



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

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



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 # 07-01-09-A

Objection to Village of Hobart's Requirement that the VFW Obtain a Building Permit for the VFW Project

- WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS, the General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, 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, the Oneida Tribe has exclusive jurisdiction and authority to require Tribal members located on the Oneida Reservation to obtain building permits from the Oneida Zoning Department; and
- WHEREAS, the Village of Hobart lacks the jurisdiction and authority to require Tribal members to obtain village building permits on the Oneida Reservation; and
- WHEREAS, the Robert Cornelius VFW Post # 7784 (*VFW Post*) is a Post located on the Oneida Reservation and comprised of almost exclusively Tribal members and is therefore the jurisdictional equivalent of a Tribal member; and
- WHEREAS, the Oneida Tribe has exclusive jurisdiction and authority to require the VFW Post to obtain building permits from the Oneida Zoning Department; and
- WHEREAS, the Village of Hobart lacks the jurisdiction and authority to require the VFW Post to obtain village building permits; and
- WHEREAS, the VFW Post is obtaining building permits from the Oneida Zoning Department; and
- WHEREAS, the Village of Hobart claims it has the jurisdiction to require the VFW Post to obtain village building permits and has presented 'red tags' on the VFW project on three occasions for the VFW Post's purported failure to obtain village building permits; and

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WHEREAS, the Wisconsin Department of Commerce issued a courtesy review of the Tribe's building plans, recognizing the Tribe's authority, and making the following acknowledgement:

"While COMM 61.02(3)(b)(1) expressly exempts buildings or structures located on Indian reservation land that are held either in trust by the United States or in fee by the Tribe or a Tribal member the Tribe voluntarily submitted this request to the Department for a review of the Tribe's construction plans. The Tribe's submission of its plans shall not be construed as an acceptance of the Department's regulatory authority over the Tribe's construction activities for this project. ... All permits required by the Tribe shall be obtained prior to commencement of construction/installation/operation. Any Tribal requirements shall be complied with." Correspondence from Bradley A. Johnson, Section Chief, Integrated Services, Wisconsin Department of Commerce, June 30, 2009.

WHEREAS, discussions with the President of the Village of Hobart Board of Trustees and the Chairman of the Oneida Business Committee have resulted in a recognition of an impasse regarding these jurisdictional responsibilities; and

WHEREAS, the President of the Village of Hobart Board of Trustees has agreed to accept an application for a village building permit to be submitted 'under protest' by the VFW Post and allowing this jurisdictional conflict to be addressed at a later date to avoid further delay of the VFW project; and

WHEREAS, the Oneida Business Committee, firmly believes the jurisdictional responsibilities regarding this project resides with the Tribe and not the Village of Hobart; and

WHEREAS, the Oneida Business Committee believes that it is the best interests of the VFW Post to not object to a dual permitting process and allow a village building permit to be requested by the VFW Post under protest;

NOW THEREFORE BE IT RESOLVED that it is the position of the Oneida Business Committee that the Village of Hobart lacks the jurisdiction and authority to require the Robert Cornelius VFW Post 7784 to obtain Village of Hobart building permits for the VFW project. The Oneida Business Committee does not object to the Robert Cornelius VFW Post # 7784 decision to obtain a building permit "under protest" from the Village of Hobart for construction of the VFW project and applying for a Tribal building permit. This should not be construed as a concession by either the Tribe or the VFW Post that the Village of Hobart possesses jurisdiction to enforce its building code with respect to the VFW Post.

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. 7 members were present at a meeting duly called, noticed and held on the 1st day of July 2009; that the foregoing resolution was duly adopted at such meeting by a vote of 3 members for; 2 members against, and 1 member not voting; and that said resolution has not been rescinded or amended in any way.



Patricia Hoeft, Secretary
Oneida Business Committee

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