



Oneida Business Committee

Special Meeting
8:30 a.m. Friday, September 30, 2016
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

To get a copy of the agenda, go to: oneida-nsn.gov/government/business-committee/agendas-packets/

I. CALL TO ORDER AND ROLL CALL

II. OPENING

III. ADOPT THE AGENDA

IV. RESOLUTIONS

- A. Adopt resolution titled Continuing Budget Resolution for Fiscal 2017**
Sponsor: Trish King, Tribal Treasurer

V. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov, at 8:30 a.m., Tuesday, September 27, 2016, pursuant to the Open Records and Open Meetings Law, section 7.17-1.

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: <https://oneida-nsn.gov/government/business-committee/agendas-packets/>

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 09 / 30 / 16

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Adopt resolution titled Continuing Budget Resolution - Fiscal Year 2017

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by: Brian Doxtator, Assistant to Tribal Treasurer Trish King
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



Statement of Effect

Continuing Budget Resolution – Fiscal Year 2017

Summary

This is a continuing budget resolution, which authorizes the Nation to continue to operate at Fiscal Year 2016 (FY16) levels until General Tribal Council (GTC) adopts the Nation's budget for Fiscal Year 2017 (FY17), which begins October 1, 2016. While this resolution is in effect, "Operations" are authorized to use their discretion in approving all expenditures.

The resolution also recognizes that there are two different circumstances which could reduce the amount of money available for the Nation's budget:

1. GTC action regarding the June 13, 2016 approved per capita; and/or
2. A federal government shutdown/sequestration if a federal budget is not adopted.

To address these, the resolution requires all operations to develop contingency budget plans that could be implemented if either of those circumstances occur, and requires the Finance Committee to develop such contingency plans for all non-operational budgets.

Submitted by Tani Thurner, Staff Attorney, Legislative Reference Office

Analysis by the Legislative Reference Office

Each year, the Oneida Business Committee (OBC) is responsible for preparing a budget plan for the Nation for the upcoming fiscal year (FY). The budget plan is presented to General Tribal Council (GTC), which is ultimately responsible for adopting the Nation's budget for the Nation for the fiscal year.

At the September 19, 2016 annual budget meeting, GTC did not approve a budget for FY17, which starts on October 1, 2016.

The Nation can only operate under an approved budget, whether by a Continuing Budget Resolution or adoption of the budget by GTC. The OBC has identified that shutting down government operations (both programming and enterprise), is not in the best interest of the Nation or its members; and that a continuing resolution is necessary to enable the government to operate to continue to meet the needs of the membership until GTC can approve a budget.

Continuing Operations

This resolution authorizes the Nation to continue to operate at FY2016 levels until GTC adopts a budget for Fiscal Year 2017, which begins October 1, 2016. The resolution requires Operations to use their discretion in approving all expenditures, until a budget is formally adopted and the impact of the federal government budgeting processes has been fully identified.

Contingency Budget Plans

The resolution also recognizes that there are two different circumstances which could reduce the amount of money available for the Nation's budget. To address these, the resolution requires all operations to develop contingency budget plans that could be implemented if either of those circumstances occur; and requires the Finance Committee to prepare "the appropriate"

contingency budget plans for Operational Equipment, Technology Projects, CIP (Capital Improvement Process), and remaining debt payments.

Contingency budget plans are required to take into effect and address changes in employment, programming, services, revenues, and all other expenditures.

Contingency #1. GTC action regarding the June 13, 2016 approved per capita.

At the June 13, 2016 GTC meeting, GTC passed a motion directing the OBC to make an annual \$2,000 Per Capita payment to members from FY17 through FY21. However, GTC also passed an amendment to that motion, “to revise the Per Capita payment amount to \$1,300 instead of \$2,000.” The amendment to the original motion caused some disagreement over procedure, and questions over how much the annual Per Capita payment would be.

At the September 19, 2016 GTC Budget meeting, GTC tabled the agenda – including the budget - until GTC “has a meeting to determine the outcome of the June 13, 2016 special [GTC] meeting regarding per capita payments.”

The amount that GTC ultimately sets for per capita payments could affect how much money remains in the Nation’s budget – if the per capita payments are set at \$2,000 per member instead of \$1,300 per member, it would mean roughly \$12 million¹ each year would be redirected to per capita payments, and not available for operations.

