

ONEIDA NATION PUBLIC MEETING NOTICE

THURSDAY, FEBRUARY 12, 2026, 12:15 pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at
[Oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings)



Send Public Comments to

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417

BUDGET AND FINANCES LAW AMENDMENTS

The purpose of the Budget and Finances law is to set forth the requirements to be followed by the Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and to establish financial policies and procedures for the Nation.

The Budget and Finances law amendments will:

- ♦ Clarify the responsibilities of the Oneida Business Committee, Treasurer, Chief Financial Officer, Executive Managers, and Fund Units.
- ♦ Clarify steps of the budget adoption process—such as deadlines for budget guidelines, and proposed budget compilations.
- ♦ Address what information is required to be provided for in the Nation's budget.
- ♦ Eliminate provisions of the law regarding unexpended capital expenditure funds and capital improvement project funds.
- ♦ Add a threshold for when unbudgeted expenditures require approval by the Oneida Business Committee.
- ♦ Combine the Permanent Executive Contingency Fund Account and the Grant Reserve Fund Account into one Fund Account to be named the Financial Sovereignty Fund.
- ♦ And make other drafting changes to the law.

Individuals may attend the public meeting for the proposed Budget and Finances law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSSES THURSDAY, FEBRUARY 19, 2026

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



For more information on the proposed Budget and Finances law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings).



BUDGET AND FINANCES LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> Amend the definitions for capital expenditures, capital improvements, and enterprise. [1 O.C.121.3-1]; Remove the requirement that the Oneida Business Committee develop priorities, a strategic plan, or broad goals to assist in guiding the budget. [1 O.C.121.4-1]; Remove the requirement that the Chief Financial Officer ensure the Nation's budget is properly implemented, and instead require that the Chief Financial Officer report to the Oneida Business Committee and/or Executive Managers any expenditures that do not follow budget guidelines or conform to the budget. [1 O.C.121.4-3(a)]; Require that the Chief Financial Officer assist with the submission and presentation of the Treasurer's report to the Oneida Business Committee, which shall specifically include any monthly variances that are one hundred thousand dollars (\$100,000) or more in total instead of a difference of three percent (3%) or more from the adopted annual budget or fifty thousand dollars (\$50,000) or more in total. [1 O.C.121.4-3(c)]; Require the Chief Financial Officer to inform the Oneida Business Committee of any Executive Managers and/or fund unit which does not follow the budget development process guidelines or deadlines as set forth by the Treasurer. [1 O.C.121.4-3(f)]; Require managers to report to the CFO and their relevant Executive Manager explanations and corrective actions for any monthly variance that is one hundred thousand dollars (\$100,000) or more in total instead of a difference of three percent (3%) or more from the adopted annual budget or fifty thousand dollars (\$50,000) or more in total. [1 O.C.121.4-4(b)]; Eliminate that the contents of the budget include a description of each line item within each fund unit's budget, the estimated expenditures by each fund unit, and a summary of employment position counts including prior year, current year, and budgeted year. [1 O.C.121.5-2]; Rename the Permanent Executive Contingency Fund Account the Financial Sovereignty Fund. [1 O.C.121.5-3(b)]; Eliminate the Grant Reserve Fund Account, instead including sustaining grant operations in the purpose of the Financial Sovereignty Fund. [1 O.C.121.5-3(b)-(c)]; Require that the Treasurer submit the budget guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution no later than March 1st of each calendar year. [1 O.C.121.5-4(a)]; Provide that it is the Chief Financial Officer, and not the Treasurer, that is responsible for receiving, reviewing, and compiling the proposed

	<p>budgets from all the fund units into the Nation’s draft budget. <i>[1 O.C.121.5-4(b)]</i>;</p> <ul style="list-style-type: none"> ▪ Eliminate the section of the law that addressed fees and charges. <i>[previously 1 O.C. 121.6-3]</i>; ▪ Add a threshold of two hundred and fifty thousand dollars (\$250,000) or more for when a fund unit has to seek approval by the Oneida Business Committee, and a fiscal analysis by the Chief Financial Officer for any unbudgeted expenditure. <i>[1 O.C. 121.6-3]</i>; ▪ Clarify that for unexpended capital improvement funds they do not carry over to the next fiscal year budget, but instead carry over at the end of each fiscal year and remain available for use. <i>[1 O.C. 121.6-5]</i>; ▪ Eliminate the section on unexpended capital expenditure funds. <i>[previously 1 O.C. 121.6-4(b)]</i>; ▪ Eliminate the provisions of the Law governing capital improvements. <i>[previously 1 O.C. 121.6-9]</i>; ▪ Eliminate provisions of the Law governing how grant fund can be utilized, exhaustion of non-tribal funds, grant reporting, and the Grant Reserve Fund Account. <i>[previously 1 O.C. 121.7-1(b)-121.7-4]</i>; ▪ Require that prior to the acquisition of any debt, the Nation shall obtain an amortization schedule for the repayment of the debt. <i>[1 O.C. 121.8-2(b)]</i>; ▪ Eliminate the provisions which provides that employment positions that are fully funded through grants shall not be included in the employment cap. <i>[previously 1 O.C. 121.9-1(a)]</i>; ▪ Allow the budget contingency plan to respond to or prepare for potential extreme financial distress. <i>[1 O.C. 121.10-1]</i>; ▪ Clarify that when the Chief Financial Officer, not the Oneida Business Committee, determines that the Nation is under extreme financial distress, or may face extreme financial distress in the near future, the CFO shall inform the Oneida Business Committee, and the Oneida Business Committee shall be responsible for implementing the budget contingency plan. <i>[1 O.C. 121.10-3]</i>; and ▪ Make other minor drafting changes.
Purpose	The purpose of this law is to set forth the requirements to be followed by the Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and to establish financial policies and procedures for the Nation. <i>[1 O.C. 121.1-1]</i> .
Affected Entities	Oneida Nation Community, General Tribal Council, Oneida Business Committee, Chief Financial Officer, Executive Managers, employees of the Nation
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

A. Background. The Budget and Finances law (“the Law”), formerly known as the Budget Management and Control law, was first adopted by the Oneida Business Committee on February 8, 2017, through the adoption of resolution BC-02-08-17-C, and most recently amended on May 11, 2022, through the adoption of resolution BC-05-11-22-B. The Law sets forth the requirements to be followed by the

Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and to establish financial policies and procedures for the Nation which: institutionalize best practices in financial management to guide decision makers in making informed decisions regarding the provision of services, implementation of business plans for enterprises, investments, and capital assets; provide a long term financial prospective and strategic intent, linking budget allocations to organizational goals, as well as providing fiscal controls and accountability for results and outcomes; identify and communicate to the membership of the Nation spending decisions for the government function, grant obligations, enterprises, membership mandates, capital expenditures, technology projects, and capital improvement projects; establish a framework for effective financial risk management; and encourage participation by the Nation's membership. [1 O.C. 121.1-1].

B. Request for Amendments. When the Budget and Finances law was last amended, resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*, included a directive that the Legislative Reference Office 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. The Legislative Reference Office and Legislative Operating Committee met with the Nation's Treasurer and Chief Financial Officer on February 7, 2024, to review and discuss how the implementation and utilization of the Budget and Finance law has fared since the most recent amendments were adopted in May of 2022. Through the discussions with the Nation's Treasurer and Chief Financial Officer it was determined that there are potential amendments to the Budget and Finances law that would be beneficial to the Nation to make. The Nation's Treasurer and Chief Financial Officer recommended that the Legislative Operating Committee consider adding the Budget and Finances law to its Active Files List for amendments to be made. This item was added to the Active Files List on March 6, 2024. Then on July 2, 2025, the Legislative Operating Committee received an additional request from the Chief Financial Officer for amendments to be made to the Budget and Finances law and accepted the request for amendments to the Budget and Finances law as information, noting the Budget and Finances law is already on the Active Files List for amendments.

SECTION 3. CONSULTATION AND OUTREACH

A. Representatives from the following departments or entities participated in the development of the amendments to the Budget and Finances law and this legislative analysis:

- Treasurer; and
- Finance Administration.

B. The following laws were reviewed in the drafting of this analysis:

- Administrative Rulemaking law;
- Oneida Personnel Policies and Procedures;
- Legislative Procedures Act;
- Internal Audit law;
- Emergency Management law;
- Furlough Law;
- Layoff Policy;
- Conflict of Interest law;
- Code of Ethics law; and

- Removal law.

SECTION 4. PROCESS

- A. The development of the proposed amendments to Budget and Finances law complies with the process set forth in the Legislative Procedures Act (LPA).
- On March 6, 2024, the Legislative Operating Committee added the Budget and Finances law to its Active Files List.
 - On July 2, 2025, the Legislative Operating Committee accepted an additional request for amendments to the Budget and Finances law as information, noting the Budget and Finances law is already on the Active Files List for amendments.
 - On October 15, 2025, the Legislative Operating Committee approved the draft of proposed amendments to the Budget and Finances law.
 - On November 5, 2025, the Legislative Operating Committee approved the updated draft and legislative analysis of the proposed amendments to the Budget and Finances law.
- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to the Computer Resources Ordinance:
- March 20, 2024: LOC work session.
 - July 21, 2025: LOC work session with Treasurer and Finance Administration.
 - August 18, 2025: LOC work session with Treasurer and Finance Administration.
 - October 3, 2025: LOC work session with Treasurer and Finance Administration.
- A. *Community Outreach Events*. In addition to the public meeting required by the Legislative Procedures Act, the LOC held the following community outreach events on this legislation:
- September 17, 2025: Legislative Operating Committee Community Meeting held in the Norbert Hill Center's cafeteria.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Definitions*. The proposed amendments to the Law revise the definitions for capital expenditures, capital improvements, and enterprise. [1 O.C.121.3-1]. Currently, the Law defines capital expenditures as any non-recurring and non-physical improvement as follows: Any item with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more; or Items purchased together where none of the items individually costs more than two thousand dollars (\$2,000), but the total purchase price for all of the items is ten thousand dollars (\$10,000) or more. [1 O.C.121.3-1(c)]. The proposed amendments to the Law revise the definition of capital expenditures to read as means any non-recurring improvement as follows: Any item with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more; or Items purchased together where the total purchase price for all of the items is ten thousand dollars (\$10,000) or more. [1 O.C.121.3-1(c)]. Currently, the Law defines capital improvement as a non-recurring expenditure for physical improvements, including costs for: acquisition of existing buildings, land, or interests in land; construction of new buildings or other structures, including additions and major alterations; acquisition of fixed equipment; landscaping; physical infrastructure; and (6) similar expenditures with a cost of five thousand dollars (\$5,000.00) or more and a useful life of one (1) year or more. [1 O.C.121.3-1(d)]. The proposed amendments to the Law revise the definition of capital improvements to read as a non-recurring expenditure for physical improvements, including costs for: acquisition of existing buildings, land, or interests in land; construction of new buildings or other structures, including additions and major alterations; demolition

of an existing building or other structures; physical infrastructure; and similar expenditures with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more. [1 O.C.121.3-1(d)]. Currently, the Law defines enterprise as any area or activity of the Nation that is engaged in for the business of profit. [1 O.C.121.3-1(h)]. The proposed amendments to the Law revise the definition of enterprise to read as any area or activity of the Nation that is engaged in for the business of profit or to break even. [1 O.C.121.3-1(h)].

