

Oneida Nation

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Oneida, WI 54155

BC Resolution # 05-11-22-B Amendments to the Budget Management and Control Law

- 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 Budget Management and Control law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-02-08-17-C, and most recently amended on an emergency basis through resolutions BC-11-24-20-E, BC-05-12-21-C, and BC-11-10-21-B; and
- WHEREAS,** the Law sets forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation’s budget; and
- WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, which was subsequently extended by the Oneida Business Committee until May 23, 2022, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, and BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F, BC-01-12-22-B, and BC-03-23-22-A; and
- WHEREAS,** the COVID-19 pandemic interrupted many processes and procedures of the Nation, including the development of the Nation’s Fiscal Year 2021 and Fiscal Year 2022 budgets; and
- WHEREAS,** emergency amendments to the Law were adopted through resolution BC-11-24-20-E to address the adoption of the Nation’s budget during the COVID-19 Public Health State of Emergency by allowing the Oneida Business Committee to adopt the Nation’s budget if the Nation proclaims an emergency, in accordance with the Emergency Management law, which prevents presentation and adoption of the budget by the General Tribal Council; and

- WHEREAS,** additional emergency amendments were adopted through resolution BC-05-12-21-C and subsequently extended by resolution BC-11-10-21-B to address the Nation's non-compliance with the budget development process and deadlines contained in the Law by removing the details of the budget process, requirements, and deadlines from the Law, and instead providing that the Treasurer shall develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process, to be reviewed and approved by the Oneida Business Committee; and
- WHEREAS,** the emergency amendments to the Law are set to expire on May 12, 2022; and
- WHEREAS,** the Legislative Operating Committee has developed permanent amendments to the Law for consideration by the Oneida Business Committee; and
- WHEREAS,** the amendments to the Law revise the name of the Law from the Budget Management and Control law to the Budget and Finance law; and
- WHEREAS,** the amendments to the Law expand the purpose and policy of this Law to address other financial policies and procedures for the Nation beyond just the budget process; and
- WHEREAS,** the amendments to the Law eliminate the strategic planning provisions from this Law, instead providing simply that the Oneida Business Committee should develop and adopt a strategic plan, broad goals, or priorities for the Nation that the budget shall reflect; and
- WHEREAS,** the amendments to the Law clarify the authority and responsibilities of those individuals who play a part in the Nation's budget process; and
- WHEREAS,** the amendments to the Law simplify the budget process and procedure contained in the Law to improve the Nation's compliance with the Law and provide more flexibility to adjust the budget development and adoption procedure to meet the Nation's current circumstances; and
- WHEREAS,** the amendments to the Law include new provisions which address unbudgeted expenditures, obligated future expenditures, capital contributions, grants, debt, employment and labor allocations, and unbudgeted positions; and
- WHEREAS,** in the development of these amendments the Legislative Operating Committee collaborated with and used input from the Treasurer, Chief Financial Officer, Assistant Chief Financial Officer, Budget Analyst; and Strategic Planner; and
- WHEREAS,** in accordance with the Legislative Procedures Act, a legislative analysis and fiscal impact statement were completed for the amendments to the Law; and
- WHEREAS,** a public meeting on the proposed amendments to this Law was not held in accordance with the Legislative Procedures Act due to the COVID-19 pandemic; and
- WHEREAS,** on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a *Suspension of Public Meetings under the Legislative Procedures Act* declaration which suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period; and

WHEREAS, on December 8, 2021, the Oneida Business Committee adopted resolution BC-12-08-21-B, *Updating Public Gathering Guidelines During Public Health State of Emergency - COVID-19*, which superseded Oneida Business Committee resolution BC-08-13-21-A, *Setting Public Gathering Guidelines During Public Health State of Emergency - COVID-19*, and provided updated guidelines on holding meetings both indoors and outdoors; and

WHEREAS, at the time the public comment period was scheduled by the Legislative Operating Committee for the proposed amendments to the Law the Nation did not yet meet the criteria for holding an indoor public meeting as required by resolution BC-12-08-21-B; and

WHEREAS, although an in-person public meeting was not held for the proposed amendments to this Law, the public comment period for the submission of written comments regarding the proposed amendments to this Law was held open until February 2, 2022, in accordance with the Legislative Procedures Act as modified by the COVID-19 Core Decision Making Team's *Suspension of Public Meetings under the Legislative Procedures Act* declaration; and

WHEREAS, the Legislative Operating Committee reviewed and considered all public comments received on February 16, 2022; and

NOW THEREFORE BE IT RESOLVED, that the amendments to the Budget Management and Control law are hereby adopted and shall be effective on May 12, 2022.

