

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 08-25-20-A

Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund 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 Oneida Business Committee adopted the Oneida Higher Education Pandemic Relief Fund law ("the Law") on an emergency basis through the adoption of resolution BC-08-12-20-E; and
- WHEREAS,** the purpose of the Law is to create the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions with funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF) in order to meet the higher education needs of its students during the COVID-19 Public Health Emergency; 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 September 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 BC-08-06-20-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,** on April 8, 2020, the Oneida Business Committee adopted resolution BC-04-08-20-C titled, “*Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020*” which adopted Tier V budget reductions from the Budget Contingency Plan in accordance with the Budget Management and Control law, and included five percent (5%) mandatory budget cuts across the Nation and reduction of all funding to essential services only; and
- WHEREAS,** the Oneida Business Committee also adopted resolution BC-04-08-20-G titled, “*Reducing the General Tribal Council Higher Education Scholarship Payments for FY2020 and FY2021*” which provided that the General Tribal Council Higher Education Scholarship be reduced to five thousand dollars (\$5,000) per year; and
- WHEREAS,** emergency amendments to the Law are being proposed to clarify the intent of the Law and ensure proper effectuation of the Law; and
- WHEREAS,** the emergency amendments to the Law add a definition for the term “accredited;” and
- WHEREAS,** the emergency amendments to the Law revise the definition for “higher education institution” so it is clarified that the higher education institution must be accredited; and
- WHEREAS,** the emergency amendments to the Law include transportation costs in the definition for “room and board;” and
- WHEREAS,** the emergency amendments to the Law clarify that all student expenses, not just room and board and classroom requirements, shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to amend legislation on an emergency basis when the legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and
- WHEREAS,** the emergency amendments to this Law are necessary for the preservation of the general welfare of the Reservation population as the emergency amendments ensure that the Oneida Higher Education Pandemic Relief Fund is utilized for students at accredited higher education institutions, and ensure that the Law better meets the needs of students of the Nation by including transportation costs, and clarifying that all student expenses, not just room and board and classroom requirements, shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020; and
- WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of the amendments to this Law would be contrary to public interest since the 2020 Fall Term for many higher education institutions begins in a couple weeks and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Oneida Higher Education Pandemic Relief Fund can best meet the needs of eligible students during the 2020 Fall Term; and
- WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering the adoption of emergency amendments; and

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

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts the emergency amendments to the Oneida Higher Education Pandemic Relief Fund law effective immediately.

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 participated in an electronic vote (e-poll) which closed on the 25th day of August, 2020; that the forgoing resolution was duly adopted 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. The results of the e-poll will be entered into the record at the next regular Oneida Business Committee scheduled on September 23, 2020.



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."