

# Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: (414) 869-2214

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.

## RESOLUTION # 12-09-98A The Brown County Water Authority Agreement Resolution

- 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 Oneida General Tribal Council; and
- WHEREAS, the Oneida Tribe of Indians of Wisconsin, in its efforts to secure and maintain a long term supply of potable water for its residents has, along with the Village of Allouez, the Village of Ashwaubenon, the Town of Bellevue, the City of DePere, the Town of Hobart, the Village of Howard, the Town of Lawrence, the Town of Ledgeview, the Town of Scott, and the Town of Suamico, participated in studies and investigations to identify the most reliable and cost effective means of long term water supply and distribution to all the participating communities; and
- WHEREAS, the Oneida Tribe of Indians of Wisconsin has, jointly with these other communities determined that the most reliable and cost effective means of water supply and distribution is the joint development, financing, construction, operation, maintenance, and administration of a water supply and distribution system capable, on a long term basis, of either: (i) obtaining lake water, transporting such water to processing facilities, treating such water as required for the uses intended therefor, and distributing such water to the communities for resale to their residents, or (ii) receiving treated water purchased from the City of Green Bay and distributing such water to the communities for resale to their residents; and
- WHEREAS, the Oneida Tribe of Indians of Wisconsin has, jointly with these other communities established the Central Brown County Water Commission to pursue the planning of a Joint Lake Water System; and
- WHEREAS, these communities now desire to reconstitute the Central Brown County Water Commission into a joint local water authority authorized under a new statute, §66.0735 Stats., in order to take the steps necessary to jointly develop, finance, construct, operate, maintain and administer a Joint Lake Water System, and



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

WHEREAS, Wisconsin Statute §66.0735, (1997 Wisconsin Act 184), authorizes local governmental units to enter into an agreement with other local governmental units and with federally recognized Indian tribes and bands in the State of Wisconsin to form a joint local water authority which may act jointly in developing coordinated water production, treatment, storage, transmission and distribution and in exercising any power or duty required or authorized by law, and

WHEREAS, the Oneida Tribe of Indians of Wisconsin desires to join in an agreement with Village of Allouez, the Village of Ashwaubenon, the Town of Bellevue, the City of DePere, the Town of Hobart, the Village of Howard, the Town of Lawrence, the Town of Ledgeview, the Town of Scott, and the Town of Suamico to create and establish the Central Brown County Water Authority for the purpose of planning and directing the development, financing, construction, operation, maintenance, and administration of a joint water supply system, and

WHEREAS, after a public hearing and full consideration of planning, fiscal, and other intergovernmental issues affecting this matter, the Oneida Tribe of Indians of Wisconsin has determined that it is in the best interests of its own members and the general public welfare that the Oneida Tribe of Indians of Wisconsin enter into this Agreement creating the Central Brown County Water Authority;

BE IT HEREBY RESOLVED that the Oneida Tribe of Indians of Wisconsin shall enter into an intergovernmental agreement, with the Village of Allouez, the Village of Ashwaubenon, the Town of Bellevue, the City of DePere, the Town of Hobart, the Village of Howard, the Town of Lawrence, the Town of Ledgeview, the Town of Scott, and the Town of Suamico to create and establish the Central Brown County Water Authority for the purpose of planning and directing the development, financing, construction, operation, maintenance, and administration of a joint water supply system; and

BE IT FURTHER RESOLVED, that the Oneida Tribe of Indians of Wisconsin agrees to the terms and conditions contained in the Agreement Establishing the Central Brown County Water Authority which is attached to this Resolution as Exhibit A, and authorizes Deborah Doxtator to duly sign and execute the Agreement.

BE IT FURTHER RESOLVED, that the Oneida Tribe of Indians of Wisconsin's approval of this Agreement is contingent upon the Agreement being similarly approved and executed by the Village of Allouez, the Village of Ashwaubenon, the Town of Bellevue, the City of DePere, the Town of Hobart, the Village of Howard, the Town of Lawrence, the Town of Ledgeview, the Town of Scott, and the Town of Suamico, and if such contingency is not met, the Oneida Tribe of Indians of Wisconsin's approval pursuant to this resolution shall be null and void.


BE IT FURTHER RESOLVED that the Oneida Tribe of Indians of Wisconsin appoints Leland Danforth to initially serve as its Director on the Board of Directors of the Central Brown County Water Authority, and appoints Sandra Ninham to initially serve as its Alternate Director to act for the Director in the Director's absence.

BE IT FURTHER RESOLVED, that future Directors and Alternate Directors shall be appointed to the Board of Directors by Oneida Business Committee resolution adopted by a majority vote of all Business Committee members present.

BE IT FINALLY RESOLVED, that the Tribal Secretary shall provide the Central Brown County Water Authority with written notice of the subsequent appointment and removal of the Oneida Tribe of Indians of Wisconsin's Director and/or Alternate Director.

C E R T I F I C A T I O N

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, 2 members were present at a meeting duly called, noticed and held on the 9th day of December, 1998; 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 been rescinded or amended in any way.

  
Julie Barton, Tribal Secretary  
Oneida Business Committee

# Oneida Tribe of Indians of Wisconsin

Post Office Box 365



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

Phone: (414) 869-2214



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.

## STATEMENT OF EFFECT

### Resolution adopting the Agreement Establishing The Central Brown County Water Authority Pursuant to §66.0735, Wis. Stats.

#### Summary

Since the early 1990's, the Oneida Nation has been participating with ten other Brown County communities in an effort to address the region's long-term potable water supply needs. Last year, the communities took the first step in establishing a regional water supply system by entering into a formal intergovernmental agreement to form the Central Brown County Water Commission (the "Commission"). The Oneida Nation adopted the original intergovernmental agreement on July 16, 1997.

At the time of its creation, the Commission reviewed Wisconsin law to determine whether the law adequately provided for the full range of activities that will be necessary to plan, build, and operate a regional water system. Because of shortcomings in Wisconsin law, the Commission developed legislation, which was passed modeled on the existing Wisconsin statutes authorizing joint municipal electric utilities, which would grant the Commission the required authority. The legislation proposed by the Commission was enacted on April 27, 1998 (1997 Wisconsin Act 184).

#### Analysis

The Agreement before the Committee reestablishes the Commission under the new statute, and is very similar to the intergovernmental agreement adopted in July 1997. The Authority created by the Agreement will have many of the powers of a municipality, including the power to issue bonds and the power to acquire and dispose of property, including acquiring property by eminent domain. The Authority will also function much like a municipality, with public meetings, hearings, and a budget. As stated in the Agreement, the budget is funded by member contributions until the Authority issues bonds. At the time of its first bond issue, members will be reimbursed for their contributions, provided that they agree to purchase water from the Authority.

This Agreement is the first step in the development of a regional water system. Ultimately, the Authority will have to enter into water purchase contracts with each of its members. Once a member signs a water purchase agreement, they are obligated to continue to purchase water as long as any bonds are outstanding. The project's current timetable envisions water purchase agreements being signed in the early part of the next decade.

The Agreement does contain a sovereign immunity provision, which ensures that each member has the same ability to enforce the terms of the Agreement. Dispute resolution under the Agreement is by binding arbitration.

#### Conclusion

There are no legal issues which would bar implementation of this resolution.