

Oneida Tribe of Indians of Wisconsin

Post Office Box 365



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Phone: (414) 869-2214



Oneida, WI 54155



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.

GENERAL TRIBAL COUNCIL RESOLUTION #4-17-99-A

Per Capita Resolution

WHEREAS, [t]he Oneida General Tribal Council [Hereinafter OGTC or GTC] is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, [and]

WHEREAS, [t]he Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, [and]

WHEREAS, [t]he Oneida General Tribal Council has been delegated the authority of Article IV., Section I., paragraph H., of the Oneida Tribal Constitution, [and]

WHEREAS, [t]he Oneida Tribe of Indians of Wisconsin desires to continue to improve the standard of living and quality of life and is committed to the eradication of poverty for its membership, as well as to the Oneida Bill of Rights, guaranteeing all tribal members equal opportunity to participate in the economic resources of the tribe, [and]

WHEREAS, [t]he Oneida Tribe of Indians of Wisconsin presently disperses over fifty percent 50% of its payroll account to NON-tribal employees who do not have an Oneida Tribe Federal enrollment number, [and]

WHEREAS, [t]he Oneida Business Committee has, at present, demonstrated a continued pattern of unauthorized excessive spending of the Oneida tribe's gaming revenue income, and encumbered excessive tribal assets, finances, land and real property, to various local governments and corporate businesses in the forms of long term loans, property liens, unauthorized purchases, deficit spending, tax payments, and other undisclosed forms of indebtedness, investments, secured liabilities, contractual agreements, transfers of tribal property rights [and]

WHEREAS, [t]he Oneida Constitution in Article IV.- Powers of the General Tribal Council, Section I., paragraph [C.], authorizes the OGTC the enumerated power “To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.”, and, paragraph [E.], To manage all economic affairs and enterprises of the Oneida Tribe of Wisconsin...”, [and]

WHEREAS, [t]he minors of the OGTC, under the age of twenty-one [21], may be considered to be an at-risk social group, whose future welfare is the responsibility of the OGTC, and should be afforded equal opportunity to participate in the economic and financial resources of the Oneida Tribe, [and],

WHEREAS, [t]he vast majority of General Tribal Council members of the Oneida Tribe of Indians of Wisconsin are not employed by the Oneida Tribe of Indians of Wisconsin, and do not reap the monetary rewards, of the Oneida Tribe of Wisconsin’s established minimum wage and other employment and retirement benefits, [and]

WHEREAS, [n]ot all General Tribal Council members are eligible for the socialized programs and services, and in many instances are prevented in their efforts to become financially independent from or directly benefit from, or do not want to participate in these socialized programs and services provided by the Oneida Tribe of Indians of Wisconsin, [and]

WHEREAS, [e]very General Tribal Council member should have the financial independence to support their family above the poverty level, purchase reliable transportation, be afforded equal opportunity to have a down payment for a home, etc., and be accorded social mobility, and economic livelihood, [and]

WHEREAS, Federal legislation has not afforded real world equal opportunity in the workplace for all Enrolled members of the Oneida Tribe of Wisconsin Indians, nor parity in social and economic mobility, [and]

NOW THEREFORE, BE IT RESOLVED, [t]hat [three] Cash Profit Distribution program options shall be developed for all [ENROLLED] Oneida tribal members of at least 1/4 Oneida Indian blood quantum, by the Oneida Trust Department, the Oneida Enrollment Department, and the Oneida Legislative Operating Committee jointly, shall be a prioritized work assignment, shall be reviewed by the Oneida Law office who will give a presentation addressing; (1) tax strategies, (2) implementation strategies, and(3) any applicable constitutional and legal issues

barring adoption of Resolution 10-1-98-A, and that these [three] Cash Profit Distribution program options shall be presented in referendum by the Oneida Business Committee Treasurer, Chief Financial Officer, LOC Department Director, Law Office Chief Counsel, Trust Department representative, and Enrollment Department representative, to the General Tribal Council for their review and consideration at a duly called for Oneida General Tribal Council Special Saturday meeting scheduled specifically for this purpose only, within 90 days after this herein specific resolution is presented by Enrollment Office proxy mailed notification, to the entire qualified voting membership of the Oneida General Tribal Council, and that these Cash Profit Distribution monies shall come from Oneida gaming revenues, herein specified as Thirty-five (35%), Forty-Five (45%), Fifty-five (55%) percent, or any combination thereof, of quarterly net net profit, [and]

