

# Oneida Nation

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Oneida, WI 54155

## **BC Resolution # 03-11-20-B**

### **Boards, Committees, and Commissions Law Emergency Amendments**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Boards, Committees, and Commissions law ("the Law") was adopted by the Oneida Business through resolution BC-05-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, and BC-09-26-18-C; and
- WHEREAS,** the Law governs boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions; and
- WHEREAS,** on February 12, 2020, the Oneida Business Committee adopted a motion to request the Legislative Operating Committee to consider amendments to the Boards, Committees, and Commissions law as agreed upon at the February 3, 2020, joint meeting with the Oneida Land Commission; and
- WHEREAS,** an emergency amendment to the Law is being sought to provide that an employee of the Nation's Internal Audit Department, Finance Administration, or Law Office shall not be eligible to serve on an appointed or elected entity due to the potential for a real or perceived conflict of interest to exist; and
- WHEREAS,** the potential for a real or perceived conflict of interest to exist for an employee of the Internal Audit Department, Finance Administration, and Law Office is based on the fact that employees of the Internal Audit Department, Finance Administration, or Law Office have access to confidential information which requires a higher level of professionalism and fiscal responsibilities than other areas; and
- WHEREAS,** it is in the best interest of the Nation to recognize this potential for a conflict of interest to exist and amend the Law to restrict employee actions on this matter to better protect the Nation from potential conflicts of interest; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and

**WHEREAS,** emergency adoption of legislation is allowed when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and

**WHEREAS,** the emergency adoption of these amendments to the Law are necessary for the preservation of the general welfare of the Reservation population in order to ensure that any potential conflict of an employee of the Nation's Internal Audit Department, Finance Administration, and Law Office is eliminated prior to the March 14, 2020 caucus for the July 4, 2020 General Election; and

**WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest since they cannot be completed prior to the July 2020 Election; and

**WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; and

**NOW THEREFORE BE IT RESOLVED,** that the amendments to the Boards, Committees, and Commissions law are hereby adopted on an emergency basis and shall become effective immediately.

**BE IT FINALLY RESOLVED,** an employee of the Nation's Internal Audit Department, Finance Administration, or Law Office that is currently serving on an appointed or elected board, committee, or commission of the Nation shall be allowed to complete his or her term.

#### **CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 11<sup>th</sup> day of March, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
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Lisa Summers, Secretary  
Oneida Business Committee

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