



Oneida Business Committee

Special Meeting
10:00 AM Thursday, August 06, 2020
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

Meeting agenda is available here: oneida-nsn.gov/government/business-committee/agendas-packets/. Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the BC Support Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to <https://goo.gl/uLp2jE>. Scheduled times are subject to change.

NOTICE

All regular, special, and emergency Business Committee meetings are closed to the public for the duration of the Public Health State of Emergency. This is preventative measure as a result of the COVID-19 pandemic. Audio recordings are made of all meetings of the Business Committee. Video recordings are made of regular meetings of the Business Committee. All recordings are available on the Nation's website at: <https://oneida-nsn.gov/government/business-committee/recordings/>

If you have comments regarding open session items, please submit them to TribalSecretary@oneidanation.org no later than close of business the day prior to a Business Committee meeting. Comments will be noticed to the Business Committee.

I. CALL TO ORDER

II. OPENING

III. ADOPT THE AGENDA

IV. RESOLUTIONS

- A. Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until September 11, 2020**
Sponsor: Tehassi Hill, Chairman

V. EXECUTIVE SESSION

A. NEW BUSINESS

- 1. Review the decision and identify next steps - case # 19-1981**
Sponsor: Jo Anne House, Chief Counsel

VI. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: oneida-nsn.gov/government/business-committee/agendas-packets/

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214

Oneida Business Committee Agenda Request

Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until September...

1. Meeting Date Requested: 8 / 6 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☒ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☒ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter: Melinda J. Danforth, Director o Intergovernmental Affairs & Communication
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: _____
Name, Title / Dept.Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

On March 12, 2020 the Oneida Business Committee declared a Public Health State of Emergency due to the need to slow the transmission and decrease the spread of COVID 19. The declaration has been extended four times and is set to expire on August 11, 2020 along with the Nation's Stay Safer at Home Declaration.

As with previous requests, a professional recommendation from Emergency Management, Health Officials and the Public Health Officer has been requested and is attached.

Requested Action:

1. Business Committee consider extending the Public Health State of Emergency Declaration, by adopting the attached resolution.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Comprehensive Health Division

Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing



Date: August 4, 2020

To: Oneida Nation Covid-19 Communications Team

From: Dr Ravi Vir, Oneida Comprehensive Health Division Medical Director
Carrie Blohowiak, Laboratory Supervisor
Sheri Forgette, Safety/ Compliance Specialist
Michelle Myers, Public Health Manager/ Public Health Officer

RE: Recommendations to Extend the Oneida Nation Public Health Emergency Declaration

An infectious illness such as COVID19 does not follow our jurisdictional boundaries and/or our reservation boundaries. It is critical for the Oneida Nation to continue to work in tandem with our local and state public health departments. COVID-19 does not pick and choose who will be affected nor does it matter where you work, or where you live.

Through our on-going monitoring of the COVID19 pandemic by public health and other health officials, the following are highlights from our current situation:

- There is an **Increase in COVID-19** cases within our local counties, the state of Wisconsin, nationally and globally. Multiple states have imposed additional restrictions to limit the spread of the disease. Northeastern states are imposing self-isolation requirements on individuals arriving from states in the South and South west that are severely impacted at this time.
- There is **Evidence of continued community spread** in Brown and Outagamie Counties and throughout the state of Wisconsin.

Mailing Address: P.O. Box 365, Oneida, WI 54155
<https://oneida-nsn.gov/resources/health/>

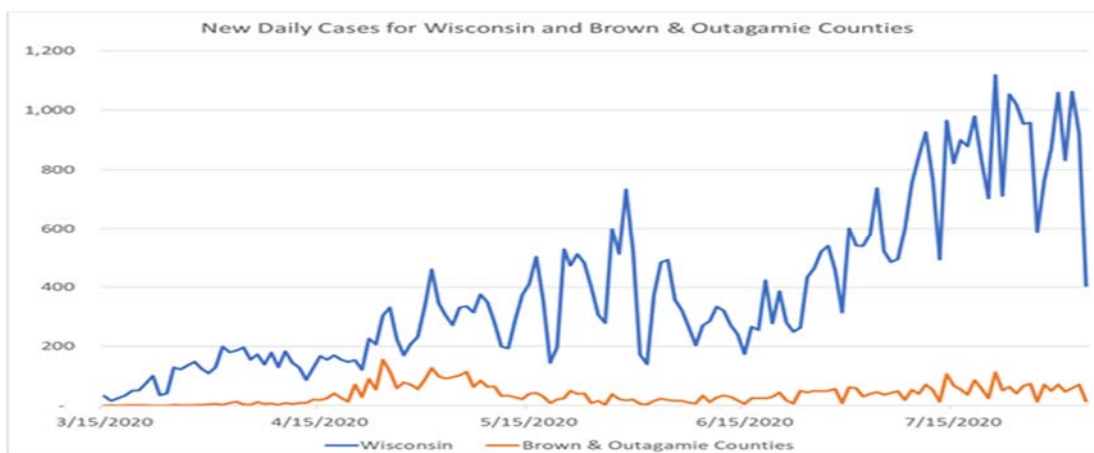
Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing

