

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 08-26-20-A

Extension of the Emergency Amendments to the Emergency Management and Homeland Security 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 Emergency Management and Homeland Security law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-07-15-98-A, amended by resolutions BC-12-20-06-G, BC-05-13-09-F, and most recently amended on an emergency basis by resolution BC-03-17-20-E; and
- WHEREAS,** the Law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provides for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establishes the use of the National Incident Management System; and designates authority and responsibilities for public health preparedness; 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, which was then subsequently extended through 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 prohibiting all public gatherings of any number of people and ordering all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed; and
- WHEREAS,** the Nation’s COVID-19 Core Decision Making Team modified the “*Safer at Home*” declaration on April 21, 2020, with the issuance of the “*Updated Safer at Home*” declaration, on May 19, 2020, with the “*Safer at Home Declaration, Amendment, Open for Business*” declaration, and then again on June 10, 2020, with the issuance of the “*Stay Safer at Home*” declaration; 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 amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and

- WHEREAS,** the Oneida Business Committee adopted emergency amendments to the Law through resolution BC-03-17-20-E; and
- WHEREAS,** the emergency amendments to the Law created a COVID-19 Core Decision Making Team; identified what positions of the Nation serve on the COVID-19 Core Decision Making Team; described the authority delegated to the COVID-19 Core Decision Making Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation; described how the COVID-19 Core Decision Making Team would make its declarations; and provided for the duration of authority for declarations made by the COVID-19 Core Decision Making Team; and
- WHEREAS,** the Oneida Business Committee determined that the emergency adoption of these amendments to the Law were necessary for the preservation of the public health, safety, and general welfare of the Reservation population to allow the COVID-19 Core Decision Making Team to take action to protect the Reservation population against the public health crisis that is the COVID-19 pandemic; and
- WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of these emergency amendments was contrary to public interest; and
- WHEREAS,** emergency legislation is effective for a period of six (6) months, renewable for an additional six (6) months by the Oneida Business Committee; and
- WHEREAS,** the emergency amendments to the Law will expire on September 17, 2020; and
- WHEREAS,** a six (6) month extension of the emergency amendments is being requested because the Nation is still experiencing the COVID-19 pandemic and Public Health State of Emergency, and the extension would allow for the emergency amendments to remain in effect while the Legislative Operating Committee develops permanent amendments to the Law; and

NOW THEREFORE BE IT RESOLVED, that the emergency amendments to the Emergency Management and Homeland Security law are hereby extended for an additional six (6) month period, effective September 17, 2020, and shall expire on March 17, 2021.

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 26th 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."