- *Effect.* The proposed amendments to the above mentioned definitions ensure that the definitions included in our law are consistent with regularly accepted financial and accounting standard definitions.

B. Responsibilities of the Chief Financial Officer. The proposed amendments to the Law make some adjustments to the responsibilities of the Chief Financial Officer. Currently, the Law requires that the Chief Financial Officer ensures the Nation's budget is properly implemented. Understanding that it is not reasonable to place the proper implementation of the Nation's budget onto one position, the proposed amendments to the Law instead require that the Chief Financial Officer report to the Oneida Business Committee and/or Executive Managers any expenditures that do not follow budget guidelines or conform to the budget. [1 O.C.121.4-3(a)]. Currently, the Law requires that the Chief Financial Officer assist with the submission and presentation of the Treasurer's report to the Oneida Business Committee, which shall specifically include any monthly variances that are either: a difference of three percent (3%) or more from the adopted annual budget; or fifty thousand dollars (\$50,000) or more in total. [1 O.C.121.4-3(c)]. The proposed amendments to the Law change how monthly variances are reported in the Treasurer's report, so that it only includes monthly variances that are one hundred thousand dollars (\$100,000) or more in total instead of a difference of three percent (3%) or more from the adopted annual budget or fifty thousand dollars (\$50,000) or more in total. [1 O.C.121.4-3(c)]. The change in what monthly variances that are required to be reported better reflects the information that accounting tracks for the Nation. And finally, the current Law requires that the Chief Financial Officer inform the appropriate Executive Manager of any fund unit which does not follow the budget development process guidelines or deadlines as set forth by the Treasurer. [1 O.C.121.4-3(f)]. Understanding that it makes more sense from the information to come from the Executive Managers to the Chief Financial Officer since the Executive Managers should be already aware of the compliance status of the areas they manage, the proposed amendments to the Law now require that the Chief Financial Officer informs the Oneida Business Committee of any Executive Managers and/or fund unit which does not follow the budget development process guidelines or deadlines as set forth by the Treasurer. [1 O.C.121.4-3(f)].

- *Effect.* The proposed amendments to the Law provide greater clarity as to the responsibilities of the Chief Financial Officer so that the Law more realistically reflects the roles and responsibilities of this position.

C. Responsibilities of Managers. The proposed amendments to the Law require managers to report to the Chief Financial Officer and their relevant Executive Manager explanations and corrective actions for any monthly variance that is one hundred thousand dollars (\$100,000) or more in total instead of a difference of three percent (3%) or more from the adopted annual budget or fifty thousand dollars (\$50,000) or more in total. [1 O.C.121.4-4(b)].

- *Effect.* The proposed amendment to the Law addressing what monthly variances need to be reported by the managers better reflects the information that accounting tracks for the Nation.

- 137 **D. *Contents of the Budget.*** Currently, the Law requires that the Nation's budget include the following
138 information: estimated revenues to be received from all sources; the individual budgets of each fund
139 unit; a description of each line item within each fund unit's budget; the estimated expenditures by each
140 fund unit; and a summary of employment position counts including prior year, current year, and
141 budgeted year. [1 O.C.121.5-2]. The proposed amendments to the Law eliminate the requirement that
142 the contents of the budget include a description of each line item within each fund unit's budget, the
143 estimated expenditures by each fund unit, and a summary of employment position counts including
144 prior year, current year, and budgeted year. [1 O.C.121.5-2]. Therefore, the budget is only required to
145 include the estimated revenues to be received from all sources and the individual budgets of each fund
146 unit. *Id.*
- 147 ▪ *Effect.* The proposed amendments to the Law eliminate requirements to the contents of the budget
148 that appeared duplicative or were simply never actually complied with by the fund units of the
149 Nation.
- 150 **E. *Financial Sovereignty Fund.*** Currently, the Law provides that in addition to the General Fund, the
151 Nation's budget shall include a Permanent Executive Contingency Fund account to be used by the
152 Nation to prevent default on debt and to sustain operations during times of extreme financial distress,
153 as well as a Grant Reserve Fund, to be used by the Nation to prefund the expenditures of grants upon
154 receipt. [1 O.C.121.5-3]. The proposed amendments to the Law combine the Permanent Executive
155 Contingency Fund Account and the Grant Reserve Fund Account into one Fund Account to be named
156 the Financial Sovereignty Fund which will be used by the Nation to prevent default on debt and to
157 sustain operations and grants during times of extreme financial distress. [1 O.C.121.5-3(b)].
- 158 ▪ *Effect.* The proposed amendments to the Law simplify the accounting of our various contingency
159 fund accounts by combining them into one account. The change in title of the account better reflects
160 that its purpose is to provide financial sovereignty to the Nation in times of extreme financial
161 distress.
- 162 **F. *Budget Schedule and Guidelines.*** Currently, the Law requires that the Treasurer develop the necessary
163 guidelines, including specific timelines and deadlines, to be followed by the managers that have budget
164 responsibility in preparing and submitting proposed budgets, and that the Treasurer submit the
165 guidelines to the Oneida Business Committee for review and approval through the adoption of a
166 resolution. [1 O.C.121.5-4(a)]. The Oneida Business Committee is responsible for setting a deadline
167 through the adoption of a resolution for when the Treasurer is required to submit their budget guidelines
168 to the Oneida Business Committee for review and approval. [1 O.C.121.5-4(a)(3)]. The proposed
169 amendments to the Law require that the Treasurer submit the budget guidelines to the Oneida Business
170 Committee for review and approval through the adoption of a resolution no later than March 1st of each
171 calendar year. [1 O.C.121.5-4(a)].
- 172 ▪ *Effect.* The proposed amendments to the Law include a deadline for when the Treasurer is required
173 to submit budget guidelines to the Oneida Business Committee, instead of relaying on the Oneida
174 Business Committee to set a deadline through resolution because thus far, the Oneida Business
175 Committee has not complied with setting this deadline consistently, and the inclusion of the
176 deadline ensures consistency in how the budget is processed.
- 177 **G. *Annual Proposed Budgets.*** Currently the Law requires that the Treasurer receive, review, and compile
178 the proposed budgets from all the fund units into the Nation's draft budget, and that the Treasurer
179 present the Nation's draft budget to the Oneida Business Committee for review each year to ensure that
180 it is consistent with the Nation's strategic plan, broad goals, and budget strategy. [1 O.C.121.5-4(b)]

The proposed amendments to the Law will now require that it is the Chief Financial Officer, and not the Treasurer, that is responsible for receiving, reviewing, and compiling the proposed budgets from all the fund units into the Nation's draft budget, and that it is the Treasurer and Chief Financial Officer together that present the budget to the Oneida Business Committee. [1 O.C.121.5-4(b)].

- *Effect.* The proposed amendments to the Law better reflect the current practices and responsibilities of the Chief Financial officer and the Treasurer.

H. Fees and Charges. Currently, section 121.6-3 of the Law addresses fees and charges and provides that a program or service of the Nation funded through Tribal contribution may charge fees for their services to cover operational costs. The Law goes on to provide details on determining the full cost of a program, what fees and charges may cover, and fee waivers. The proposed amendments to the Law eliminate the entire section of the Law addressing fees and charges.

- *Effect.* The proposed amendments to the Law eliminated the provisions regarding fees and charges based on the recommendation from Finance due to the fact that a program or service of the Nation charging a fee rarely worth the amount of time it takes for the Finance Administration to process the fee. Instead of including this general provision in the Law, it was recommended that this language be removed and then Finance can work with areas to determine if charging a fee for a service makes financial sense.

I. Approval of Unbudgeted Expenditures. Currently, the Law provides that a fund unit shall not make an unbudgeted expenditure unless approval is granted by the Oneida Business Committee. [1 O.C.121.6-4]. The Law goes on to provide that the Chief Financial Officer is responsible for providing the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted expenditure. *Id.* The Oneida Business Committee shall then approve any unbudgeted expenditure through the adoption of a resolution prior to the expenditure being made by a fund unit. *Id.* The proposed amendment to the Law adds a threshold of two hundred and fifty thousand dollars (\$250,000) or more for when a fund unit has to seek approval by the Oneida Business Committee, and a fiscal analysis by the Chief Financial Officer for any unbudgeted expenditure. [1 O.C. 121.6-3].

- *Effect.* The proposed amendments to the Law add the threshold for when a fund unit has to seek approval by the Oneida Business Committee, and a fiscal analysis by the Chief Financial Officer for any unbudgeted expenditure in order to provide better clarity and consistently.

J. Unexpended Capital Expenditure Funds. Currently, 121.6-6(b) of the Law provides that the Treasurer shall ensure that all unexpended capital expenditure funds are reallocated to the fiscal year budget two (2) years out from the fiscal year in which the funds were unexpended, and that such unexpended funds shall be returned to the General Fund. The proposed amendments to the Law eliminate this provision from the Law.

- *Effect.* The provision regarding how to handle unexpended capital expenditure funds was eliminated from the Law based on the recommendation from the Finance Administration due to the fact that this better reflected information that would be included in a standard operating procedure or other internal policy.

K. Capital Improvements. Currently, section 121.6-9 of the Law addresses capital improvements for both government services and enterprises. For government service, the Oneida Business Committee is responsible for developing, and the General Tribal Council approving, a capital improvement plan which covers a period of five (5) to ten (10) years and includes any risks and liabilities. The capital improvement plan for government services is required to be reassessed once every five (5) years, and the Oneida Business Committee is required to provide a status report and recommendation for any

improvements that have not been completed or that have been modified at the time of the reassessment. For enterprises, capital improvement plans may be brought forward as needed, provided that the Oneida Business Committee is required to approve all capital improvement plans for enterprises. Capital improvement plans for government services and enterprises shall be implemented, contingent on available funding capacity. The proposed amendments to the Law eliminate section 121.6-9 of the Law which addresses capital improvements for both government services and enterprises.

