

Oneida Tribe of Indians of Wisconsin



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



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.

BC Resolution 05-28-14-A Clean Air Policy Amendments

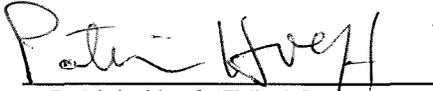
- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America, and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS,** 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 Clean Air Policy (Policy) was adopted by the Oneida Business Committee on May 25, 1994 and amended on February 24, 2010 to provide a healthy working and learning environment within the Tribe's vehicles and buildings by prohibiting smoking within Tribal vehicles and within and around the majority of the Tribe's buildings, and
- WHEREAS,** the use of electronic cigarettes as an alternative to other types of cigarettes is expected to increase, and
- WHEREAS,** information on the long-term health effects of electronic cigarettes is not readily available, and
- WHEREAS,** the proposed amendments to the Policy would regulate electronic cigarettes in the same manner that other types of cigarettes are regulated, and
- WHEREAS,** a public meeting on the proposed amendments was held on February 27, 2014 in accordance with the Legislative Procedures Act.

NOW THEREFORE BE IT RESOLVED, the attached amendments to the Clean Air Policy are hereby adopted.

NOW THEREFORE BE IT FINALLY RESOLVED, smoking shall continue to be prohibited in the gaming area attached to the Oneida One Stop 54 unless otherwise approved by the Oneida Business Committee through resolution.

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 28th day of May, 2014; 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.


Patricia Hoeft, Tribal Secretary
Oneida Business Committee

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

Clean Air Policy

Article I. Purpose and Policy
Article II. Adoption, Amendment, Conflicts

Article III. Definitions
Article IV. Regulation of Smoking

Article I. Purpose and Policy

1-1. Purpose. It is the purpose of this Clean Air Policy to provide a healthy working and learning environment within buildings and vehicles owned and operated by the Oneida Tribe.

1-2. Policy. The Oneida Tribe is committed to health and wellness in all forms. There is long standing evidence that smoking is harmful to oneself and that second-hand smoke is harmful to others. In addition, the long term effects of electronic cigarettes on individuals are unclear. In an effort to provide a healthy environment for children, employees, and visitors, smoking will be restricted as described within this policy.

Article II. Adoption, Amendment, Conflicts

2-1. This Policy was adopted by motion of the Oneida Business Committee on May 25, 1994 and amended by resolution BC-02-24-10-I and BC-05-28-14-A.

2-2. This Policy may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

2-3. Should a provision of this Policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Policy which are considered to have legal force without the invalid portions.

2-4. In the event of a conflict between a provision of this Policy and a provision of another law, ordinance, policy, regulation, rule, resolution, or motion, the provisions of this Policy shall control. Provided that, nothing in this Policy is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

2-5. This Policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

Article III. Definitions

3-1. This article shall govern the definitions of words and phrases used within this Policy. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) "Building" means a structure that has a roof and more than two (2) substantial walls.
- (b) "Electronic cigarette" means a device that enables a person to ingest nicotine, or other chemicals or substances, by inhaling a vaporized liquid and shall include the cartridges and other products used to refill the device. "Electronic cigarette" shall not include any device that is prescribed by a healthcare professional.
- (c) "Indoor" means within the exterior walls of any building.
- (d) "Main entrance" means the front entrance to any building, or any entrance a majority of the employees and public use to access the building.
- (e) "Smoke" or "Smoking" means the inhalation of:
 - (1) the smoke of burning tobacco encased in cigarettes, pipes and cigars; or
 - (2) a vaporized liquid from an electronic cigarette, whether the liquid contains or does not contain nicotine.
- (f) "Tribe" means the Oneida Tribe of Indians of Wisconsin.

Article IV. Regulation of Smoking

4-1. Except as provided in 4-1(b)(1) and 4-2, no person may smoke:

- (a) in any building owned or operated by the Tribe.
- (b) within thirty (30) feet of any building owned or operated by the Tribe. Receptacles for disposing of smoking materials shall be maintained at least thirty (30) feet from the main entrances of the building.
 - (1) A person may smoke within thirty (30) feet of the Oneida One Stop outlets or any gaming establishments. Receptacles for disposing of smoking materials may be maintained within thirty (30) feet of the entrances of these buildings.
- (c) in any vehicle owned or operated by the Tribe.

4-2. *Exemptions.*

- (a) There shall be an exemption for specific cultural uses for the reasonable burning of tobacco, sage, cedar, and/or sweetgrass. Employees working in the vicinity of this cultural use shall be notified prior to use.
- (b) Specifically exempted from this policy are:
 - (1) all gaming areas in any Tribal building. Smoking and non-smoking employee break rooms shall be provided in these buildings and shall have separate ventilation. Employees shall not smoke while working in these buildings, other than in the provided break room.
 - (2) residential buildings that are owned by the Tribe, including, but not limited to single-family dwellings, two-family dwellings and multiple-family dwellings.

4-3. *Posting and Notices.* All Tribal buildings, except for those listed in 4-2(b), shall be posted “Non-Smoking” on entrances. In addition, the hallways, restroom facilities, and other public areas of these buildings may also be posted “Non-Smoking.” Signs shall be large enough that they can be viewed and read thirty (30) feet from the building.

4-4. *Violations.*

- (a) Any building manager or designated agent of the Oneida Business Committee may file for injunctive relief with the Tribe’s judicial system against any person who repeatedly or willfully violates this policy.
- (b) An employee of the Tribe who violates this policy during his or her work hours may be:
 - (1) reprimanded for a first time violation;
 - (2) suspended without pay for one (1) week for a second violation; or
 - (3) terminated from employment for any violation thereafter.

End.

Adopted - 5-25-94, motion, grace period for 30 feet until shelters complete, except for at educational facilities where minors are present.
Amended – BC-02-24-10-I
Amended – BC-05-28-14-A