

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 # 8-02-00-A
*Interpretation of July 22, 2000 Special General Tribal Council Action
Regarding Per Capita Motion*

WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of the 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 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, the General Tribal Council met at a special meeting on July 22, 2000 and adopted a motion which states as follows:

Motion by Linda Danforth to reaffirm the April 17, 1999 GTC 35% per capita directive and nullify all action taken at the December 18, 1999 GTC meeting, seconded by Brad Graham; and

WHEREAS, the Chair at that meeting ruled that motion out of order as a result of interpreting the motion to approve a 35% per capita allocation; and

WHEREAS, the Oneida Business Committee has reported to the General Tribal Council in April, August and December of 1999 during Special General Tribal Council meetings that payment of a 35% per capita plan as identified at the April meeting would be out of order as a result of being unable to meet a 35% payment and not violate the restrictions identified by the amendments to the April action; and

WHEREAS, the General Tribal Council appealed the decision of the Chair regarding ruling the motion out of order; and

WHEREAS, an Appeal of the Decision of the Chair is in order only when the ruling is in regards to a decision that can have two reasonable opinions about interpretation or application; and

WHEREAS, the Oneida Business Committee has reviewed this action and has determined that the motion, if interpreted to direct a 35% payment, was out of order and the action was an illegal action of the membership as the ruling of the Chair at the July 22, 2000 meeting was clear and not subject to interpretation; and

WHEREAS, the Oneida Business Committee has also determined that the General Tribal Council adopted a motion which reaffirmed a directive made in April to present a plan to implement a 35% per capita payment which would have been an action that would have been in order on July 22, 2000; and

WHEREAS, the Oneida Business Committee continues to state that it is not possible to make a 35% per capita payment and meet the restrictions of the amendments to protect services/benefits to Tribal members and protect Tribal member's employment; and

WHEREAS, the Oneida Business Committee has thus interpreted the motion to direct that a 35% per capita plan be submitted at a meeting within 90 days as directed in April by the General Tribal Council that can be adopted that either meets the restrictions of the amendments or simply makes a payment of 35% of the net gaming revenues; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee shall call a Special General Tribal Council meeting to carry out the directives in the July 22, 2000 motion which reaffirmed and re-directed the Oneida Business Committee to present plans to approve a 35% per capita payment in 90 days, and

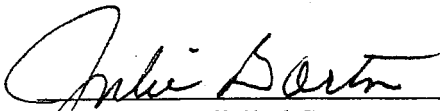
NOW THEREFORE BE IT FINALLY RESOLVED, that the Oneida Business Committee shall present two plans –

A. *A 35% Per Capita Plan Which Includes the Amendments Regarding the Tribal Member's Services/Benefits and Employment and GTC Directed Set-Asides.* This plan will identify "net gaming revenue" as gaming revenue less gaming operating expenses. The cost of services and benefits to Tribal members, cost of payroll and fringe, and cost of General Tribal Council directed set asides (education, purchase of property, debt allocations, and other similar specific budget related actions) shall be deducted from net gaming revenue prior to calculating the per capita distribution; and

B. *A 35% Per Capita Plan which Does Not Include the Restrictions in the Amendments.* This plan will identify a strict 35% per capita payment to all Tribal members and will affect services and benefits to Tribal members, employment, and General Tribal Council directed set asides (education, purchase of property, debt allocations, and other similar specific budget related actions).

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. 8 members were present at a meeting duly called, noticed and held on the 2nd day of August 2000; that the foregoing resolution was duly adopted at such meeting by a vote of 7 members for; 0 members against, and 0 members not voting; and that said resolution has not be rescinded or amended in any way,



Julie Barton, Tribal Secretary
Oneida Business Committee