

# Oneida Nation

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Oneida, WI 54155

## **BC Resolution # 09-14-16-B Adoption of the Oneida Youth Leadership Institute's Charter**

- 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 Oneida Business Committee recognizes the value of the youth leadership programs in the Oneida community; and
- WHEREAS,** the Oneida Business Committee wishes to create the Oneida Youth Leadership Institute (OYLI) pursuant to section 7871(a) of the Internal Revenue Code an agency of the Nation created to operate and support programs and activities which promote leadership qualities in Oneida youth, and to solicit charitable tax deductible donations to fund such programs and activities; and
- WHEREAS,** OYLI qualifies for treatment under section 7871(a) of the Internal Revenue Code as an integral part of Nation's government based on the following relevant factors:
- a) The OYLI is not separately incorporated under state law;
  - b) The Nation exerts a substantial degree of control over the OYLI, including appointment of its Board members and approval of its by-laws;
  - c) The Nation is liable for the OYLI's actions;
  - d) The OYLI is an agency of the Nation; and
  - e) The Nation has made a substantial financial commitment to the OYLI, including making employees of the Nation available for the OYLI's use as needed; and
- WHEREAS,** a separate account from the Nation's general fund has been created in the name of the OYLI for receiving tax deductible contributions from donors under Internal Revenue Code Section 170 and 7871(a); and
- WHEREAS,** the OYLI is designed to operate as a perpetual fund in which contributions are dedicated exclusively to the generation and accumulation of income over a specified period of time, after which the earnings from the accumulated fund are used to fund delivery of youth leadership services to the Oneida community; and
- WHEREAS,** the OYLI's board of directors is not a board, committee or commission for purposes of the Comprehensive Policy Governing Boards, Committees and Commissions; and

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee hereby adopts the OYLI's charter.

**BE IT FURTHER RESOLVED**, that the Oneida Business Committee hereby repeals BC Resolution 05-15-14-G because the "Youth Leadership Fund" has been renamed.

**BE IT FURTHER RESOLVED**, that the OLYI's work team shall provide candidates for appointment, pursuant to the terms of the Charter, within sixty (60) calendar days from the date the Charter is adopted and the Oneida Business Committee shall appoint the OYLI Board directors in a timely fashion.

**BE IT FURTHER RESOLVED**, that the OYLI work team, consisting of Susan White, Joanie Buckley, Susan House and JoAnn Ninham shall serve as the OYLI's interim board until a board of directors is appointed by the Oneida Business Committee.

**BE IT FURTHER RESOLVED**, that the OYLI's interim board shall operate under the by-laws approved by the interim board on July 26, 2016 and by the Oneida Business Committee on September 14, 2016.

**BE IT FURTHER RESOLVED**, no funds may be distributed from the OYLI's account until the Oneida Business Committee appoints a board of directors and the board adopts disbursement policies.

**BE IT FINALLY RESOLVED**, that the OYLI's governing documents shall be reviewed by the board of directors with a report to the Oneida Business Committee including any recommendations within twelve (12) months of the date the board is appointed by the Oneida Business Committee.

#### **CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 8 members were present at a meeting duly called, noticed and held on the 14<sup>th</sup> day of September, 2016; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Tribal Secretary  
Oneida Business Committee

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