525 Airport Dr., Oneida, WI 54155
2640 West Point Rd., Green Bay, WI 54304
2901 S. Overland Rd., Oneida, WI 54155
701 Packerland Dr., Green Bay, WI 54303

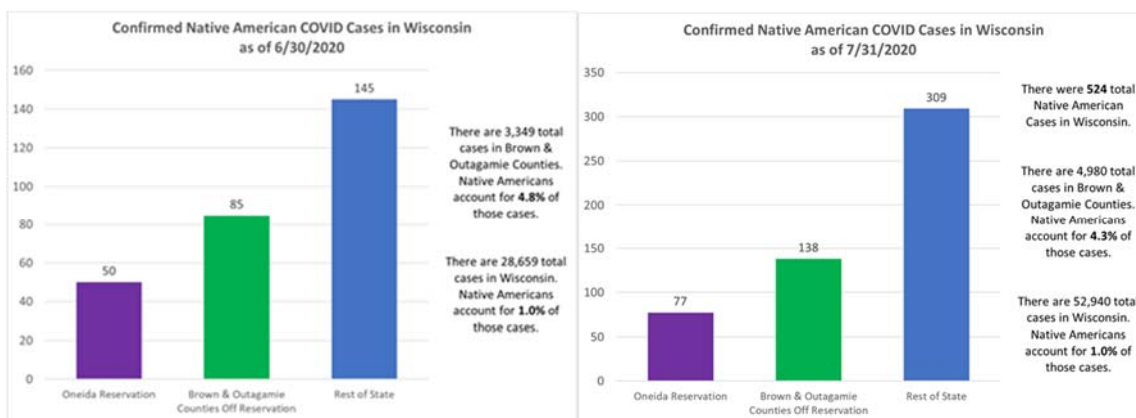
Phone: (920) 869-2711 or 1-866-869-2711
Phone: (920) 490-3790 or 1-888-490-2457
Phone: (920) 869-2797
Phone: (920) 405-4492

Fax: (920) 869-1780
Fax: (920) 490-3883
Fax: (920) 869-3238
Fax: (920) 405-4494

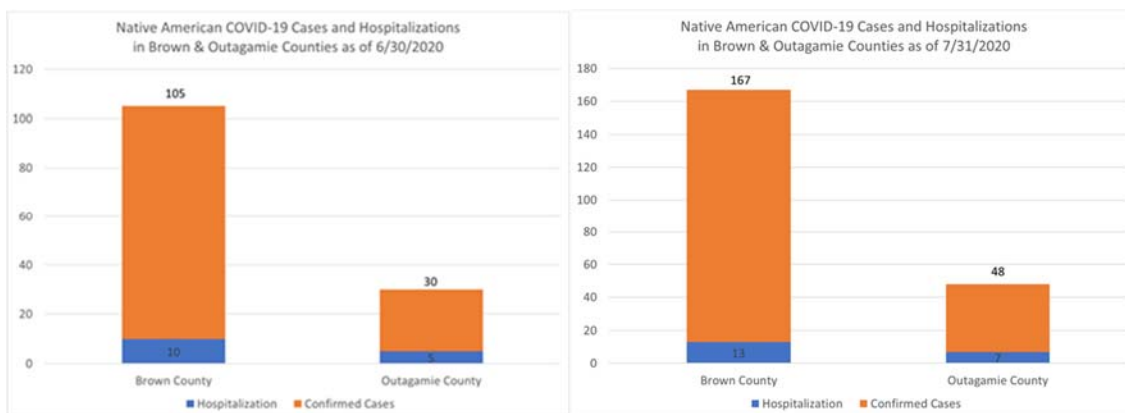
Relevant COVID19 Data:



