

# Oneida Nation

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Oneida, WI 54155

## **BC Resolution # 08-10-16-M Conflict of Interest Policy Emergency Amendments**

- 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 Oneida Business Committee adopted the Conflict of Interest Policy through resolution BC-6-10-98-C; and
- WHEREAS,** the U.S. Department of Housing and Urban Development (HUD) conducted an on-site monitoring review of the Oneida Housing Authority in December 2015 and provided a monitoring report to the Tribal Chairperson on June 21, 2016; and
- WHEREAS,** HUD found that the Nation's Conflict of Interest Policy was not in compliance with 2 CFR Section 200.318(C)(1) in that the Policy does not include the requirement that no employee, officer or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest; and
- WHEREAS,** to address this finding, HUD's monitoring report required the Oneida Nation to provide the Eastern/Woodlands Office of Native American Programs (E/WONAP) with an updated Conflict of Interest Policy which states no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest within ninety (90) days after receipt of the Monitoring Report; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** emergency amendments to the Conflict of Interest Policy are necessary in order to comply with HUD's requirements in the allotted timeframe and directly affect the preservation of the public health, safety, or general welfare of the reservation population; and
- WHEREAS,** observance of the adoption requirements under the Legislative Procedures Act for passage of laws and policies would be contrary to public interest; and

**NOW THEREFORE BE IT RESOLVED**, that the following amendments are hereby adopted on an emergency basis for six (6) months, and shall take effect immediately:

**Article III. Definitions**

3-2. "Conflict of interest" shall mean any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which a elected official, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate relatives, friends or associates, or any other person with whom they have contact, have that conflicts with any right of the Oneida Tribe to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Oneida Tribe. In addition, conflict of interest also means any financial or familial interest an elected official, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate relatives may have in any transaction between the Oneida Tribe and an outside party.

**Article V. Penalties for Non-Disclosure of a Conflict of Interest**

**Article VI. Prohibited activities resulting from a Conflict of Interest**

6-1. When a conflict of interest exists, no employee, officer or agent may participate in:  
a. the selection, award, or administration of a contract supported by a Federal award; and/or  
b. any other prohibited activities identified in any other law, policy or rule of the Oneida Nation.

6-2. In the event arrangements are made to alleviate or mitigate the conflict of interest, it may become permissible for a party to participate under 6-1.b. at the discretion of the division director and to the extent permitted any applicable law, policy or rule, however, in all circumstances, such parties remain prohibited from participating under 6-1.a.

**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 10<sup>th</sup> day of August, 2016; that the forgoing resolution was duly adopted at such meeting by a vote of 4 members for, 1 members against, and 1 members not voting; and that said resolution has not been rescinded or amended in any way.

  
Lisa Summers, Tribal Secretary  
Oneida Business Committee

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