal may be released from quarantine.

280 (c) If the veterinarian certifies that the animal has exhibited any signs of rabies the
281 following shall occur:

282 (1) If the animal has current rabies vaccinations, the Oneida Police Officer or
283 Oneida Conservation Warden may order the animal to be euthanized and send the
284 specimen for analysis, to be paid for by the Nation.

285 (2) If the animal does not have current rabies vaccinations, the Oneida Police
286 Officer or Oneida Conservation Warden may order the animal to be euthanized
287 and send the specimen for analysis at the owner's expense.

288 304.7-7. *District Quarantine.* A district quarantine may be initiated by staff designated by the
289 Environmental, Health, Safety, and Land Division, an Oneida Police Officer, an Oneida
290 Conservation Warden, and/or a Public Health Officer.

291 (a) If an area is subject to a district quarantine for rabies, all dogs and cats within the
292 district shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not
293 confined, tied, leashed or muzzled is a public nuisance and may be impounded. All
294 Oneida Police Officers and Oneida Conservation Wardens shall cooperate in the
295 enforcement of the quarantine.

296 (b) An animal that is immunized against rabies as evidenced by a valid certificate of

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297 rabies vaccination or other evidence is exempt from the district quarantine provisions of
298 this section.

299

300 **304.8. Livestock**

301 304.8-1. An owner shall obtain a conditional use permit from the Oneida Land Commission in
302 order to keep livestock on land zoned residential.

303 304.8-2. *Limitations on Livestock.* Livestock kept on land zoned residential are subject to the
304 following limitations:

305 (a) One (1) large animal per one (1) acre. Examples of large animals include, but are not
306 limited to, horses, cows, and pigs.

307 (b) One (1) small animal per one-half (½) acre. Examples of small animals include, but
308 are not limited to, goats, and sheep.

309 (c) One (1) goat or sheep per recorded lot under one-half (½) acre when setback
310 requirements can be met.

311 304.8-3. *Liability for Damage Caused by Livestock at Large.* Any person whose livestock
312 escapes from its normal confined area and becomes at large is responsible for any and all damage
313 to persons and property caused by such livestock while it is away from its normal confined area.

314

315 **304.9. Hens**

316 304.9-1. *Hen Permit.* An owner shall obtain a conditional use permit from the Oneida Land
317 Commission Division in order to keep hens on land zoned residential.

318 304.9-2. *Prohibition of Roosters.* An owner shall not keep a rooster on land zoned residential.

319 304.9-3. *Limit on the Number of Hens Allowed.* The number of hens an owner may keep is
320 dependent on the size of the residential lot.

321 (a) An owner may keep up to four (4) hens on a residential lot that is two (2) acres in
322 size or smaller.

323 (b) An owner may keep up to eight (8) hens on a residential lot two (2) acres in size or
324 larger.

325 304.9-4. *Standards for Keeping Hens.* An owner shall keep hens in the following manner:

326 (a) No person shall keep a hen over eight (8) weeks of age in a principal structure.

327 (b) Hens shall be kept within a structure such as a coop or fenced area used exclusively to
328 keep hens and shall provide at least four (4) square feet of space per hen.

329 (c) No accessory structure used to keep hens shall be located within twenty-five feet
330 (25') of any principal structure which is not owned by the person permitted to keep the
331 hens.

332 (d) No accessory structure used to keep hens shall be located in a front or side yard.

333 (e) All hens shall be kept and handled in a sanitary manner to prevent the spread of
334 communicable diseases amongst birds or to humans.

335 304.9-5. *Prohibition of Nuisance Hens.* No owner may keep hens that cause any other nuisance
336 associated with unhealthy conditions, create a public health threat, or otherwise interfere with the
337 normal use of property or enjoyment of life by humans or animals.

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339 **304.10. Prohibited Animals**

340 304.10-1. No person shall bring into, keep, harbor, maintain, offer for sale or barter, act as a
341 custodian, have custody or control of, or release to the wild on the Reservation a prohibited
342 animal.

343 304.10-2. *Prohibited Animals*. Prohibited animals include the following orders and families,
344 whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended to
345 act as examples and are not to be construed as an exhaustive list or limit the generality of each
346 group of animals, unless otherwise specified:

347 (a) *Class Mammalia*.

348 (1) Order Chiroptera. This includes all bat species.

349 (2) Order Artiodactyla. This includes hippopotamuses, giraffes, camels, and deer,
350 but does not include domestic cattle, swine, sheep, goats, alpaca, and llama as
351 exotic animals.

352 (3) Order Carnivora.

353 (A) Family Felidae. This includes lions, tigers, cougars, leopards, ocelots,
354 and servals, but does not include domestic cats as exotic animals.

355 (B) Family Canidae. This includes wolves, wolf hybrids, coyotes, coyote
356 hybrids, foxes, and jackals, but does not include domestic dogs as exotic
357 animals.

358 (C) Family Ursidae. This includes all bears.

359 (D) Family Mustelidae. This includes weasels, skunks, martins, and
360 minks, but does not include ferrets as exotic animals.

361 (E) Family Procyonidae. This includes raccoons, and coatis.

362 (F) Family Hyaenidae. This includes hyenas.

363 (G) Family Viverridae. This includes civets, genets, and mongooses.

364 (4) Order Edentata. This includes anteaters, armadillos, and sloths.

365 (5) Order Marsupialia. This includes opossums, kangaroos, wallabies, and sugar
366 gliders.

367 (6) Order Perissodactyla. This includes rhinoceroses, and tapirs, but does not
368 include horses, goats, and mules as exotic animals.

369 (7) Order Primates. This includes lemurs, monkeys, chimpanzees, and gorillas.

370 (8) Order Proboscidea. This includes elephants.

371 (9) Order Rodentia. This includes squirrels, beavers, porcupines, and prairie
372 dogs, but does not include guinea pigs, rats, mice, gerbils, and hamsters as exotic
373 animals.

374 (b) *Class Reptilia*.

375 (1) Order Squamata.

376 (A) Family Helodermatidae. This includes Gila monsters and Mexican
377 beaded lizards.

378 (B) Family Varanidae. This includes any monitor lizard which will
379 normally grow over two feet in length.

