

DRAFT**Oneida Business Committee**

Regular Meeting
8:30 AM Wednesday, February 10, 2021
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

In accordance with the OBC Virtual meeting standard operating procedure, due to the Public Health State of Emergency the OBC meeting will be held virtually through Microsoft Teams and therefore be closed to the public. Any person who has comments or questions regarding open session items may submit them to TribalSecretary@oneidanation.org no later than the close of business the day before the OBC meeting. Any comments or questions received shall be noticed to the OBC and entered into the record as a handout by the Business Committee Support Office. A recording of the virtual meeting shall be made available on the Nation's website.

I. CALL TO ORDER**II. OPENING****III. ADOPT THE AGENDA****IV. MINUTES**

- A. **Approve the January 27, 2021, regular Business Committee meeting minutes**
Sponsor: Lisa Liggins, Secretary

V. RESOLUTIONS

- A. **Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until March 13, 2021**
Sponsor: Tehassi Hill, Chairman
- B. **Adopt resolution entitled Emergency Amendments to the Oneida General Welfare Law**
Sponsor: David P. Jordan, Councilman

DRAFT

- C. **Adopt resolution entitled Adoption of COVID Quarantine Assistance Program**
Sponsor: David P. Jordan, Councilman
- D. **Adopt resolution entitled 2020 Intertribal Buffalo Council, Buffalo Herd Development Grant Application**
Sponsor: Debbie Thundercloud, General Manager
- E. **Adopt resolution entitled Authorizing Exemption from Temporary Closure – Oneida Nation Arts Board**
Sponsor: Lisa Liggins, Secretary
- F. **Adopt resolution entitled Temporary Assistance to Needy Families (TANF) Grant Application**
Sponsor: Debbie Thundercloud, General Manager

VI. STANDING COMMITTEES**A. LEGISLATIVE OPERATING COMMITTEE**

- 1. **Accept the January 20, 2021, regular Legislative Operating Committee meeting minutes**
Sponsor: David P. Jordan, Councilman

VII. NEW BUSINESS

- A. **Post four (4) vacancies - Oneida Nation Arts Board**
Sponsor: Lisa Liggins, Secretary

VIII. GENERAL TRIBAL COUNCIL

- A. **Enter the e-poll results into the record regarding the approved January 2021 Annual Report mailing per BC resolution # 12-09-20-C**
Sponsor: Lisa Liggins, Secretary

IX. EXECUTIVE SESSION**A. REPORTS**

- 1. **Accept the Gaming General Manager FY-2021 1st quarter report (9:30 a.m.)**
Sponsor: Louise Cornelius, Gaming General Manager
- 2. **Accept the Human Resource Area Manager FY-2021 1st quarter report (10:00 a.m.)**
Sponsor: Geraldine Danforth, Area Manager/Human Resources
- 3. **Accept the Oneida Retail General Manager FY-2021 1st quarter report (10:30 a.m.)**
Sponsor: Eric McLester, Retail General Manager

DRAFT

4. **Accept the Emergency Management Director FY-2021 1st quarter report**
(11:00 a.m.)

Sponsor: Kaylynn Gresham, Director/Emergency Management

5. **Defer the Joint Marketing FY-2021 1st quarter report**

Sponsor: Eric McLester, Retail General Manager

6. **Accept the General Manager report (**

Sponsor: Debbie Thundercloud, General Manager

7. **Approve the Chief Counsel report**

Sponsor: Jo Anne House, Chief Counsel

B. AUDIT COMMITTEE

1. **Accept the November 23, 2020, regular Audit Committee meeting minutes**

Sponsor: David P. Jordan, Councilman

2. **Accept the Card Games and Poker compliance audit and lift the confidentiality requirement**

Sponsor: David P. Jordan, Councilman

3. **Accept the Elementary School performance assurance audit and lift the confidentiality requirement**

Sponsor: David P. Jordan, Councilman

4. **Accept the Information Technology compliance audit and lift the confidentiality requirement**

Sponsor: David P. Jordan, Councilman

5. **Accept the Oneida Airport Hotel Corporation (OAHC) performance assurance audit and lift the confidentiality requirement**

Sponsor: David P. Jordan, Councilman

6. **Accept the Roulette Rules of Play compliance audit and lift the confidentiality requirement**

Sponsor: David P. Jordan, Councilman

7. **Accept the Slots compliance audit and lift the confidentiality requirement**

Sponsor: David P. Jordan, Councilman

8. **Accept the Surveillance compliance audit and lift the confidentiality requirement**

Sponsor: David P. Jordan, Councilman

C. NEW BUSINESS

1. **Accept the Bay Bank January 2021 Presidents Report**

Sponsor: Marie Summers, Councilwoman

DRAFT

2. **Review the posting request and determine next steps - Oneida Police Department**
Sponsor: Sandra Reveles, Chairwoman/Oneida Police Commission
3. **Review the Business Compliance Analyst job description and determine next steps**
Sponsor: Jessica Vandekamp, Employee Relations Representative
4. **Enter e-poll results into the record regarding the approved OGE Agent closeout report and the OGE Agent resignation dated January 15, 2021**
Sponsor: Lisa Liggins, Secretary
5. **Enter the e-poll results into the record regarding the approved the OGE Agent agreement and appoint James Petitjean as OGE Agent**
Sponsor: Lisa Liggins, Secretary

X. 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

Approve the January 27, 2021, regular Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 02/10/21

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- | | | |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CWILSON1

DRAFT



Oneida Business Committee

Regular Meeting
8:30 AM Wednesday, January 27, 2021
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes

REGULAR MEETING

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Tina Danforth, Council members: Daniel Guzman King, David P. Jordan, Marie Summers, Jennifer Webster;

Not Present: Councilman Kirby Metoxen;

Arrived at: Secretary Lisa Liggins arrived at 8:42 a.m.;

Others present: Jo Anne House, Larry Barton, Debbie Thundercloud (via Microsoft Teams¹), Danelle Wilson (via Microsoft Teams), Melinda J. Danforth (via Microsoft Teams), Chad Wilson, James Petitjean (via Microsoft Teams), Nancy Barton (via Microsoft Teams), Candace House (via Microsoft Teams), Tina Jorgensen (via Microsoft Teams), Sherrole Benton (via Microsoft Teams), Eric Boulanger (via Microsoft Teams), Ronald E. King (via Microsoft Teams), Elijah Metoxen (via Microsoft Teams), Mark W. Powless (via Microsoft Teams), Louise Cornelius (via Microsoft Teams), Diana King (via Microsoft Teams), Lisa Duff (via Microsoft Teams), Chad Fuss (via Microsoft Teams), Brenda Mendolla-Buckley (via Microsoft Teams), Lorna Skenandore (via Microsoft Teams), Fawne Rasmussen (via Microsoft Teams), Krystal John (via Microsoft Teams), Jacque Boyle (via Microsoft Teams), Kristen Hooker, Clorissa Santiago, Paul Witek (via Microsoft Teams), Troy Parr (via Microsoft Teams), Pat Pelky (via Microsoft Teams); Rae Skenandore (via Microsoft Teams) Brooke Doxtator (via Microsoft Teams), Martin Prevost, Melanie Burkhart (via Microsoft Teams);

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 8:36 a.m.

For the record: Secretary Lisa Liggins will be arriving late. Councilman Kirby Metoxen is on vacation.

II. OPENING (00:00:21)

Opening provided by Chairman Tehassi Hill.

Secretary Lisa Liggins arrived at 8:42 a.m.

¹ Microsoft Teams is software which provides a communication and collaboration platform for workplace chat, file sharing, and video meetings

DRAFT

A. Special recognition for years of service (00:04:16)

Sponsor: Geraldine Danforth, Area Manager/Human Resources

Special recognition by Chairman Tehassi Hill of the following individuals: 40 years of service - Deborah A. Reiter-Mehojah; 35 years of service - Linda F. Powless, Renee M. Hill, Lois J. Domencich; 30 years of service - Michelle M. Braaten, Wendel Cornelius Jr., 25 years of service - Troy D. Parr, Stephanie L. Funmaker, Kevin S. Rentmeester, Luz V. Redhail, Stephanie Eberhardy, Lisa A. Parks, Rene E. Cree, Daniel W. Doxtator, Robin L. Rice, Kimberly K. Mehojah, Marianne J. Calderon, Shane Thomas, Daniel J. Moran IV., James M. Sommerfeldt, Michelle D. Rutues, Lisa L. Duff, Mindy R. Rass, Michelle L. Poole, Eva E. Doxtator, Michael V. Doxtator

III. ADOPT THE AGENDA (00:07:53)

Motion by David P. Jordan to adopt the agenda with one (1) addition [under Resolutions, add item VI.B. Adopt resolution entitled Oneida Nation Eviction and Foreclosure Moratorium], seconded by Marie Summers. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present:	Kirby Metoxen

IV. OATH OF OFFICE

A. Pardon and Forgiveness Screening Committee - Eric Boulanger, Ron King Jr., Elijah Metoxen, and Mark W. Powless (00:08:39)

Sponsor: Lisa Liggins, Secretary

Oaths of office administered by Secretary Lisa Liggins. Eric Boulanger, Ron King Jr., Elijah Metoxen, and Mark W. Powless were present via Microsoft Teams.