- *Effect.* The decision for the proposed amendments to the Law to eliminate the provisions regarding capital improvements was based on discussion regarding the fact that overall, the capital improvement process needs to be reviewed, revised, and flushed out in greater detail. The work group determined that the Budget and Finances law may not be the appropriate place for an expanded capital improvement process to exist, and it may need to be its own law or its own internal policy or standard operating procedure.

L. Grants. Section 121.7 of the Law currently provides information on grants such as how grant funding can be expended and utilized, the exhaustion of non-tribal funds, grant reporting, and the Grant Reserve Fund Account, and grant funded positions. The proposed amendments to the Law eliminate the provisions of the Law governing how grant fund can be utilized, exhaustion of non-tribal funds, grant reporting, and the Grant Reserve Fund Account. [*currently 1 O.C. 121.7-1(b)-121.7-4*].

- *Effect.* Many of the provisions in the Grants section of the Law were eliminated due to the fact that much of the language included in the Law was unnecessary, duplicative, or potentially conflicting with individual grant requirements, and it is the individual grant requirements that will ultimately control how the grant may be expended or utilized. Since it was determined it was unnecessary to maintain these provisions in the Law, it provides better clarity to just remove these provisions entirely.

M. Amortization Schedule. Section 121.8 of the current Law provides information on debt, such as the acquisition of debt, use of debt, credit ratios, and corporate debt. The proposed amendments to the Law add a new provision which requires that prior to the acquisition of any debt, the Nation shall obtain an amortization schedule for the repayment of the debt. [*1 O.C. 121.8-2(b)*].

- *Effect.* The proposed amendment to the Law ensures that if the Nation makes the decision to take out debt, the Nation is also immediately thinking about how to pay back that debt and planning for that.

N. Employment Cap. Currently, the Law provides that the Treasurer and Chief Financial Officer are required to identify a maximum number of full-time equivalent (FTE) employees to be employed by the Nation. [*1 O.C. 121.9-1*]. The Oneida Business Committee is then responsible for approving this employment cap, and any amendments thereto, through the adoption of a resolution – and then reviewing that employment cap annually. *Id.* The current Law then goes on to state that employment positions that are fully funded through grants shall not be included in the employment cap. [*currently 1 O.C. 121.9-1(a)*]. The proposed amendments to the Law eliminate the provisions which provides that employment positions that are fully funded through grants shall not be included in the employment cap. [*currently 1 O.C. 121.9-1(a)*].

- *Effect.* The provision of the Law exempting fully grant funded positions from the employment cap was eliminated from the Law based on the current economic reality of the United States, and the fact that in the future we may not be able to rely on grant funding, so we need to be prepared to address the control the economic costs of grant funded positions.

- O. Budget Contingency Plan.** The current law provides that the Oneida Business Committee shall work with the Chief Financial Officer, Executive Managers, and managers to create a budget contingency plan which provides a strategy for the Nation to respond to extreme financial distress that could negatively impact the Nation. [1 O.C. 121.10-1]. Extreme financial distress includes, but is not limited to, natural or human-made disasters; United States Government shutdown; emergency proclamations; and economic downturns. The current Law provides that when the Oneida Business Committee determines that the Nation is under extreme financial distress the Oneida Business Committee shall be responsible for implementing the budget contingency plan. [1 O.C. 121.10-3]. The proposed amendments to the Law expand when the budget contingency plan can be used to allow for the Nation to respond to or prepare for potential extreme financial distress. [1 O.C. 121.10-1]. The proposed amendments then provide that when the Chief Financial Officer, not the Oneida Business Committee, determines that the Nation is under extreme financial distress, or may face extreme financial distress in the near future, the CFO shall inform the Oneida Business Committee, and the Oneida Business Committee shall be responsible for implementing the budget contingency plan. [1 O.C. 121.10-3].
- *Effect.* The proposed amendments to the Law allow for the use and implementation of the budget contingency plan when *preparing* for potential extreme financial distress, and not just when the extreme financial distress occurs. The Finance Administration expressed the fact that waiting for extreme financial distress to occur is not financially prudent and will often not provide enough time to adequately address the extreme financial distress, and that instead the Nation should be monitoring conditions so that if there is potential for extreme financial distress to occur, the Nation can take preventative action.

SECTION 6. EXISTING LEGISLATION

- A. Related Legislation.** The following laws of the Nation are related to this Law:

- *Administrative Rulemaking law.* The Administrative Rulemaking law provides an efficient, effective, and democratic process for enacting and revising administrative rules. [1 O.C. 106.1-2].
 - This Law delegates rulemaking authority to the Purchasing Department in accordance with the Administrative Rulemaking law to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation.. [1 O.C. 121.6-1].
- *Internal Audit Law.* The Internal Audit law creates a process by which internal audits are conducted upon the Nation's entities and to delegate responsibilities for the purposes of conducting such audits. [1 O.C. 108.1-1].
 - The Law provides that the Internal Audit Department, annually, shall conduct independent comprehensive performance audits, in accordance with the Nation's Audit law, the Financial Accounting Standards Board (FASB) and the Governmental Accounting Standards Board (GASB), of randomly selected fund units or of fund units deemed necessary by the Oneida Business Committee or Internal Audit Department. [1 O.C. 121.11-3].
 - Any internal audits conducted by the Internal Audit Department shall be made in accordance with the audit process provided in the Internal Audit law. [1 O.C. 108.6].
- *Emergency Management Law.* The purpose of the Emergency Management law is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provide for the direction of emergency management,

response, and recovery on the Reservation, as well as coordinating with other agencies, victims, businesses, and organizations; establish the use of the National Incident Management System (NIMS); and designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

- This Law provides that if the Nation proclaims an emergency, in accordance with the Emergency Management law, that stays in effect for at least one (1) month and prevents the presentation to and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget. [1 O.C. 121.5-4(e)(2)].
- Under the Emergency Management law, the Oneida Business Committee is delegated the responsibility to proclaim or ratify the existence of an emergency. [3 O.C. 302.8-1]. An emergency means a situation that poses an immediate risk to health, life, safety, property, or environment which requires urgent intervention to prevent further illness, injury, death, or other worsening of the situation. [3 O.C. 302.3-1(f)]. No proclamation of an emergency by the Oneida Business Committee may last for longer than sixty (60) days, unless renewed by the Oneida Business Committee. [3 O.C. 302.8-2].
- *Oneida Personnel Policies and Procedures.* The Oneida Personnel Policies and Procedures is the Nation's law which governs employment. The Oneida Personnel Policies and Procedures provides the process for handling complaints, disciplinary actions, and grievances. [Section V.D.].
 - The Law provides that violations of this Law shall be addressed using the applicable enforcement tools provided by the Nation's laws and policies including, but not limited to, those related to employment with the Nation, conflicts of interest, ethics, and removal from an elected position. [1 O.C. 121.12-2].
 - An employee of the Nation who violates this Law may be addressed through the disciplinary procedures found in Section V.D. of the Oneida Personnel Policies and Procedures.
- *Conflict of Interest Law.* The Conflict of Interest law ensures that all employees, contractors, elected officials, officers, political appointees, appointed and elected members and all others who may have access to information or materials that are confidential or may be used by competitors of the Nation's enterprises or interests be subject to specific limitations to which such information and materials may be used in order to protect the interests of the Nation. [2 O.C. 217.1-1].
 - The Law provides that violations of this Law shall be addressed using the applicable enforcement tools provided by the Nation's laws and policies including, but not limited to, those related to employment with the Nation, conflicts of interest, ethics, and removal from an elected position. [1 O.C. 121.12-2].
 - The Conflict of Interest law provides that if a supervisor is provided credible evidence that an employee has failed to disclose a conflict of interest, the employee shall be placed on leave pursuant to the Nation's Investigative Leave Policy, except that the duration of the investigation for an alleged conflict of interest shall be concluded within seven (7) days of the employee being placed on leave. A supervisor shall terminate an employee from his or her employment with the Nation when an investigation substantiates that the employee failed to disclose a conflict of interest. [2 O.C. 217.6-1].
 - The Conflict of Interest law provides that an Oneida Business Committee member who fails to disclose a conflict of interest may be subject to removal pursuant to the Removal Law or penalties pursuant to laws of the Nation regarding penalties. [2 O.C. 217.6-2].

- 356 ▪ The Conflict of Interest law provides that an elected or appointed official of the Nation
357 who fails to disclose a conflict of interest may be subject to penalties pursuant to laws of
358 the Nation regarding penalties, and subject to removal pursuant to the Removal Law for
359 elected members, or have their appointment terminated by the Oneida Business Committee
360 pursuant to the law governing board, committees and commissions for appointed
361 members. [2 O.C. 217.6-3].
- 362 ▪ *Code of Ethics.* The Code of Ethics law promotes the highest ethical conduct in all its elected and
363 appointed officials, and employees. [1 O.C. 103.1-1].
 - 364 ▪ The Law provides that violations of this Law shall be addressed using the applicable
365 enforcement tools provided by the Nation's laws and policies including, but not limited to,
366 those related to employment with the Nation, conflicts of interest, ethics, and removal from
367 an elected position. [1 O.C. 121.12-2].
 - 368 ▪ The Code of Ethics law provides that a government official who violates any portion of the
369 Code of Ethics as it applies to them, may be subject to removal, if elected, or termination,
370 if appointed. [1 O.C. 103.6-1(a)].
 - 371 ▪ The Code of Ethics law provides that an individual from a program or enterprise of the
372 Nation who violates any portion of the Code of Ethics as it applies to them, may be subject
373 to the disciplinary procedures found in the Oneida Personnel Policies and Procedures. [1
374 O.C. 103.6-1(b)].
- 375 ▪ *Removal Law.* The Removal law governs the removal of persons elected to serve on boards,
376 committees, and commissions of the Nation. [1 O.C. 104.1-1].
 - 377 ▪ The Law provides that violations of this Law shall be addressed using the applicable
378 enforcement tools provided by the Nation's laws and policies including, but not limited to,
379 those related to employment with the Nation, conflicts of interest, ethics, and removal from
380 an elected position. [1 O.C. 121.12-2].
 - 381 ▪ An elected official of the Nation who violates this Law may be addressed through the
382 removal procedures found the Removal law.
- 383 ▪ *Furlough Policy.* The Furlough Policy enables the Nation to implement a furlough as a tool to
384 remedy an operating budget deficit. [2 O.C. 205.1-1].
 - 385 ▪ This Law provides that as part of the budget contingency plan, the Oneida Business
386 Committee may require the use of cost saving tools, provided that the use of such complies
387 with all laws of the Nation. [1 O.C. 121.10-2]. Cost saving tools may include furloughs.
388 [1 O.C. 121.10-2(c)].
 - 389 ▪ Any furloughs made as part of the Nation's budget contingency plan shall be made in
390 accordance with the furlough process provided in the Furlough Policy. [2 O.C. 205].
- 391 ▪ *Layoff Policy.* The purpose of the Layoff Policy is to establish a fair, respectful policy for
392 employee layoff and recall which enables the Nation's programs and enterprises to operate
393 effectively and efficiently in varying economic conditions within the parameters of Oneida Nation
394 Seventh Generation mission, priorities, and objectives. [2 O.C. 207.1-1].
 - 395 ▪ This Law provides that as part of the budget contingency plan, the Oneida Business
396 Committee may require the use of cost saving tools, provided that the use of such complies
397 with all laws of the Nation. Cost saving tools may include layoffs.
 - 398 ▪ Any layoffs made as part of the Nation's budget contingency plan shall be made in
399 accordance with the layoff process provided in the Layoff Policy. [2 O.C. 207].