380 (C) Family Iguanidae. This includes green iguanas and rock iguanas, but
381 does not include all other types of iguanas which are not green or rock

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- 382 iguanas.
383 (D) Family Boidae. This includes all species whose adult length may
384 exceed eight (8) feet.
385 (E) Family Colubridae. This includes boomslangs and African twig
386 snakes.
387 (F) Family Elapidae. This includes coral snakes, cobras, and mambas.
388 (G) Family Nactricidae. This includes keelback snakes, but does not
389 include all other snakes not keelback.
390 (H) Family Viperidae. This includes copperheads, cottonmouths, and
391 rattlesnakes.
392 (2) Order Crocodylia. This includes crocodiles, alligators, caimans, and gavials.
393 (c) *Class Aves*.
394 (1) Order Falconiformes. This includes eagles, hawks, and vultures.
395 (2) Order Rheiformes. This includes rheas.
396 (3) Order Struthioniformes. This includes ostriches.
397 (4) Order Casuariiformes. This includes cassowaries and emus.
398 (5) Order Strigiformes. This includes owls.
399 (d) *Class Arachnida*.
400 (1) Order Scorpiones,
401 (A) Family Buthidae. This includes scorpions.
402 (2) Order Araneae,
403 (A) Family Therididae. This includes the Argentina red widow spider,
404 brown widow spider, red-black widow spider, red widow spider, southern
405 black widow spider, and Western widow spider.
406 (B) Family Laxoscelidae, This includes the brown recluse spider.
407 (e) *Class Chilopoda*.
408 (1) Order Scolopendromorpha,
409 (A) Family Scolopendridae. This includes centipedes.
410 (f) Any Federal or State endangered or threatened species.
411 304.10-3. *Prohibited Animals Exception*. The prohibition of certain animals shall not apply to:
412 (a) Individuals who are eligible for any grandfather provisions included in this law's
413 adopting resolution.
414 (b) A zoological park and/or sanctuary, an educational or medical institution, and/or a
415 specially trained entertainment organization who receives a permit from the
416 Environmental, Health, Safety, and Land Division to own, harbor or possess the
417 prohibited animal.
418 304.10-4. *Prohibited Animal Permit*. The Environmental, Health, Safety, and Land Division
419 may issue a prohibited animal permit if:
420 (a) the animal and animal quarters are kept in a clean and sanitary condition and
421 maintained to eliminate objectionable odors; and
422 (b) the animal is maintained in quarters so constructed as to prevent its escape.
423 304.10-5. *Release of Prohibited Animals*. The Environmental, Health, Safety, and Land
424 Division, may approve a wildlife refuge and/or sanctuary to release prohibited animals within the

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425 Reservation without applying for and receiving a prohibited animal permit.

426 304.10-6. *Seizure of Prohibited Animals.* An unpermitted prohibited animal may be seized by
427 the Oneida Police Department and/or the Oneida Conservation Department.

428 (a) A prohibited animal that is seized shall be held by the Oneida Police Department, the
429 Oneida Conservation Department, or its designee until it can be determined if the animal
430 is an endangered or threatened species.

431 (b) At any time after such identification, the Oneida Police Department and/or Oneida
432 Conservation Department may seek an order from the Trial Court as to the care, custody
433 and control of the animal.

434 (c) If the Trial Court finds the animal has been taken, employed, used or possessed in
435 violation of this section, the owner shall be responsible for reimbursing the Oneida Police
436 Department and/or the Oneida Conservation Department for the cost of holding the
437 animal and any costs incurred in identifying the animal.

438 304.10-7. *Notice of Release or Escape.* The owner of a prohibited animal that has been released
439 or escapes shall immediately notify the Oneida Police Department and/or the Oneida
440 Conservation Department and shall be liable for any cost of recapture of the animal.

441 304.10-8. *Forfeiture of the Prohibited Animal.* An owner found in violation of this section shall
442 forfeit or surrender the prohibited animal to the Oneida Police Department, Oneida Conservation
443 Department, or designee. Upon such forfeiture or surrender, the Trial Court may direct
444 destruction or transfer of the animal to a qualified zoological, educational, or scientific institution
445 or qualified private propagator for safekeeping, with costs assessed against the owner.

446

447 **304.11. Dangerous Animals**

448 304.11-1. *Dangerous Animals.* No person shall own, keep, possess, return to or harbor a
449 dangerous animal. An animal shall be presumed to be dangerous if the animal:

450 (a) approaches or chases a human being or domestic animal in a menacing fashion or
451 apparent attitude of attack;

452 (b) bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or
453 domestic animal;

454 (c) is suspected to be owned, trained or harbored for the purpose of dog fighting; and/or

455 (d) has been declared to be a dangerous animal and/or ordered to be destroyed in any
456 other jurisdiction.

457 304.11-2. *Dangerous Animal Determination.* An Oneida Police Officer or Oneida Conservation
458 Warden may determine an animal to be dangerous whenever, upon investigation, the officer
459 finds that the animal meets the definition of dangerous animal provided in section 304.11-1.

460 (a) Upon making a determination that an animal is dangerous, the Oneida Police Officer
461 or Oneida Conservation Warden shall issue a written order with an accompanying
462 citation declaring the animal to be dangerous.

463 (b) The citation and order shall be personally delivered to the apparent owner or
464 custodian of the dangerous animal.

465 (c) Upon receipt of the written order and accompanying citation the owner shall remove
466 the dangerous animal from the Reservation within three (3) business days.

467 304.11-3. *Contesting a Dangerous Animal Determination.* If the owner wishes to contest the

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468 dangerous animal determination, he or she shall file with the Trial Court a written objection to
469 the order within three (3) business days of receipt of the order.

470 (a) The written objection shall include specific reasons for objecting to or contesting the
471 order. An owner may argue an animal should not be deemed dangerous due to the animal
472 biting, attacking or menacing any person and/or domestic animal because the animal was
473 acting to:

474 (1) defend its owner or another person from an attack by a person or animal;

475 (2) protect its young or another animal;

476 (3) defend itself against any person or animal which has tormented, assaulted or
477 abused it; and/or

478 (4) defend its owner's property against trespassers.

479 (b) Pending the outcome of the hearing, the animal shall be securely confined in a
480 humane manner either on the premises of the owner or caretaker, or with a licensed
481 veterinarian. If confined on the premises of the owner or caretaker, the following
482 requirements shall apply:

483 (1) *Leash and Muzzle*. No owner shall permit a dangerous animal to go outside its
484 kennel or pen unless the animal is securely restrained with a leash no longer than
485 four feet (4') in length by a person who is at least sixteen (16) years of age who is
486 in physical control of the leash, competent to govern the animal and capable of
487 physically controlling and restraining the animal. The owner shall not leash an
488 animal to inanimate objects such as a tree, post, or building. When the animal is
489 on a leash outside the animal's kennel, the owner shall muzzle the animal in a
490 humane way by a commercially available muzzling device sufficient to prevent
491 the animal from biting a person or other animal.

