

Oneida Tribe of Indians of Wisconsin

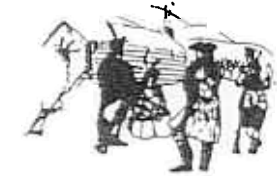
Post Office Box 365

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Oneida, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of
this Oneida Chief in
cementing a friendship
between the six nations
and the colony of
Pennsylvania, a new
nation, the United States
was made possible.



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

RESOLUTION # 08-05-98-A (Replaces Resolution #03-19-97-G)

Placement of the Division of Land Management

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the General Tribal Council; and
- WHEREAS,** under the Constitution of the Oneida Tribe of Indians of Wisconsin, the Oneida Business Committee has been delegated the responsibility of promulgating and enforcing ordinances relating to Management of all lands coming under the jurisdiction of the Oneida Tribe; and
- WHEREAS,** the Oneida Tribe of Indians of Wisconsin's Division of Land Management is responsible for managing all tribal real property assets through regulations promulgated in Oneida Real Property Law; and
- WHEREAS,** the Land Committee was changed to a Commission by promulgation of Oneida Real Property Law in order to act in a regulatory capacity regarding delegated authority within the Real Property Law, and thus be provided autonomy, independence and separation

NOW THEREFORE BE IT RESOLVED: that the Oneida Business Committee hereby approves the placement of the Division of Land Management at the same level as other Divisions within the tribal management structure; and their staff.

Will have sign off authority as a Division Director for all transactions regulated by Real Property Law and the Oneida Tribe's Realty Self-Governance Compact, upon approval of the Land Commission;

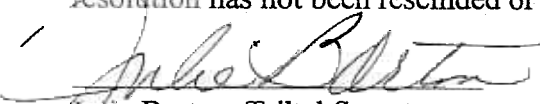
Will continue to provide notice to the Business Committee of all transactions approved by the Land Commission;

Will abide by all applicable present and future laws of the Oneida Tribe in developing the internal operating procedures of the Division.

NOW THEREFORE BE IT FINALLY RESOLVED: that the Land Commission is delegated the authority to approve resolutions regarding transactions on Tribal trust lands.

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, 7 members were present at a meeting of duly called, noticed and held on the 5th day of August, 1998; that the foregoing resolution was duly adopted at such meeting by a vote of 3 members for; 0 members against, and 3 members not voting; and that said resolution has not been rescinded or amended in any way.


Julie Barton, Tribal Secretary
Oneida Business Committee

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AMENDED STATEMENT OF EFFECT
Resolution Regarding Resolution BC-3-19-97-G
Summary

This resolution proposes amendments to a prior resolution regarding the Division of Land Management

Analysis

The 1997 resolution created the Division of Land Management and delegated certain authorities and responsibilities. These authorities and responsibilities were also identified by adoption of the Real Property Law. The proposed amendment to the 1997 resolution would delete the following clause from the first Resolve –

“will process resolutions for approval through the Business Committee for all transactions on Tribal trust land[.]”

The original Statement of Effect erroneously tied this to the application for placement of land into trust. However, upon receipt of further information from the Division of Land Management this language would correctly refer to the lease of Tribal trust land to members and businesses. The purpose of this amendment would allow the Division of Land Management to take action regarding leases in a more timely fashion.

The information forwarded by the Division of Land Management indicated that this change would allow the processes within the Oneida Tribe and the Bureau of Indian Affairs to be completed on a more timely basis. This is completed by a general delegation of authority to the Division of Land Management by the Oneida Business Committee. As stated in the prior Statement of Effect, it is not clear if this amendment would satisfy that requirement. It is suggested that the following Resolve be added –

“Now Therefore Be It Finally Resolved, that the Land Commission is delegated the authority to approve resolutions regarding transactions on Tribal trust lands.”

This would clearly identify the delegation of authority.

The Real Property Law identifies that the Division of Land Management shall, “...develop a system for timely recording of Oneida Reservation title documents[.]” *Real Property Law, sec. 12-2*. Since this office will maintain official documents for evidentiary purposes, this delegation of authority will not result in a loss of historical information. This was a concern raised by the Oneida Business Committee regarding adoption of this resolution. Historically, the Oneida Business Committee has approved all land leases. This was a result of the processes identified and past practice. Part of this approval by the Oneida Business Committee included involvement in land transactions, and maintenance of a ‘record’ of these transactions.

Conclusion

There are no legal issues which would prohibit adoption of this resolution. It is recommended that the suggested Resolve be added to clarify what authority is being delegated.