V. MINUTES

A. Approve the January 13, 2021, regular Business Committee meeting minutes (00:12:30)

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to approve the January 13, 2021, regular Business Committee meeting minutes, seconded by David P. Jordan. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present:	Kirby Metoxen

DRAFT**VI. RESOLUTIONS****A. Enter e-poll results into the record regarding the adopted BC resolution # 01-07-21-A (00:13:01)**

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to enter the e-poll results into the record regarding the adopted BC resolution # 01-07-21-A, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

B. Adopt resolution entitled Oneida Nation Eviction and Foreclosure Moratorium (00:13:31)

Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Liggins to adopt resolution 01-27-21-A Oneida Nation Eviction and Foreclosure Moratorium, seconded by Tina Danforth. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

VII. STANDING COMMITTEES**A. FINANCE COMMITTEE****1. Accept the January 4, 2021, regular Finance Committee meeting minutes (00:19:25)**

Sponsor: Tina Danforth, Treasurer

Motion by Lisa Liggins to accept the January 4, 2021, regular Finance Committee meeting minutes, seconded by Tina Danforth. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

2. Accept the January 18, 2021, regular Finance Committee meeting minutes (00:20:07)

Sponsor: Tina Danforth, Treasurer

Motion by Jennifer Webster to accept the January 18, 2021, regular Finance Committee meeting minutes, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

DRAFT**B. LEGISLATIVE OPERATING COMMITTEE****1. Approve the Oneida Nation Emergency Planning Committee bylaw amendments (00:20:32)**

Sponsor: David P. Jordan, Councilman

Motion by Lisa Liggins to approve the Oneida Nation Emergency Planning Committee bylaw amendments with one noted change in 1-5.(d)(1)(A)(i) to add clarifying language that one (1) member for the entire committee can be a non-Oneida enrolled member, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

2. Adopt emergency amendments to Landlord-Tenant Law rule #2 – Income Based Rental Program Eligibility, Selection and Other Requirements (00:33:32)

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to adopt the emergency amendments to Landlord-Tenant Law rule #2 – Income Based Rental Program Eligibility, Selection and Other Requirements, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

3. Accept the December 16, 2020, regular Legislative Operating Committee meeting minutes (00:37:25)

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the December 16, 2020, regular Legislative Operating Committee meeting minutes, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

C. QUALITY OF LIFE COMMITTEE**1. Approve the revised Quality of Life Committee charter (00:38:08)**

Sponsor: Marie Summers, Councilwoman

Motion by David P. Jordan to approve the revised Quality of Life Committee charter with one (1) change [under Deliverables add, L) Cultural Heritage - Bi Monthly], seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

DRAFT**2. Accept the December 10, 2020, regular Quality of Life Committee meeting minutes (00:41:10)**

Sponsor: Marie Summers, Councilwoman

Motion by Jennifer Webster to accept the December 10, 2020, regular Quality of Life Committee meeting minutes, seconded by Daniel Guzman King. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

VIII. UNFINISHED BUSINESS**A. Review update and determine next steps - CIP #14-002 Cemetery Improvements (00:41:42)**

Sponsor: Debbie Thundercloud, General Manager

Treasurer Tina Danforth left at 9:16 a.m.

Treasurer Tina Danforth returns at 9:21 a.m.

Motion by Lisa Liggins to grant the request from Nancy Barton for an additional three (3) minutes of time to finish her comments, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

Vice-Chairman Brandon Stevens left at 9:50 a.m.

Motion by Jennifer Webster to accept the CIP #14-002 Cemetery Improvements status report, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen, Brandon Stevens

Vice-Chairman Brandon Stevens returns at 9:54 a.m.

Motion by Jennifer Webster to approve the recommendations noted in section D of the report, seconded by Marie Summers. Motion ruled out of order by Chairman.

Motion by Jennifer Webster to direct the General Manager to follow-up with the recommendations in section D of the report, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

Motion by Tina Danforth to defer this item to the Community Development Planning Committee agenda to include the \$164,000.00 GTC approved expenditures, maintenance, expansion, [monitoring] wells, buffer, and any other relevant issues, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

DRAFT

IX. NEW BUSINESS

A. Approve the Oneida Business Committee Standard Operating Procedure (SOP) entitled Hiring, Negotiating, and Termination of BC Professional Support Employees (01:27:05)

Sponsor: Jessica Vandekamp, Employee Relations Representative

Motion by Lisa Liggins to approve the Oneida Business Committee Standard Operating Procedure (SOP) entitled Hiring, Negotiating, and Termination of BC Professional Support Employees, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

X. GENERAL TRIBAL COUNCIL

A. Review the Chief Financial Officer recommendation of \$.30 per hour pay increase and determine next steps (01:28:07)

Sponsor: Larry Barton, Chief Financial Officer/Finance Division

Motion by Tina Danforth to accept the Chief Financial Officer recommendation and approve the implementation of the non-retroactive, budgeted \$.30 per hour pay increase beginning pay period ending March 6, 2021, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

XI. EXECUTIVE SESSION (01:43:25)

Motion by Lisa Liggins to go into executive session at 10:17 a.m., seconded by David P. Jordan.

Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

The Oneida Business Committee, by consensus, recessed at 12:20 p.m. to 2:00 p.m.

Meeting called to order by Chairman Tehassi Hill at 2:00 p.m.

Roll call for the record:

*Present: Treasurer Tina Danforth; Councilman Daniel Guzman King; Chairman Tehassi Hill;
Councilman David P. Jordan; Secretary Lisa Liggins; Vice-Chairman Brandon Stevens;
Councilwoman Marie Summers; Councilwoman Jennifer Webster;
Not Present: Councilman Kirby Metoxen;*

Motion by Marie Summers to come out of executive session at 4:30 p.m., seconded by Daniel Guzman King. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

DRAFT**A. REPORTS****1. Accept the Chief Counsel report (01:45:11)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Jennifer Webster to accept the Chief Counsel report, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

Motion by Lisa Liggins to approve the Quarles & Brady LLP Oneida Nation/Wisconsin Public Service conflict waiver - file # 2021-0064, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

2. Accept the General Manager report (01:45:50)

Sponsor: Debbie Thundercloud, General Manager

Motion by Jennifer Webster to accept the General Manager report, seconded by Brandon Stevens. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

Motion by Lisa Liggins to direct the Chief Financial Officer (CFO) to create the appropriate accounting mechanisms and standard operating procedures to manage donations to the Nation by end of the FY-21, 2nd quarter; for the CFO to submit an update to the February 16, 2021, BC work session for discussion; and for a status report on this directive be included as part of the next Chief Financial Officer report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Kirby Metoxen

DRAFT**3. Accept the Intergovernmental Affairs, Communications, and Self-Governance January 2021 report (01:46:51)**

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by David P. Jordan to accept the Intergovernmental Affairs, Communications, and Self-Governance January 2021 report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

Motion by Jennifer Webster to support the FY2023 Midwest BIA Budget Priorities, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

Motion by Lisa Liggins to support the appointment of Marie Summers to the Governor's Equity & Inclusion Advisory Council, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

Motion by Lisa Liggins to reschedule the February 2, 2021, special BC meeting at 3:30 p.m. to February 17, 2021, at 3:30 p.m., seconded by Daniel Guzman King. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

4. Accept the December 2020 Treasurer's report (01:48:06)

Sponsor: Tina Danforth, Treasurer

Motion by Jennifer Webster to accept the December 2020 Treasurer's report, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

DRAFT**B. NEW BUSINESS****1. Approve a limited waiver of sovereign immunity – Idemia Identity & Security USA LLC-MorphoIDent – file # 2021-0015 (01:48:20)**

Sponsor: Sandra Reveles, Chairwoman/Oneida Police Commission

Motion by Marie Summers to approve a limited waiver of sovereign immunity – Idemia Identity & Security USA LLC-MorphoIDent – file # 2021-0015, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

2. Approve attorney contract – Oneida Law Office – file # 2021-0029 (01:48:53)

Sponsor: Jo Anne House, Chief Counsel

Motion by Jennifer Webster to approve attorney contract – Oneida Law Office – file # 2021-0029, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

3. Review the posting request and determine next steps - Comprehensive Housing (01:49:12)

Sponsor: Debbie Thundercloud, General Manager

Motion by Jennifer Webster to accept the Comprehensive Housing posting request as information noting the update request may be processed via e-poll, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

4. Approve the LPL Financial LLC-Retirement Plan Consulting Program Oneida Nation Enterprise 401(k) Plan agreement – file # 2021-0002 (01:49:38)

Sponsor: Tina Danforth, Treasurer

Motion by David P. Jordan to approve the limited waiver of sovereign immunity for LPL Financial LLC-Retirement Plan Consulting Program Oneida Nation Enterprise 401(k) Plan agreement – file # 2021-0002, seconded by Tina Danforth. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

DRAFT

5. Approve the limited waiver of sovereign immunity for LPL Financial LLC-Retirement Plan Consulting Program Oneida Nation Governmental 401 (k) Plan agreement – file # 2021-001 (01:50:08)

Sponsor: Tina Danforth, Treasurer

Motion by Jennifer Webster to approve the limited waiver of sovereign immunity for LPL Financial LLC-Retirement Plan Consulting Program Oneida Nation Governmental 401 (k) Plan agreement – file # 2021-001, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

6. Enter e-poll results into the record regarding the failed resolution entitled Oneida Nation Emergency Response Plan (01:50:36)

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to enter the e-poll results into the record regarding the failed resolution entitled Oneida Nation Emergency Response Plan, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

7. Reconsider the resolution entitled Oneida Nation Emergency Response Plan (01:50:58)

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to reconsider the resolution entitled Oneida Nation Emergency Response Plan, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

Motion by Jennifer Webster to adopt the resolution 01-27-21-B Oneida Nation Emergency Response Plan, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

8. Accept the January 12, 2021, regular OBC Officers meeting notes (01:51:38)

Sponsor: Jessica Vandekamp, Employee Relations Representative

Motion by David P. Jordan to accept the January 12, 2021, regular OBC Officers meeting notes, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

DRAFT**9. Review complaint # 2021-BCDR05-01 and determine next steps (01:51:58)**

Sponsor: Jessica Vandekamp, Employee Relations Representative

Motion by Lisa Liggins to add item XI.B.9. Review complaint # 2021-BCDR05-01 and determine next steps to the agenda, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

Motion by Lisa Liggins that the complaint # 2021-BCDR05-01 has merit and assign Chairman Tehassi Hill, Treasurer Tina Danforth, and Secretary Lisa Liggins to investigate the complaint, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

XII. ADJOURN (01:52:56)

Motion by David P. Jordan to adjourn at 4:39 p.m., seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Kirby Metoxen

Minutes prepared by Chad Wilson, Senior Information Management Specialist.
Minutes approved as presented on _____.