492 (2) *Confinement*. Except when leashed and muzzled the owner shall ensure the
493 dangerous animal is securely confined indoors or in a securely enclosed and
494 locked pen or kennel that is located on the premises of the owner and constructed
495 in a manner that does not allow the animal to exit the pen or kennel on its own
496 volition. The owner shall not permit an animal to be kept on a porch, patio, or in
497 any part of a house or structure on the premises of the owner that would allow the
498 animal to exit the building on its own volition. The owner shall not permit the
499 animal to be kept in a house or structure when the windows are open or when
500 screen windows or screen doors are the only obstacle preventing the animal from
501 exiting the structure.

502 (3) *Signs*. The owner of a dangerous animal shall display, in prominent places on
503 his or her premises near all entrances to the premises, signs in letters of not less
504 than two inches (2") high warning that there is a dangerous animal on the
505 property. A similar sign shall be posted on the kennel or pen of the animal. In
506 addition, the owner shall conspicuously display a sign with a symbol warning
507 children of the presence of a dangerous animal.

508 (4) *Notification*. The owner of a dangerous animal shall notify the Oneida Police
509 Department and/or the Oneida Conservation Department immediately if the
510 animal is at large, is unconfined, has attacked another animal, or has attacked a

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511 person.

512 (c) If an owner or caretaker fails to follow the requirements for harboring a dangerous
513 animal pending a hearing, the animal may be impounded by the Oneida Police Officer or
514 Oneida Conservation Warden issuing the dangerous animal determination.

515 304.11-4. *Dangerous Animal Determination Hearing.* A hearing on the dangerous animal
516 determination shall be held within fourteen (14) days of submission of the written objection with
517 the Trial Court. At the hearing, the Trial Court shall determine whether the determination that the
518 animal is dangerous should be substantiated.

519 (a) If the Trial Court concludes that the determination that the animal is dangerous is
520 substantiated, then the Trial Court shall issue an order that mandates the animal be
521 removed from the Reservation within forty-eight (48) hours of the determination.

522 (1) The order shall contain the requirement that the owner notify the Oneida
523 Police Department within twenty-four (24) hours if the dangerous animal has
524 been sold or been given away. If the dangerous animal has been sold or given
525 away, the owner shall also provide the name, address and telephone number of the
526 new owner of the dangerous animal. If the dangerous animal is sold or given
527 away to a person residing outside the Reservation or to a person or entity that falls
528 outside of the jurisdiction of this law, the owner shall present evidence to the
529 Oneida Police Department showing that he or she has notified the police
530 department or other law enforcement agency of the animal's new residence,
531 including the name, address and telephone number of the new owner. The Oneida
532 Police Department shall forward all such notifications to the Environmental,
533 Health, Safety and Land Division within a reasonable amount of time.

534 (b) The Trial Court may order a dangerous animal to be destroyed. If such an order is
535 issued, the Trial Court shall require the owner submit proof of destruction within five (5)
536 business days from a licensed veterinarian. If the owner does not satisfy these
537 requirements, an Oneida Police Officer and/or an Oneida Conservation Warden shall
538 seize the animal and enforce compliance at the cost of the owner.

539 (c) The Trial Court may mandate attendance at an additional Trial Court hearing if
540 restitution is appropriate.

541 304.11-5. *Appeal of the Trial Court's Decision.* An appeal of the Trial Court's decision on the
542 dangerous animal determination may be appealed to the Nation's Court of Appeals.

543 (a) An appeal shall be submitted to the Court of Appeals within five (5) business days
544 from the date of the Trial Court's decision.

545 (b) Upon an appeal to the Court of Appeals, the order to remove the animal from the
546 Reservation or any order to destroy an animal is stayed pending the outcome of the
547 appeal.

548 604.11-6. *Dangerous Animal Exception.* The Trial Court may provide an exception to the
549 dangerous animal provisions of this law for a law enforcement or military animal upon
550 presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of
551 the animal.

552

553 **304.12. Owner Liability**

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554 304.12-1. An owner shall be liable for damages caused by his or her domestic animal.
555 (a) *First Offense.* The owner is liable for the full amount of damages caused by the
556 domestic animal.
557 (b) *Subsequent Offenses.* The owner shall be liable for two (2) times the full amount of
558 damages caused by the domestic animal if the owner knew or should have known that the
559 domestic animal previously caused damages.

560

561 **304.13. Enforcement of Violations**

562 304.13-1. *Citations.* Citations for the violation of this law and/or orders issued pursuant to this
563 law may include fines, penalties and conditional orders in accordance with the fine, penalty, and
564 licensing fee schedule.

565 304.13-2. *Citation Pre-Hearing.* All citations shall include a pre-hearing date with the Trial
566 Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30)
567 days after the citation was issued, excluding dangerous animal citations which shall follow the
568 process contained in section 304.11.

569 (a) Persons wishing to contest a citation shall appear at the prehearing, at which time the
570 Trial Court shall accept pleas which either contest or admit committing the act for which
571 the citation was issued.

572 (b) In addition to scheduling requested hearings, the Trial Court may also make
573 conditional orders at the prehearing which are effective until the matter is resolved.

574 304.13-3. *Citation Hearing.* The Trial Court shall schedule a hearing as expeditiously as
575 possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing,
576 for all persons entering a plea contesting the fact that they committed the act for which a citation
577 was issued.

578 304.13-4. *Appeals of the Trial Court's Determinations.* Any person wishing to contest the
579 determination of the Trial Court may appeal to the Nation's Court of Appeals in accordance with
580 the Rules of Appellate Procedure.

581 304.13-5. *Fines.* All fines shall be paid to the Trial Court. Cash shall not be accepted for
582 payment of fines. Money received from fines shall be contributed to the General Fund.

583 (a) Fines shall be paid within ninety (90) days after the order is issued or upheld on final
584 appeal, whichever is later. If the fine is not paid by this deadline, the Trial Court may
585 seek to collect the money owed through the Nation's garnishment and/or per capita
586 attachment process.

587 (1) The ninety (90) day deadline for payment of fines may be extended if an
588 alternative payment plan is approved by the Trial Court.

