

# Oneida Nation

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Oneida, WI 54155

## BC Resolution # 08-10-22-D

### Obligation for Oneida Nation Home Infrastructure Program Utilizing Tribal Contribution Savings

- 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 BC Resolution # 07-13-22-P which obligated funds to the Oneida Home Infrastructure Program; and
- WHEREAS,** the Oneida Nation Home Infrastructure Program will pay the cost of connecting enrolled members of the Oneida Nation who reside on the Reservation to natural gas when the service is located on their roadway but is not run to their house, pay the cost for enrolled members of the Oneida Nation who live on the Reservation, relying on a well for water, to purchase and have installed water softeners and/or water purification systems, and pay the cost for connecting enrolled members of the Oneida Nation who live on the Reservation to internet when the service is located on their roadway, and pay the cost to buy out enrolled members of the Oneida Nation who live on the Reservation out of their expensive contracts for internet service, propane gas service and water filtration rental contracts so that the above services can be implemented and completed; and
- WHEREAS,** the Oneida Nation Home Infrastructure Program is available to eligible enrolled members of the Oneida Nation who reside on the Reservation, are at least 18 years of age, and are listed as the home owner; and
- WHEREAS,** this project will be concluded by December 31, 2023; and
- WHEREAS,** the Oneida Business Committee herein approves the creation of the Oneida Nation Home Infrastructure Program for the aforementioned purposes and in accordance with the Oneida General Welfare Law, 10 O.C. 1001 *et seq.*; and
- WHEREAS,** the Oneida General Welfare law was adopted by the Oneida Business Committee through BC Resolution # 12-08-21-A for the purpose of governing how the Nation provides assistance to eligible members, on a non-taxable basis, through approved programs that promote the general welfare of the Nation pursuant to the principles of the General Welfare Exclusion; and

*Establishment and Purpose*

**NOW THEREFORE BE IT RESOLVED**, the Oneida Business Committee hereby adopts and establishes the Oneida Nation Home Infrastructure Program as an approved program of the Nation in accordance with the Oneida General Welfare law.

**BE IT FURTHER RESOLVED**, the purpose of the Oneida Nation Home Infrastructure Program is to provide financial assistance to members of the Nation to aid them with improvement and modernization of their homes by connecting them to critical services such as water, gas, and affordable high-speed internet.

*Eligibility for Assistance*

**BE IT FURTHER RESOLVED**, any enrolled member of the Nation who is at least eighteen (18) years of age, lives within the Oneida Nation Reservation, and listed as the homeowner of the home within the Oneida Nation Reservation shall be eligible for assistance from the Oneida Nation Home Infrastructure Program.

*Funding Source*

**BE IT FURTHER RESOLVED**, the Oneida Nation Home Infrastructure Program shall be funded by three million dollars (\$3,000,000.00) Tribal Contribution Savings, Housing, as obligated in BC Resolution # 07-13-22-P.

*Qualifications for General Welfare Exclusion*

**BE IT FURTHER RESOLVED**, the Oneida Nation Home Infrastructure Program meets the requirements of the General Test as defined in the Oneida General Welfare law; General Criteria as defined in I.R.S. Rev. Proc. 2014-35, section 5; and the requirements of the Tribal General Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b). The assistance provided through the Oneida Nation Home Infrastructure Program is:

- paid on behalf of the Nation;
- pursuant to an approved program of the Nation;
- does not discriminate in favor of members of the governing body of the Nation;
- available to any eligible member of the Nation who meets the guidelines of the approved program;
- provided for the promotion of general welfare;
- not lavish or extravagant;
- not compensation for services; and
- not a per capita payment.

*Distribution of Funds*

**BE IT FURTHER RESOLVED**, Oneida Business Committee assigns Mark W. Powless, General Manager, as the Project Owner and shall be responsible, or delegation thereof, for the distribution of funds for the Oneida Nation Home Infrastructure Program.

- The General Manager shall develop the process and procedures under which the Oneida Nation Home Infrastructure Program shall operate including, but not limited to:
  - Standards for the paperwork, bids, or receipts that shall be submitted by the eligible tribal members seeking reimbursement or prepayment for the work that has been or will be done pursuant to the Oneida Nation Home Infrastructure Program; and
  - Development of an application, if any, for the funds for the improvement and modernization of the home; and
  - maximum amounts, if any, to be paid to eligible tribal members under this program; and
  - descriptions or definitions of projects eligible for payment or reimbursement under the Oneida Nation Home Infrastructure Program.
- The General Manager shall oversee the collection, review, and permitted distribution of funds from the Oneida Nation Home Infrastructure Program to qualifying recipients.
- The General Manager shall be responsible for maintenance of records for the Oneida Nation Home Infrastructure Program. The recipient shall retain receipts for the expenditure of the funds associated with the Oneida Nation Home Infrastructure Program.

*Term of Program*

**BE IT FURTHER RESOLVED**, that the Oneida Nation Home Infrastructure Program shall begin no later than August 29, 2022, and end on December 31, 2023, or when the allocated funding has been fully expended.

**BE IT FINALLY RESOLVED**, the Oneida Business Committee rescinds BC Resolution # 07-13-22-P.

**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; 5 members were present at a meeting duly called, noticed and held on the 10<sup>th</sup> day of August, 2022; that the forgoing resolution was duly adopted at such meeting by a vote of 4 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
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Lisa Liggins, Secretary  
Oneida Business Committee

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