SECTION 7. OTHER CONSIDERATIONS

A. *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,*” provides further clarification on who the Legislative Operating Committee may direct complete a fiscal impact statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.

- ***Conclusion.*** The Legislative Operating Committee has not yet requested a fiscal impact statement from the Finance Administration.

Title 1. Government and Finances – Chapter 121**Twahwistatye'nítha?***We have a certain amount of money***BUDGET AND FINANCES**

121.1. Purpose and Policy

121.2. Adoption, Amendment, Repeal

121.3. Definitions

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121.10. Budget Contingency Planning

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121.1. Purpose and Policy

121.1-1. *Purpose.* The purpose of this law is to set forth the requirements to be followed by the Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and to establish financial policies and procedures for the Nation which:

(a) institutionalize best practices in financial management to guide decision makers in making informed decisions regarding the provision of services, implementation of business plans for enterprises, investments, and capital assets;

(b) provide a long term financial prospective and strategic intent, linking budget allocations to organizational goals, as well as providing fiscal controls and accountability for results and outcomes;

(c) identify and communicate to the membership of the Nation spending decisions for the government function, grant obligations, enterprises, membership mandates, capital expenditures, technology projects, and capital improvement projects;

(d) establish a framework for effective financial risk management; and

(e) encourage participation by the Nation's membership.

121.1-2. *Policy.* It is the policy of the Nation to rely on balanced-based budgeting strategies, identifying proper authorities and ensuring compliance and enforcement. The Nation shall use Generally Accepted Accounting Principles (GAAP), established by the Financial Accounting Standards Board, and the Governmental Accounting Standards Board (GASB) in accounting and reporting for the financial activities of the various entities of the Nation, unless they conflict with applicable legal requirements.

121.2. Adoption, Amendment, Repeal

121.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-08-17-C, and amended by ~~resolution~~resolutions BC-05-11-22-B, and BC- - - - -.

121.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

121.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

121.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, nothing in this law amends or repeals the

requirements of resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements*.

121.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

121.3. Definitions

121.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Balanced budget” means that the cost of current expenses and service provisions is equal to the forecasted current revenue sources.

(b) “Capital contribution” means an act of giving money or assets to a company or organization.

(c) “Capital expenditure” means any non-recurring ~~and non-physical~~ improvement as follows:

(1) Any item with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more; or

(2) Items purchased together where ~~none of the items individually costs more than two thousand dollars (\$2,000), but~~ the total purchase price for all of the items is ten thousand dollars (\$10,000) or more.

(d) “Capital improvement” means

(e) “CFO” means the Nation’s Chief Financial Officer, or their designee at their discretion.

(f) “Debt” means the secured or unsecured obligations owed by the Nation.

(g) “Debt Service Coverage Ratio” means a measurement of creditors available cash flow to pay debt obligations. This ratio evaluates if an entity has income capacity to service debts.

(h) “Enterprise” means any area or activity of the Nation that is engaged in for the business of profit or to break even.

(i) “Executive Manager” means a position of employment within the Nation that is the highest level in the chain of command under the Oneida Business Committee who is responsible for a department or division of the Nation, as identified by the Oneida Business Committee through the adoption of a resolution.

(j) “Expenditure report” means a financial report which includes, but is not limited to, a statement of cash flows, revenues, costs and expenses, assets, liabilities, and a statement of financial position.

(k) “Finance Administration” means the department of the Nation which consists of the Chief Financial Officer, Assistant Chief Financial Officer, the executive assistant to the Chief Financial Officer, and any other designated employee.

(l) “Fiscal year” means the one (1) year period each year from October 1st to September 30th.

(m) “Fixed Charge Coverage Ratio” means a measurement of a creditors capacity of earnings level or ability to cover its fixed charges such as debt payments, interest expenses, and leases expenses. Financial institutions will evaluate this ratio for purposes of credit risk.

(n) “Fund unit” means any board, committee, commission, service, program, enterprise, department, office, or any other division or non-division of the Nation which receives an appropriation approved by the Nation.

- (o) “Government service” means any area or activity of the Nation that is not expected to create revenue for the Nation and not expected to make a profit at any time.
- (p) “Line item” means the specific account within a fund unit’s budget or category that expenditures are charged to.
- (q) “Manager” means the person in charge of directing, controlling, and administering the activities of a fund unit.
- (r) “Nation” means the Oneida Nation.
- (s) “Secretary” means the Oneida Nation Secretary, or their designee at their discretion.
- (t) “Treasurer” means the Oneida Nation Treasurer, or their designee at their discretion.

121.4. Authority and Responsibilities

121.4-1. *Oneida Business Committee.* The Oneida Business Committee shall:

- (a) oversee the development of the Nation’s budget;
- (b) oversee the implementation of the Nation’s budget;
- ~~(c) develop priorities, a strategic plan, or broad goals to assist in guiding the budget; and~~
- ~~(d)~~ (c) exercise the authority provided in Article IV, Section 1, of the Constitution and Bylaws of the Oneida Nation, as delegated to the Oneida Business Committee by the General Tribal Council.

121.4-2. *Treasurer.* In accordance with the Constitution and Bylaws of the Oneida Nation, the Nation’s Treasurer shall:

- (a) accept, receive, receipt for, preserve and safeguard all funds in the custody of the Nation, whether they be funds of the Nation or special funds for which the Nation is acting as trustee or custodian;
- (b) deposit all funds in such depository as the Nation shall direct and shall make and preserve a faithful record of such funds;
- (c) submit expenditure reports and other financial reports as deemed necessary by the Oneida Business Committee or the General Tribal Council at:
- (1) the annual General Tribal Council meeting;
- (2) the semi-annual General Tribal Council meeting; and
- (3) other such times as may be directed by the Oneida Business Committee or the General Tribal Council; and
- (d) present the proposed draft budget to the General Tribal Council at the annual budget meeting.

121.4-3. *Chief Financial Officer.* The CFO shall:

- ~~(a) ensure the Nation’s budget is properly implemented;~~
- ~~(a) report to the Oneida Business Committee and/or Executive Managers any expenditures that do not follow budget guidelines or conform to the budget;~~
- (b) provide managers with monthly revenue and expense reports;
- (c) assist with the submission and presentation of the Treasurer’s report to the Oneida Business Committee, which shall specifically include any monthly variances that are ~~either:~~
- ~~(1) a difference of three percent (3%) or more from the adopted annual budget; or~~
- ~~(2) fifty~~ one hundred thousand dollars (\$~~50~~100,000) or more in total;
- (d) provide the Oneida Business Committee with information and reports as requested;
- (e) present the Treasurer’s report and hold financial condition meetings with the Nation’s management on a minimum of a quarterly basis; and

(f) inform the ~~appropriate~~Oneida Business Committee of any Executive ~~Manager of any Managers and/or~~ fund unit which does not follow the budget development process guidelines or deadlines as set forth by the Treasurer.

121.4-4. *Managers.* Managers shall:

- (a) ensure that their business units operate, on a day-to-day basis, in compliance with the budget adopted pursuant to this law;
- (b) report to the CFO and their relevant Executive Manager explanations and corrective actions for any monthly variance that is ~~either:~~
 - ~~(1) a difference of three percent (3%) or more from the adopted annual budget; or~~
 - ~~(2) fifty~~one hundred thousand dollars (\$~~50~~100,000) or more in total;
- (c) submit budget review reports to the CFO on a reasonable and timely basis not to exceed thirty (30) calendar days from the end of the month; and
- (d) submit a budget for their fund unit in accordance with the budget schedule and guidelines as adopted by the Oneida Business Committee.

121.5. Budget

121.5-1. The Nation shall develop, adopt, and manage an annual budget. All revenues and expenditures of the Nation shall be in accordance with the annual budget.

(a) The Nation's budget shall be a balanced budget and not propose to spend more funds than are reasonably expected to become available to the Nation during that fiscal year.

(1) Underwriting debt resources or the utilization of existing debt instruments shall be expressly prohibited from use to balance the Nation's annual operational budget.

(b) The budget shall align with any ~~strategic plan, broad goals, or~~ priorities developed and adopted by the Oneida Business Committee on behalf of the Nation.

(c) The Nation's corporate entities shall not be included in the Nation's budget.

121.5-2. *Content of the Budget.* The Nation's budget shall include the following information:

(a) Estimated revenues to be received from all sources; and

(b) The individual budgets of each fund unit; ~~;~~

~~(c) A description of each line item within each fund unit's budget;~~

~~(d) The estimated expenditures by each fund unit; and~~

~~(e) Summary of employment position counts including prior year, current year, and budgeted year.~~

121.5-3. *Fund Categories.* The Nation's budget shall include, but not be limited to, the following categories of fund accounts:

(a) *General Fund.* The General Fund account is the Nation's main operating fund which is used to account for all financial resources not accounted for in other funds.