Lisa Liggins, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until March 13, 20

1. Meeting Date Requested: 2 / 10 / 21 **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 of 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 is set to expire February 11, 2021 along with the Nation's Stay Safer at Home Declaration

Attached is a professional recommendation from Emergency Management, Oneida Health Officials and the Public Health Officer recommending an extension of the Public Health Emergency.

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 Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Extension of Declaration of Public Health State of Emergency Until March 13, 2021

- 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, # BC-07-08-20-A, # BC-08-06-20-A, # BC-09-09-20-A, # BC-10-08-20-A, # BC-11-10-20-A, # BC-12-09-20-D, and BC-1-07-21-A; and
- WHEREAS,** the status of the COVID-19 pandemic continues to change daily with identification of hotspots occurring within certain industries and areas which are more clearly identified in the Public Health Officer Report which supports this resolution; and
- WHEREAS,** a positive test does not identify the total number of individuals who have the virus, including those who are not showing symptoms or who have isolated themselves at home because not every person is tested; and
- WHEREAS,** the COVID-19 Core Decision Making Team has issued an Open for Business declaration, a less restrictive Stay Safer at Home declaration which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-open under

BC Resolution _____
Extension of Declaration of Public Health State of Emergency Until March 13, 2021
Page 2 of 2

certain safer business practices, and social distancing should be practiced by all persons and finally a Re-opening Governmental Offices declaration that provides guidance on how buildings will be re-opened to the public which remain effective during the Public Health State of Emergency; and

WHEREAS, 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; and

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

Extension of Public Health State of Emergency Declaration

NOW THEREFORE BE IT RESOLVED, that in accordance with section 302.8-5 of the Emergency Management & Homeland Security Law, the Oneida Business Committee extends the Public Health State of Emergency declaration ending at 11:59 p.m. on March 13, 2021.



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 March 13, 2021

Summary

This resolution extends the Nation's declaration of the Public Health State of Emergency until March 13, 2021.

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

Date: February 2, 2021

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].

As a result of the COVID-19 pandemic, 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 February 11, 2021, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, and BC-01-07-21-A. [3 O.C. 302.8-5].

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. [3 O.C. 302.10]. When a public health emergency has been declared, the COVID-19 Core Decision Making 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]. These declarations remain in effect for the duration of the Public Health State of Emergency, unless identified to be effective for a shorter time period. [3 O.C. 302.10-3].

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. Then on July 17, 2020, the "*Safe Re-opening Governmental Offices*" declaration was issued which provides guidance on how buildings will be safely re-opened to the public.

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 until 11:59 p.m. on March 13, 2021.

Conclusion

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

Oneida Comprehensive Health Division

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



To: Oneida Business Committee

From: Debra Danforth, Oneida Comprehensive Health Division Operations Director
Dr Vir, Oneida Comprehensive Health Division Medical Director
Michelle Myers, Community/ Public Health Officer

Date: February 2, 2021

RE: Recommendations to extend public health emergency

Local and State level data demonstrates continued community spread of COVID-19 disease. Although we added COVID-19 vaccine to our toolbox in late December 2020, initial supplies will be limited. We will need time, as well as vaccine supply, to vaccinate our community.

In collaboration with Oneida Emergency Management, **the health response team recommends the Oneida Business Committee extend the public health emergency, at minimum, through May 2021.**

Thank you for your continued collaboration and partnership as we work together to stop the spread of COVID-19 in the Oneida community.

Sincerely,

Michelle Myers BSN, RN
Community/ Public Health Officer

CC: Kaylyn Gresham

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 Rd., 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

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



February 2, 2021

Updated COVID19 data to consider during discussions to extend the Oneida Nation Public Health Emergency declaration.

Submitted by:

Debbie Danforth, Dr Vir, Michelle Myers

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

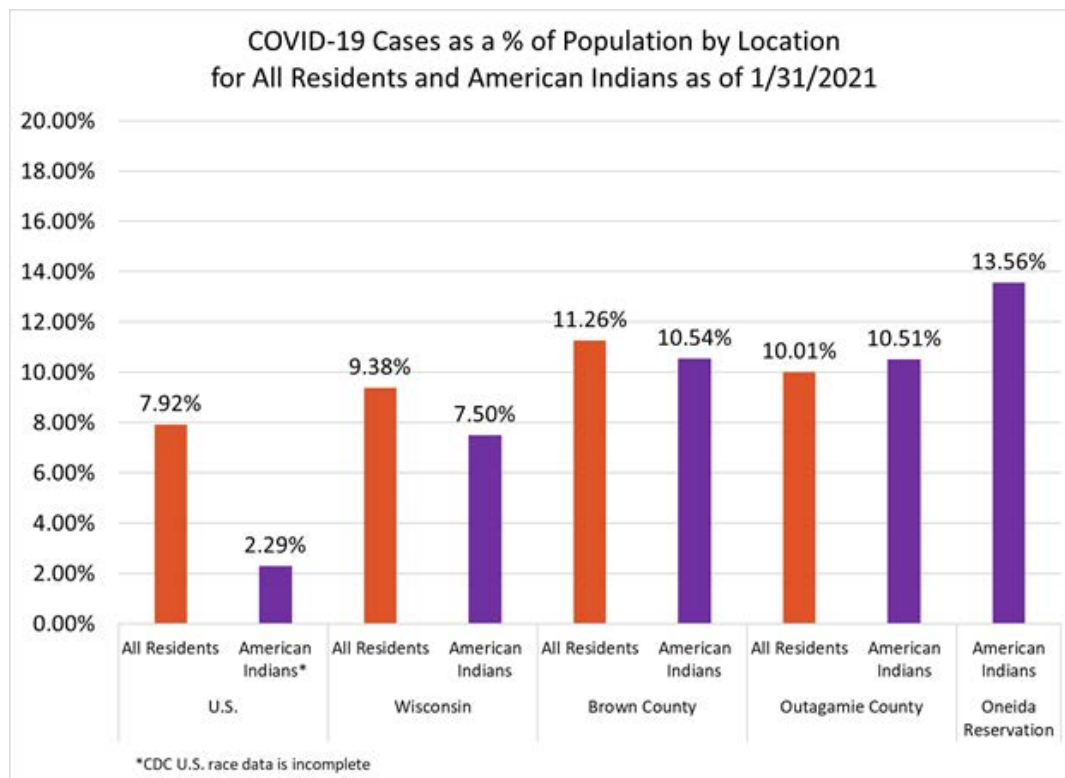
Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing

525 Airport Rd., 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 COVID-19 Data:



WI Department of Health Services- Public Health

<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>

U.S. Centers for Disease Control and Prevention

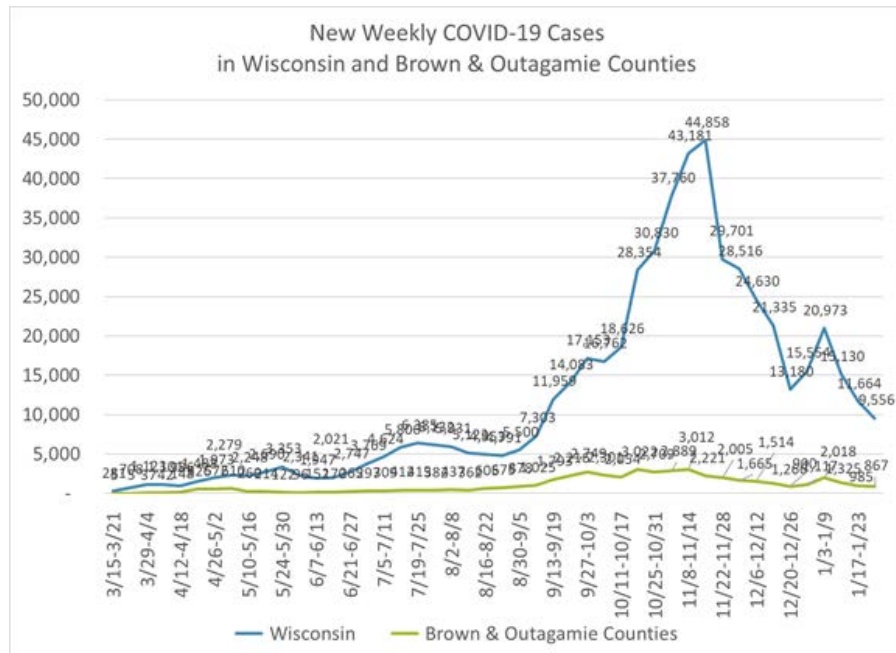
https://covid.cdc.gov/covid-data-tracker/#cases_casesinlast7days