Contingency #2. A federal government shutdown/sequestration if a federal budget is not adopted.

The resolution states that the OBC is monitoring the development of the federal budget, which provides grant and self-governance funding that supports some of the Nation’s operations. The OBC has identified that if the federal government fails to adopt a budget or continuing resolution, there is the potential for a federal government shutdown or partial closure through sequestration measures.

If there is a federal government shutdown or partial closure through sequestration, it means that various funds provided to the Nation could be frozen or eliminated. The main impacts would be a loss of grant funding and self-governance funding, which make up a portion of the Nation’s budget. Operations are directed to develop budget contingency plans to address such an occurrence.

Other Findings

This resolution identifies various actions taken by GTC which “adopted direction” regarding the duties and responsibilities of the OBC. Throughout the resolution, various actions taken by the Treasurer and/or the OBC, are identified as having been taken in accordance with these responsibilities.

This resolution also finds that:

- The Treasurer has recommended a budget to the OBC, and the OBC has reviewed that budget.
- At an August 10, 2016 regular meeting, the OBC recommended the budget to GTC for approval, “as being a balanced budget and meeting the needs and directives of the [GTC] and the membership.”

¹ According to the Enrollments Department, there are 17,191 enrolled members as of September 28, 2016. If each member receives \$2,000 in per capita payments instead of \$1,300; it would cost the Nation an additional \$12,033,700 per year.

- The OBC has been invited to participate in, and been informed of, the budget development processes, and has both actively participated in, and monitored, budget development progress.

Budget Strategy

This resolution states that on February 11, 2015 the OBC approved, by resolution, fiscal and financial goals for the Oneida Nation for the following three years. That resolution - among other things - identifies strategic directions, and places an emphasis on sustainability.

This resolution identifies actions taken by the Treasurer that aligned with those strategic directions while developing the proposed FY17 budget; and states that the OBC desires to adopt a Continuing Budget resolution that aligns with one of those strategic directions, titled “Implementing ‘Good Governance’ Processes.”

Conclusion

Adoption of the resolution is necessary to allow the Nation to continue operations until a budget for FY 2017 is adopted and it is within the authority of the OBC to take this type of action on an interim basis.

There are no legal bars to adopting the resolution.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _ - - - -

Continuing Budget Resolution - Fiscal Year 2017

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
- 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 General Tribal Council adopted further direction regarding the duties and responsibilities of the Oneida Business Committee in resolution # GTC-2-25-82 and specifically directed the Oneida Business Committee to become “actively involved in the legislative areas such as...Fiscal Plan[ning]” *Resolve # 2*; and
- WHEREAS,** the General Tribal Council adopted further direction regarding the duties and responsibilities of the Oneida Business Committee, and more specifically the Treasurer, through the adoption of ‘job descriptions’ on July 30, 1990 directing the Treasurer to “review [the] annual budget and make recommendations to the Business Committee, who will submit an annual budget to the General Tribal Council”, *Representative Duties (9)*; and
- WHEREAS,** the Oneida Business Committee approved the Treasurer’s recommendation regarding the fiscal and financial goals of the Oneida Nation for the following three years by resolution # BC-02-11-15-A, “which supports and enhances efficient and sustainable public financial management which is key to promoting economic sustainability, good governance, social progress and a rising standard of living for all enrolled Oneida[.]” *Resolve #1*; and
- WHEREAS,** the Oneida Business Committee, in resolution # BC-02-11-15-A approved the following financial initiative set forth in *Resolve #1*: “The end in mind is Sustainability. Assessment guidelines will be the path for the Tribal organization to develop a Fiscal Year 2016 budget so that we may begin to implement strategies for growth in Fiscal Year 2017 and Fiscal Year 2018 to support the Oneida Tribe overall;” and
- WHEREAS,** the Treasurer has worked with the operations of the Oneida Nation to develop a budget which clearly identifies revenue projections, external funding opportunities, and programming needs in a manner that meets the goals set forth in resolution # BC-02-11-15-A; and
- WHEREAS,** the Treasurer has engaged the operations to present the technical needs of programs, services and enterprises in requests for budget allocations consistent with the 2015 Oneida Business Committee resolution; and
- WHEREAS,** the Treasurer has taken into account the directives of the General Tribal Council, include the most recent directive of June 13, 2016 regarding setting the per capita payment for the next five years, and has guided the development of a balanced budget consistent with the 2015 goals set by the Oneida Business Committee in resolution # BC-02-11-15-A; and
- WHEREAS,** the Oneida Business Committee has been invited to participate in, and been informed of, the budget development processes; and has taken up opportunities to actively participate as well as monitor budget development progress through reporting and meetings, whether formal or informal; and

