

Oneida Tribe of Indians of Wisconsin

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Oneida, WI 54155



UGWA DEMOLU... ATEHE
Because of the... of
this Oneida C... 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.

BC Resolution # 8-11-99-B

Emergency Adoption of a Law Affecting Per Capita Payments

- WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of the Wisconsin, and
- WHEREAS, the General Tribal Council has been delegated the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and
- WHEREAS, the Oneida Tribe has adopted a Garnishment Ordinance by resolution # BC-4-2-97-G in accordance with the Administrative Procedures Act that affects wages paid to employees of the Oneida Tribe which can be garnished by a creditor, and
- WHEREAS, the Oneida Tribe desires to make payments in the form of a per capita to members of the Oneida Tribe in accordance with a duly approved Revenue Allocation Plan to offset the hardships felt by all members throughout the years, and
- WHEREAS, the Oneida Tribe desires to make these payments to better allocate program benefit funds to its membership which may be unable to access the full extent of these funds as a result of residence, location, or other program limitations which would prohibit assistance where it is needed, and
- WHEREAS, the Oneida Tribe recognizes that the Oneida Appeals Commission has exercised its authority and jurisdiction in an area where no specific direction existed regarding the attachment of per capita payments from the legislative branches of the Oneida Tribe such that it has erroneously allowed attachment of these payments to the membership, and

WHEREAS, the Oneida Tribe desires to clarify that these per capita payments are not made as wages to the members of the Oneida Tribe but as a manner of better allocating public benefit resources, and

WHEREAS, the Oneida Appeals Commission is currently hearing cases which would subject the per capita payment to attachment and/or garnishment contrary to the above stated purposes which requires immediate action by the Oneida Business Committee to adopt legislation which would protect these payments for their intended use and purpose, and

WHEREAS, failure to take action today could result in further harm to the membership and tribal government through ongoing hearings scheduled by the Oneida Appeals Commission under its currently interpreted authority,

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee, by emergency action authorized under the Administrative Procedures Act, for a period of six months, does hereby adopt the following amendment to the Oneida Garnishment Ordinance –

“8-3. *Limitation on Actions.* This ordinance shall be narrowly interpreted by the Oneida Appeals Commission to be limited strictly to compensation earned as an employee of the Oneida Tribe. No part of this law may be interpreted to include the ability to attach and/or garnish the payments to any person by the Oneida Tribe other than those that may be strictly defined as compensation earned by an employee of the Oneida Tribe.”

“8-4. *Intent to Exclude.* It is the intent of this law to exclude any attachment or garnishment of all other monies unless specifically identified by legislation of the Oneida Tribe.”

NOW THEREFORE BE IT FURTHER RESOLVED, that the Oneida Business Committee, by emergency action authorized by the Administrative Procedures Act, for a period of six months, does hereby adopt the following law of the Oneida Tribe –

Per Capita Payments

1-1. *Definition.* A per capita payment shall be defined as any payment of monies made by the Oneida Tribe of Indians to its membership from judgement funds received by the Oneida Tribe, trust funds operated by the Oneida Tribe, or the funds distributed through an approved Revenue Allocation Plan or other plan approved by the Oneida Tribe.

1-2. *Purpose.* A per capita payment is made to offset hardships of members of the Oneida Tribe historically and today. These hardships are the result of loss of educational, employment, business, and home/land ownership opportunities. A per capita payment is intended to repair these damages by allocating funds of the Oneida Tribe to benefit the membership in general, rather than through public benefit programs not otherwise accessible.

1-3. *Limitations.* The Oneida Tribe does not waive its sovereign immunity for purposes of collections brought against members of the Oneida Tribe to attach or otherwise collect a per capita payment to pay a debt owed. The Oneida Tribe recognizes the validity of all debts of its membership, however, a per capita payment, as a public benefit payment is not at this time proper vehicle for payment of debts owed by the membership.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Legislative Operating Committee shall be directed to implement the processes to have in place, prior to the expiration of this emergency action, provided that one six month extension may be granted if requested prior to the expiration of this current resolution, a law of the Oneida Tribe which identifies and clarifies the actions approved within this resolution.

NOW THEREFORE BE IT FINALLY RESOLVED, that actions within this resolution shall be implemented immediately upon adoption and shall be effective immediately upon adoption.

CERTIFICATION

I, the undersigned, as Chairman of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 8 members were present at a meeting duly called, noticed and held on the 11th day of August, 1999; that the foregoing resolution was duly adopted at such meeting by a vote of 7 members for; 0 members against, and 0 members not voting; and that said resolution has not be rescinded or amended in any way,


Gerald Danforth, Chairman
Oneida Business Committee