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

591

592 *End.*

593

594 Adopted - BC-03-13-96-B

595 Amended - BC-06-22-11-G

596 Amended - BC-06-28-17-B

597 Amended - BC-__-__-__-__

Draft 2 - PM Draft
2019 03 11

598



**LEGISLATIVE OPERATING COMMITTEE
PUBLIC MEETING**

Domestic Animals Law Amendments

Business Committee Conference Room-2nd Floor Norbert Hill Center
March 11, 2019 12:15 p.m.

Present: Kirby Metoxen, Clorissa N. Santiago, Brandon Wisneski, Lee Cornelius, Jennifer Falck, Kristen Hooker, Joel Maxam, Steve Linskens, Laura Manthe, Robert Keck, James Petitjean.

Kirby Metoxen: Good Moring. We're going to go ahead and call the community order, um, community meeting to order on the Domestic Animals law amendments public meeting. Good Afternoon. The time is 12:16 p.m. and today's date is Monday, March 11, 2019. I will now call to order the public meeting for the proposed amendments to the Domestic Animals law.

The Legislative Operating Committee is hosting this public meeting to gather feedback from the community. The public meeting is not a question and answer period. The LOC will review and consider all comments received during the public comment period. The LOC will respond to all comments received in a memorandum, which will be submitted in the meeting materials of a future LOC meeting.

All persons who wish to present oral testimony need to register on the sign in sheet at the back of the room. If you leave an email address on the sign in sheet, we can ensure you receive a copy of the memorandum.

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Monday, March 18, 2019.

In attendance with the LOC is myself Kirby Metoxen, Vice-Chair of the LOC.

The LOC may impose a time limit for speakers pursuant to section 109.8-3(c) of the Legislative Procedures Act. As the presiding LOC member, I am imposing a time limit of five (5) minutes. This time limit shall be applied equally to all persons.

We will now begin today's public meeting for the proposed amendments to the Domestic Animals law. The purpose of this law is to protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals; set minimum standards for the treatment of animals; prohibit certain species of animals from being brought onto the Reservation; regulate the keeping of livestock on lots zoned residential within the Reservation; and establish consequences for damages caused by domestic animals.

Those who wish to speak please come to the microphone. And we will wait for a few minutes to see if anyone shows up. Jen what is our time limit for waiting?

Jennifer Falck: (inaudible)

Kirby Metoxen: Huh? Fifteen (15) minutes?

With there being no more speakers registered, the public meeting for the proposed amendments to the Domestic Animals law is now closed at 12:32 p.m.

Written comments may be submitted until close of business on Monday, March 18, 2019. Thank you.

-End of Meeting-

Resolution

In order to avoid future amendments to the Domestic Animals (Law), the Legislative Operating Committee (LOC) may want to consider removing proposed section 304.10 *Prohibited Animals* from the Law and place this information into a resolution. This will allow the list of prohibited animals to be revised from time to time as the Community's needs change. The Law could simply refer to the Resolution and the Resolution can be published along side the Law on the Code of Laws so as the Community has easy access to such information.

Alpacas & Llamas

I applaud the LOC for their continued support of excluding animals such as alpacas and llamas from the list of prohibited animals. This will ensure that our Community can enjoy these creatures for generations to come. Should the LOC choose to remove the list of prohibited animals and instead identify such animals by Resolution, I recommend that alpacas and llamas still be allowed to safely reside within the Reservation boundaries [*See proposed Domestic Animals, 3 O.C. 304.10-2 (a) (2)*].

Sugar Gliders

I do not agree with the LOC's decision to continue including sugar gliders from the list of prohibited animals and ask that the LOC reconsider allowing these adorable marsupialia to reside on the Reservation [*See proposed Domestic Animals, 3 O.C. 304.10-2 (a) (5)*]. According to PetMD, sugar gliders make excellent pets so long as the owner(s) understands the needs of these amazing creatures. Sugar gliders are nocturnal, meaning they can provide companionship to our Community members that may work the 3rd shift or have trouble sleeping. The average life-span of a sugar glider is 5-7 years which is enough time to teach children the importance of taking care of another life while not burdening a family with a lengthy commitment. Typical adult male sugar gliders weigh 0.22-0.35 lbs and adult females weigh 0.18-0.29 lbs. Females only produce 1-2 joeys (babies) per litter which will ensure that the Community will not be overrun with sugar gliders. Lastly, sugar gliders are omnivores (eat both plant and animal matter) and enjoy insects such as crickets and mealworms. Allowing sugar gliders to reside on the Reservation may ease the noise of the occasional cricket that gets trapped in a house or dwelling during those long summer months. This could improve the sanity and sleep of the Community [*See PetMD, <https://www.petmd.com/exotic/care/all-about-sugar-gliders>*].

The LOC should be made aware that sugar gliders can also serve as emotional support animals. According to Americans with Disabilities Act National Network, emotional support animals are animals that provide companionship, relieve loneliness, and may help with depression, anxiety and certain phobias. An article by College Avenue Magazine talks about a student's struggle after brain surgery and that her sugar glider named "Zaboo" provide comfort to her during her recovery process [*See College Avenue Magazine, <https://collegian.com/2018/02/sugar-gliders-can-be-service-animals-too/>*]. I highly encourage the LOC to reconsider denying our Community the comfort, joy, and emotional support that sugar gliders bring.

From: [Laura E. Laitinen-Warren](#)
To: [Clorissa N. Santiago](#); [Brandon M. Wisneski](#); [Jennifer A. Webster](#)
Cc: [Tehassi Tasi Hill](#)
Subject: Domestic Animal Law Amendments
Date: Monday, March 18, 2019 5:00:53 PM
Attachments: [image001.png](#)

Good Afternoon,

Chairman Hill has would like to ensure consideration for the amount of hens needed for egg production to provide for a family. The limit on 4 hens for property that is two acres or smaller may be too restrictive. The Oneida Nation demonstrates our right to food sovereignty, and we want to be sure we are not putting up barriers for citizens who also wish to exercise this right. Thank you for the opportunity to comment.

