



Oneida Nation  
Oneida Business Committee  
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[oneida-nsn.gov](http://oneida-nsn.gov)



June 29, 2018

**1. What is the effect of the meeting within 120 days of receiving a petition motion on this?**

We have scheduled and provided notice of meetings for all valid petitions. When the petition is determined to be invalid, this motion is inapplicable. Since we determined that the petition was invalid, this petition is not subject to the 120-day rule.

**2. What is the effect of the prohibition of canceling GTC meetings?**

A meeting was not canceled; the tentative meeting date was not needed for a petition that was determined to be invalid. Members had not been notified in accordance with the Ten Day Notice Policy and no meeting had been called. We intend to comply with this rule for all valid petitions.

**3. Have petitions in the past been denied?**

Yes, prior administrations declared petitions invalid after much deliberation in cases where it was clear that the petition violated the Constitution and laws of the Nation. Examples include petitions regarding the Oneida Housing Authority actions, petitions regarding the Gaming General Manager and all personnel issues, and a petition regarding "America's Dream."

**4. Why hasn't the Oneida Business Committee said anything until now?**

We just received the information to formulate a response to this petition. We know the petition is invalid. We encourage members to read that information as we have and realize why we could not bring this forward.

**5. What is the feasibility of getting a \$5,000 per capita payment sent out in 45 days?**

There are several reasons why this is not possible, and the legislative, legal and financial analyses support this.

- a. We do not have available funds to make this type of payment in 45 days without laying off employees, closing programs and divesting tribal assets such as buildings and land. Even then, we could not meet the 45-day timeline.
- b. Payment of a per capita requires development of a Revenue Allocation Plan and approval of that plan by the federal government which has up to 60 days to review and **approve or deny**. Only if the plan is approved can we distribute a per capita payment.

**6. Is the decision to not bring the petition forward to the GTC constitutional?**

Yes, per our oath of office and the Oneida Constitution, the Oneida Business Committee knows this is within the authorities outlined and is our delegated responsibility as an elected official.

**7. What has the Oneida Business Committee done to analyze this request?**

This petition was treated as every petition is and is sent through the system of analyzation by the Legislative Reference Office, the Oneida Law Office and the office of the Chief Financial Officer.

**8. Will an increased per capita payment ever be possible in the future for our membership or will it always be shut down?**

The Oneida Business Committee brought a per capita increase to the GTC in 2016 which was approved for a five-year period, until 2021. We will bring a proposal forward for a new per capita payment for 2022 based on the financial ability of the Nation prior to the end of the current per capita. It is possible that the Nation has created sustainable programming and businesses and has identified new business opportunities that will support greater per capita payments in the future. The basic fact is that we have over 17,000 members, we cannot simply increase per capita payments without jeopardizing the Nation's ability to operate the programs and services provided to members, employees, and maintain our financial commitments.

**9. Was this a unanimous decision by all of the Business Committee members?**

Yes, there were literally hours of discussion to come to a consensus once the legislative, legal and financial analyses had been received. The OBC carefully and thoroughly reviewed the opinion from the Law Office and the Chief Financial Officer before we made a decision.

**10. What if we stop GTC stipends? If we do that then can we have a \$5,000 per capita?**

That has not been analyzed. In the past there have been attempts to eliminate the GTC stipend, they have been overwhelmingly rejected.

**11. How can you justify this is not another scare tactic to dissuade voters?**

This decision was made by directing an analysis of the current fiscal situation and the potential impact of making a payment. The funds must be identified, and it must be determined how it would be administered. There are federal and tribal regulations that dictate how per capita distributions must occur if they are to come from gaming revenues. The federal law also states how gaming revenues are to be allocated.

**12. So, does that mean we can never change the current per capita distribution?**

No, that's not true, the current amount can be changed if we follow our laws and properly plan and prioritize. The Per Capita law is available online for those who wish to see how it works. Members are encouraged to review materials sent for prior GTC meetings regarding per capita petitions that are available on-line at [Oneida-nsn.gov](http://Oneida-nsn.gov) on the Member's Only page.

**13. Why is the OBC always so opposed to large per capita payments, it was done once with no problems, why do you keep fighting it?**

The last time a large payment was made it was made from a savings fund that had been accumulated over several decades. It was a contingency fund that was established to help the Oneida Nation continue providing services in the event we would experience financial setbacks due to a national recession or devastation to our gaming operations. When that payment was executed there were long term effects, over 1,000 jobs were eliminated, employees did not receive raises for several years. An initiative to build replacement homes for elders and home repair was discontinued, capital improvements

were delayed and when they were delayed for years, the cost increased with inflation. There was a great impact; it still has an impact, financially and socially.

**14. Why doesn't the OBC do something to plan for the future to increase in per capita payments, don't you realize there's always going to be some interest in an increased payment?**

The OBC and the GTC did have the foresight to plan for the future. Ten years ago, the GTC passed Resolution # GTC-05-10-08-A which directed the establishment of a per capita endowment fund from which the "capital" would never be diminished in accordance with our Per Capita Law. Building these types of trust funds require proper planning and time to create and set aside funds protected for a specific purpose.

**15. Since this petition has been denied, what are you going to do about those who were counting on this payment to help them out financially, we still have a lot of unmet needs in our community that seem to be ignored.**

The OBC is concerned with that same issue and we are always thoughtful of the needs of our community and how we can better provide resources to help our community. This petition does not bring this to our attention; we have been working toward identifying greater information and awareness of these needs in order to improve the availability of services. We will be directing the Governmental Services Division to identify the programs and services more specifically and bring it back to the July 11<sup>th</sup> OBC meeting so the Treasurer can identify funds to assist those needs or to direct GSD to amend program SOPS to allow increased eligibility and greater participation.

**16. Do you expect you may be removed for your decision to deny this petition?**

We anticipate there will be attempts to challenge our decision in our Judiciary; we can't contemplate whether or not removal attempts will be instigated. We are unanimous in our decision and know we have acted in the best interest of the Oneida Nation and those who elected us. We have a responsibility to examine issues using all the best resources available to us, we have met that responsibility and we have upheld the laws and regulations of the Oneida Nation to the best of our ability. And finally, our oath requires us to protect the people, land, resources and treaty rights of the Oneida Nation and we have done just that.

**17. What gives the Oneida Business Committee the authority to deny the petition? We the GTC are the supreme power of the Nation.**

This petition is in violation of the Oneida Constitution, laws of the Oneida Nation, and the Indian Gaming Regulatory Act and related regulations and ordinances. The fiduciary responsibility of the Oneida Business Committee is to protect the people, land, resources and treaty rights and our decision is founded in the Oneida Constitution, Article III, Section 6 and the delegated authorities that govern the Oneida Business Committee. We have made this decision with much deliberation and we do anticipate we will receive a lot of support, concerns and questions about our actions, but with all under our oath of office and with the best intentions and serious consideration for our responsibility to the welfare of our entire nation, we stand firm on our decision. As the Supreme Power of the Nation, the GTC must also follow the laws and the constitution as the law of our nation.

**18. Why now, why not prior petitions like this?**

Because we have listened to the GTC talk about using their time wisely. Because we have heard GTC ask why some petitions were brought if they could not be acted upon. Because this petition, unlike other petitions, truly has no method by which the financial requirement or timeline requirement could be met, and this was information members already have available from prior meetings. Some quite recently. Because, we have a responsibility to do so, all of us and failing to declare the petition invalid would violate our responsibility to the members and the Nation and we would expect that any member elected to this office would make the same decision after receiving all the information and based on the vision and values of the Oneida Nation.