(b) ~~Permanent Executive Contingency~~Financial Sovereignty *Fund.* The ~~Permanent Executive Contingency~~Financial Sovereignty Fund account is used by the Nation to prevent default on debt and to sustain operations and grants during times of extreme financial distress.

~~(c) Grant Reserve Fund. The Grant Reserve Fund account is used by the Nation to pre-fund the expenditures of grants upon receipt.~~

121.5-4. *Budget Adoption Procedure.* The Nation shall develop and adopt its budget according to the following procedures:

(a) *Budget Schedule and Guidelines.* The Treasurer shall develop the necessary guidelines, including specific timelines and deadlines, to be followed by the managers that

have budget responsibility in preparing and submitting proposed budgets. The Treasurer shall submit the guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution no later than March 1st of each calendar year.

(1) The budget schedule and guidelines shall include at least one (1) opportunity for community input from the Nation's membership on what should be included in the upcoming fiscal year budget.

(2) Each fund unit shall be responsible for complying with the budget schedule and guidelines to submit a proposed budget to the Treasurer. The Finance Administration shall not submit any budget on behalf of a fund unit unless granted express permission from the Oneida Business Committee.

~~(3) The Oneida Business Committee shall 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.~~

(b) *Annual Proposed Budgets*. The ~~Treasurer~~CFO shall receive, review, and compile the proposed budgets from all the fund units into the Nation's draft budget. The Treasurer and CFO shall present the Nation's draft budget to the Oneida Business Committee for review each year to ensure that it is consistent with the Nation's ~~strategic plan, broad goals, and budget strategy~~ priorities.

(1) *Notification of Budget Increase or Decrease*. The Treasurer shall identify in the budget guidelines a percentage of an increase or decrease in a fund unit's budget from the prior year budget that is required to be noticed to the Oneida Business Committee. The Treasurer shall notify the Oneida Business Committee of any fund units whose proposed budget increased or decreased by this percentage.

(c) *Final Draft Budget*. The Oneida Business Committee shall work with the Treasurer, CFO, and managers to compile a final draft budget to be presented to the General Tribal Council. The Oneida Business Committee shall approve, by resolution, the final draft budget to be presented to the General Tribal Council.

(d) *Community Meetings*. Once the Oneida Business Committee has approved the final draft budget, the Treasurer shall hold, at a minimum, two (2) community informational meetings to present the contents of the final draft budget that will be presented to the General Tribal Council.

(e) *Budget Adoption*. The Oneida Business Committee shall present the budget to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year. The General Tribal Council shall be responsible for adopting the Nation's budget.

(1) *Continuing Budget Resolution*. In the event that the General Tribal Council does not adopt a budget by September 30th, the Oneida Business Committee may adopt a continuing budget resolution for a period of time not to exceed three (3) months, until such time as a budget is adopted by the General Tribal Council. If the General Tribal Council does not adopt a budget within three (3) months of the adoption of the continuing budget resolution, then the Oneida Business Committee shall adopt the Nation's budget.

(2) *Emergency Budget Adoption*. In the event that the Nation proclaims an emergency, in accordance with the Emergency Management law, that stays in effect for at least one (1) month and prevents the presentation to and adoption of the

budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget.

121.5-5. *Amendments to the Nation's Budget.* After the budget is adopted, amendments of the budget shall not be permitted unless it is necessary to avoid a budget deficit. The Treasurer and CFO shall identify when forecasted revenue and forecasted expenses are impacted in a manner which creates a deficit for the current fiscal year. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential budget amendment. The Oneida Business Committee shall be responsible for adopting an amendment to the budget through resolution of the Nation. The Oneida Business Committee shall present notification of the budget amendment at the next available General Tribal Council meeting.

121.6. Expenditures and Assets

121.6-1. *Procurement Rule Handbook.* The Purchasing Department is delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation.

121.6-2. *Authority to Expend Funds.* The Oneida Business Committee shall have the authority to expend appropriated funds in accordance with the Nation's adopted budget pursuant to the Procurement Rule Handbook developed by the Purchasing Department. The authority to expend funds is then necessarily delegated to other managers, including Executive Managers of the Nation who manage budgets pursuant to their job descriptions based on the Procurement Rule Handbook.

~~121.6-3. 121.6-2. *Procurement Rule Handbook.* The Purchasing Department is delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation.~~

~~121.6-3. *Fees and Charges.* A program or service of the Nation funded through Tribal contribution may charge fees for their services to cover operational costs.~~

~~(a) Before charging fees for services, a program or service shall first determine the full cost of providing the program or service. The full cost of providing a program or service includes all costs including operation costs, overhead such as direct and indirect costs, and depreciation.~~

~~(b) Fees and charges may cover the full cost of service or goods whenever such fee or charge would not present an undue financial burden to the recipient.~~

~~(c) Programs and services charging fees may offer fee waivers, provided that the program or service has developed a standard operating procedure which outlines fee waiver eligibility and requirements.~~

121.6-4. Unbudgeted Expenditures.

(a) *Approval of Unbudgeted Expenditures.* A fund unit shall not make an unbudgeted expenditure of two hundred and fifty thousand dollars (\$250,000) or more unless approval is granted by the Oneida Business Committee. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted expenditure. The Oneida Business Committee shall approve any unbudgeted expenditure through the adoption of a resolution prior to the expenditure being made by a fund unit.

(b) *Notification of Unbudgeted Expenditures.* 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.

(c) *Unbudgeted Supplemental Funding.* In the event that the Nation receives any supplemental or emergency funding of two hundred and fifty thousand dollars (\$250,000) or more, the Oneida Business Committee shall develop and adopt, through resolution, a spending plan to guide expenditures of the supplemental funding in accordance with any provided guidance for the supplemental funding and audit compliance.

121.6-4. *Obligated Future Expenditures.* Notwithstanding an approved multi-year contract, no fund unit shall obligate the Nation to make any future expenditures beyond the current budget year unless the fund unit identifies, and the Oneida Business Committee approves through the adoption of a resolution, the source and extent of any future funds that are recommended to be held in reserve to meet that future obligation.

~~121.6-5. *Unexpended Funds.*~~

~~(a) *Unexpended Capital Improvement Funds.* Unexpended capital improvement funds shall carry over to at the next end of each fiscal year's budget year and remain available for use,~~ provided that such funds are required to remain appropriated for the same purpose as originally budgeted until the project is complete. Once a capital improvement project is complete, any remaining unexpended funds shall be returned to the General Fund.

~~(b) *Unexpended Capital Expenditure Funds.* The Treasurer shall ensure that all unexpended capital expenditure funds are reallocated to the fiscal year budget two (2) years out from the fiscal year in which the funds were unexpended. Such unexpended funds shall be returned to the General Fund.~~

121.6-6. *Capital Contributions.* Any capital contributions made by the Nation shall be identified in the annual budget.

(a) Any reassignment of a loan provided by the Nation into a capital contribution shall be noticed to the General Tribal Council.

121.6-7. Assets of the Nation shall not be divested, or borrowed against, to balance the annual budget.

~~121.6-9. *Capital Improvements.*~~

~~(a) *Capital Improvement Plan for Government Services.* The Oneida Business Committee shall develop, and the General Tribal Council shall approve, a capital improvement plan for government services.~~

~~(1) The capital improvement plan for government services shall cover a period of five (5) to ten (10) years and shall include any risks and liabilities.~~

~~(2) The capital improvement plan for government services shall be reassessed once every five (5) years. The Oneida Business Committee shall provide a status report and recommendation for any improvements that have not been completed or that have been modified at the time of the reassessment.~~

~~(b) *Capital Improvement Plan for Enterprises.* Capital improvement plans for enterprises may be brought forward as needed, provided that the Oneida Business Committee shall approve all capital improvement plans for enterprises.~~

~~(c) *Capital Improvement Plan Implementation.* Capital improvement plans for government services and enterprises shall be implemented, contingent on available funding capacity.~~

121.7. Grants

121.7-1. *Expending Grant Funds.* Grant funds shall be expended according to any ~~non-negotiable~~ grant requirements and guidelines of the granting agency.

(a) Grant funds may be utilized for, but not limited to, the following:

- (1) purchases;
- (2) travel;
- (3) training;
- (4) hiring grant required positions; and
- ~~(5) incentives and retention efforts; and~~

~~(6)~~(5) any other requirements attached to the funds as a condition of the Nation's acceptance of the grant funds.

~~(b) Grant funds may be utilized for an expenditure even when other policies of the Nation do not allow for Tribal contribution to make that same expenditure, if only grant funds are utilized for the expenditure and all requirements or obligations of the grant are met. Provided that, grant funds may be subject to the requirements of the budget contingency plan and any cost containment initiatives adopted by the Oneida Business Committee.~~

~~121.7-2. Exhaustion of Non-Tribal Funds. When grant funds provide for forward funding as applicable to a function for which the Nation's funds have also been appropriated, those grant funds shall be used before appropriating the Nation's funds unless the Nation's funds are needed to make up an otherwise shortfall in the overall fund unit budget or there is a restriction on the grant funds that provide otherwise.~~

~~121.7-3. Grant Reporting. At the time of submission of proposed annual budgets, any fund unit which receives grant funding shall submit a status report of the grant funding received to the Oneida Business Committee. The status report shall include, but not be limited to:~~

- ~~(a) information on the progress of the utilization of the grant funds;~~
- ~~(b) the number of employees the grant funding supports fully or partially; and~~
- ~~(c) compliance with obligations of the grant funding.~~

~~121.7-4. Grant Reserve Fund Account. The Oneida Business Committee shall maintain a Grant Reserve Fund account within the ownership investment report to be used to pre-fund the expenditures of grants upon receipt. The Grant Reserve Fund account shall be an obligated fund, that is fully funded with separately identified cash resources.~~

~~(a) The Treasurer, in consultation with the CFO, shall establish, and the Oneida Business Committee shall approve, the level of funds required in the Grant Reserve Fund account relative to the scale of grant dollars we receive on an annual basis.~~

~~(b) The Treasurer shall set aside funds within the budget in the Grant Reserve Fund account until the established level has been achieved.~~

~~121.7-5.~~121.7-2. *Grant Funded Positions.* If the grant funding for a fully grant funded position is eliminated, then the position shall be eliminated. To transition a position from grant funding to being funded through the Nation's budget, a manager shall follow the standard procedure for seeking the development and approval of a new position in the Nation's annual budget and labor allocations.