U.S. Census Bureau American Community Survey Population Estimates

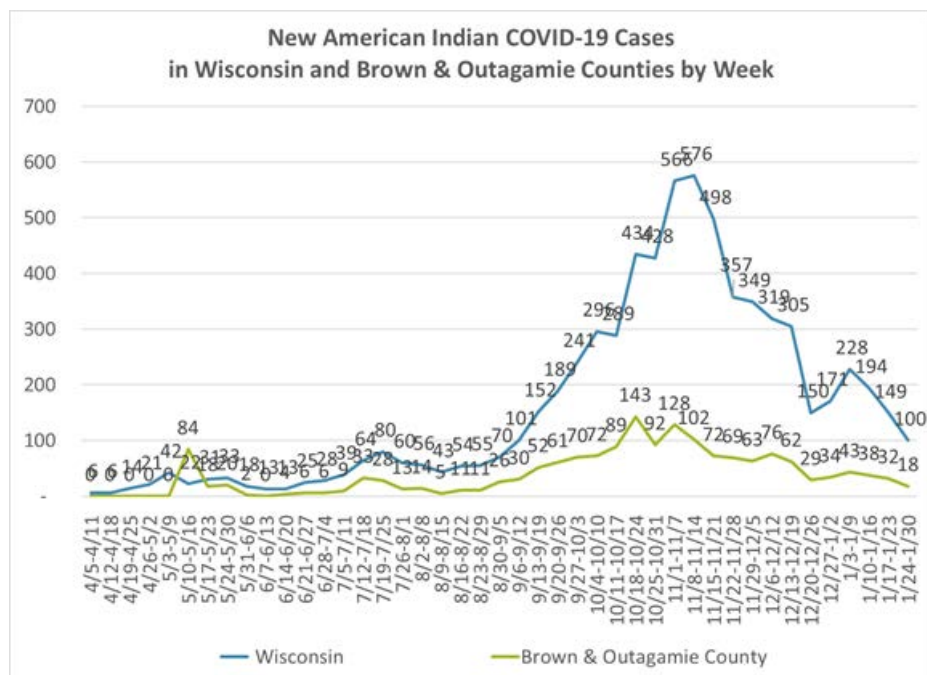
<https://data.census.gov/cedsci/advanced>

Oneida Nation Health Department

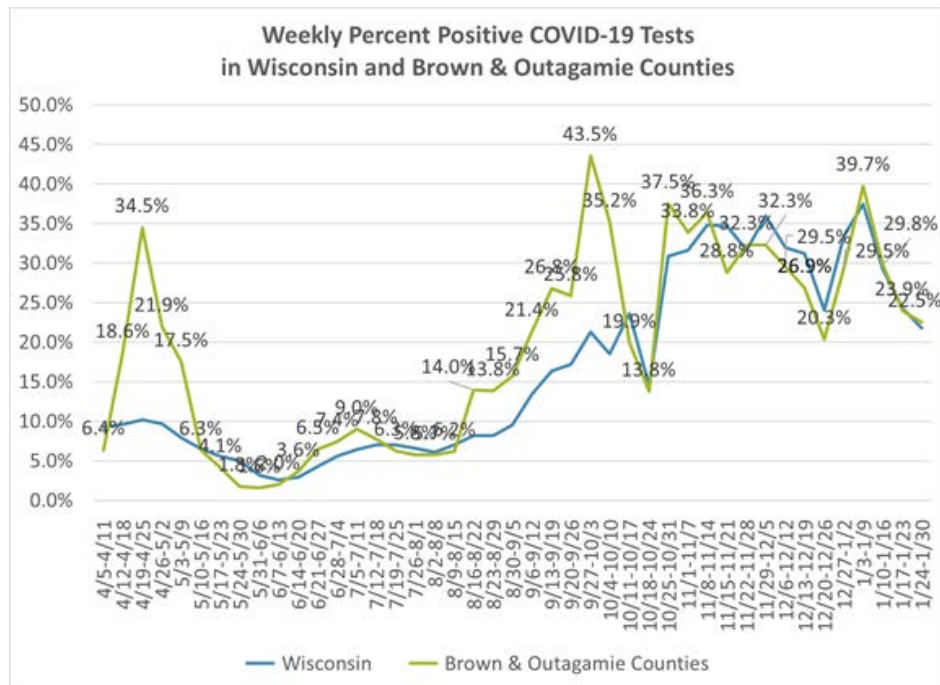
<https://oneida-nsn.gov/connect/news/oneida-nation-covid-19-resource-page/#Stats>



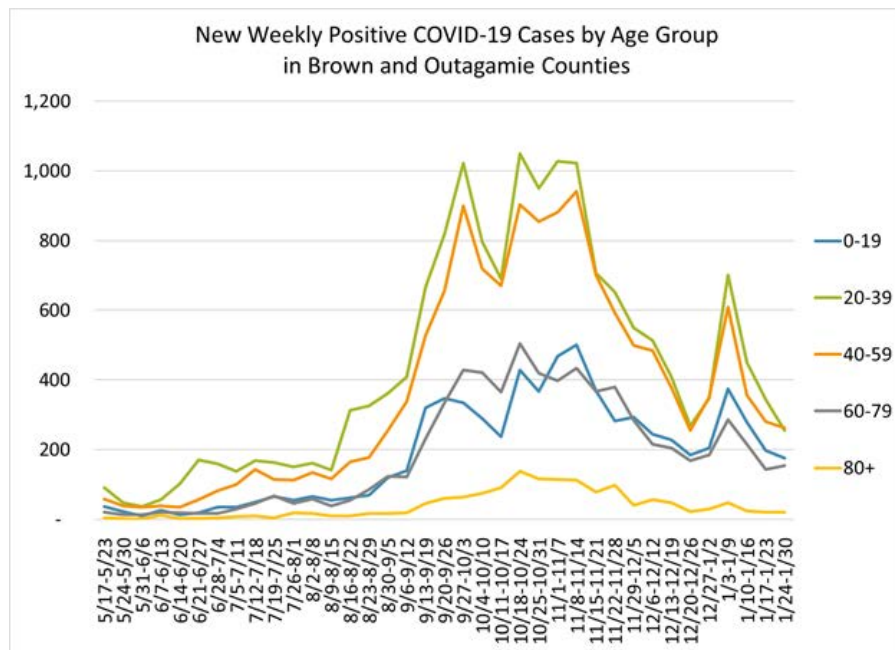
WI Department of Health Services- Public Health retrieved 01/31/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



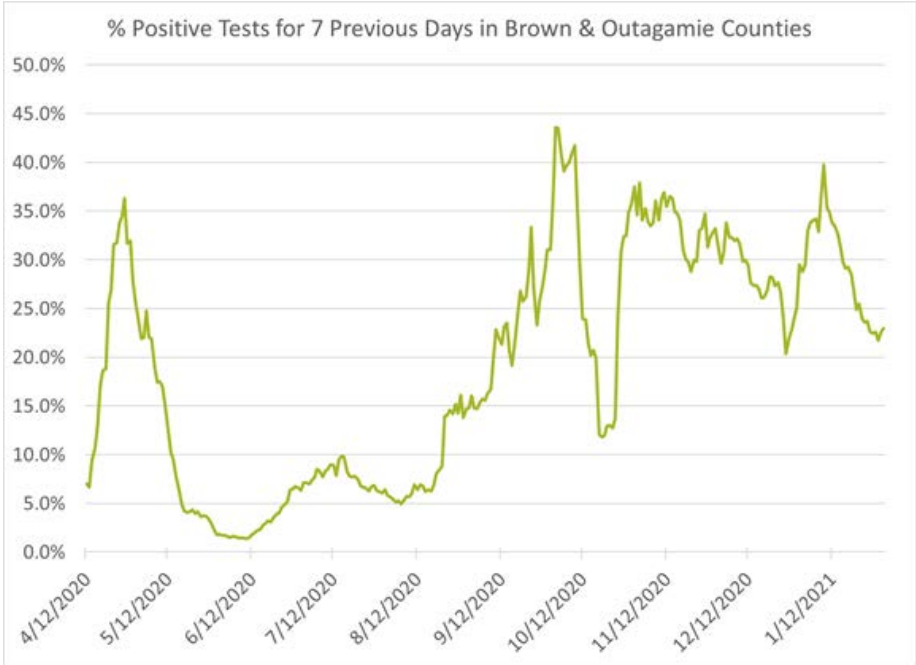
WI Department of Health Services- Public Health retrieved 01/31/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



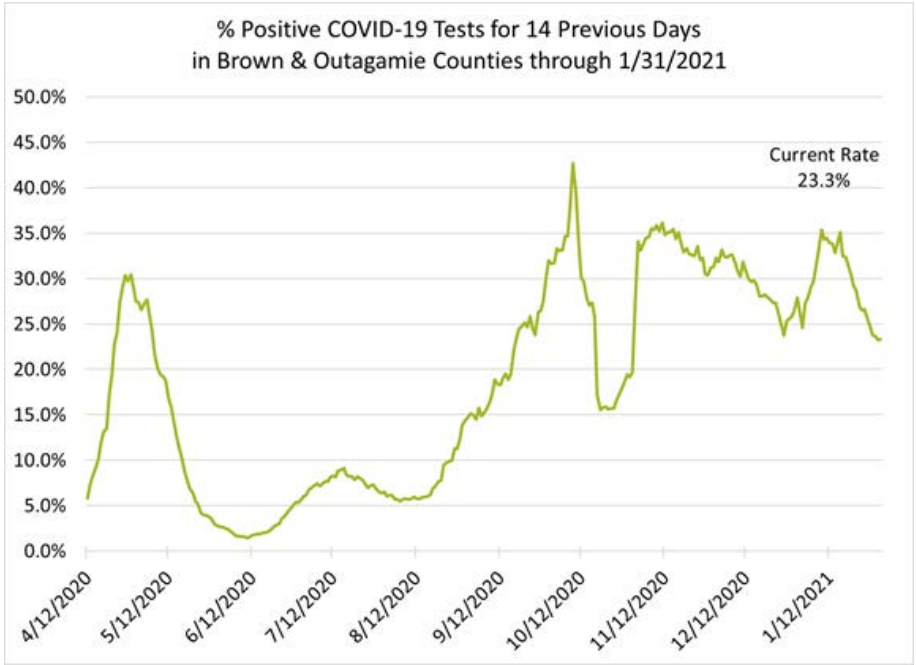
WI Department of Health Services- Public Health retrieved 01/31/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



