

Oneida Nation

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BC Resolution # 09-23-20-B Extension of the Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy

- 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 General Tribal Council Meeting Stipend Payment Policy (the "Law") was adopted by the Oneida Business Committee through resolution BC-12-10-08-K, amended by resolution BC-02-13-13-E, and most recently amended on an emergency basis by resolution BC-04-08-20-A; and
- WHEREAS,** the Law governs the payment of stipends to attendees of a General Tribal Council meeting who meet the eligibility requirements; 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, have declared public health emergencies and state public health officers have 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, declaring a Public Health State of Emergency for the Nation until April 12, 2020, which was then subsequently extended through October 12, 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, BC-08-06-20-A and BC-09-09-20-A; and
- WHEREAS,** the Oneida Business Committee adopted resolution BC-03-17-20-A which declared that Tier IV budget contingency measures are implemented which require a four percent (4%) reduction in overall expenditures and budgets; and
- WHEREAS,** the Oneida Business Committee adopted resolution BC-04-08-20-C, which declared that Tier V budget contingency measures be implemented and directed expenditure reductions

of five percent (5%) regarding non-essential government functions and instituted lay-offs regarding non-critical personnel; and

WHEREAS, the Treasurer has implemented a COVID-19 Finance Team (“Finance Team”) to monitor the financial status of the Nation and make recommendations regarding expenditure restrictions for the remainder of FY2020, budgeting for FY2021, development of directions for continuing resolution for FY2021, and other actions necessary to ensure governmental services can continue to be provided to those most in need and at risk regarding COVID-19 and the health impacts of the virus; and

WHEREAS, on August 12, 2020, the Oneida Business Committee adopted continuing budget resolution BC-08-12-20-J, directing that FY2021 expenditures shall derive from each fund unit’s approved contingency plan as impacted by resolution BC-04-08-20-C, *Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020*, and all expenditures shall be restricted to the greatest extent possible to allow the Nation to provide critical-essential services; 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-04-08-20-A; and

WHEREAS, the emergency amendments to the Law created an exception to the mandatory payment of stipends to qualified attendees of GTC meetings when the Oneida Business Committee determines, through adoption of a resolution, that halting such payments is necessary to protect and safeguard the resources and general welfare of the Nation; 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 because it provides the Oneida Business Committee with the authority to halt payments of GTC meeting stipends when the Nation is under extreme financial stress such that it would not be possible to issue GTC meeting stipends and still maintain essential governmental services; and

WHEREAS, observance of the requirements under the Legislative Procedures Act for adoption of these emergency amendments to the Law was contrary to public interest because the process and requirements of the Legislative Procedures Act could not have been completed in time to allow the Nation the ability to adequately preserve funding for necessary governmental services and activities as a result of the COVID-19 pandemic; 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, upon adoption of the emergency amendments to the Law, the Oneida Business Committee adopted resolution BC-04-08-20-F, which halted the payment of GTC meeting stipends for FY2020 and FY2021 to preserve funding for essential governmental services when no

revenues were being generated through gaming operations and for the period of time it will take after gaming operations start back up for the Nation to recover from the financial distress caused by the COVID-19 pandemic; and

WHEREAS, the emergency amendments to the Law will expire on October 8, 2020; and

WHEREAS, a six (6) month extension of the emergency amendments to the Law is being requested because the Nation is still experiencing the extreme financial stress caused by the COVID-19 pandemic and Public Health State of Emergency such that, when GTC meetings are scheduled again, it will not be possible to make the approximate \$180,000 to \$200,000 in stipend payments in the near future and still maintain governmental services; and

WHEREAS, a six (6) month extension is further consistent with resolution BC-04-08-20-F, which halts the payment of GTC meeting stipends for FY2020 and FY2021 based on the determination by the Oneida Business Committees that discontinuing payments for this period of time is necessary to protect and safeguard the resources and general welfare of the Nation; and

NOW THEREFORE BE IT RESOLVED, that the emergency amendments to the General Tribal Council Meeting Stipend Payment Policy are hereby extended for an additional six (6) month period, effective October 8, 2020, and shall expire April 8, 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; 9 members were present at a meeting duly called, noticed and held on the 23rd day of September, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Liggins, Secretary
Oneida Business Committee

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