

# Oneida Tribe of Indians of Wisconsin



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.

## BC Resolution 09-12-12-C

### Extension of Emergency Amendments to the Oneida Indian Preference Law

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America, and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the Oneida General Tribal Council, and
- WHEREAS,** the Oneida Tribe receives an Indian Housing Block Grant (IHBG) through the U.S. Department of Housing and Urban Development (HUD), and
- WHEREAS,** HUD's Eastern/Woodlands Office of Native American Programs conducted an on-site performance review of the Tribe's IHBG and compiled a draft report based on that review, and
- WHEREAS,** the draft report found that the Oneida Indian Preference Law is not compliant with Indian preference requirements for IHBG-funded procurement activities and awarding of contracts because it provides preference to one group of non-Indians over one group of Indians, and
- WHEREAS,** the draft report directs the Oneida Tribe to amend the Indian Preference policy to include language that Indian Preference shall be given only to Indians when conducting IHBG-funded procurement activities, and
- WHEREAS,** the Administrative Procedure Act (APA) authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months, and
- WHEREAS,** the Oneida Business Committee adopted emergency amendments to the Oneida Indian Preference Law on March 28, 2012, and
- WHEREAS,** extension of the emergency adoption of the amendments to the Oneida Indian Preference Law is necessary for the preservation of the public health, safety, or general welfare of the reservation population, and that observance of the regular APA adoption requirements for passage of amendments to laws would be contrary to public interest.

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Indian Preference Law is amended on an emergency basis for an additional six months as follows:

#### **57.9. Indian Preference in Contracting.**

##### **57.9-1 Order of Priority.**

**(a) Except where prohibited by law or grant funding requirements, all** entities of the Oneida Tribe, which include but are not limited to programs, enterprises and other subdivisions of the Oneida Tribe awarding contracts or subcontracts for goods or services with the Oneida Tribe where the majority of the work, service or goods are performed or provided on or near the Oneida

Reservation, shall give preference in contracting and subcontracting to Indian-owned businesses, awarded in the following priority:

- (a1) Members of the Oneida Tribe of Indians of Wisconsin
- (b2) Spouses of enrolled members of the Oneida Tribe of Indians of Wisconsin
- (e3) Members of other federally-recognized Indian tribes.

(b) If a law or grant funding requirements prohibit the awarding of contracts or sub-contracts in accordance with 57.9-1(a), preference in contracting and subcontracting shall be awarded in accordance with the requirements of said law or grant.

**BE IT FINALLY RESOLVED**, that the above amendments shall be effective upon expiration of the emergency amendments adopted March 28, 2012 and remain in effect for six (6) months or until permanent amendments are adopted, whichever occurs first.

#### 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 12<sup>th</sup> day of September, 2012; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for; 0 members against; and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Patricia Hoeft, Tribal Secretary  
Oneida Business Committee

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