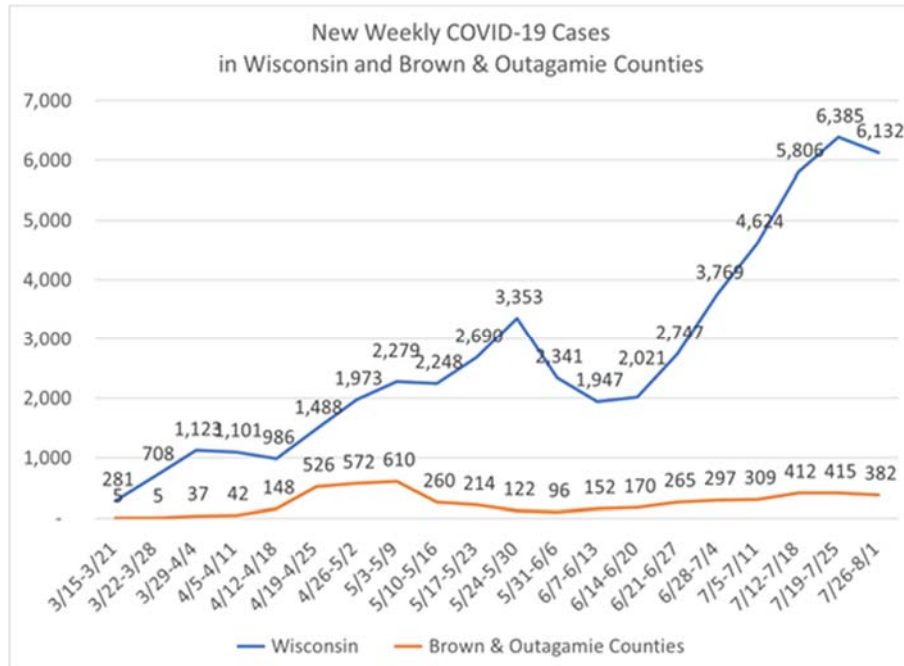
WI Public Health <https://www.dhs.wisconsin.gov/covid-19/cases.htm> retrieved 08/04/20



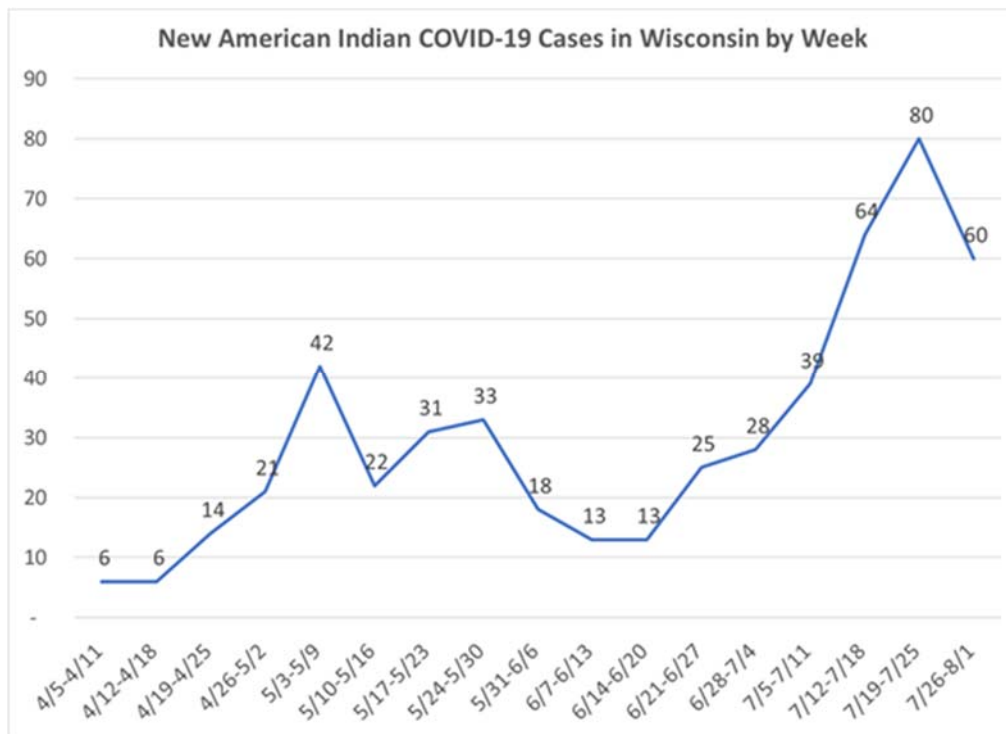
Wisconsin Electronic Disease Surveillance System (WEDSS) retrieved 06/30/20 and 07/31/20