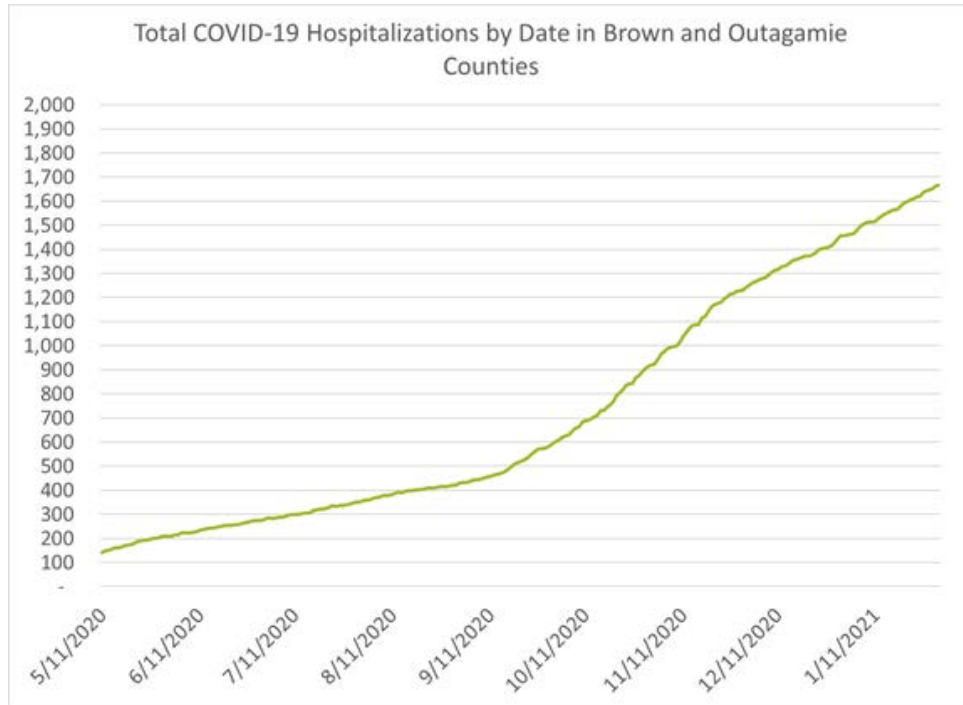
WI Department of Health Services- Public Health retrieved 02/01/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



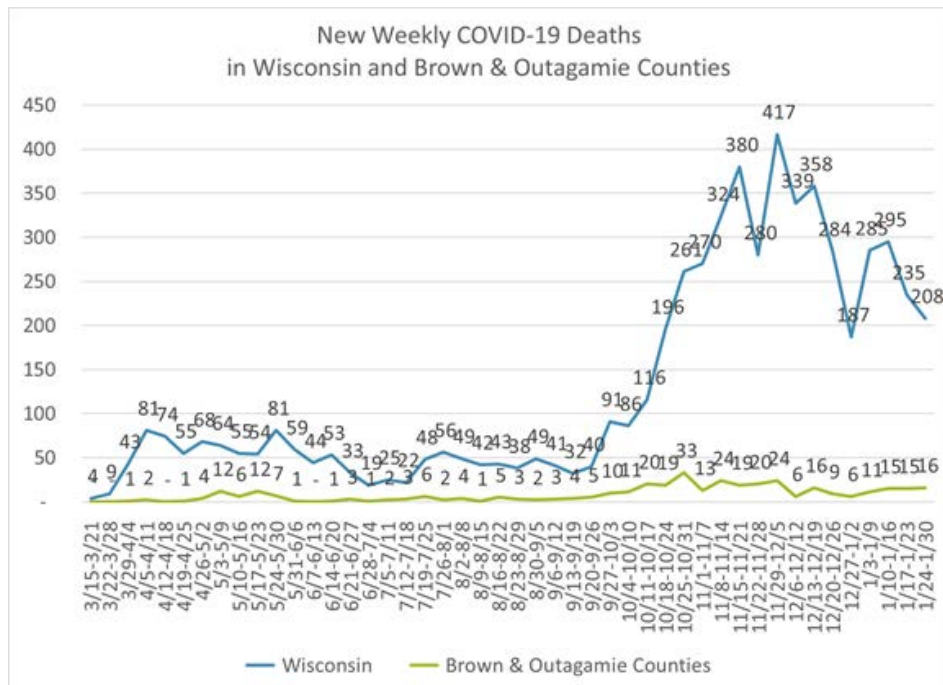
WI Department of Health Services- Public Health retrieved 01/31/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



WI Department of Health Services- Public Health retrieved 01/31/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



WI Department of Health Services- Public Health retrieved 01/31/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>

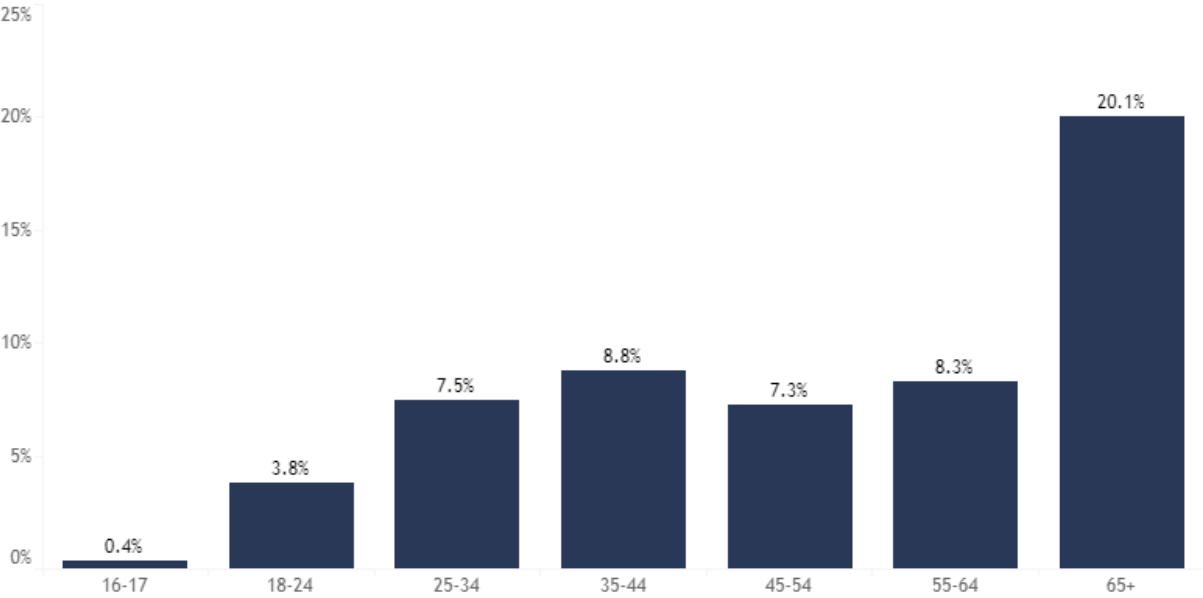


WI Department of Health Services- Public Health retrieved 01/31/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



WI Department of Health Services- Public Health retrieved 02/02/2021
<https://www.dhs.wisconsin.gov/covid-19/vaccine-data.htm#summary>

Percent of Wisconsin population who have received at least one COVID-19 vaccine dose, by age group
Updated: 2/1/2021



WI Department of Health Services- Public Health retrieved 02/02/2021
<https://www.dhs.wisconsin.gov/covid-19/vaccine-data.htm#summary>

Oneida Business Committee Agenda Request


Adopt resolution entitled Emergency Amendments to the Oneida General Welfare Law

1. Meeting Date Requested: 2 / 10 / 21 **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:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.



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



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson 
DATE: February 10, 2021
RE: Emergency Amendments to the Oneida General Welfare Law

Please find the following attached backup documentation for your consideration of the emergency amendments to the Oneida General Welfare law:

1. Resolution: Emergency Amendments to the Oneida General Welfare Law
2. Statement of Effect: Emergency Amendments to the Oneida General Welfare Law
3. Oneida General Welfare Law Emergency Amendments Legislative Analysis
4. Oneida General Welfare Law (Redline)
5. Oneida General Welfare Law (Clean)

Overview

The Oneida General Welfare law (the “Law”) was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D for the purpose of providing assistance on a non-taxable basis, to eligible Tribal members through approved programs that promote the general welfare of the Nation. [10 O.C. 1001.1-1, 1001.1-3]. The Law sets a framework and provides guidelines for the Nation to establish and operate approved programs which provide assistance to eligible Tribal members to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.9-2]. The emergency adoption of this Law is set to expire on February 12, 2021.

