

Oneida Nation

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Oneida, WI 54155

BC Resolution # 02-08-17-D Eviction and Termination Rules Extension

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 adopted the Eviction and Termination Law (Law) pursuant to resolution BC-10-12-16-A with an effective date of 120 days from the date of adoption, February 9, 2017; and

WHEREAS, the Law delegates joint rulemaking authority to the Land Commission and the Comprehensive Housing Division to create rules related to disposition of personal property regarding to residential contract terminations and to the Land Commission and the Division of Land Management to create rules related to disposition of personal property regarding agriculture and business contract terminations, and

WHEREAS, the Law's adopting resolution required that such rules related to disposition of personal property be created and adopted no later than the Law's effective date; and

WHEREAS, the rules related to disposition of personal property when contracts are terminated will not be ready in time for the February 9, 2017 effective date of the Law; and

WHEREAS, the Law, in section 709.6-1(b)(1), does provide a minimum requirement that requires any property left behind to be held for a minimum of five (5) business days; and

WHEREAS, the required rules would solely govern what is done with personal property left behind in a unit after the five (5) business day period for claiming personal property has expired; and

NOW THEREFORE BE IT RESOLVED, the parties responsible for developing and adopting rules governing the disposition of personal property related to terminated contracts are hereby granted a 90-day extension to create and make effective such rules.

NOW THEREFORE BE IT FURTHER RESOLVED, that personal property left behind in rental units shall be held by the Nation and may not be disposed of until the required rules governing disposition of personal property are duly adopted.

NOW THEREFORE BE IT FINALLY RESOLVED, the 90-day extension does not impact the effective date of Eviction and Termination Law.

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; 9 members were present at a meeting duly called, noticed and held on the 8th day of February, 2017; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 2 members not voting; and that said resolution has not been rescinded or amended in any way.


Lisa Summers, Tribal Secretary
Oneida Business Committee