Wisconsin Electronic Disease Surveillance System (WEDSS) retrieved 06/30/20 and 07/31/20



WI Public Health <https://www.dhs.wisconsin.gov/covid-19/cases.htm> retrieved 08/04/20



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Recommendations:

Based on available information we have today, Oneida Public Health Team has the following recommendations:

1. The Oneida Nation extend the Public Health Emergency declaration to September 30, 2020.
2. Extending the Public Health Emergency will continue to help us save lives, while safely and securely conducting our Nations' operations during the pandemic.
3. All Departments/areas within the Oneida Nation have a plan for maintaining safety of continued and or enhanced operations during COVID19 pandemic to include prevention strategies to keep both employees and patrons safe.
4. Continued Operations to maintain all safe distancing, Universal masking/face covering and sanitation requirements indefinitely throughout the pandemic.
5. Based on current available information our recommendations would remain valid for the next 3-6 months or longer. Recommendations will continue to change based upon available data and updates on the COVID-19 pandemic.
6. Continue Basic Infection Prevention Measures throughout the Oneida Organization to protect employees and customers must be included as a part of all operational plans. All Departments should maintain good hygiene and infection control practices, including:
 - Promote frequent and thorough hand washing, including by providing employees, customers, and worksite visitors with a place to wash their hands. If soap and running water are not immediately available, provide alcohol-based hand rubs containing at least 60% alcohol.
 - Encourage employees to stay home if they are sick.
 - Encourage respiratory etiquette, including covering coughs and sneezes.
 - Provide customers and the public with tissues and trash receptacles.
7. Departments should continue to maintain flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), to increase the physical distance among employees and between employees and others if state and local health authorities recommend the use of social distancing strategies.
8. Discourage employees from using other employees' phones, desks, offices, or other work tools and equipment, when possible.
9. Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces, equipment, and other elements of the work environment. When choosing

cleaning chemicals, Departments should consult information on Environmental Protection Agency (EPA)-approved disinfectant labels with claims against emerging viral pathogens. Products with EPA-approved emerging viral pathogens claims are expected to be effective against SARS-CoV-2 based on data for harder to kill viruses. Follow the manufacturer's instructions for use of all cleaning and disinfection products (e.g., concentration, application method and contact time, PPE).

10. All employees of the nation based on their job duties have a facial covering or mask while at work and maintain safe distancing of at least 6 feet from each other.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Extension of Declaration of Public Health Emergency Until September 11, 2020

- 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, 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 the Chairman declared a Public Health State of Emergency, the Oneida Business Committee took actions to take steps to protect the health and welfare of the members, employees and the community, including instituting expenditure restrictions to preserve resources for the provision of governmental services to members most at risk, closure of the Nation's gaming operations, and insuring that employees will continued to be paid during the Public Health State of Emergency as long as the Nation's resources will allow; and
- WHEREAS,** the Public Health State of Emergency was extended by resolutions # BC-03-26-20-A, # BC-05-06-20-A; # BC-06-10-20-A, and # BC-07-08-20-A;
- WHEREAS,** the status of the COVID-19 pandemic continues to change daily with identification of hotspots occurring within certain food industries; and
- WHEREAS,** the State of Wisconsin has experienced a growth in positive cases from 28,058 on June 30th to 51,108 on July 30th an increase in 23,050 additional positive tests, and of these tests:
- there are additional 1,071 positive results in Brown County and an additional 574 in Outagamie County;
 - there are 27 additional positive results in the Oneida Reservation; and

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Extension of Declaration of Public Health Emergency Until September 11, 2020
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41 **WHEREAS,** a positive test does not identify the total number of individuals who have the virus, including
42 those who are not showing symptoms or who have isolated themselves at home because
43 not every person is tested; and
44

45 **WHEREAS,** the initial Public Health State of Emergency Declaration issued by the Chairman under
46 section 302.8-2 requested by the Emergency Management Director on March 12th expired
47 on April 11th, extended until May 12th, extended until June 11th, extended until July 12th and
48 extended until August 11th; and
49