When discussing the potential six (6) month extension of the emergency adoption of this Law the Legislative Operating Committee determined it was necessary to seek an emergency amendment to the Law to better address how an approved program is adopted by the Oneida Business Committee in an effort to allow for more flexibility and efficiency in addressing the needs of the Nation. The emergency amendment to the Law revises the definition of approved program to allow an approved program to be adopted by the Oneida Business Committee through resolution or law of the Nation. [10 O.C. 1001.3-1(a)]. Currently, an approved program can only be adopted by the Oneida Business Committee through a law of the Nation.

In response to the outbreak of the COVID-19 pandemic, on March 12, 2020, in accordance with the Emergency Management and Homeland Security law, 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 provided the necessary authority should action need to be taken and allowed the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. This declaration of a Public Health State of Emergency has since been extended by the Oneida Business

Committee until February 11, 2021, 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, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, and BC-01-07-21-A.

The Oneida Business Committee is delegated the authority to temporarily enact emergency legislation 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. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)].

The emergency amendment to this Law is necessary for the preservation of the general welfare of the Reservation population. The emergency amendment to this Law will assist in more efficiently addressing the economic needs of the Reservation population during the public health crisis that is the COVID-19 pandemic by allowing the Nation more flexibility in establishing and operating approved programs that may provide assistance to Tribal members on a non-taxable basis through the adoption of a resolution in addition to the adoption of a law.

Additionally, observance of the requirements under the Legislative Procedures Act for the amendments to this Law would be contrary to public interest since the Nation is currently experiencing the vast effects of the COVID-19 pandemic, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Law can be amended to best assist members of the Nation during this COVID-19 pandemic through the development of approved programs which provide assistance to Tribal members.

The emergency amendments to the Law will become effective immediately upon adoption by the Oneida Business Committee and will remain effective for six (6) months. There will be one (1) opportunity to extend the emergency amendments to this Law for an additional six (6) month period. [1 O.C. 109.9-5(b)].

Requested Action

Approve the Resolution: Emergency Amendments to the Oneida General Welfare Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Emergency Amendments to the Oneida General Welfare Law

- 1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
2 recognized by the laws of the United States of America; and
3
4 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
5
6 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
7 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
8
9 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*
10 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for
11 the Nation until April 12, 2020, and set into place the necessary authority for action to be
12 taken and allows the Nation to seek reimbursement of emergency management actions
13 that may result in unexpected expenses; and
14
15 **WHEREAS,** the Nation's Public Health State of Emergency has since been extended by the Oneida
16 Business Committee until February 11, 2021, through the adoption of resolutions BC-03-
17 28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-
18 A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, and BC-01-07-21-A; and
19
20 **WHEREAS,** the Oneida Business Committee and COVID-19 Core Decision Making Team, after being
21 impacted by the COVID-19 pandemic, adopted resolutions and declarations that were
22 intended to protect the health and safety of members, residents of the Reservation and
23 employees; and
24
25 **WHEREAS,** the Oneida General Welfare law ("the Law") was adopted by the Oneida Business
26 Committee on an emergency basis through resolution BC-08-12-20-D in an effort to
27 provide a mechanism to address the economic needs of members of the Nation during the
28 COVID-19 pandemic; and
29
30 **WHEREAS,** the purpose of the Law is to provide assistance, on a non-taxable basis, to Tribal members
31 through approved programs that promote the general welfare of the Nation; and
32
33 **WHEREAS,** the Law sets a framework and provides guidelines for the Nation to establish and operate
34 approved programs which provide assistance to eligible Tribal members to promote the
35 general welfare of the Nation, including programs designed to enhance the promotion of
36 health, education, self-sufficiency, self-determination, and the maintenance of culture and
37 tradition, entrepreneurship, and employment; and
38
39 **WHEREAS,** an emergency amendment to the Law is now being sought to allow the Oneida Business
40 Committee the ability to adopt an approved program through resolution in addition to
41 through a law of the Nation in an effort to allow for more flexibility and efficiency in
42 addressing the needs of the Nation; and
43

44 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to amend
45 legislation on an emergency basis when the legislation is necessary for the immediate
46 preservation of the public health, safety, or general welfare of the Reservation population,
47 and the amendment of the legislation is required sooner than would be possible under the
48 Legislative Procedures Act; and
49

50 **WHEREAS,** the emergency amendment to this Law is necessary for the preservation of the general
51 welfare of the Reservation population because it allows for the economic needs of the
52 Reservation population to be more efficiently addressed during the public health crisis that
53 is the COVID-19 pandemic by providing the Nation more flexibility in establishing and
54 operating approved programs that may provide assistance to Tribal members on a non-
55 taxable basis; and
56

57 **WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of this
58 Law would be contrary to public interest since the Nation is currently experiencing the vast
59 effects of the COVID-19 pandemic, and the process and requirements of the Legislative
60 Procedures Act cannot be completed in time to ensure that the Law can be amended to
61 best assist members of the Nation during the pandemic; and
62

63 **WHEREAS,** emergency adoption of legislation is effective for a period of six (6) months, renewable by
64 the Oneida Business Committee for an additional six (6) month term; and
65

66 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement
67 when considering emergency legislation; and
68

69 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the emergency
70 amendments to the Oneida General Welfare law effective immediately.



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



Statement of Effect

Emergency Amendments to the Oneida General Welfare Law

Summary

This resolution adopts emergency amendments to the Oneida General Welfare law in order to allow an approved program to be adopted by the Oneida Business Committee through resolution in addition to through adoption of a law of the Nation.

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

Date: January 28, 2021

Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Oneida General Welfare law (“the Law”). The Law was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D for the purpose of providing assistance, on a non-taxable basis, to Tribal members through approved programs that promote the general welfare of the Nation. [10 O.C. 1001.1-1, 1001.1-3]. The Law sets a framework and provides guidelines for the Nation to establish and operate approved programs which provide assistance to eligible Tribal members to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.9-2]. Emergency amendments to the Law are being sought to better address how an approved program is adopted by the Oneida Business Committee in an effort to allow for more flexibility and efficiency in addressing the needs of the Nation. The emergency amendment to the Law revises the definition of approved program to allow an approved program to be adopted by the Oneida Business Committee through resolution or a law of the Nation. [10 O.C. 1001.3-1(a)]. Currently, an approved program can only be adopted by the Oneida Business Committee through a law of the Nation.

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA allows the Oneida Business Committee to take emergency action where it is necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and when enactment or amendment of legislation is required sooner than would be possible under the LPA. [1 O.C. 109.9-5]. A public meeting and fiscal impact statement are not required for emergency legislation. [1 O.C. 109.8-1(b), 109.9-5(a)].

In response to the COVID-19 pandemic, on March 12, 2020, in accordance with the Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19. [3 O.C. 302.8-1]. This declaration of a Public Health State of Emergency 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. This declaration of a Public Health State of Emergency was extended by

the Oneida Business Committee until February 11, 2021, 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, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, and BC-01-07-21-A.

The resolution provides that the emergency amendment to this Law is necessary for the preservation of the general welfare of the Reservation population. The emergency amendment to this Law will assist in more efficiently addressing the economic needs of the Reservation population during the public health crisis that is the COVID-19 pandemic by allowing the Nation more flexibility in establishing and operating approved programs that may provide assistance to Tribal members on a non-taxable basis through the adoption of a resolution in addition to the adoption of a law.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of this amendment would be contrary to public interest. The Nation is currently experiencing the vast effects of the COVID-19 pandemic, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Law can be amended to best assist members of the Nation during this COVID-19 pandemic through the development of approved programs which provide assistance to Tribal members.

The emergency amendments to this the Law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments to the Law will remain effective for six (6) months. The LPA provides the possibility to extend the emergency amendments for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

Conclusion

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



EMERGENCY AMENDMENTS TO THE ONEIDA GENERAL WELFARE LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Law	Allow approved programs to be adopted by the Oneida Business Committee through resolution in addition to by a law of the Nation. [1 O.C. 1001.3-1(a)].
Purpose	Provide assistance, on a non-taxable basis, to eligible Tribal members through approved programs that promote the general welfare of the Nation. [10 O.C. 1001.1-1, 1001.1-3].
Affected Entities	Oneida Business Committee, Entities developing approved programs
Public Meeting	A public meeting is not required for emergency legislation [1 O.C. 109.8-1(b) and 109.9-5(a)].
Fiscal Impact	A fiscal impact statement is not required for emergency legislation [1 O.C. 109.9-5(a)].
Expiration of Emergency Legislation	Emergency legislation expires six (6) months after adoption and may be renewed for an additional six (6) month period.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** On August 12, 2020, the Oneida General Welfare law was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D for the purpose of providing assistance, on a non-taxable basis, to Tribal members through approved programs that promote the general welfare of the Nation. [10 O.C. 1001.1-1, 1001.1-3]. Emergency adoption of the Oneida General Welfare law was pursued to provide a mechanism to address the economic needs of members of the Nation during the COVID-19 pandemic. The Law set forth a framework and provided guidelines for the Nation to establish and operate approved programs which provide assistance to eligible Tribal members to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.9-2]. The emergency adoption of the Oneida General Welfare law is set to expire on February 12, 2021.
- B. Emergency Amendments.** Originally, the Legislative Operating Committee planned to seek a six (6) month extension of the emergency adoption of the Law which occurred through resolution BC-08-12-20-D. The Legislative Operating Committee is now seeking an emergency amendment to the Law to address the manner in which approved programs are adopted by the Oneida Business Committee in an effort to allow for more flexibility and efficiency.
- C. COVID-19 Pandemic.** 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 COVID-19 pandemic has resulted in high rates of infection and mortality, as well as vast economic impacts including effects on the stock market and the closing of all non-essential businesses.
- *Declaration of a Public Health State of Emergency.*

