

Oneida Tribe of Indians of Wisconsin

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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.

BC RESOLUTION # 04-28-99C FY'99 Budget Modification

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

WHEREAS, the General Tribal Council has been delegated the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the Oneida Business Committee is 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, the Oneida General Tribal Council adopted Fiscal Year 1999 (FY99) budgets by GTC Resolution #10-26-98B allocating the projected revenues of the Oneida Tribe's enterprises and funds from grants to enterprises, programs and other entities, and

WHEREAS, this FY99 budget was based on revenue projections developed utilizing economic forecasting techniques to obtain the best available, most accurate revenue projection, and

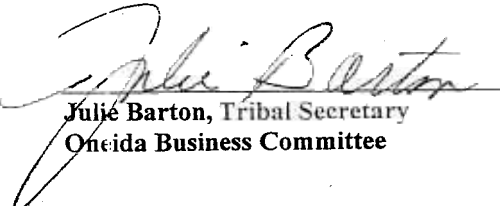
WHEREAS, the Oneida General Tribal Council has acted on 4-17-99 to authorize a Per Capita Distribution of \$1500 to all enrolled members, and

WHEREAS, the Oneida General Tribal Council discussed funding options, one of which was to fund from the General Reserves, and

NOW THEREFORE BE IT RESOLVED, that the General Tribal Council hereby adopts this modification to the Fiscal Year '99 plan approved by Resolution #10-26-98B to authorize \$20.5 million from the General Reserve Fund to make a \$1500 per capita distribution to all enrolled tribal members.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of nine (9) members of whom (5) members, constituting a quorum, 7 were present at a meeting duly called, noticed, and held on the 28th day of April, 1999; that the foregoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members abstaining: And that said resolution has not been rescinded or amended in any way.


Julie Barton, Tribal Secretary
Oneida Business Committee

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STATEMENT OF EFFECT Resolution Regarding FY99 Budget Modification

Summary

This resolution proposes modification of the Fiscal Year 1999 Budget to make a per capita payment approved by the General Tribal Council on April 17, 1999.

Analysis

This resolution identifies that the Oneida Tribe adopted resolution GTC-10-26-99-B which set forth the budget for the Oneida Tribe for Fiscal Year 1999. In addition, that the budget is based on revenue projections which are allocated among programs and enterprises. And, that the General Tribal Council authorized a \$1500 per capita payment to be paid in Fiscal Year 1999 without identifying a specific funding plan for that payment. The Resolve indicates that the budget modification will authorize the use of \$20.5 million from the General Reserve Fund to make the \$1500 per capita distribution to the members.

The Oneida Tribe, for at least the past 15 years has adopted a budget by resolution. That resolution generally referenced a budget document which specifically allocated funds line by line to each program and enterprise of the Oneida Tribe. In addition, the Oneida Tribe has generally acted to amend the budget by the means of a resolution modifying the budget. This modifying resolution, as an amending action, was required to have a two-thirds majority vote to approve. And, recently, the General Tribal Council has acted to limit the authority of the Oneida Business Committee to make changes to the budget once it has been approved. As early as five years ago, the Oneida Business Committee had authority to make amendments in the amount of \$500,000. However, the last budget approval resolution lowered that authority to \$100,000.

In addition to the above, the General Tribal Council has adopted the Ten Day Notice Policy. This policy requires that a minimum of ten days prior notice is required regarding actions which affect the budget. *Ten Day Notice Policy, sec. III(1)(a)(2)*. As a result, the action to modify the budget must be noticed to the General Tribal Council with sufficient specificity so as to give notice of the action to be taken.

The April 17th General Tribal Council meeting addressed a per capita payment. The petition identified both a resolution for a percentage payment and a \$1500 interim payment. The percentage payment, eventually identified as 35%, as adopted affects the next fiscal year's budget. Therefore, a budget modification is unnecessary.

The second payment, affects the current budget. The directive was that a \$1500 payment shall be made to all members within 60 days and shall not be paid through taking out a loan. The draft minutes indicate that a discussion regarding how this payment would be made could include funds from "...retail, from any investments, and any money in the reserve." *General Tribal Council, April 17, 1999 Draft Minutes, page 37*. The Chief Financial Officer indicated that there was sufficient funds in the reserve fund to cover this payment, or a loan could be obtained. *Id at pp. 37-38*. The discussion then focused on the aspect of obtaining a loan to make the payment, which was almost immediately rejected through an amending motion to prohibit that action. *Id. at 42*. No other discussion specifically identifying a part or parts of the budget to be utilized for this payment occurred. However, within the transcript, there is a short discussion regarding an untrue rumor about recent financial payments to Airdigm Communications, Inc. *General Tribal Council, April 17, 1999 Transcript, p. 145-146*. It appeared that most of the discussion involved an attempt to make the per capita payment out of non-gaming revenue.

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An amendment to the current budget requires approval from one of two entities – Oneida Business Committee or General Tribal Council. Since the proposed amendment exceeds the authority of the Oneida Business Committee, the amendment must be presented to the General Tribal Council for approval.

Notwithstanding the above, the amendment proposes utilizing the reserve fund, also known as the General Reserve Fund. This fund was created in 1987 by the General Tribal Council as part of a method to increase funding for land acquisition. This resolution limited the use of this fund to ‘interest paying loans’ for operational uses, or by a resolution submitted to the membership for a referendum. *GTC-10-29-87-A*. In 1989, the General Tribal Council amended the reserve fund to create a revolving loan fund.

No further action regarding the reserve fund is identified until 1991. At that time, the General Tribal Council adopted a resolution which modified the land acquisition plan set up in 1987. This resolution identified specific dollar amounts which were to be placed in the reserve fund, among other places, for three years, Fiscal Year 1994, and then annually thereafter. This resolution superseded the 1987 and 1989 resolutions. *GTC-8-19-91-B*.

Again, no further information regarding the reserve fund appears until 1995 where the General Tribal Council minutes indicate that additional amounts had been added to that fund. *General Tribal Council, January 28, 1995 Minutes, p.3*. Then, in 1996, the budget resolution indicates that allocations within the budget are being made to the reserve fund. *GTC-4-22-96-B, Resolve #2*. And finally, at the Fiscal Year 1998, the reserve fund was identified as the ‘General Fund’ and that use of that fund is limited to approval by the General Tribal Council. In addition, that the General Tribal Council has not set procedures to access the fund. Finally, that the fund is created to, “...handle a catastrophic situation[.]” and that the ideal situation would be, “...to have one year of operations costs set aside.” *General Tribal Council, August 3, 1998 Draft Minutes, pp. 6-7*.

The research indicates that at a minimum, specific action by the General Tribal Council is needed to modify or utilize the reserve fund. However, it is recommended that a resolution be utilized to clearly indicate the intent and use of withdrawals from the reserve fund.

Conclusion

There are no legal issues which would prohibit the adoption of this resolution. It should be noted that this is an amendment of a previous General Tribal Council action and would require a two-thirds vote.