



COVID-19 Core Decision Making Team Declaration
Safer at Home Declaration, Amendment, Open for Business
May 19, 2020

The world is currently facing a pandemic of the coronavirus disease 2019 (*COVID-19*). The *COVID-19* outbreak originated in Wuhan, China and has spread to many other countries throughout the world, including the United States. The World Health Organization has identified that the spread of *COVID-19* is now a pandemic resulting in many countries experiencing the effects of illness and health issues related to *COVID-19* and economic impacts.

On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding *COVID-19* which set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Emergency Management and Homeland Security law to create and delegate authority to a *COVID-19 Core Decision Making Team (COVID-19 Team)*. [3 O.C. 302.10]. When a public health emergency has been declared, the *COVID-19 Team* has the authority to declare exceptions to the Nation’s laws, policies, procedures, regulations, or standard operating procedures during the emergency period which will be of immediate impact for the purposes of protecting the health safety, and general welfare of the Nation’s community, members, and employees. [3 O.C. 302.10-2].

The Oneida Business Committee adopted resolution # BC-03-25-20-A, *Extension of March 12th Declaration of Public Health Emergency*, which extended the emergency period to May 12, 2020 at 11:59 p.m. The Oneida Business Committee adopted resolution # BC-05-06-20-A, *Extension of Declaration of Public Health State of Emergency Until June 11, 2020*, which extended the emergency period to June 11, 2020 at 11:59 p.m. This extends the enforcement of all Declarations issued by the *COVID-19 Team*.

The *COVID-19 Team* has reviewed the current activities surrounding the DHS Secretary’s Safer at Home Order and the decision issued by the Wisconsin Supreme Court. Following the court’s striking down the state’s Safer at Home Order all but two counties imposed a similar order and many towns and cities also adopted similar orders. Although the goal remains that protection of the public health and reducing the explosive growth of the *COVID-19* pandemic, counties began rescinding the order following a recommendation from the Wisconsin Counties Association held a webinar on May 14, 2020 to provide guidance to county governments and expressed concerns regarding the impact of the Palm decision on county government authority.

Brown County corporate counsel issued a legal opinion identifying concerns with the county’s authority to issue a Safer at Home order. The Brown County Health Officer rescinded the count’s Safer at Home order leaving no guidance in place for the opening of businesses that had been closed under the state and county orders.

The *COVID-19 Team* recognizes that the Oneida Nation Reservation and its members are affected by the Nation’s continued Safer at Home Declaration of April 21st. First, members who operate businesses

within the Reservation are restricted from opening their business operations until June 11th. Further, members who wish to utilize newly opened businesses are restricted from doing so under the Nation's declaration. However, these very actions have resulted in a low COVID-19 infection rate within the Reservation.

The COVID-19 Team has continuously monitored the COVID-19 pandemic spread locally, within the state, and within the United States. Although the peak appears to have been reached at the national and state level, Brown County continues to experience high positive testing, most of that associated with a specific industry. Those positive rates are stabilizing, and we believe that any current increases are brought on by the increased testing in the area.

The balance between protecting the community and allowing businesses to re-open is a difficult decision-making position. Members who are business owners within the Reservation have complied with the Safer at Home Declaration reducing the spread of COVID-19. On the other hand, every day businesses are closed for the community's safety results in greater and greater losses to the business owner. On the other hand, simply re-opening businesses without any guidance will result in the increase of the pandemic possibly overwhelming our medical systems and increased deaths.

The COVID-19 Team has determined that with safer business practices in place, it is time to begin re-opening the economy on the Reservation. Our re-opening goal is to have safer business plans in place that are equal to or greater than those set forth by the Wisconsin Economic Development Corporation (WEDC). We have reviewed these guidelines, those set forth by the Center for Disease Control and other published safer business plans. We believe that those set forth by the WEDC meet basic minimum requirements.

The COVID-19 Team declares the Updated Safer at Home Declaration adopted on April 21, 2020, which runs consistent with the Nation's Public Health State of Emergency Declaration, resolution # BC-05-06-20-A, is hereby amended as follows:

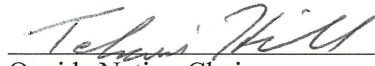
1. *Non-Essential Businesses Operations.*

- a. All for-profit and non-profit businesses within the Reservation that are not categorized as Essential Businesses, may re-open to the public after complying with the following requirements and receiving approval of the written safer business practices by the Public Health Officer. Such approval shall not require inspection of the business, and is not intended to be, and cannot be taken as, approval or authorization that instituting such safer business practices will prohibit the spread of COVID-19. Businesses are encouraged to undertake safer business practices that exceed those set out by the WEDC.
- b. Written safer business practices may be a copy of the applicable WEDC guidelines, signed and dated by the business owner with the following attestation: "I, [insert name], declare that I will implement the recommendations set forth in this guideline and provide the necessary cleaning, sanitizing and hand washing stations as set forth within this guidance document."
- c. Non-essential business operations shall comply with Social Distancing requirements and practices set forth in paragraph 2(b) of the Updated Safer at Home Declaration.\
- d. Provided that no significant increase of COVID-19 cases occur before May 22, 2020, business which have received approval of their safer business practices may re-open for business no earlier than 8:00 a.m. on May 22, 2020.

2. Paragraph 2(a) is superseded by this order.

3. Should positive COVID-19 cases increase during any time of the Public Health State of Emergency, the COVID-19 Team may, by declaration, suspend these amendments and close businesses for the protection of the public health.

This Declaration shall become effective at 4:30 p.m. on Tuesday, May 19, 2020. This Declaration shall remain in effect consistent with Oneida Business Committee resolution # BC-05-06-20-A, *Extension of Declaration of Public Health State of Emergency Until June 11, 2020*, or as may be extended under authority of the Emergency Management and Homeland Security Law.



Oneida Nation Chairman