Laura

Laura Laitinen-Warren
Senior Policy Advisor
Office of Chairman Tehassi Hill
920.869.4427



Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 03-15-19
- 2) Contact Person(s): Daniel Guzman-King Dept: OBC
 Phone Number: 920-869-4366 Email: Dguzman@oneidanation.org
- 3) Agenda Title: GTC Directs: Petition Process
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
On Jan 21, 2019, the GTC approved a memorandum to change the GTC petition process. Summary: Petition
topic is brought forward to GTC excluding unconstitutional and financially impossible petitions. From there,
GTC votes to hear the topic or not. "Motion by Sherole Benton to direct the OBC to develop a process and put it in resolution
form and to bring back to the GTC, seconded by Lynn Cornelius." Support-870, Oppose-821, Abstention-66, total 1757 votes

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

- 1) GTC documents 1/21/19
- 2) _____
- 3) _____
- 4) _____

- 5) Please List any laws, ordinances or resolution that might be affected:
GTC petition process
- 6) Please List all other departments or person(s) you have brought your concern to:
GTC
- 7) Do you consider this request urgent? Yes No
 If yes, please indicate why: GTC directive

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

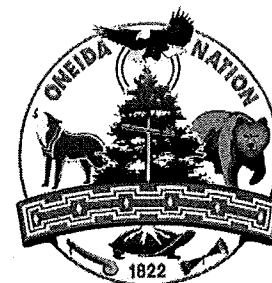
Signature of Requester: Daniel Guzman / *DG* Digitally signed by Daniel Guzman
Date: 2019.03.15 14:35:35 -05'00'

Please send this form and all supporting materials to:

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

ONEIDA GENERAL TRIBAL COUNCIL AGENDA

- I. WELCOME
- II. ANNOUNCEMENTS & CALL MEETING TO ORDER
- III. ADOPT THE AGENDA
- IV. NEW BUSINESS
 - A. Consider adoption of Election Law amendments
 - a) Presentation
 - b) Discussion
 - c) Action
 - B. Petitioner Cathy L. Metoxen – Oneida Youth Leadership Institute
 - a) Presentations
 - b) Discussion
 - c) Action
 - C. Consider adoption of GTC resolution entitled Amending the 120-Day Petition Timeline Adopted by the General Tribal Council
 - a) Presentation
 - b) Discussion
 - c) Action
 - D. GTC Directs: Petition Process
 - a) Presentation
 - b) Discussion
 - c) Action
- V. ADJOURN



SPECIAL MEETING

Mon., January 21, 2019

6:00 p.m.

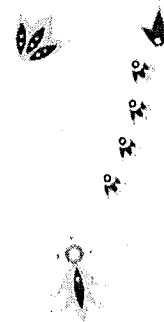
LOCATION

Radisson
Hotel & Conference
Center
2040 Airport Dr.,
Green Bay, WI

DIRECTIONS

Radisson Website:
goo.gl/bWyJxX

Google Maps Directions:
goo.gl/maps/Vpckysq8YJ22



TOPIC:

GTC DIRECTS: PETITION PROCESS

Memo from the Oneida Business Committee 140



Oneida Nation
 Oneida Business Committee
 PO Box 365 • Oneida, WI 54155-0365
 oneida-rsn.gov



MEMORANDUM

To: General Tribal Council

From: Oneida Business Committee

Date: December 14, 2018

RE: Recommendations for Change – “GTC Directs: Petition Process”

It is the fiduciary responsibility of every single general tribal council member to make wise decisions on behalf of the nation.

Over the years, petitions and GTC meeting agenda items have varied from issues of great importance to GTC, to items that have been deleted off of agendas and not heard by the governing body at all.

Through the current petition process, it only takes fifty (50) signatures to submit a petition to be added on a GTC meeting agenda. The submission of a petition begins an demanding, time consuming process which takes up a significant amount of the nation's resources. An extensive amount of research and analyses must be completed within a short time period of one-hundred and twenty (120) days in order to bring forward an agenda item to be presented to the GTC (**Note: we have had several petitioners request an extension of time to submit their presentation materials**). A Statement of Effect, a Financial Analysis, and a Legal Analysis must be completed and reviewed as accurate and factual information in order to be presented. This process incorporates any number of departments, researchers, and analysts depending upon the petition requests. After all the information is compiled into a packet, it must then be printed, packed, and mailed to tribal members at a cost which continues to increase. This, also in combination with work hours, and the cost of the actual GTC meeting, has gone into the millions of dollars.

This current process stifles the nations' progress, hinders work from being completed, and deters everyone involved from focusing on their primary roles and responsibilities. It is not the government's primary role to vet, research, and analyze petition requests. The government's primary role is to promulgate the laws and ordinances of the nation, exercise its sovereignty, protect the people, land, resources, and treaty rights of the Oneida Nation.

We propose a more effective and efficient way of processing petitions; by giving the decision-making power back to the General Tribal Council. We propose that the General Tribal Council decides on what it wants to hear. First by taking a petition at face value to see if the proposed item has merit to be brought in front of the GTC. This would happen before the vetting and research process would begin. If the GTC votes for a proposed topic to be brought before them for discussion; then the analyses process begins, and all the necessary information would then be brought in front of the GTC for formal discussion. If the GTC decides that the proposed topic has no merit and does not want to discuss the item, then the petition fails with no work or discussion had.

Proposed GTC Directs: Petition Process Change:

1. Submit Petition through current regular process.
2. Petition topic is brought forward at face value to GTC at next available meeting, excluding those petitions that unconstitutional or are financially impossible.
3. GTC votes whether or not it wants the topic to be vetted and brought forward for formal discussion.
 - a. If GTC decides to hear a topic, it is then brought through the current research processes, and brought back to GTC.
 - i. The timeline would then start upon approval of GTC.
 - b. If GTC decides not to hear a topic, the petition fails and no work is done on the item.

In essence, the GTC sets the agenda.

It creates focus on what we are doing as a nation, where we focus our energies, and what we spend our time and dollars on. It also helps us to strategize and plan into the future more effectively. A shift will occur in resources such as time, energy, monies, and work time.

WE ALL are working to create a stronger nation. We are a blessed nation because of it. Let us continue working together to move this nation forward in a positive direction.

Skana

Recommended Action: Motion to adopt the proposed *GTC Directs: Petition Process*.

