

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 08-12-20-D Emergency Adoption of the Oneida General Welfare Law

- 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 federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses; and
- WHEREAS,** state governors, including the State of Wisconsin, declared public health emergencies and state public health officers issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders; and
- WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses; and
- WHEREAS,** the Nation's Public Health State of Emergency has since been extended by the Oneida Business Committee until August 11, 2020, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A; and
- WHEREAS,** on March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer at Home*" declaration which prohibited all public gatherings of any number of people and ordered all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed; and
- WHEREAS,** the COVID-19 Core Decision Making Team has issued subsequent declarations modifying the "*Safer at Home*" declaration including the April 21, 2020 "*Updated Safer at Home*" declaration, the May 19, 2020, "*Safer at Home Declaration, Amendment, Open for Business*" declaration, and the June 10, 2020, "*Stay Safer at Home*" declaration; and

WHEREAS, the Oneida General Welfare law (“the Law”) is being proposed for emergency adoption in an effort to provide a mechanism to address the economic needs of members of the Nation during the COVID-19 pandemic; and

WHEREAS, the purpose of the Law is to provide assistance, on a non-taxable basis, to Tribal members through approved programs that promote the general welfare of the Nation; and

WHEREAS, the Law sets a framework and provides guidelines for the Nation to establish and operate approved programs which provide assistance to eligible Tribal members to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment; and

WHEREAS, the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the adoption of the legislation is required sooner than would be possible under the Legislative Procedures Act; and

WHEREAS, emergency adoption of legislation is effective for a period of six (6) months, renewable by the Oneida Business Committee for an additional six (6) month term; and

WHEREAS, the emergency adoption of this Law is necessary for the preservation of the general welfare of the Reservation population, as the Law shall assist in addressing the economic needs of the Reservation population during the public health crisis that is the COVID-19 pandemic by allowing the Nation to establish and operate approved programs that may provide assistance to Tribal members on a non-taxable basis; and

WHEREAS, observance of the requirements under the Legislative Procedures Act for adoption of this Law would be contrary to public interest since the Nation is currently experiencing the vast effects of the COVID-19 pandemic, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Law can be adopted to best assist members of the Nation during this COVID-19 pandemic; and

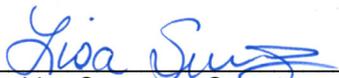
WHEREAS, the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts, on an emergency basis, the Oneida General Welfare law effective immediately.

BE IT FINALLY RESOLVED, the Oneida Business Committee hereby approves the creation of "Title 10. General Welfare Exclusion" in the Code of Laws and directs that the Oneida General Welfare law be codified under this Title as Chapter 1001.

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 12th day of August, 2020; 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, Secretary
Oneida Business Committee

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