Budget Schedule and Guidelines Deadline

BE IT FURTHER RESOLVED, in accordance with the requirement provided in section 121.5-4(3) of the Law that the Oneida Business Committee set a deadline through the adoption of a resolution for when the Treasurer shall submit their budget guidelines to the Oneida Business Committee for review and approval, the Oneida Business Committee hereby sets a deadline of June 1, 2022.

Deadline for the Development of the Procurement Rule Handbook

BE IT FURTHER RESOLVED, in accordance with section 121.6-2 of the Law, which delegates rulemaking authority in accordance with the Administrative Rulemaking law to the Purchasing Department to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation, the Oneida Business Committee hereby sets a deadline of September 30, 2022, for the Purchasing Department to submit the Procurement Rule Handbook to the Legislative Operating Committee for certification in accordance with the Administrative Rulemaking law.

Notification of Unbudgeted Expenditures to the General Tribal Council

BE IT FURTHER RESOLVED, in accordance with section 121.6-4(b) of the Law, which provides that the Oneida Business Committee shall set through resolution a threshold amount for unbudgeted expenditures that require notification by the Oneida Business Committee to the General Tribal Council at the next available General Tribal Council meeting, the Oneida Business Committee hereby reaffirms resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements*, which requires that expenditures for items and specific projects which were not identified in the approved budget and total two hundred and fifty thousand dollars (\$250,000) or more, shall be formally noticed to the General Tribal Council at the next available General Tribal Council regular or special meeting.

Employment Cap and Labor Allocations List

BE IT FURTHER RESOLVED, in accordance with section 121.9-1 of the Law, which requires that the Treasurer and Chief Financial Officer identify a maximum number of full-time equivalent (FTE) employees to be employed by the Nation, to be approved through the adoption of a resolution by the Oneida Business Committee, the Oneida Business Committee directs that the employment cap be developed and included in the Budget Schedule and Guidelines resolution to be brought before the Oneida Business Committee for consideration by June 1, 2022.

BE IT FURTHER RESOLVED, in accordance with section 121.9-2 of the Law, which requires that the Treasurer, Chief Financial Officer, Executive Managers, and the Executive Human Resources Director utilize the Nation's employment cap to develop a labor allocations list, to be approved through the adoption of a resolution by the Oneida Business Committee, the Oneida Business Committee hereby directs that the labor allocations list resolution be developed and brought before the Oneida Business Committee for consideration within thirty (30) days of the approval of the employment cap.

BE IT FURTHER RESOLVED, in accordance with section 121.9-2(b) of the Law, which requires that the Treasurer, Chief Financial Officer, Executive Managers, and Executive Human Resources Director develop a standard operating procedure which identifies a process for the consideration of requests to revise the labor allocations list, to be approved through the adoption of a resolution by the Oneida Business Committee, the Oneida Business Committee hereby directs that the standard operating procedure be developed and brought before the Oneida Business Committee for consideration by June 1, 2022.

Budget Contingency Planning

BE IT FURTHER RESOLVED, in accordance with section 121.10-1 of the Law, which requires that the Oneida Business Committee work with the Chief Financial Officer, Executive Managers, and managers to create a budget contingency plan, to be approved through the adoption of a resolution by the Oneida Business Committee, the Oneida Business Committee hereby directs that guidelines for the contents of the budget contingency plan shall be issued by Finance by November 1, 2022, with the final budget contingency to be brought forward to the Oneida Business Committee for consideration by April 1, 2023.

BE IT FURTHER RESOLVED, in accordance with section 121.10-4(b) of the Law, which requires that the Treasurer, in consultation with the Chief Financial Officer, establish the percentage of the annual budget that shall be set aside in the Permanent Executive Contingency Fund account until the established level has been achieved, to be approved through the adoption of a resolution by the Oneida Business Committee, it is hereby established that a minimum of one percent (1%) of the annual budget shall be set aside in the Permanent Executive Contingency Fund account until a minimum reserve of one (1) year of operating expenses can be established.

One Year Review of the Budget and Finances Law

BE IT FINALLY RESOLVED, the Legislative Reference Office shall collaborate with the Nation's Treasurer and Chief Financial Officer to conduct a one (1) year review of the Budget and Finances law and provide the Oneida Business Committee a report on the use and implementation of the Law.

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 11th day of May, 2022; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



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."