121.8. Debts

121.8-1. *General.* The acquisition of debt by the Nation shall be processed in accordance with sound fiscal diligence. The Nation shall comply with all relevant federal and state banking laws, rules, and policies applicable to the credit agreement.

(a) Any debt instrument utilized by the Nation shall not exceed the life of what is being encumbered.

121.8-2. *Acquisition of Debt.* Any debt underwritten by the Nation for ten million dollars (\$10,000,000) or more shall be noticed to the General Tribal Council at the next available meeting prior to the execution of the credit agreement encumbering all pledges of repayment.

(a) If emergency circumstances exist which prevents the notice of the acquisition of debt to the General Tribal Council, the Oneida Business Committee may proceed with the acquisition of debt.

(b) Prior to the acquisition of any debt, the Nation shall obtain an amortization schedule for the repayment of the debt.

121.8-3. *Use of Debt.* Credit proceeds may be utilized for project capital, general use, financing of equity, and all unspecified uses. Compliance with debt covenants is required to avoid credit default.

121.8-4. *Credit Ratios.* Maintaining fiscally responsible prudent credit ratios is consistent with effective budget management and financial control.

(a) *Debt Service Coverage Ratio.* The Debt Service Coverage Ratio shall not exceed the acceptable range as defined by low-risk debt financing options at the specific financial institution.

(b) *Fixed Charge Coverage Ratio.* The Fixed Charge Coverage Ratio shall be maintained at the acceptable range as defined by low-risk debt financing options at the specific financial institution.

121.8-5. *Corporate Debt.* The Nation shall not be obligated to any debt obligations of its corporate entities.

121.9. Employment and Labor Allocations

121.9-1. *Employment Cap.* The Treasurer and CFO shall identify a maximum number of full-time equivalent (FTE) employees to be employed by the Nation. The Oneida Business Committee shall have the authority to approve this employment cap, and any amendments thereto, through the adoption of a resolution. The employment cap shall be reviewed annually by the Oneida Business Committee.

~~(a) Employment positions that are fully funded through grants shall not be included in the employment cap.~~

~~(b)~~ (a) The Nation shall not exceed the number of FTE employees identified in the employment cap.

121.9-2. *Labor Allocations List.* The Treasurer, CFO, Executive Managers, and the Executive Human Resources Director shall utilize the Nation's employment cap to develop a labor allocations list. The labor allocations list shall identify the number of FTE employees each employment area of the Nation is allocated. The Oneida Business Committee shall have the authority to adopt the labor allocation list, and any amendments thereto, through the adoption of a resolution. The Oneida Business Committee shall review the labor allocations list on an annual basis.

(a) The total number of FTE employees identified in the labor allocations list shall not exceed the Nation's employment cap.

(b) The Treasurer, CFO, Executive Managers, and Executive Human Resources Director shall develop a standard operating procedure which identifies a process for the consideration of requests to revise the labor allocations list. The Oneida Business

Committee shall approve this standard operating procedure, and any amendments thereto, through the adoption of a resolution.

121.9-3. *Unbudgeted Positions.* Any position which has not been specifically budgeted for and included in the labor allocation list shall be prohibited. Budgeted labor dollars and approved positions shall not be transferrable in any form.

(a) *Exception.* The Oneida Business Committee may authorize an unbudgeted position for a fund unit. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted position. The Oneida Business Committee shall authorize the unbudgeted position through the adoption of a resolution.

121.10. Budget Contingency Planning

121.10-1. *Budget Contingency Plan.* The Oneida Business Committee shall work with the CFO, Executive Managers, and managers to create a budget contingency plan which provides a strategy for the Nation to respond to or prepare for potential extreme financial distress that could negatively impact the Nation.

(a) Extreme financial distress includes, but is not limited to:

- (1) natural or human-made disasters;
- (2) United States Government shutdown;
- (3) emergency proclamations; and
- (4) economic downturns.

(b) The Oneida Business Committee shall approve the budget contingency plan, and any amendments thereto, through the adoption of a resolution.

121.10-2. *Cost Saving Tools.* As part of the budget contingency plan, the Oneida Business Committee may require the use of cost saving tools, provided that the use of such complies with all laws of the Nation. Cost saving tools may include, but are not limited to, the use of the following:

- (a) stabilization funds;
- (b) ~~reductions of expenditures~~ cost optimization;
- (c) furloughs; and
- (d) layoffs.

121.10-3. When the ~~Oneida Business Committee~~ CFO determines that the Nation is under extreme financial distress, or may face extreme financial distress in the near future, the CFO shall inform the Oneida Business Committee, and the Oneida Business Committee shall be responsible for implementing the budget contingency plan.

121.10-4. ~~Permanent Executive Contingency~~ Financial Sovereignty Fund Account. The Oneida Business Committee shall maintain a ~~Permanent Executive Contingency~~ Financial Sovereignty Fund account within the ownership investment report to be used to prevent default on debt and to sustain operations, including grant operations, during times of extreme financial distress. The ~~Permanent Executive Contingency~~ Financial Sovereignty Fund account shall be a restricted fund.

(a) The ~~Permanent Executive Contingency~~ Financial Sovereignty Fund account shall consist of a minimum reserve of one (1) year of operating expenses to ensure continuity of business for the Nation.

(b) The Treasurer, in consultation with the CFO, shall establish, and the Oneida Business Committee shall approve through the adoption of a resolution, the percentage of the annual budget that shall be set aside in the ~~Permanent Executive Contingency~~ Financial Sovereignty Fund account until the established level has been achieved.

(c) Funds in the ~~Permanent Executive Contingency~~ Financial Sovereignty Fund account may only be used when the Oneida Business Committee has determined that the Nation is under extreme financial distress for the following purposes and only to the extent that alternative funding sources are unavailable:

- (1) payments to notes payable to debt service, both principal and interest, and applicable service fees;
- (2) employee payroll, including all applicable taxes;
- (3) payments to vendors for gaming and retail;
- (4) payments to vendors for governmental operations;
- (5) payments to any other debt; and
- (6) to sustain any of the Nation's other operations during implementation of the budget contingency plan.

121.11. Reporting

121.11-1. *Monthly Reporting.* The Treasurer shall provide monthly reports and quarterly operational reports from direct reports to the Oneida Business Committee in accordance with the Secretary's Oneida Business Committee packet schedule for the Oneida Business Committee meeting held for the acceptance of such reports.

- (a) The Treasurer's monthly reports shall include revenue and expense summaries.

121.11-2. *Annual and Semi-Annual Reporting to the General Tribal Council.* The Treasurer shall report on all receipts and expenditures and the amount and nature of all funds in their possession and custody, at the annual and semi-annual General Tribal Council meetings, and at such other times as requested by the General Tribal Council or the Oneida Business Committee.

- (a) The Treasurer reports shall include an independently audited annual financial statement that provides the status or conclusion of all the receipts and debts in possession of the Treasurer including, but not limited to, all corporations owned in full or in part by the Nation.

121.11-3. *Audits.* The Internal Audit Department, annually, shall conduct independent comprehensive performance audits, in accordance with the Nation's Audit law, the Financial Accounting Standards Board (FASB) and the Governmental Accounting Standards Board (GASB), of randomly selected fund units or of fund units deemed necessary by the Oneida Business Committee or Internal Audit Department. Each fund unit shall offer its complete cooperation to the Internal Audit Department. The Oneida Business Committee may, as it deems necessary, contract with an independent audit firm to conduct such audits.

121.12. Enforcement

121.12-1. *Compliance and Enforcement.* All employees and officials of the Nation shall comply with and enforce this law to the greatest extent possible.

- (a) The Executive Managers shall notify the Oneida Business Committee of any fund unit which does not comply with the budget schedule or guidelines. A list of any fund units of an elected entity which did not comply with the budget schedule or guidelines shall be included in the annual report to the General Tribal Council.

121.12-2. *Violations.* Violations of this law shall be addressed using the applicable enforcement tools provided by the Nation's laws and policies including, but not limited to, those related to employment with the Nation, conflicts of interest, ethics, and removal from an elected position.

121.12-3. *Civil or Criminal Charges*. This law shall not be construed to preclude the Nation from pursuing civil or criminal charges under applicable law. Violations of applicable federal or state civil or criminal laws, or any laws of the Nation, may be pursued in a court having jurisdiction over any such matter.

End.

Adopted – BC-02-08-17-C

Emergency Amended – BC-11-24-20-E

Emergency Amended – BC-05-12-21-C

Emergency Extension – BC-11-10-21-B

Amended – BC-05-11-22-B

Emergency Amended – BC-10-26-22-D (Expired)

~~Amended – BC- - - -~~

Title 1. Government and Finances – Chapter 121

Twahwistatye'nítha?

We have a certain amount of money

BUDGET AND FINANCES

121.1. Purpose and Policy
121.2. Adoption, Amendment, Repeal
121.3. Definitions
121.4. Authority and Responsibilities
121.5. Budget
121.6. Expenditures and Assets

121.7. Grants
121.8. Debts
121.9. Employment and Labor Allocations
121.10. Budget Contingency Planning
121.11. Reporting
121.12. Enforcement

121.1. Purpose and Policy

121.1-1. *Purpose.* The purpose of this law is to set forth the requirements to be followed by the Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and to establish financial policies and procedures for the Nation which:

- (a) institutionalize best practices in financial management to guide decision makers in making informed decisions regarding the provision of services, implementation of business plans for enterprises, investments, and capital assets;
- (b) provide a long term financial prospective and strategic intent, linking budget allocations to organizational goals, as well as providing fiscal controls and accountability for results and outcomes;
- (c) identify and communicate to the membership of the Nation spending decisions for the government function, grant obligations, enterprises, membership mandates, capital expenditures, technology projects, and capital improvement projects;
- (d) establish a framework for effective financial risk management; and
- (e) encourage participation by the Nation's membership.

121.1-2. *Policy.* It is the policy of the Nation to rely on balanced-based budgeting strategies, identifying proper authorities and ensuring compliance and enforcement. The Nation shall use Generally Accepted Accounting Principles (GAAP), established by the Financial Accounting Standards Board, and the Governmental Accounting Standards Board (GASB) in accounting and reporting for the financial activities of the various entities of the Nation, unless they conflict with applicable legal requirements.

121.2. Adoption, Amendment, Repeal

121.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-08-17-C, and amended by resolutions BC-05-11-22-B, and BC-__-__-__.