57 **WHEREAS,** the Treasurer, in accordance with the responsibilities set forth in the 1982 resolution and the 1990
58 motion of the General Tribal Council, has recommended a budget to the Oneida Business
59 Committee; and
60

61 **WHEREAS,** the Oneida Business Committee, in accordance with the responsibilities set forth in the 1982
62 resolution and the 1990 motion of the General Tribal Council, has reviewed the budget and at the
63 August 10, 2016 regular meeting, recommended the budget to the General Tribal Council for
64 approval as being a balanced budget and meeting the needs and directives of the General Tribal
65 Council and the membership; and
66

67 **WHEREAS,** the General Tribal Council acted on September 19, 2016, to table the agenda regarding the FY2017
68 budget and directed that a General Tribal Council meeting be scheduled to obtain clarification
69 regarding a per capita action that had taken place at the June 13, 2016, General Tribal Council
70 meeting; and
71

72 **WHEREAS,** the Oneida Business Committee, acting in accordance with its delegated responsibilities, has
73 identified that shutting down government operations (programming and enterprise) is not in the best
74 interests of the Nation or its members, has determined that a Continuing Resolution is necessary to
75 enable the government to operate to continue to meet the needs of the membership; and
76

77 **WHEREAS,** the Oneida Business Committee is also monitoring the development of the federal budget which does
78 impact the operations of the Nation through its grant and self-governance funding sources and has
79 identified the potential for the event of a federal government shut down or partial closure through
80 sequestration measures through a failure to adopt a budget or continuing resolution; and
81

82 **WHEREAS,** the Oneida Business Committee, acting in accordance with the General Tribal Council's desire to
83 revisit the June 13, 2016, action adopting the current per capita; and recognizing that the per capita
84 amount could be amended based on the directive from the General Tribal Council on September 19,
85 2016; desires to plan for alternative per capita payments, and will be directing operations to develop
86 budgeting plans that reflect that change in the event budget revisions are required; and
87

88 **WHEREAS,** the Oneida Business Committee is committed to ensuring that operations of the Oneida Nation
89 continue to protect the health, safety, welfare, and regulatory compliance of the Oneida Nation; and
90

91 **WHEREAS,** the Oneida Nation can only operate under an approved budget, whether by a Continuing Budget
92 Resolution or adoption of a budget by the General Tribal Council, and operations of the Oneida
93 Nation need to continue until a budget can be adopted; and
94

95 **WHEREAS,** the Treasurer has recommended to the Oneida Business Committee, and the Oneida Business
96 Committee, in accordance with the responsibilities set forth in the 1982 resolution and the 1990
97 motion of the General Tribal Council, desires to adopt a Continuing Budget Resolution that aligns to
98 the Strategic Direction titled, "Implementing 'Good Governance' Processes" directing operations of
99 the Oneida Nation to continue, and that protects the ability of the General Tribal Council to make
100 budgetary decisions; and
101

102 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee adopts this Continuing Budget Resolution
103 for Fiscal Year 2017 and directs that the Oneida Nation shall operate at the Fiscal Year 2016 levels. Operations are
104 directed to use their discretion in approving all expenditures until such time as the budget has been formally adopted
105 and information regarding the impact of the federal government budgeting processes has been fully identified.
106

107 **BE IT FURTHER RESOLVED,** that the operations of the Nation are directed to develop contingency budget plans that
108 take into account the following potential budget impacts:
109 1. General Tribal Council action regarding the June 13, 2016 approved per capita; and
110 2. The federal government shut down or sequestration in the event of failure to adopt a federal budget.
111 That these contingency budget plans shall take into effect and address changes in employment, programming, services,
112 revenues, and all other expenditures. Provided further, that the Finance Committee shall prepare the appropriate
113 contingency budget plans for the budgets for Operational Equipment, Technology Projects, CIP, and remaining debt
114 payments.