50 **WHEREAS,** the COVID-19 Core Decision Making Team has issued a modified Safer At Home
51 Declaration, an Open for Business amendment, and finally a less restrictive Stay Safer at
52 Home Declaration which directs that individuals within the Oneida Reservation should
53 continue to stay at home, businesses can re-open under certain safer business practices,
54 and Social Distancing should be practiced by all persons which remains effective during
55 the state of emergency; and
56

57 **WHEREAS,** the Emergency Management Director and the Public Health Officer have advised extension
58 of the emergency declaration supported by information from the Centers for Disease
59 Control and the level of spread of COVID-19 throughout the State of Wisconsin,
60 surrounding states, and the United States; and
61

62 **WHEREAS,** the Oneida Business Committee has determined that continuing the Public Health State of
63 Emergency for continues to be necessary and that the public health declaration should be
64 longer given the ongoing pandemic impact and the inability to identify mechanisms to
65 control for infection or protect the public;
66

67 *Extension of Public Health State of Emergency Declaration*

68 **NOW THEREFORE BE IT RESOLVED,** that in accordance with section 302.8-5 of the Emergency
69 Management & Homeland Security Law, the Oneida Business Committee extends the Public Health State
70 of Emergency declaration ending at 11:59 p.m. on September 11, 2020.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



Statement of Effect

Extension of Declaration of Public Health State of Emergency Until September 11, 2020

Summary

This resolution extends the Nation's declaration of the Public Health State of Emergency until September 11, 2020.

Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office

Date: July 31, 2020

Analysis by the Legislative Reference Office

The Oneida Business Committee adopted the Emergency Management and Homeland Security law for the purpose of providing for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; providing for the direction of emergency management, response, and recovery on the Reservation, as well as coordinating with other agencies, victims, businesses, and organizations; establishing the use of the National Incident Management System (NIMS); and designating authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

Under the Emergency Management and Homeland Security law, the Oneida Business Committee is delegated the responsibility to proclaim or ratify the existence of a public health emergency. [3 O.C. 302.8-1]. A public health emergency means the occurrence or imminent threat of an illness or health condition which is a quarantinable disease; and which poses a high probability of a large number of deaths or serious or long-term disability among humans. [3 O.C. 302.3-1(o)]. No proclamation of an emergency by the Oneida Business Committee may last for longer than thirty (30) days, unless renewed by the Oneida Business Committee. [3 O.C. 302.8-5].

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. 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.

In accordance with the authority granted to the Oneida Business Committee through the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a "Declaration of Public Health State of Emergency" which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The Oneida Business Committee has extended this Public Health State of Emergency until August 11, 2020, through the adoption of the following resolutions:

- BC-03-28-20-A *Extension of March 12th Declaration of Public Health State of Emergency;*

- BC-05-06-20-A *Extension of Declaration of Public Health State of Emergency Until June 11, 2020*;
- BC-06-10-20-A *Extension of Declaration of Public Health State of Emergency Until July 12, 2020*;
- BC-07-08-20-A *Extension of Declaration of Public Health State of Emergency Until August 11, 2020. [3 O.C. 302.8-5]*.

On March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer at Home*" declaration which prohibits all public gatherings of any number of people and orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed. On April 21, 2020, the COVID-19 Core Decision Making Team issued an "*Updated Safer at Home*" declaration which allowed for gaming and golf operations to resume. Then on May 19, 2020, the COVID-19 Core Decision Making Team issued a "*Safer at Home Declaration, Amendment, Open for Business*" which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-open under certain safer business practices, and social distancing should be practiced by all persons. On June 10, 2020, the COVID-19 Team issued a "*Stay Safer at Home*" declaration which lessened the restrictions of the "*Safer at Home Declaration, Amendment, Open for Business*" while still providing guidance and some restrictions. Declarations made by the COVID-19 Core Decision Making Team remain in effect during the duration of the Nation's Public Health State of Emergency, unless identified to be effective for a shorter time period. [3 O.C. 302.10-3].

The Emergency Management Director and the Public Health Officer have advised extension of the Public Health State of Emergency declaration supported by information from the Centers for Disease Control and the level of spread of COVID-19 throughout the State of Wisconsin, surrounding states, and the United States. This resolution provides that the Oneida Business Committee has determined that continuing the Public Health State of Emergency continues to be necessary.

Through the adoption of this resolution, in accordance with section 302.8-5 of the Emergency Management and Homeland Security law, the Oneida Business Committee extends the Public Health State of Emergency declaration for an additional thirty (30) days ending on September 11, 2020.

Conclusion

Adoption of this resolution would not conflict with any of the Nation's laws.