121.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

121.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

121.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, nothing in this law amends or repeals the

requirements of resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements*.

121.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

121.3. Definitions

121.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Balanced budget” means that the cost of current expenses and service provisions is equal to the forecasted current revenue sources.

(b) “Capital contribution” means an act of giving money or assets to a company or organization.

(c) “Capital expenditure” means any non-recurring improvement as follows:

(1) Any item with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more; or

(2) Items purchased together where the total purchase price for all of the items is ten thousand dollars (\$10,000) or more.

(d) “Capital improvement” means a non-recurring expenditure for physical improvements, including costs for:

(1) acquisition of existing buildings, land, or interests in land;

(A) Acquisition of existing buildings and land completed by the Oneida Land Commission are not included in this definition.

(2) construction of new buildings or other structures, including additions and major alterations;

(3) demolition of an existing building or other structures;

(4) physical infrastructure; and

(5) similar expenditures with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more.

(e) “CFO” means the Nation’s Chief Financial Officer, or their designee at their discretion.

(f) “Debt” means the secured or unsecured obligations owed by the Nation.

(g) “Debt Service Coverage Ratio” means a measurement of creditors available cash flow to pay debt obligations. This ratio evaluates if an entity has income capacity to service debts.

(h) “Enterprise” means any area or activity of the Nation that is engaged in for the business of profit or to break even.

(i) “Executive Manager” means a position of employment within the Nation that is the highest level in the chain of command under the Oneida Business Committee who is responsible for a department or division of the Nation, as identified by the Oneida Business Committee through the adoption of a resolution.

(j) “Expenditure report” means a financial report which includes, but is not limited to, a statement of cash flows, revenues, costs and expenses, assets, liabilities, and a statement of financial position.

(k) “Finance Administration” means the department of the Nation which consists of the Chief Financial Officer, Assistant Chief Financial Officer, the executive assistant to the Chief Financial Officer, and any other designated employee.

(l) “Fiscal year” means the one (1) year period each year from October 1st to September 30th.

(m) “Fixed Charge Coverage Ratio” means a measurement of a creditors capacity of earnings level or ability to cover its fixed charges such as debt payments, interest expenses, and leases expenses. Financial institutions will evaluate this ratio for purposes of credit risk.

(n) “Fund unit” means any board, committee, commission, service, program, enterprise, department, office, or any other division or non-division of the Nation which receives an appropriation approved by the Nation.

(o) “Government service” means any area or activity of the Nation that is not expected to create revenue for the Nation and not expected to make a profit at any time.

(p) “Line item” means the specific account within a fund unit’s budget or category that expenditures are charged to.

(q) “Manager” means the person in charge of directing, controlling, and administering the activities of a fund unit.

(r) “Nation” means the Oneida Nation.

(s) “Secretary” means the Oneida Nation Secretary, or their designee at their discretion.

(t) “Treasurer” means the Oneida Nation Treasurer, or their designee at their discretion.

121.4. Authority and Responsibilities

121.4-1. *Oneida Business Committee.* The Oneida Business Committee shall:

- (a) oversee the development of the Nation’s budget;
- (b) oversee the implementation of the Nation’s budget;
- (c) exercise the authority provided in Article IV, Section 1, of the Constitution and Bylaws of the Oneida Nation, as delegated to the Oneida Business Committee by the General Tribal Council.

121.4-2. *Treasurer.* In accordance with the Constitution and Bylaws of the Oneida Nation, the Nation’s Treasurer shall:

- (a) accept, receive, receipt for, preserve and safeguard all funds in the custody of the Nation, whether they be funds of the Nation or special funds for which the Nation is acting as trustee or custodian;
- (b) deposit all funds in such depository as the Nation shall direct and shall make and preserve a faithful record of such funds;
- (c) submit expenditure reports and other financial reports as deemed necessary by the Oneida Business Committee or the General Tribal Council at:
 - (1) the annual General Tribal Council meeting;
 - (2) the semi-annual General Tribal Council meeting; and
 - (3) other such times as may be directed by the Oneida Business Committee or the General Tribal Council; and
- (d) present the proposed draft budget to the General Tribal Council at the annual budget meeting.

121.4-3. *Chief Financial Officer.* The CFO shall:

- (a) report to the Oneida Business Committee and/or Executive Managers any expenditures that do not follow budget guidelines or conform to the budget;
- (b) provide managers with monthly revenue and expense reports;
- (c) assist with the submission and presentation of the Treasurer’s report to the Oneida Business Committee, which shall specifically include any monthly variances that are one hundred thousand dollars (\$100,000) or more in total;

- (d) provide the Oneida Business Committee with information and reports as requested;
- (e) present the Treasurer's report and hold financial condition meetings with the Nation's management on a minimum of a quarterly basis; and
- (f) inform the Oneida Business Committee of any Executive Managers and/or fund unit which does not follow the budget development process guidelines or deadlines as set forth by the Treasurer.

121.4-4. *Managers*. Managers shall:

- (a) ensure that their business units operate, on a day-to-day basis, in compliance with the budget adopted pursuant to this law;
- (b) report to the CFO and their relevant Executive Manager explanations and corrective actions for any monthly variance that is one hundred thousand dollars (\$100,000) or more in total;
- (c) submit budget review reports to the CFO on a reasonable and timely basis not to exceed thirty (30) calendar days from the end of the month; and
- (d) submit a budget for their fund unit in accordance with the budget schedule and guidelines as adopted by the Oneida Business Committee.

121.5. Budget

121.5-1. The Nation shall develop, adopt, and manage an annual budget. All revenues and expenditures of the Nation shall be in accordance with the annual budget.

- (a) The Nation's budget shall be a balanced budget and not propose to spend more funds than are reasonably expected to become available to the Nation during that fiscal year.

- (1) Underwriting debt resources or the utilization of existing debt instruments shall be expressly prohibited from use to balance the Nation's annual operational budget.

- (b) The budget shall align with any priorities developed and adopted by the Oneida Business Committee on behalf of the Nation.

- (c) The Nation's corporate entities shall not be included in the Nation's budget.

121.5-2. *Content of the Budget*. The Nation's budget shall include the following information:

- (a) Estimated revenues to be received from all sources; and
- (b) The individual budgets of each fund unit.

121.5-3. *Fund Categories*. The Nation's budget shall include, but not be limited to, the following categories of fund accounts:

- (a) *General Fund*. The General Fund account is the Nation's main operating fund which is used to account for all financial resources not accounted for in other funds.
- (b) *Financial Sovereignty Fund*. The Financial Sovereignty Fund account is used by the Nation to prevent default on debt and to sustain operations and grants during times of extreme financial distress.

121.5-4. *Budget Adoption Procedure*. The Nation shall develop and adopt its budget according to the following procedures:

- (a) *Budget Schedule and Guidelines*. The Treasurer shall develop the necessary guidelines, including specific timelines and deadlines, to be followed by the managers that have budget responsibility in preparing and submitting proposed budgets. The Treasurer shall submit the guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution no later than March 1st of each calendar year.

(1) The budget schedule and guidelines shall include at least one (1) opportunity for community input from the Nation’s membership on what should be included in the upcoming fiscal year budget.

(2) Each fund unit shall be responsible for complying with the budget schedule and guidelines to submit a proposed budget to the Treasurer. The Finance Administration shall not submit any budget on behalf of a fund unit unless granted express permission from the Oneida Business Committee.

(b) *Annual Proposed Budgets.* The CFO shall receive, review, and compile the proposed budgets from all the fund units into the Nation’s draft budget. The Treasurer and CFO shall present the Nation’s draft budget to the Oneida Business Committee for review each year to ensure that it is consistent with the Nation’s priorities.

(1) *Notification of Budget Increase or Decrease.* The Treasurer shall identify in the budget guidelines a percentage of an increase or decrease in a fund unit’s budget from the prior year budget that is required to be noticed to the Oneida Business Committee. The Treasurer shall notify the Oneida Business Committee of any fund units whose proposed budget increased or decreased by this percentage.

(c) *Final Draft Budget.* The Oneida Business Committee shall work with the Treasurer, CFO, and managers to compile a final draft budget to be presented to the General Tribal Council. The Oneida Business Committee shall approve, by resolution, the final draft budget to be presented to the General Tribal Council.

(d) *Community Meetings.* Once the Oneida Business Committee has approved the final draft budget, the Treasurer shall hold, at a minimum, two (2) community informational meetings to present the contents of the final draft budget that will be presented to the General Tribal Council.

(e) *Budget Adoption.* The Oneida Business Committee shall present the budget to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year. The General Tribal Council shall be responsible for adopting the Nation’s budget.

(1) *Continuing Budget Resolution.* In the event that the General Tribal Council does not adopt a budget by September 30th, the Oneida Business Committee may adopt a continuing budget resolution for a period of time not to exceed three (3) months, until such time as a budget is adopted by the General Tribal Council. If the General Tribal Council does not adopt a budget within three (3) months of the adoption of the continuing budget resolution, then the Oneida Business Committee shall adopt the Nation’s budget.

(2) *Emergency Budget Adoption.* In the event that the Nation proclaims an emergency, in accordance with the Emergency Management law, that stays in effect for at least one (1) month and prevents the presentation to and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation’s budget.

121.5-5. *Amendments to the Nation’s Budget.* After the budget is adopted, amendments of the budget shall not be permitted unless it is necessary to avoid a budget deficit. The Treasurer and CFO shall identify when forecasted revenue and forecasted expenses are impacted in a manner which creates a deficit for the current fiscal year. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential budget amendment. The Oneida Business Committee shall be responsible for adopting an amendment to the budget through

resolution of the Nation. The Oneida Business Committee shall present notification of the budget amendment at the next available General Tribal Council meeting.

121.6. Expenditures and Assets

121.6-1. *Procurement Rule Handbook*. The Purchasing Department is delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation.

121.6-2. *Authority to Expend Funds*. The Oneida Business Committee shall have the authority to expend appropriated funds in accordance with the Nation's adopted budget pursuant to the Procurement Rule Handbook developed by the Purchasing Department. The authority to expend funds is then necessarily delegated to other managers, including Executive Managers of the Nation who manage budgets pursuant to their job descriptions based on the Procurement Rule Handbook.

121.6-3. Unbudgeted Expenditures.