- 24 ▪ On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State*
25 *of Emergency*” regarding COVID-19 which declared the Public Health State of Emergency
26 for the Nation until April 12, 2020, and set into place the necessary authority should action
27 need to be taken and allowed the Nation to seek reimbursement of emergency management
28 actions that may result in unexpected expenses.
- 29 ▪ The Public Health State of Emergency has since been extended until February 11, 2021,
30 by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A,
31 BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A,
32 BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, and BC-01-07-21-A.
- 33 ▪ *COVID-19 Core Decision Making Team.*
 - 34 ▪ On March 17, 2020, the Oneida Business Committee adopted emergency amendments to
35 the Emergency Management and Homeland Security law to create and delegate authority
36 to a COVID-19 Core Decision Making Team (“COVID-19 Team”). [3 O.C. 302.10].
 - 37 ▪ When a public health emergency has been declared, the COVID-19 Team has the
38 authority to declare exceptions to the Nation’s laws, policies, procedures,
39 regulations, or standard operating procedures during the emergency period which
40 will be of immediate impact for the purposes of protecting the health, safety, and
41 general welfare of the Nation’s community, members, and employees. [3 O.C.
42 302.10-2].
 - 43 ▪ These declarations remain in effect for the duration of the Public Health State of
44 Emergency. [3 O.C. 302.10-3].
- 45 ▪ *COVID-19 Core Decision Making Team Declarations: Safer at Home.*
 - 46 ▪ On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer*
47 *at Home*” declaration which ordered all individuals present within the Oneida Reservation
48 to stay at home or at their place of residence, with certain exceptions allowed. This
49 declaration prohibited all public gatherings of any number of people.
 - 50 ▪ On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer*
51 *at Home*” declaration which allowed for gaming and golf operations to resume.
 - 52 ▪ On May 19, 2020, the COVID-19 Core Decision Making Team issued a “*Safer at Home*
53 *Declaration, Amendment, Open for Business*” which directs that individuals within the
54 Oneida Reservation should continue to stay at home, businesses can re-open under certain
55 safer business practices, and social distancing should be practiced by all persons.
 - 56 ▪ On June 10, 2020, the COVID-19 Core Decision Making Team issued a “*Stay Safer at*
57 *Home*” declaration which lessened the restrictions of the “*Safer at Home Declaration,*
58 *Amendment, Open for Business*” while still providing guidance and some restrictions. This
59 declaration prohibits all public and private gatherings of more than twenty (20) people that
60 are not part of a single household or living unit.
 - 61 ▪ On July 17, 2020, the COVID-19 Team issued a “*Safe Re-Opening Governmental Offices*”
62 which sets minimum standards for the safe re-opening of a building or recall of employees
63 to work.
- 64 ▪ *COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the*
65 *Legislative Procedures Act.*
 - 66 ▪ On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a
67 “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which

suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

SECTION 3. CONSULTATION AND OUTREACH

A. Representatives from the following departments or entities participated in the development of this Law and legislative analysis:

- Oneida Law Office;
- Finance Administration; and
- Governmental Services Division.

B. The following laws were reviewed in the drafting of this analysis:

- Legislative Procedures Act.

SECTION 4. PROCESS

B. The amendments to this Law are being considered on an emergency basis. The Oneida Business Committee may temporarily amend a law when “legislation is necessary for the immediate preservation of public health, safety, or general welfare of the Reservation population and enactment or amendment of legislation is required sooner than would be possible under this law.” [1 O.C. 109.9-5].

- Emergency amendments to this Law are being pursued for the preservation of the general welfare of the Reservation population. The emergency amendments to this Law will assist in more efficiently addressing the economic needs of the Reservation population during the public health crisis that is the COVID-19 pandemic by allowing the Nation more flexibility in establishing and operating approved programs that may provide assistance to Tribal members on a non-taxable basis through the adoption of a resolution in addition to the adoption of a law.
- Observance of the requirements under the Legislative Procedures Act for the amendments to this Law would be contrary to public interest. The Nation is currently experiencing the vast effects of the COVID-19 pandemic, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Law can be amended to best assist members of the Nation during this COVID-19 pandemic through the development of approved programs which provide assistance to Tribal members.

C. Emergency legislation typically expires six (6) months after adoption, with one (1) opportunity for a six (6) month extension of the emergency legislation. [1 O.C. 109.9-5(b)].

D. The Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact statement will eventually be required when considering permanent adoption of this Law.

D. The following work meetings were held regarding the development of this Law and legislative analysis:

- January 14, 2021: LOC work meeting with the Oneida Law Office, Finance Department, Strategic Planner, and Governmental Services Division.
- January 28, 2021: LOC work meeting.

SECTION 5. CONTENTS OF THE LEGISLATION

A. Definition of Approved Program. The proposed emergency amendment to the Law revises the definition for “approved program.” [10 O.C. 1001.3-1(a)]. The emergency amendment to the Law provides that an approved program means any program(s) to provide general welfare assistance that is intended to qualify as non-taxable as a General Welfare Exclusion, administered under specific guidelines, and is adopted by the Oneida Business Committee through resolution or law of the Nation. [10 O.C. 1001.3-1(a)]. Previously, the Law provided that an approved program means any program(s) to provide general welfare assistance that is intended to qualify as non-taxable as a General Welfare Exclusion, administered under specific guidelines, and is adopted as a law by resolution of the Oneida Business Committee. Approved programs are established and operated to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.9-2]. Each approved program is required to set forth the specific eligibility rules and limitations that will be applied to that program. [10 O.C. 1001.9-3]. Programs comprising descriptions, including eligibility rules and limitations, may be presented to the Oneida Business Committee for approval. *Id.*

- **Effect.** The emergency amendments to the Law allow for an approved program to be adopted by the Oneida Business Committee by resolution in addition to through the adoption of a law of the Nation. This revision provides more flexibility and efficiency for how an approved program may be adopted. An approved program that intends to function on a permanent basis would be best suited to be adopted through a law of the Nation – whether that be through emergency legislation or through the regular legislative process. An approved program that is needed quickly to best address the needs of the community and will only be in place for a limited term may be more efficiently adopted through a resolution of the Nation.

SECTION 6. EXISTING LEGISLATION

A. Related Legislation. The following laws of the Nation are related to this Law:

- **Legislative Procedures Act.** The Legislative Procedures Act was adopted by the General Tribal Council on January 7, 2013, for the purpose of providing a standard process for the adoption or amendments of laws of the Nation which includes taking into account comments from members of the Nation and input from agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].
 - The Legislative Procedures Act provides a process for the adoption of emergency legislation when the legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population and the enactment or amendment of legislation is required sooner than would be possible under this law. [1 O.C. 109.9-5].
 - The Legislative Operating Committee is responsible for first reviewing the emergency legislation and for forwarding the legislation to the Oneida Business Committee for consideration. [1 O.C. 109.9-5(a)].
 - The proposed emergency legislation is required to have a legislative analysis completed and attached prior to being sent to the Oneida Business Committee for consideration. [1 O.C. 109.9-5(a)].

- 153 a. A legislative analysis is a plain language analysis describing the
154 important features of the legislation being considered and factual
155 information to enable the Legislative Operating Committee to make
156 informed decisions regarding legislation. A legislative analysis
157 includes a statement of the legislation's terms and substance; intent of
158 the legislation; a description of the subject(s) involved, including any
159 conflicts with Oneida or other law, key issues, potential impacts of the
160 legislation and policy considerations. [1 O.C. 109.3-1(g)].
- 161 ■ Emergency legislation does not require a fiscal impact statement to be
162 completed or a public comment period to be held. [1 O.C. 109.9-5(a)].
 - 163 ■ Upon the determination that an emergency exists the Oneida Business
164 Committee can adopt emergency legislation. The emergency legislation
165 becomes effective immediately upon its approval by the Oneida Business
166 Committee. [1 O.C. 109.9-5(b)].
 - 167 ■ Emergency legislation remains in effect for a period of up to six (6) months,
168 with an opportunity for a one-time emergency law extension of up to six (6)
169 months. [1 O.C. 109.9-5(b)].
 - 170 ■ Emergency amendments to this Law would conform with the requirements of the
171 Legislative Procedures Act.
 - 172

173 SECTION 7. OTHER CONSIDERATIONS

- 174 A. **Deadline for Permanent Adoption of Legislation.** The emergency amendments to this Law will expire
175 six (6) months after adoption. The emergency legislation may be renewed for an additional six (6)
176 month period.
- 177 ■ *Conclusion:* The Legislative Operating Committee will need to consider the development and
178 adoption of this Law on a permanent basis within the next six (6) to twelve (12) months.
- 179 B. **Fiscal Impact.** A fiscal impact statement is not required for emergency legislation.
- 180 ■ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except
181 emergency legislation [1 O.C. 109.6-1].

182

Title 10. General Welfare Exclusion - Chapter 1001
ONEIDA GENERAL WELFARE

1001.1. Purpose and Policy
1001.2. Adoption, Amendment, Repeal
1001.3. Definitions
1001.4. Ratification of Prior Acts
1001.5. General Welfare Doctrine and IRS Revenue Procedure
2014-53/ Tribal General Welfare Exclusion of 2014

1001.6. Non-Recourse Designation
1001.7. Governing Law; Sovereignty
1001.8. Federal Trust Obligations
1001.9. Approved Program Guidelines

1001.1. Purpose and Policy

1001.1-1. *Purpose.* The purpose of this law is to provide assistance to eligible Tribal members. The Nation affirms hereby its sovereign right to do so on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion to Indian Tribal governmental programs that provide benefits to Tribal members.

