

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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Resolution # BC - 5-14-08-G

Emergency Resolution to recalculate tenant payments to OHA and to Eliminate Using the One-time \$5000/\$10000 Special Per Capita Payments in those recalculations

WHEREAS, the Oneida Tribe of Indians of Wisconsin 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 Tribe of Indians of Wisconsin; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, on August 11, 2007, the General Tribal Council approved a one-time special per capita payment in the amount of \$5,000 for tribal members under 62 and \$10,000 for those 62 and over; and

WHEREAS, the Oneida Housing Authority (OHA) currently uses the one-time special per capita payment to calculate annual income resulting in significant increases of OHA tenants' rents and other payments paid to OHA which are based on annual income; and

WHEREAS, the Native American Housing Assistance and Self-Determination Act of 1996 section 4 (8) in attachment A-24 CFR part 5, Subpart F (Section 5.609) - Annual income part c) Annual income does not include the following: (9) Temporary, nonrecurring or sporadic income (including gifts); and

WHEREAS, Kevin Fitzgibbons, administrator for the Eastern/ Woodlands Office of Native American Programs, in his correspondence with an Oneida Tribal elder and OHA tenant, says "Your letter also contended accurately, that "temporary, nonrecurring or sporadic income (including Gifts) "should not be counted as annual income;" and

WHEREAS, as a result of OHA's continuing practice of collecting rents and other payments paid to OHA based on annual income and calculated at a rate which includes the one-time special per capita payment, Oneida tenants are having to endure unjust economic hardships which are detrimental to their general welfare; and

WHEREAS, the Administrative Procedures Act (APA) authorizes the Oneida Business Committee to enact legislation on an emergency basis to be in effect for the period of six (6) months, renewable for an additional six (6) months; and

WHEREAS, the Oneida Business Committee finds that continuing to require OHA tenants to pay increased rents and other payments to OHA based on the one-time special per-capita payment creates an emergency situation which requires the immediate passage of this resolution; and

WHEREAS, the emergency adoption of this resolution is necessary for the preservation of the public health, safety, or general welfare of the reservation population and that observance of the regular APA adoption requirements for passage of laws would be contrary to public interest.

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee does hereby adopt this resolution; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee directs the General Manager of the Oneida Tribe to immediately begin working with OHA to recalculate OHA tenant rents and other payments paid to OHA; and

BE IT FURTHER RESOLVED, that such recalculations shall not include the one-time \$5,000/\$10,000 special per-capita payment, and

BE IT FURTHER RESOLVED, that such recalculations shall be retro-actively applied to all past payments which were based on the one-time special per-capita payment; and

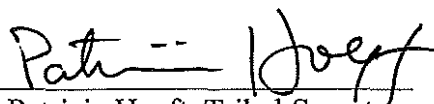
BE IT FURTHER RESOLVED, that during such recalculations, OHA tenants shall be offered any of the following options: (1) a cash rebate for any overage paid to OHA as a result of OHA's raising payments paid to OHA which were based on the one-time special per-capita payment, or (2) a credit on future payments or arrears, or (3) a combination of options (1) and (2) which are agreeable to the OHA tenant; and

BE IT FURTHER RESOLVED, that the Oneida Business Committee shall hold weekly special Oneida Business Committee meetings at 9:00 a.m., beginning on Friday, May 16, 2008 and at such meetings the General Manager of the Oneida Tribe and OHA shall provide a written and verbal progress report to the Oneida Business Committee in open-session regarding the recalculations of OHA tenant payments; and

BE IT FINALLY RESOLVED, that such weekly special meetings of the Oneida Business Committee shall continue until such time as the OBC has determined that all OHA calculations of rents and other payments based on the one-time special \$5,000/\$10,000 per capita payment have been recalculated.

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. 6 members were present at a meeting duly called, noticed and held on the 14th day of May 2008; that the foregoing resolution was duly adopted at such meeting by a vote of 3 members for; 2 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.


Patricia Hoelt, Tribal Secretary,
Oneida Business Committee

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