BE IT FURTHER RESOLVED, [t]hat a special Restricted, Irrevocable Pooled Trust Account be established for each [ENROLLED] tribal member under the age of 21, and that these monies may accrue and become payable in full upon the 21st birthday of each [ENROLLED] tribal member and said tribal trust account shall be placed under the domain of the Oneida Trust Department and the Oneida Enrollment Department, and the Oneida Law Office jointly, who shall appoint one member to submit a comprehensive oral and written bi-annual report on financial status to the Oneida General Tribal Council, at GTC meetings scheduled specifically for this purpose only. The dates for these reports herein described as January 1st and July 1st of each fiscal year, and that these individual trust accounts shall be afforded all legal rights of inheritance, disposition, guardianship, living will assignment, and trustee powers, and shall be drafted in referendum by the Legislative Operating Committee, and voted on by secret ballot by the General Tribal Council, at said Special Saturday meeting specified to occur within 90 days of proper notification of this resolution, to the qualified voting membership, [and]

BE IT FURTHER RESOLVED, [t]hat the Oneida Tribal Treasurer shall provide; (1) a comprehensive oral and written financial impact report, (2) [three] implementation plans, (3) a complete financial gaming revenue report, and (4) [three] program and services budget reform plans (in referendum) for these [three] cash profit program options, to the Oneida General Tribal Council for review and consideration on that day, at this same duly called for Special Saturday meeting, and that these reports shall include; (a.) TAX exemption options researched, (b.) any and all administration procedures required to expedite the entire process, and (c.) shall include a sample mail out form for notarized enrollment, current address, and living status verification, and finally, (d.) a comprehensive disclosure of tribal financial indebtedness, [and]

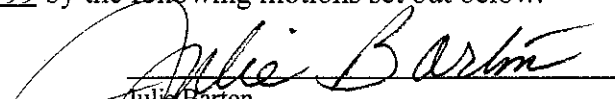
BE IT FURTHER RESOLVED, [t]hat the Secretary of the Department of Interior shall be notified within 30 days after this resolution is ADOPTED by the Oneida General Tribal Council

by a majority secret ballot vote by ALL qualified [Enrolled] Oneida General Tribal Council members in attendance on that day, on the Oneida Reservation, at the herein described Special Saturday meeting, [and]

BE IT FINALLY RESOLVED, [t]hat a quarterly cash gift herein stated as Thirty-five (35%), Forty-five (45%), Fifty-five (55%), or any combination thereof, of the Oneida Tribe of Wisconsin Indians' Gaming Operations quarterly net profit revenue be awarded to [ENROLLED] ONEIDA TRIBAL MEMBERS ONLY who are 21 years of age and above, and whose enrollment number, living status, and current address is verified by the Oneida Enrollment Office . This Cash Gift shall be distributed, each fiscal quarter, beginning May 1, of the fiscal year 1999, contingent upon all tribal, and federal administration processes, procedures, and requirements having been satisfied, and shall be based on the Oneida Tribe of Wisconsin's Gaming Operations Net Profit figures of the previous fiscal quarter of 1999. For the purpose of this cash gift distribution, the quarterly periods, are herein recommended to be established as February 1, May 1, August 1, and November 1 of each year, thereafter.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council in session with a quorum of 1,130 members present at a meeting duly called, noticed, and held on the 17th day of April, 1999; that the foregoing resolution has been adopted on April 17, 1999 by the following motions set out below.


