

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 # 1-03-01-B

Emergency Adoption of Amendments to the Oneida Per Capita Ordinance

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, and

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

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and

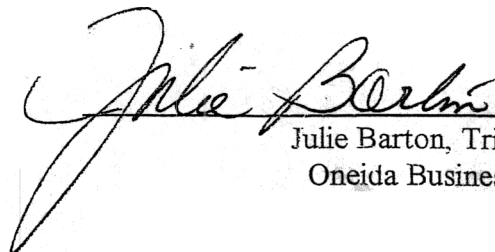
WHEREAS, it is essential to the general welfare that the pending per capita payment be made in a clear and orderly fashion, and

WHEREAS, certain provisions in Sections 4-4 and 4-6 of the Per Capita Ordinance create conflicts and confusion over the administration of the garnishment provisions of that ordinance, and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee does hereby adopt the attached Emergency Amendments to the Oneida Per Capita Ordinance, which shall be effective as of this date, and the Legislative Operating Committee is directed to forward for Public Hearing.

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 3rd day of January, 2001; 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meeting by a vote of 7 members for, 0 members against, and 0 members not voting; and that said resolution has not be rescinded or amended in any way,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

Per Capita Ordinance Emergency Amendments

The Oneida Business Committee having found that certain provisions in Sections 4 - 4 and 4 - 6 of the Oneida Per Capita Ordinance create conflict and confusion over the administration of the garnishment provisions of that Ordinance, and specifically over the hearing body, the timing and the nature of the garnishment, and having found that it would not serve the general welfare of the Tribe to go forth with the pending per capita payment without remedying the aforesaid conflicts and confusions, and having found further that the pendency of the per capita payment constitutes an emergency requiring the Oneida Business Committee to exercise its emergency amendment authority under Article VI of the Administrative Procedures Act, Sections 4 - 4 and 4 - 6 are hereby amended through Business Committee resolution # 1-03-01-B as follows:

Section 4-4 and Section 4-6 shall henceforth read as follows:

4-4 *Oneida Trust Committee.* The Trust Committee shall be delegated the following responsibilities in regard to per capita activities. Any responsibility not specifically identified, and reasonably related to the activities identified herein, shall be considered a Trust Committee responsibility.

- (a) Fiduciary responsibility to manage trust accounts related to per capita payments.
- (b) Maintenance of the membership rolls in such a manner as to accurately identify to whom per capita payments will be made.
- (c) Development of Tribal Allocation Plans necessary to make per capita payments.

4-6 *Per Capita Payments.* Per Capita payments are considered benefits offered by the Oneida Tribe to the membership.

- (a) Per capita benefits can be garnished only for the following purposes:
 - (1) Debts owed to the Oneida Tribe; and
 - (2) Child support payments.
- (b) All requests for garnishment must be submitted by the claimant to the Oneida Appeals Commission. Affirmative determinations by the Oneida Appeals Commission shall be promptly forwarded to the Treasurer of the Oneida Tribe for application to the next per capita payment. Garnishment awards may be in the form of a percentage or specific dollar amount, but shall be for the entirety of the payment only where such amounts are owed to the Tribe or for child support arrearage.