

Oneida Nation

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Oneida, WI 54155

BC Resolution # 11-09-16-B Adoption of Definition and Guidance Regarding “Day-to-Day”

- 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,** over the years the General Tribal Council has taken direct action or ratified actions of the Oneida Business Committee which provide guidance regarding authorities, responsibilities and limitations of the Oneida Business Committee regarding its actions on behalf of the Oneida Nation, for example, the Oneida Administrative Procedures Act adopted by Oneida Business Committee resolution # BC-05-02-90-A which was ratified by the General Tribal Council by resolution # GTC-08-19-91-A and Addendum and which was replaced by the Legislative Procedures Act by adoption of resolution # GTC-01-07-13-A, which provided the same delegations and guidance regarding legislative authority and responsibilities; and
- WHEREAS,** the Oneida Business Committee adopted the Tribal Management System by motion at the May 5, 1975, meeting and that action was ratified by the General Tribal Council by motion at the February 8, 1977, meeting, and which have been in place consistently since that time and are now known as the Personnel Policies and Procedures; and
- WHEREAS,** the General Tribal Council, at the February 14, 1976, adopted resolution # GTC-02-14-76 which directed that members of the Oneida Business Committee could not hold employment positions in the Tribe, and in Whereas #2 and #7 identified that the Oneida Business Committee is “the policy making body of the Tribe” and that “there is a need to maintain a separation of the legislative and administrative responsibilities of the Tribe”; and
- WHEREAS,** the General Tribal Council in 1982 adopted resolution # GTC-2-25-82 which recognized in Whereas #2 the growth and complexity of the Tribe which required “technical skills of trained administrators” and in Whereas #3 that “the elected officials need to maintain a separation of the legislative and administrative responsibilities of the Tribe”; and
- WHEREAS,** the 1982 resolution of the General Tribal Council in Resolve #2 directed the Oneida Business Committee to be “actively involved in the legislative areas” and in Resolve #1

directed that a General Manager be hired to be "directly responsible for the programs and enterprises of the Tribe;" and

WHEREAS, at the July 30, 1990, meeting the General Tribal Council, after several meetings, adopted "job descriptions" for the Oneida Business Committee members outlining their responsibilities and focusing on governing versus administration activities; and

WHEREAS, at the October 25, 1995, meeting the General Tribal Council adopted a motion to "make further clarification that the Oneida Business Committee's involvement and/or activity is hereby restricted to legislative policy development and not in day-to-day personnel/HRD matters including restriction of their involvement on various committees related to HRD and personnel matters or activity;" and

WHEREAS, at the July 6, 1998, meeting the General Tribal Council adopted a motion to approve a status report and "to make further clarification that the Oneida Business Committee's involvement and/or activity is hereby restricted to legislative policy development and not in day to day personnel/HRD matters including restriction of their involvement on various committees related to HRD and personnel matters or activity;" and

WHEREAS, in 2011 the Oneida Business Committee adopted a series of resolutions which implemented at July 2000 General Tribal Council motion adopting "Plan B" which resulted in the removal of the General Manager and Chief of Staff positions from the organizational structure and identified that until such time as "Plan B" could be updated the Division Directors would be reporting directly to the Oneida Business Committee; and

WHEREAS, the Oneida Business Committee reported out the challenges of updating the organizational structure and need for additional time to finalize which is now being finalized by the current Oneida Business Committee; and

WHEREAS, the Oneida Business Committee has taken action to further clarify terms to provide additional guidance when needed, for example, resolution # BC-01-14-09-D, *Definition of Oversight* and resolution # BC-09-24-14-C, *Adopting Standards for the Roles and Responsibilities for Oneida Business Committee Liaison Assignments*; and

WHEREAS, the Oneida Business Committee has recognized the long history of the demand to refrain from day-to-day activities and the lack of clear definition or direction regarding the term day-to-day activities and has determined that defining this term is in the best interests of the Nation and its legislative and administrative activities; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby defines "day-to-day" in regards to the directions of the General Tribal Council in 1976, 1982, 1994 and 1998, as follows.

- Day-to-day refers to the action of addressing an individual issue rather than a policy direction;
- Day-to-day concerns the use of one's office to influence or change the outcome of a decision or action of a program, service, business unit of the organization rather than a change in the legislative directions set forth in laws, rules, and policies of the Nation; and,

- Day-to-day does not refer to the directions placed on the Oneida Business Committee by the General Tribal Council to address the policy direction of the Nation.

NOW THEREFORE BE IT FINALLY RESOLVED, the Oneida Business Committee directs that it is not a violation of the day-to-day restrictions set by the General Tribal Council to listen to individual questions or concerns and guide those individuals to the proper office or forum that can provide direction or resolution to their questions or concerns and that such responsibility is an inherent responsibility of an elected official to their constituents.

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 duly called, noticed and held on the 9th day of November, 2016; that the forgoing resolution was duly adopted at such meeting by a vote of 6 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."