Julie Barton,
TRIBAL SECRETARY
ONEIDA BUSINESS COMMITTEE


MOTION BY MADELYN GENSKOW TO AMEND THE MOTION THAT NO BENEFITS OR SERVICE TO ONEIDA TRIBAL ENROLLED MEMBERS SHALL NOT BE CUT DUE TO THE PER CAPITA DECISION, 2., ALL LAWS, POLICIES, PROCEDURES, ACTS, ORDINANCES SPECIFICALLY THE ONEIDA LAY OFF POLICY AND ONEIDA INDIAN PREFERENCE POLICY SHALL BE STRICTLY ENFORCED TO PROTECT OUR TRIBAL MEMBERS WHO WORK FOR THE ONEIDA TRIBE, 3. THE PAYOUT WILL BE 35% OF THE GAMING NET PROFIT TO ALL ONEIDA TRIBAL ENROLLED MEMBERS AND IN ACCORDANCE WITH FEDERAL LAWS, SECONDED BY NANCY PASTORINO. MOTION CARRIED.

MOTION BY LORETTA V. METOXEN TO AMEND THE MOTION THAT IN PARAGRAPH AT THE BOTTOM OF PAGE EIGHT, BE IT FURTHER RESOLVED THAT A SPECIAL IRREVOCABLE, ADD THE WORD "POOLED" TRUST ACCOUNT BE ESTABLISHED FOR EACH ENROLLED TRIBAL MEMBER UNDER THE AGE TWENTY-ONE AND THAT THE REST OF THE PARAGRAPH REMAIN THE SAME, SECONDED BY BOB CHRISTJOHN. MOTION CARRIED.

MOTION BY LINDA DANFORTH TO ADOPT RESOLUTION 10-1-98-A, SECONDED BY NANCY PASTORINO. MOTION CARRIED.

Certification

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that these are true and correct excerpts from the Minutes of the General Tribal Council Meeting held on April 17, 1999.



Julie Barton,
TRIBAL SECRETARY
ONEIDA BUSINESS COMMITTEE

Oneida Tribe of Indians of Wisconsin


Post Office Box 365

Phone: (414) 869-2214

Oneida, WI 54155



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.



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

NOTICE OF DISCLAIMER

Resolution # GTC-4-17-99-A

The Oneida Business Committee, at a duly called meeting, adopts this Notice of Disclaimer in regards to the General Tribal Council Resolution # GTC-4-17-99-A. The resolution as adopted contains numerous inaccuracies in the Whereas portions which were not addressed during the General Tribal Council meeting and were allowed to remain in the adopted resolution.

Resolutions adopted by the Oneida Tribe contain both Whereas portions, and Resolve portions. For purposes of legislative history, the Whereas portions are created to give an idea or intent of the body adopting the resolution. In regards to General Tribal Council resolutions, the document may be submitted either through a request of the Oneida Business Committee, or by petition. If the former occurs, there are numerous opportunities to verify and correct the information placed in the Whereas portion of the resolution. However, when a resolution is presented by petition, there is little ability to amend and correct the Whereas information.

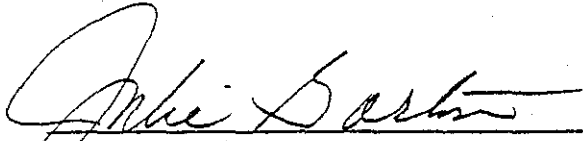
In this instance, the authors of the petition and resolution failed to respond or make amendments to the resolution in a manner which would allow a corrected resolution to be forwarded to the processes. This resulted in placement of a resolution before the General Tribal Council that contained errors in the Whereas language.

At the General Tribal Council meeting, the focus of discussion was on the need for a per capita and the ability to make a per capita payment. No discussion of the Whereas language took place, and no opportunity to correct the Whereas language presented itself at the meeting. As a result, it may appear that approval and/or acceptance of this language actually occurred by adoption of the resolution. But, again, no discussion or correction of the Whereas language ever occurred.

The Oneida Business Committee has adopted the Notice of Disclaimer to avoid reliance on erroneous statements that were not discussed, were not specifically approved, and were not given an opportunity for correction at the General Tribal Council meeting.

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 19th day of May, 1999; that the foregoing statement was duly adopted at such meeting by a vote of 6 members for; 0 members against, and 0 members not voting; and that said statement has not be rescinded or amended in any way.



Julie Barton, Tribal Secretary

ONEIDA BUSINESS COMMITTEE