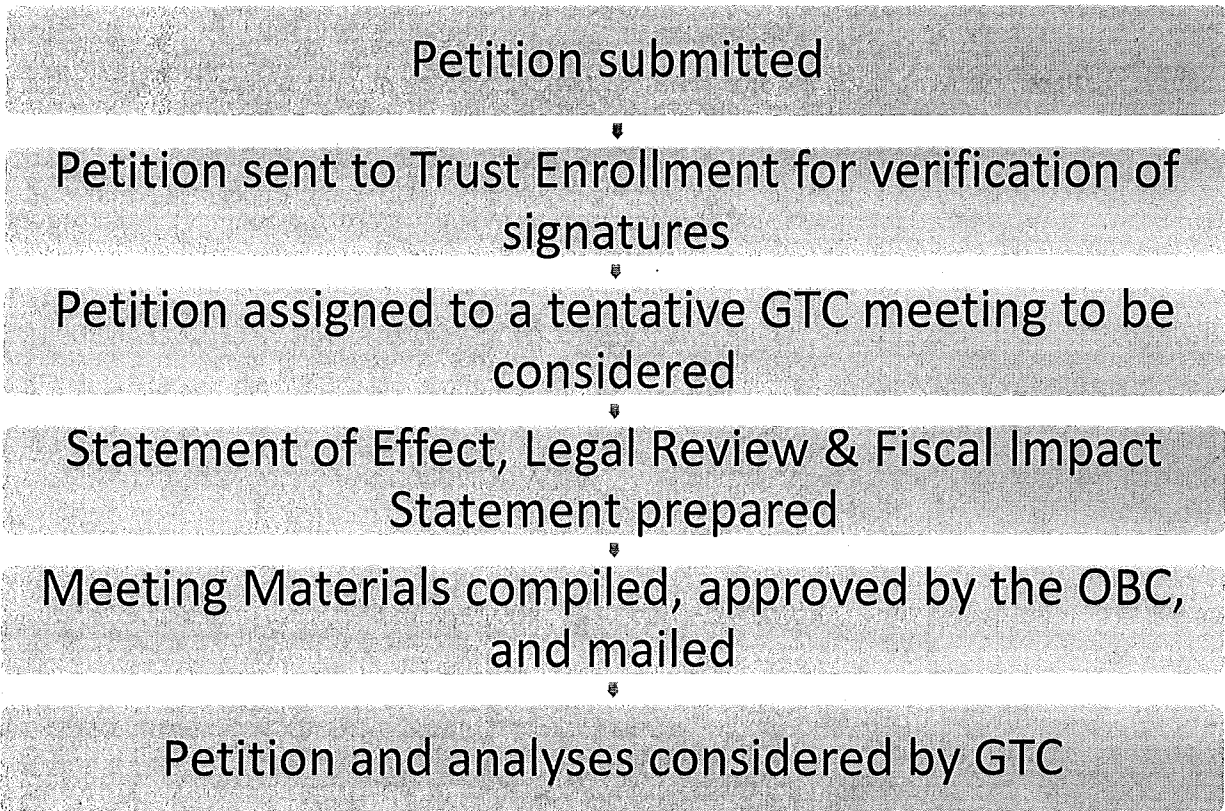
GTC Direct: Petition Process - Memo from the OBC

GTC Directs: Petition Process Page 141

1. Submit Petition through current regular process.
2. Petition topic is brought forward at face value to GTC at next available meeting, excluding those petitions that unconstitutional or are financially impossible.
3. GTC votes whether or not it wants the topic to be vetted and brought forward for formal discussion.
 - a) If GTC decides to hear a topic, it is then brought through the current research processes, and brought back to GTC.
 - i. The timeline would then start upon approval of GTC.
 - b) If GTC decides not to hear a topic, the petition fails and no work is done on the item.

Current Petition Process Page 140

120 Days



GTC Directs: Petition Process Page 141

Petition submitted

Petition sent to Trust Enrollment for verification of signatures

Petition assigned to a tentative GTC meeting to be considered

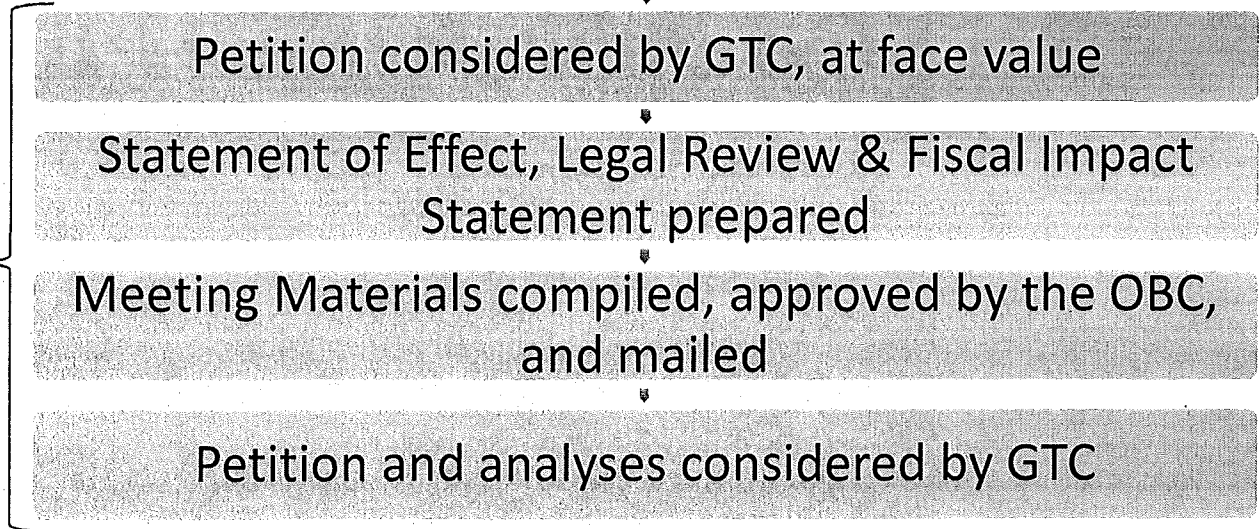
Petition considered by GTC, at face value

Statement of Effect, Legal Review & Fiscal Impact Statement prepared

Meeting Materials compiled, approved by the OBC, and mailed

Petition and analyses considered by GTC

120 Days





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



AGENDA REQUEST FORM

- 1) Request Date: 3/18/19
- 2) Contact Person(s): Ernie Stevens III
Dept: OBC
Phone Number: 920-869-4382 Email: esteven4@oneidanation.org
- 3) Agenda Title: Indian Preference -
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
Requesting amendment to 502.3(n)(2) "Tribal entity" to also exclude
Oneida ESC Group, LLC and its subsidiaries.

