

Oneida Nation

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Oneida, WI 54155

BC Resolution # 02-08-17-B Conflict of Interest Law Amendments

- WHEREAS,** the Oneida Nation 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 Nation; 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,** the Conflict of Interest Policy (the "Policy") was adopted by the Oneida Business Committee by resolution BC-06-10-98-C; and
- WHEREAS,** an audit completed by the United States Department of Housing and Urban Development (HUD) was received by the Oneida Nation on June 12, 2016, which showed that the Policy was not in compliance with certain HUD requirements; and
- WHEREAS,** HUD gave the Oneida Nation ninety (90) days to become compliant with HUD requirements; and
- WHEREAS,** the Oneida Business Committee adopted emergency amendments to the Policy pursuant to Resolution BC-08-10-6-M in accordance with the emergency adoption process set forth in the Legislative Procedures Act (LPA); and
- WHEREAS,** the emergency amendments brought the Policy into compliance with HUD requirements; and
- WHEREAS,** the emergency amendments to the Policy expire February 10, 2017; and
- WHEREAS,** the permanent amendments to the Policy are necessary to remain compliant with the HUD requirements; and
- WHEREAS,** permanent amendments include changing the Policy to a law to align with the Legislative Operating Committee's directive that all legislation is to be classified as laws moving forward; and
- WHEREAS,** amendments expand and clarify who the Law applies to so that the Law is consistently applied to all of the Nation's agents, elected officials, officers, political appointees, employees, consultants, and appointed or elected members of a board, committee or commission; and
- WHEREAS,** the amendments delegate responsibility to maintain, collect, and distribute conflict of interest disclosure forms to the Nation's Human Resource Department (HRD) for employees, and the Office of the Nation's Secretary for elected officials, officers, political appointees, and elected or appointed members of a board, committee or commission; and

WHEREAS, the amendments add penalties for failure to disclose a conflict of interest for elected officials, officers and political appointees; and

WHEREAS, the amendments clarify when a supervisor is provided with credible evidence that an employee failed to disclose a conflict of interest, that employee will be placed on leave pursuant to the Investigative Leave Policy, except this Law requires the investigation be completed within seven (7) days, rather than the fifteen (15) days identified in the Investigative Leave Policy; and

WHEREAS, the amendments specify that when an employee, consultant, elected official, political appointee, officer, agent, or appointed or elected member of a board, committee or commission discloses a conflict of interest, he or she may not participate in the selection, award, or administration of a contract including contracts supported by a Federal award or any other prohibited activities identified in the Nation's laws, policies or rules; and

WHEREAS, the amendments require the Nation's entities to create standard operating procedures and/or work standards that outline further prohibited activities resulting from a disclosed conflict of interest and identify ways to alleviate and mitigate conflicts of interest; and

WHEREAS, a public meeting on the amendments was held on January 3, 2017, in accordance with the LPA, and no written or oral comments were received by the Legislative Operating Committee during the public comment period ending on January 10, 2017.

NOW THEREFORE BE IT RESOLVED, that amendments to the Conflict of Interest Law are hereby adopted and are effective immediately.

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; 9 members were present at a meeting duly called, noticed and held on the 8th day of February, 2017; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.


Lisa Summers, Tribal Secretary
Oneida Business Committee

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