(a) *Approval of Unbudgeted Expenditures*. A fund unit shall not make an unbudgeted expenditure of two hundred and fifty thousand dollars (\$250,000) or more unless approval is granted by the Oneida Business Committee. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted expenditure. The Oneida Business Committee shall approve any unbudgeted expenditure through the adoption of a resolution prior to the expenditure being made by a fund unit.

(b) *Notification of Unbudgeted Expenditures*. 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.

(c) *Unbudgeted Supplemental Funding*. In the event that the Nation receives any supplemental or emergency funding of two hundred and fifty thousand dollars (\$250,000) or more, the Oneida Business Committee shall develop and adopt, through resolution, a spending plan to guide expenditures of the supplemental funding in accordance with any provided guidance for the supplemental funding and audit compliance.

121.6-4. *Obligated Future Expenditures*. Notwithstanding an approved multi-year contract, no fund unit shall obligate the Nation to make any future expenditures beyond the current budget year unless the fund unit identifies, and the Oneida Business Committee approves through the adoption of a resolution, the source and extent of any future funds that are recommended to be held in reserve to meet that future obligation.

121.6-5. *Unexpended Capital Improvement Funds*. Unexpended capital improvement funds shall carry over at the end of each fiscal year and remain available for use, provided that such funds are required to remain appropriated for the same purpose as originally budgeted until the project is complete. Once a capital improvement project is complete, any remaining unexpended funds shall be returned to the General Fund.

121.6-6. *Capital Contributions*. Any capital contributions made by the Nation shall be identified in the annual budget.

(a) Any reassignment of a loan provided by the Nation into a capital contribution shall be noticed to the General Tribal Council.

121.6-7. Assets of the Nation shall not be divested, or borrowed against, to balance the annual budget.

121.7. Grants

121.7-1. *Expending Grant Funds.* Grant funds shall be expended according to any grant requirements and guidelines of the granting agency.

(a) Grant funds may be utilized for, but not limited to, the following:

- (1) purchases;
- (2) travel;
- (3) training;
- (4) hiring grant required positions; and
- (5) any other requirements attached to the funds as a condition of the Nation's acceptance of the grant funds.

121.7-2. *Grant Funded Positions.* If the grant funding for a fully grant funded position is eliminated, then the position shall be eliminated. To transition a position from grant funding to being funded through the Nation's budget, a manager shall follow the standard procedure for seeking the development and approval of a new position in the Nation's annual budget and labor allocations.

121.8. Debts

121.8-1. *General.* The acquisition of debt by the Nation shall be processed in accordance with sound fiscal diligence. The Nation shall comply with all relevant federal and state banking laws, rules, and policies applicable to the credit agreement.

(a) Any debt instrument utilized by the Nation shall not exceed the life of what is being encumbered.

121.8-2. *Acquisition of Debt.* Any debt underwritten by the Nation for ten million dollars (\$10,000,000) or more shall be noticed to the General Tribal Council at the next available meeting prior to the execution of the credit agreement encumbering all pledges of repayment.

(a) If emergency circumstances exist which prevents the notice of the acquisition of debt to the General Tribal Council, the Oneida Business Committee may proceed with the acquisition of debt.

(b) Prior to the acquisition of any debt, the Nation shall obtain an amortization schedule for the repayment of the debt.

121.8-3. *Use of Debt.* Credit proceeds may be utilized for project capital, general use, financing of equity, and all unspecified uses. Compliance with debt covenants is required to avoid credit default.

121.8-4. *Credit Ratios.* Maintaining fiscally responsible prudent credit ratios is consistent with effective budget management and financial control.

(a) *Debt Service Coverage Ratio.* The Debt Service Coverage Ratio shall not exceed the acceptable range as defined by low-risk debt financing options at the specific financial institution.

(b) *Fixed Charge Coverage Ratio.* The Fixed Charge Coverage Ratio shall be maintained at the acceptable range as defined by low-risk debt financing options at the specific financial institution.

121.8-5. *Corporate Debt.* The Nation shall not be obligated to any debt obligations of its corporate entities.

121.9. Employment and Labor Allocations

121.9-1. *Employment Cap.* The Treasurer and CFO shall identify a maximum number of full-time equivalent (FTE) employees to be employed by the Nation. The Oneida Business Committee shall have the authority to approve this employment cap, and any amendments thereto, through the adoption of a resolution. The employment cap shall be reviewed annually by the Oneida Business Committee.

- (a) The Nation shall not exceed the number of FTE employees identified in the employment cap.

121.9-2. *Labor Allocations List.* The Treasurer, CFO, Executive Managers, and the Executive Human Resources Director shall utilize the Nation's employment cap to develop a labor allocations list. The labor allocations list shall identify the number of FTE employees each employment area of the Nation is allocated. The Oneida Business Committee shall have the authority to adopt the labor allocation list, and any amendments thereto, through the adoption of a resolution. The Oneida Business Committee shall review the labor allocations list on an annual basis.

- (a) The total number of FTE employees identified in the labor allocations list shall not exceed the Nation's employment cap.

- (b) The Treasurer, CFO, Executive Managers, and Executive Human Resources Director shall develop a standard operating procedure which identifies a process for the consideration of requests to revise the labor allocations list. The Oneida Business Committee shall approve this standard operating procedure, and any amendments thereto, through the adoption of a resolution.

121.9-3. *Unbudgeted Positions.* Any position which has not been specifically budgeted for and included in the labor allocation list shall be prohibited. Budgeted labor dollars and approved positions shall not be transferrable in any form.

- (a) *Exception.* The Oneida Business Committee may authorize an unbudgeted position for a fund unit. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted position. The Oneida Business Committee shall authorize the unbudgeted position through the adoption of a resolution.

121.10. Budget Contingency Planning

121.10-1. *Budget Contingency Plan.* The Oneida Business Committee shall work with the CFO, Executive Managers, and managers to create a budget contingency plan which provides a strategy for the Nation to respond to or prepare for potential extreme financial distress that could negatively impact the Nation.

- (a) Extreme financial distress includes, but is not limited to:

- (1) natural or human-made disasters;
- (2) United States Government shutdown;
- (3) emergency proclamations; and
- (4) economic downturns.

- (b) The Oneida Business Committee shall approve the budget contingency plan, and any amendments thereto, through the adoption of a resolution.

121.10-2. *Cost Saving Tools.* As part of the budget contingency plan, the Oneida Business Committee may require the use of cost saving tools, provided that the use of such complies with all laws of the Nation. Cost saving tools may include, but are not limited to, the use of the following:

- (a) stabilization funds;
- (b) cost optimization;
- (c) furloughs; and
- (d) layoffs.

121.10-3. When the CFO determines that the Nation is under extreme financial distress or may face extreme financial distress in the near future, the CFO shall inform the Oneida Business Committee, and the Oneida Business Committee shall be responsible for implementing the budget contingency plan.

121.10-4. *Financial Sovereignty Fund Account.* The Oneida Business Committee shall maintain a Financial Sovereignty Fund account within the ownership investment report to be used to prevent default on debt and to sustain operations, including grant operations, during times of extreme financial distress. The Financial Sovereignty Fund account shall be a restricted fund.

(a) The Financial Sovereignty Fund account shall consist of a minimum reserve of one (1) year of operating expenses to ensure continuity of business for the Nation.

(b) The Treasurer, in consultation with the CFO, shall establish, and the Oneida Business Committee shall approve through the adoption of a resolution, the percentage of the annual budget that shall be set aside in the Financial Sovereignty Fund account until the established level has been achieved.

(c) Funds in the Financial Sovereignty Fund account may only be used when the Oneida Business Committee has determined that the Nation is under extreme financial distress for the following purposes and only to the extent that alternative funding sources are unavailable:

- (1) payments to notes payable to debt service, both principal and interest, and applicable service fees;
- (2) employee payroll, including all applicable taxes;
- (3) payments to vendors for gaming and retail;
- (4) payments to vendors for governmental operations;
- (5) payments to any other debt; and
- (6) to sustain any of the Nation's other operations during implementation of the budget contingency plan.

121.11. Reporting

121.11-1. *Monthly Reporting.* The Treasurer shall provide monthly reports and quarterly operational reports from direct reports to the Oneida Business Committee in accordance with the Secretary's Oneida Business Committee packet schedule for the Oneida Business Committee meeting held for the acceptance of such reports.

(a) The Treasurer's monthly reports shall include revenue and expense summaries.

121.11-2. *Annual and Semi-Annual Reporting to the General Tribal Council.* The Treasurer shall report on all receipts and expenditures and the amount and nature of all funds in their possession and custody, at the annual and semi-annual General Tribal Council meetings, and at such other times as requested by the General Tribal Council or the Oneida Business Committee.

(a) The Treasurer reports shall include an independently audited annual financial statement that provides the status or conclusion of all the receipts and debts in possession of the Treasurer including, but not limited to, all corporations owned in full or in part by the Nation.

121.11-3. *Audits.* The Internal Audit Department, annually, shall conduct independent comprehensive performance audits, in accordance with the Nation’s Audit law, the Financial Accounting Standards Board (FASB) and the Governmental Accounting Standards Board (GASB), of randomly selected fund units or of fund units deemed necessary by the Oneida Business Committee or Internal Audit Department. Each fund unit shall offer its complete cooperation to the Internal Audit Department. The Oneida Business Committee may, as it deems necessary, contract with an independent audit firm to conduct such audits.

121.12. Enforcement

121.12-1. *Compliance and Enforcement.* All employees and officials of the Nation shall comply with and enforce this law to the greatest extent possible.

(a) The Executive Managers shall notify the Oneida Business Committee of any fund unit which does not comply with the budget schedule or guidelines. A list of any fund units of an elected entity which did not comply with the budget schedule or guidelines shall be included in the annual report to the General Tribal Council.

121.12-2. *Violations.* Violations of this law shall be addressed using the applicable enforcement tools provided by the Nation’s laws and policies including, but not limited to, those related to employment with the Nation, conflicts of interest, ethics, and removal from an elected position.

121.12-3. *Civil or Criminal Charges.* This law shall not be construed to preclude the Nation from pursuing civil or criminal charges under applicable law. Violations of applicable federal or state civil or criminal laws, or any laws of the Nation, may be pursued in a court having jurisdiction over any such matter.

End.

Adopted – BC-02-08-17-C

Emergency Amended – BC-11-24-20-E

Emergency Amended – BC-05-12-21-C

Emergency Extension – BC-11-10-21-B

Amended – BC-05-11-22-B

Emergency Amended – BC-10-26-22-D (Expired)

Amended – BC-__-__-__-__