

# 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 # 5-04-05-CC

#### **Barring Stipend Payments for Administrative, Clerical or other Employee Functions**

**WHEREAS**, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian Tribe and has a Constitution which was duly approved by the Secretary of the United States Department of the Interior, and the Oneida Tribe of Indians of Wisconsin exercises inherent sovereign authority over its citizens and its territory; and

**WHEREAS**, the Oneida General Tribal Council exercises governmental authority pursuant to Article IV of the Oneida Constitution; and

**WHEREAS**, the Oneida General Tribal Council has delegated the authority of Article IV of the Oneida Constitution to the Oneida Business Committee, which exercises such authority subject to review and oversight by the Oneida General Tribal Council; and

**WHEREAS**, the Oneida General Tribal Council and the Oneida Business Committee have, in furtherance of the governance of the Oneida Tribe and pursuant to the Oneida Constitution, established subordinate boards, committees, and commissions; and

**WHEREAS**, the members of such boards, committees, and commissions function as independent contractors in carrying out their duties in that:

- they are not hired or fired, but are elected or appointed for specified terms of office,
- they exercise independent judgment as to the best interest of the Oneida Tribe in relation to the matters within their purview,
- they determine the means and manner in which their duties are accomplished,
- they determine the time and location of their meetings, and
- individual members, acting alone, do not possess the authority to bind the Oneida Tribe or to bind the board, committee, or commission on which they sit; and

**WHEREAS**, the Oneida Comprehensive Policy Governing Boards, Committees, and Commissions, Section 14-6, prohibits members of boards, committees, and commissions from serving as employees in any area over which their board, committee, or commission has authority; and

**WHEREAS**, the Oneida Tribe compensates members of boards, committees, and commissions by paying them stipends to offset expenses associated with their service; and

**WHEREAS**, the Oneida Comprehensive Policy Governing Boards, Committees, and Commissions, Section 11-3, specifies that members of boards, committees, and commissions may only be paid stipends for attendance at meetings of the board, committee, or commission on which they sit; and

**WHEREAS**, the Oneida Tribe accounts for stipends paid to members of boards, committees, and commissions in accordance with their status as independent contractors, and the Oneida Tribe does not withhold federal employment taxes from such stipends; and

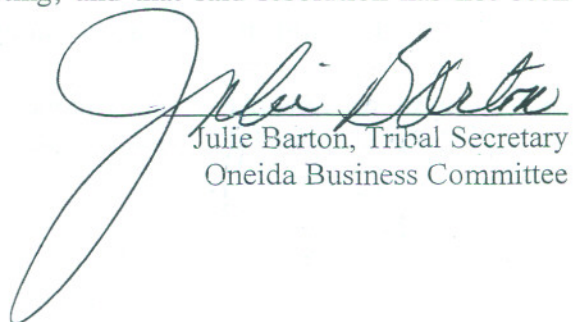
**WHEREAS**, it is inconsistent with their status as independent contractors for members of boards, committees, and commissions to be paid stipends for the performance of administrative, clerical, or other employee functions for the board, committee, or commission on which they sit;

**NOW THEREFORE BE IT RESOLVED** that members of boards, committees, and commissions shall not be paid stipends for the performance of administrative, clerical, or other employee functions for the board, committee, or commission on which they sit; and

**BE IT FINALLY RESOLVED** that all previous resolutions, motions, or other actions of the Oneida Business Committee authorizing the payment of stipends to members of boards, committees, and commissions for the performance of administrative, clerical, or other employee functions are hereby rescinded to the extent that they authorize such payments.

**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; that 5 members were present at a meeting duly called, noticed and held on the 4<sup>th</sup> day of May, 2005; that the foregoing resolution was duly adopted at such meeting by a vote of 3 members for; 1 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
Julie Barton, Tribal Secretary  
Oneida Business Committee