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

- 1) _____ 3) _____
- 2) _____ 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
Indian Preference
- 6) Please list all other departments or person(s) you have brought your concern to:
Oneida ESC Group LLC
- 7) Do you consider this request urgent? Yes No
If yes, please indicate why:

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

Signature of Requester:


Please send this form and all supporting materials to:

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



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



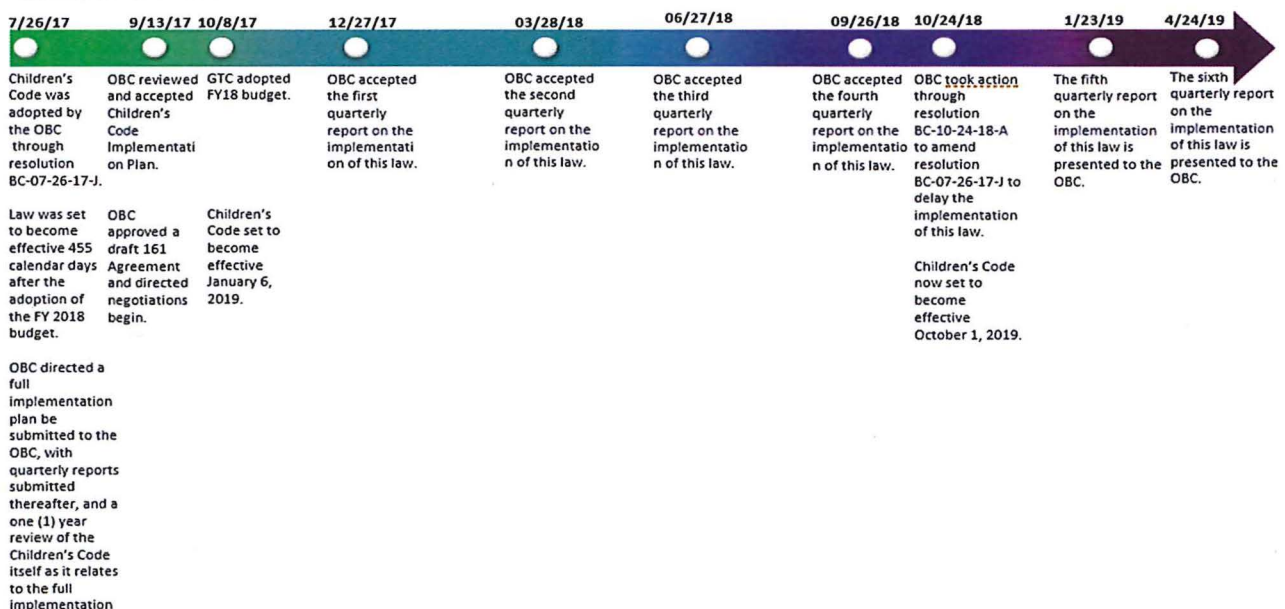
TO: Oneida Business Committee
 FROM: David P. Jordan, LOC Chairperson 
 DATE: April 24, 2019
 RE: Children's Code Implementation Quarterly Update

The Children's Code was adopted by the Oneida Business Committee (OBC) through resolution BC-07-26-17-J for the purpose of providing for the welfare, care, and protection of Oneida children through the preservation of the family unit, by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation, and acknowledging the customs and traditions of the Nation when raising an Oneida child.

On July 26, 2017, the OBC directed that a full implementation plan be submitted to the OBC, with quarterly reports submitted thereafter, and a one (1) year review of the Children's Code itself as it relates to the full implementation. On September 13, 2017, the OBC reviewed and accepted the Children's Code Implementation plan. This implementation plan was to be used as a guideline for the affected entities to prepare for the successful implementation of the Children's Code. The implementation plan was not intended to be exhaustive. The OBC was granted the authority to modify the effective date of the Children's Code or implementation plan as it deems necessary to successfully implement the Children's Code.

The Oneida Business Committee then took action through resolution BC-10-24-18-A to amend resolution BC-07-26-17-J to delay the implementation of the Children's Code. The Children's Code is now set to become effective on October 1, 2019.

This memorandum serves as the sixth quarterly update to the OBC on the implementation of the Children's Code.



ONEIDA FAMILY COURT

Accomplishments

In accordance with the approved implementation plan, the Oneida Family Court (OFC) was able to complete the following by the time of this sixth quarterly report:

- *Collaborative Meeting with the ICW Department.*
 - On February 7, 2019, the OFC held a work meeting with the Indian Child Welfare Department (ICW). During this meeting the OFC and ICW discussed having the OFC clerks visit with the ICW staff in late August 2019 to learn more about what ICW does. OFC and the ICW also discussed ICW using one of the courtrooms over the summer to do mock hearings to train their staff. The OFC and ICW also discussed potential revisions to the Children's Code, with the Court focusing on the one-year review for the appropriate time for revisions.

Goals

In accordance with the approved implementation plan, the OFC has the following goals:

- *Children's Code Training.*
 - All OFC staff, including peacemakers, will be trained on the Children's Code in August 2019.
- *Guardian Ad Litem Training.*
 - The OFC hopes to place the Guardian ad Litem (GAL) trainings back on the calendar in early April 2019. The training sessions will be rescheduled once the OFC learns the status of Attorney Paul Stenzel's contract as Attorney Stenzel and Judge Collins are going to provide the training.
 - The training sessions can accommodate approximately forty (40) individuals and the court hopes to get fifteen (15) to twenty (20) individuals certified to take GAL appointments.
 - Individuals that are approved to take GAL appointments in the current caseload will also be offered opportunities to be certified to work on Children's Code cases separate from the two training sessions previously referenced.
 - The GAL trainings will potentially be held in July 2019 and August 2019.

Challenges and Barriers to Implementation

The following matter may serve as a challenge or barrier for the OFC in their efforts to implement the Children's Code:

- *Guardians Ad Litem.*
 - The OFC has made efforts to recruit individuals to attend the training sessions and is hopeful that those people that were signed up for the sessions in October and November 2018 will be able to attend when the sessions are rescheduled for later in 2019.

- The OFC will provide updates to the Oneida Business Committee if there are any future issues.

ONEIDA INDIAN CHILD WELFARE DEPARTMENT

Accomplishments

In accordance with the approved implementation plan, the Indian Child Welfare Department (ICW) was able to complete the following in time for the sixth quarterly report:

- *Hiring of Additional Staff.*
 - Two (2) vacant ICW positions were filled. The new staff members started on March 11, 2019.
 - There is now only one (1) vacant ICW position as of the end of March, and approval for the request to post the position has been submitted.
- *Training.*
 - Training for staff continues, both internally through a newly developed orientation and through our partnership with Wisconsin Child Welfare Professional Development System (WCWPDS).
 - A manual on court processes was created to assist in training staff.
- *Involvement in the Development of 161 Agreements and Memorandums of Understanding.*
 - ICW continues to be involved in the development of 161 Agreements and memorandums of understanding with Brown County.
 - ICW held a meeting with Brown County on February 22, 2019.
- *Children's Advocacy Center.*
 - ICW held a meeting with the Children's Advocacy Center on January 31, 2019 to ensure that Oneida is a working partner for forensic interviews and exams.
- *Development of Standards.*
 - ICW has continued to assess and develop structure, policy and process to support the Children's Code.
 - ICW has finalized Safety standards, is working on a final revision of Access/Initial Assessment standards, and has begun reviewing Ongoing standards as of February 2019.
- *CW Family Solutions.*
 - ICW had a meeting with CW Family Solutions in January 2019 to learn more about services that are offered for supervised visitation.
- *Database Development and Access.*
 - ICW met with MIS and Enrollments twice during this quarter to discuss a memorandum of agreement and database development and access.
- *Cultural Heritage Department Collaboration.*
 - On January 14, 2019, and February 28, 2019, ICW invited the Cultural Heritage Department staff to a meeting to begin working on collaboration between the two departments.
- *Acquired Contracts.*
 - The Vanderperren Service Delivery contract has been finalized.
- *Collaboration with the Family Court.*
 - On February 7, 2019, ICW and the OFC discussed potential revisions to the Children's Code.

Goals

In accordance with the approved implementation plan, ICW has the following goals:

- *Hiring of Additional Staff.*
 - ICW currently has a vacant position that needs to be filled.
- *Training of Staff and Development of Standards.*
 - ICW would like to continue training all ICW staff, and also develop the necessary internal policies, procedures, and standards to address issues related to the implementation of the Children's Code.
 - ICW would like to begin court document and process training for staff.
 - ICW hopes to identify the safety and screening tools that will be utilized.
- *161 Agreements and Memorandums of Understanding with Brown and Outagamie County.*
 - ICW hopes to finalize a 161 Agreement and memorandum of understanding with both Brown County and Outagamie County that will detail the relationship, roles, payment for placements, communication, and responsibilities.
- *Memorandum of Understanding with the Oneida Police Department.*
 - ICW and the Oneida Police Department hope to finalize the memorandum of understanding that will detail the relationship, roles, communication, and responsibilities of the two departments.
 - A meeting has been scheduled for April 15, 2019.
- *Memorandum of Understanding with the Trust Enrollments Committee.*
 - ICW hopes to finalize a revised memorandum of understanding with the Trust Enrollments Committee.
- *Fiscal Year 2020 Budget.*
 - ICW will begin budget preparations for implementation of the Fiscal Year 2020 budget.
- *Project Plan Visual.*
 - ICW will continue working with Chad Wilson on preparing a project plan visual.
- *Memorandum of Understanding with Oneida Behavioral Health.*
 - ICW would like to enter into a memorandum of understanding with the Oneida Behavioral Health for urinary analysis services.
- *Acquisition of Contracts.*
 - ICW would like to pursue a contract for the use of supervised visitation services.
- *Database Access.*
 - ICW hopes to determine the access to databases available to ICW and determine what ICW will need to case manage successfully.
 - ICW plans on submitting a database request in the Fiscal Year 2021 budget.
- *Preparation for On-Call Scheduling.*
 - ICW will soon need to begin preparations for the on-call scheduling that will be necessary for ICW staff upon implementation of the Children's Code.
- *Enrollments Database.*

- ICW will need to complete the process for access to the Enrollments database.

Challenges and Barriers to Implementation

The following matters have served as a challenge or barrier for ICW in their efforts to implement the Children's Code:

- *Hiring of Additional Staff.*
 - ICW has struggled with filling all vacant positions. There has been a thirty percent (30%) turnover rate, and a lack of qualified applicants.
- *Time Management.*
 - ICW has been challenged by time management and work loads.
 - ICW still must maintain all current day to day responsibilities and duties, but also has to prioritize the implementation of the Children's Code and prepare to take on a larger role and more responsibilities once the Children's Code is implemented.
- *161 Agreements and Memorandums of Understanding with Brown and Outagamie County.*
 - The 161 Agreements and memorandums of understanding have progressed slowly.

Concerns

ICW has the following concerns for the implementation of the Children's Code:

- *Legal Representation.*
 - ICW has concerns that the department will need more time and commitment from its legal representation in the future for the Children's Code to be successful.

161 AGREEMENT NEGOTIATION TEAM

The OBC reviewed the draft 161 Agreement and on September 13, 2017, the OBC made a motion to accept the update and changes to the draft 161 agreement as information, and directed the negotiating team composed of representatives from the Law Office, Governmental Services, and Intergovernmental Affairs & Communications, to begin negotiations with Outagamie County followed by Brown County.

Accomplishments

The 161 Agreement Negotiation Team has completed the following in time for the sixth quarterly report:

- *Outagamie County Negotiations.*
 - There was no update provided on the status of the 161 Agreement or memorandum of understanding with Outagamie County.
- *Brown County Negotiations.*
 - ICW held a meeting with Brown County on February 22, 2019, regarding the agreements.
 - There was no further update provided on the status of the 161 Agreement or memorandum of understanding with Brown County.

Goals

In accordance with the approved implementation plan, the 161 Agreement Negotiation Team has the following goals for the next quarter:

- *Outagamie County Negotiations.*
 - Successfully negotiate and secure a 161 Agreement and memorandum of understanding with Brown County.
- *Brown County Negotiations.*
 - Successfully negotiate and secure a 161 Agreement and memorandum of understanding with Brown County.

Challenges and Barriers to Implementation

The following matters have served as a challenge or barrier for the 161 Negotiation Team in their efforts to implement the Children's Code:

- *161 Agreement and Memorandums of Understanding.*
 - The process for securing 161 Agreements and memorandums of understanding with both Outagamie County and Brown County has moved forward much slower than anticipated.

Requested Action

Accept the sixth Children's Code Quarterly Update.



TO: Legislative Operating Committee
FROM: Jennifer Falck, Legislative Reference Office Director *JF*
DATE: April 17, 2019
RE: Consideration of the Request to Amend the Boards, Committees, and Commissions Law

During the March 20, 2019, Legislative Operating Committee meeting the Legislative Operating Committee was asked to consider adding the Boards, Committees, and Commissions law to the Active Files List for amendments.

The Legislative Operating Committee adopted a motion to defer this item to a Legislative Operating Committee work meeting for further discussion.

The Legislative Operating Committee discussed the request to amend the Boards, Committees, and Commissions law during work meetings held on March 20, 2019, and April 11, 2019.

Requested Action

Consider the request to add the Boards, Committees, and Commissions law to the Active Files List for amendments.

April 2019

April 2019

Su	Mo	Tu	We	Th	Fr	Sa
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2019

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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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

May 2019

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

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