

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



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



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

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BC Resolution # 8-02-00-B
*Interpretation of July 22, 2000 Special General Tribal Council Action
Regarding Re-Structure "Plan B"*

WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of the Wisconsin; and

WHEREAS, the General Tribal Council has been delegated the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin; and

WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council; and

WHEREAS, on August 28, 1999, the General Tribal Council directed that the Oneida Business Committee bring back, "a plan of restructure to take care of the administrative problems ... in 90 days;" and

WHEREAS, the Oneida Business Committee presented two plans (*Plan A authored by Council Member Bischoff and Plan B authored by Council Member Dela Rosa*) at the December 18, 1999 Special General Tribal Council meeting; and

WHEREAS, the General Tribal Council tabled both restructuring plans at that December 18, 1999 meeting without further direction; and

WHEREAS, there was submitted a petition to review the actions taken on December 8, 1999, which included the tabled restructuring plans; and

WHEREAS, the Oneida Business Committee had continued to review and revise the restructuring plans in order to bring back a structure that would meet current and long term needs of the Oneida Tribe such that Plan B as presented was revised and Plan A as presented was withdrawn by the author; and

WHEREAS, the Oneida Business Committee presented the revisions to Plan B and the notice that the author had withdrawn Plan A in the July 22, 2000 Special General Tribal Council information package which was mailed to the membership; and

WHEREAS, the membership, at the July 22, 2000, meeting, was not noticed of the December version of Plan B as identified under the Ten Day Notice Policy to allow for informed discussion and comparison in regards to adoption of the December version of Plan B; and

WHEREAS, the General Tribal Council took action to take a tabled item off a previous meeting's agenda and allow action at the July 22, 2000, meeting which was not noticed or presented to the membership through the information package for the July meeting in accordance with the Ten Day Notice Policy; and

WHEREAS, the Chair ruled that the motion to act upon December's Plan B was out of order as it was not noticed to the membership or the members present at the current meeting; and

WHEREAS, the Parliamentarian opinion indicated that the motion to adopt Plan B as taken from the December meeting was out of order as a result of modifications presented by the Oneida Business Committee and lack of notice regarding the prior plan; and

WHEREAS, an Appeal of the Decision of the Chair is in order only when the ruling is in regards to a decision that can have two reasonable opinions about interpretation or application; and

WHEREAS, the opinion of the Parliamentarian and as accepted and further explained by the Chair that the motion was out of order was clear, within the laws of the Oneida Tribe applicable to General Tribal Council actions, and not subject to any other reasonable interpretation, and as a result was not subject to an appeal of the ruling by the body; and

WHEREAS, the actions of the body to Appeal the Decision of the Chair was out of order and an illegal action under the rules applicable to General Tribal Council meetings as adopted and approved by that body; and

WHEREAS, it is always the responsibility and authority of the Oneida Business Committee to carry out and fully implement all lawful actions of the General Tribal Council; and

WHEREAS, it is the opinion of the Oneida Business Committee that the action of July 22, 2000 regarding the restructure Plan B was out of order and therefore not lawful and as a result cannot be carried out; and

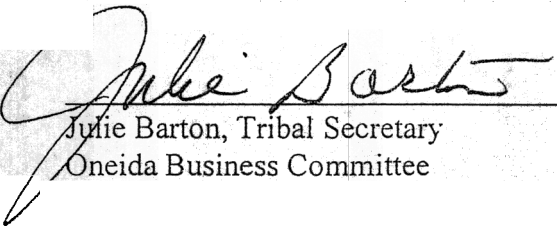
NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee, as a result of a review of the actions at the July 22, 2000 Special General Tribal Council meeting, has determined that the General Tribal Council has attempted to take an unlawful action, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Oneida Business Committee also recognizes a need, expressed by the General Tribal Council, that the Oneida Tribe should and must be restructured to meet the needs of the membership today and on a long term basis, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Oneida Business Committee shall continue its efforts to bring back a restructuring plan that meets those needs and shall schedule a meeting during which restructuring plans, including the December 18, 1999 restructuring plan, can be properly introduced and lawfully adopted by the General Tribal Council.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 8 members were present at a meeting duly called, noticed and held on the 2nd day of August, 2000; that the foregoing resolution was duly adopted at such meeting by a vote of 7 members for; 0 members against, and 0 members not voting; and that said resolution has not be rescinded or amended in any way,


Julie Barton, Tribal Secretary
Oneida Business Committee