

# Oneida Nation

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Oneida, WI 54155

## BC Resolution # 04-03-25-A

### Withholding Pay - Oneida Business Committee Council Member - Marlon Skenandore

- 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,** members of the Oneida Business Committee are elected to office by the members for three (3) year terms in accordance with the Constitution and the Election Law; and
- WHEREAS,** the General Tribal Council has adopted three (3) actions which provide direction regarding the expectations of members of the Oneida Business Committee –
- Position Descriptions setting responsibilities and expectations;
  - Salary identifying compensation for carrying out responsibilities and expectations;
  - Removal Law identifying how members can address issues of failure to meet the responsibilities and expectations; and
- WHEREAS,** the position description for a Council Member identifies that they “must at all times act in the best interests of the Oneida [Nation],” *Position Description (1)*, and are required “to keep themselves informed on the department’s problems and progress,” *Position Description (3)*; and
- WHEREAS,** pursuant to Article III, Section 3 of the Tribal Constitution which provides that “Regular meetings of the Business Committee may be established by resolution of the Business Committee”, the Oneida Business Committee has adopted resolutions which set forth the regular meeting and executive session discussion schedule for the Oneida Business Committee at which each member is required to be present unless on approved travel, at an approved meeting, or an pre-approved time off, *Resolution # BC-11-13-24-K, Setting the Oneida Business Committee Regular Meeting and Executive Session Discussion Schedule*; and
- WHEREAS,** pursuant to Section 117.6. of the Oneida Business Committee Meetings law which provides that the annual schedule for regular meetings of the Oneida Business Committee be presented by the Secretary for approval by the Oneida Business Committee, *OBC November 13, 2024, meeting minutes, p. 12*; and
- WHEREAS,** the Oneida Business Committee has adopted schedules each year for Work Sessions, Nation Building Schedules among other regular activities, *OBC November 13, 2024, meeting minutes, p. 12*; and

- WHEREAS,** Council Member Marlon Skenandore failed to be present at the Executive Session discussion on March 25<sup>th</sup> and the Regular Session meeting on March 26<sup>th</sup> without notifying the Oneida Business Committee of his absence; and
- WHEREAS,** Council Member Marlon Skenandore failed to be present at the work session on April 3<sup>rd</sup> without notifying the Oneida Business Committee of his absence: and
- WHEREAS,** the Legislative Procedures Act creates a Legislative Operating Committee and delegates duties and responsibilities to that entity which is made up of Council Members of the Oneida Business Committee, *Legislative Operating Committee, 1 O.C. 109.4*; and
- WHEREAS,** the Legislative Operating Committee has adopted meeting schedules as well as schedules for Public Meetings to receive public comment on proposed legislation, community meetings to receive input from members on subjects, work sessions to go over proposed legislation with legal counsel, community work sessions to discuss specific issues on legislation, among other meetings related to their duties under the Legislative Procedures Act; and
- WHEREAS,** Council Member Marlon Skenandore failed to be present at the March 19<sup>th</sup> Legislative Operating Committee meeting resulting in canceling that meeting because of a lack of quorum caused by his unexcused absence; and
- WHEREAS,** Council Member Marlon Skenandore failed to be present at the April 2<sup>nd</sup> Legislative Operating Committee meeting without providing notice of his absence; and
- WHEREAS,** Council Member Marlon Skenandore failed to be present at a work session of the Legislative Operating Committee on March 25, 2025, regarding the draft Short Term Rental Law; and
- WHEREAS,** Council Member Marlon Skenandore has failed to be present at community meetings of the Legislative Operating Committee on March 19, 2025, regarding the Elder Protection Law, the Hunting, Fishing, and Trapping Law Amendments, and the Indian Preference in Contracting Law Amendments; and
- WHEREAS,** the Chairman, Vice Chairman, and Legislative Operating Committee Chairman have contacted Council Member Marlon Skenandore to identify when he will be returning to his duties and have not received a specified date of return; and
- WHEREAS,** Council Member Marlon Skenandore has not requested a medical leave of absence and has no accrued time available to cover his time out of the office; and
- WHEREAS,** the Oneida Business Committee has agreed to utilizing the opportunity of meeting and discussion, listening to others and expressing one's own viewpoints as a method of coming to one-mind regarding decision-making and failure to participate in this process as an elected official leaves a voice out of the decision-making process and those ideas or concerns that are an integral part of coming to agreement on an action; and
- WHEREAS,** the Oneida Business Committee has determined that the General Tribal Council did not intend to provide a salary for Oneida Business Committee members who fail to be present at meetings, work sessions, Legislative Operating Committee meetings, work meetings and community meetings; and


**WHEREAS,** the Oneida Business Committee determined that some action must be taken as elected officials to uphold their responsibilities to the Nation; and

**WHEREAS,** Council Member Marlon Skenandore has notified the Oneida Business Committee by e-mail on April 3, 2025, that he agrees with the proposed action of the Oneida Business Committee and that he has not earned the salary for pay periods ending March 29<sup>th</sup> and April 5<sup>th</sup>; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee directs that the salary of Council Member Marlon Skenandore shall be withheld for the pay period ending March 29, 2025, and for pay period ending April 5, 2025, as he failed to meet his duties and responsibilities as an elected member of the Oneida Business Committee.

#### 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 3rd day of April 2025; that the forgoing 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 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."