1001.1-2. The federal government through the Tribal General Welfare Exclusion Act of 2014, codified at 26 U.S.C §139E and the Internal Revenue Service, through its traditional application of the general welfare doctrine and subsequent guidance, has recognized the sovereign right of Indian tribal governments to provide financial assistance to its Tribal members under certain circumstances on a non-taxable basis.

1001.1-3. *Policy.* It is the policy of the Nation to provide assistance to Tribal members through approved programs that promote the general welfare of the Nation. This law provides a framework for approved programs to follow to ensure compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35. Further, it is the intent of the Oneida Business Committee that all assistance provided under this law:

- (a) is available to any recipients who satisfy the program policies, subject to budgetary restraints;
- (b) is made under an approved program that does not discriminate in favor of members of the Nation's governing body;
- (c) is not provided as compensation for goods and/or services; and
- (d) is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee.

1001.2. Adoption, Amendment, Repeal

1001.2-1. This law was adopted by the Oneida Business Committee on an emergency basis by resolution BC-08-12-20-D~~1~~, and emergency amended by resolution BC- - - - -.

1001.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1001.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

1001.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

1001.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

1001.3. Definitions

1001.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) "Approved program" means any program(s) to provide general welfare assistance that

is intended to qualify as non-taxable as a General Welfare Exclusion, administered under specific guidelines, and is adopted ~~as a law~~ by ~~resolution of~~ the Oneida Business Committee through resolution or law of the Nation.

(b) "Assistance" means benefits or payments under an approved program, which are paid to or on behalf of a recipient pursuant to this law, provided, that such assistance shall be owed back to the Nation from the Tribal member recipient in the event the Tribal member misappropriates the assistance.

(c) "Benefits" means any approved program assistance, including payments, which is provided pursuant to this law.

(d) "General Test" means the criteria used to determine if any assistance or benefits provided through an approved program to a recipient shall be treated as a General Welfare Exclusion. The criteria of the General Test include the following:

- (1) Paid on behalf of the Nation;
- (2) Pursuant to an approved program;
- (3) Does not discriminate in favor of members of the governing body of the Nation;
- (4) Are available to any Tribal member who meets the guidelines of the approved program;
- (5) Are for the promotion of general welfare;
- (6) Are not lavish or extravagant;
- (7) Are not compensation for services; and
- (8) Are not per capita payments.

(e) "General Welfare Exclusion" means any benefits shall be treated as non-taxable under federal law so long as it satisfies the requirements for exclusion under 26 U.S.C. §139E, is provided under a Safe Harbor Program listed and detailed in I.R.S. Rev. Proc. 2014-35 or subsequent Internal Revenue Service procedures or regulations, or it meets the General Test.

(f) "General welfare need" means a need, in the sole discretion of the Oneida Business Committee, which shall be met to ensure the Nation's longevity as a self-governing Indian nation, and includes needs in the areas of health, education, self-sufficiency, self-determination, the maintenance of culture and tradition, entrepreneurship, and employment.

(g) "Lavish" or "Extravagant" shall have the meaning determined by the Oneida Business Committee in its discretion and based on the circumstances, taking into account needs unique to the Nation as well as the social purpose being served by the particular assistance at hand, except as otherwise may be required for compliance with final guidance issued under 26 U.S.C. §139E following consultation between the Nation and the federal government.

(h) "Nation" means the Oneida Nation.

(i) "Recipient" means any Tribal member entitled to receive assistance in accordance with approved program requirements.

(j) "Tribal member" means an individual who is an enrolled member of the Nation.

1001.4. Ratification of Prior Acts

1001.4-1. This law is not to be construed as creating new general welfare assistance rights which are an inherent right of Nation. Rather, this law is intended to codify existing procedures used by the Nation to administer its general welfare assistance.

1001.4-2. Assistance provided prior to the enactment of this law is hereby ratified and confirmed as general welfare assistance provided pursuant to the exercise by the Nation of its inherent tribal sovereignty.

1001.5. General Welfare Doctrine and IRS Revenue Procedure 2014-53/ Tribal General Welfare Exclusion of 2014

1001.5-1. The federal government recognizes that benefits to recipients under an approved program for the promotion of the general welfare of the Nation is excludable from the gross income of those recipients.

1001.5-2. The Internal Revenue Service, through I.R.S. Revenue Procedure 2014-35, listed and detailed examples of Safe Harbor programs under which, if approved and in writing, need would be presumed, and benefits would be excluded from gross income.

1001.5-3. Benefits authorized by this law are intended to qualify non-taxable under the principles of the General Welfare Exclusion to the fullest extent permitted at law.

1001.5-4. Assistance authorized by this law shall be limited to funds appropriated, at the discretion of the Oneida Business Committee and no matter the source of the funds. All amounts budgeted by the Nation for assistance shall remain general assets of the Nation until payments are disbursed.

1001.5-5. Benefits are not subject to information reporting by the Nation to the Internal Revenue Service.

1001.5-6. Without limitation, the following benefits shall be treated as non-taxable hereunder:

(a) Benefits that satisfy the requirements for the exemption under 26 U.S.C. §139E;

(b) Benefits that are provided under an IRS Safe Harbor Program listed and described in I.R.S. Rev. Proc. 2014-35; or

(c) Benefits that qualify for exclusion under the I.R.S. General Criteria of General Welfare exclusion listed in I.R.S. Rev. Proc. 2014-35, section 5.02(1).

1001.6. Non-Recourse Designation

1001.6-1. The Nation does not guarantee benefits under this law. Benefits shall not be treated as a resource or asset of a recipient for any purpose; and no recipient shall have an interest in or right to any funds budgeted for, or set aside for, approved programs until paid. Oneida Business Committee reserves the right to cancel, adjust, modify or revoke any benefit. The approved programs shall be administered at all times to avoid triggering of the doctrines of “constructive receipt” and/or “economic benefit.”

1001.7. Governing Law; Sovereignty

1001.7-1. All the rights and liabilities associated with the enactment of this law, or the assistance made hereunder, shall be construed and enforced according to the Nation’s laws and applicable federal law. Nothing in this law or the related laws, policies, or procedures adopted for its implementation, if any, shall be construed to make applicable to the Nation any laws or regulations which are otherwise inapplicable to the Nation, or from which the Nation is entitled to exemption because of its sovereign status.

1001.8. Federal Trust Obligations

1001.8-1. The Nation reserves the right to provide assistance in circumstances where federal funding is insufficient to operate federal programs designed to benefit applicants and when federal funding is insufficient to adequately and consistently fulfill federal trust obligations. The Nation's adoption of its approved programs is not intended to relieve or diminish the federal government of its funding and trust responsibilities. Nothing herein shall waive the Nation's right to seek funding shortfalls or to enforce the trust rights of the Nation and its citizens. The Nation shall be entitled to government-to-government consultation and coordination with the federal government in regard to these obligations.

1001.9. Approved Program Guidelines

1001.9-1. *Nation Approved Programs*. The Oneida Business Committee shall designate approved programs for which funds shall be budgeted each fiscal year, consistent with the purposes of this law. Each approved program shall be consistent with the principles of the General Welfare Exclusion as to purpose, eligibility, and funding.

1001.9-2. *Purpose of Approved Programs*. Each approved program shall be limited to purposes consistent with treatment under the General Welfare Exclusion. An approved program shall be established and operated to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment.

1001.9-3. *Eligibility*. Assistance intended to qualify under the General Welfare Exclusion shall be limited to Tribal members. Each approved program shall set forth the specific eligibility rules and limitations applied to that program. Programs comprising descriptions, including eligibility rules and limitations, may be presented to the Oneida Business Committee for approval in accordance with this law. Programs shall be approved by the Oneida Business Committee to be considered in force and effect and in accordance with this law.

1001.9-4. *Limited Use of Assistance Payments*. All assistance shall be used for the purpose stated in the approved program description. If assistance is used or pledged for a purpose inconsistent with the purpose set forth in an approved program the payment shall be deemed forfeited. The Nation may secure repayment from the recipient. The Nation may seek to garnish remuneration from other payments made to recipient to secure repayment of assistance under this law.

1001.9-5. *Anti-Alienation*. A Tribal member's benefit is not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, attachment or garnishment by creditors of the Tribal member.

End.

Emergency Adopted - BC-08-12-20-D

Emergency Amended – BC- - - -

Title 10. General Welfare Exclusion - Chapter 1001
ONEIDA GENERAL WELFARE

1001.1. Purpose and Policy
1001.2. Adoption, Amendment, Repeal
1001.3. Definitions
1001.4. Ratification of Prior Acts
1001.5. General Welfare Doctrine and IRS Revenue Procedure
2014-53/ Tribal General Welfare Exclusion of 2014

1001.6. Non-Recourse Designation
1001.7. Governing Law; Sovereignty
1001.8. Federal Trust Obligations
1001.9. Approved Program Guidelines

1001.1. Purpose and Policy

1001.1-1. *Purpose.* The purpose of this law is to provide assistance to eligible Tribal members. The Nation affirms hereby its sovereign right to do so on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion to Indian Tribal governmental programs that provide benefits to Tribal members.

1001.1-2. The federal government through the Tribal General Welfare Exclusion Act of 2014, codified at 26 U.S.C §139E and the Internal Revenue Service, through its traditional application of the general welfare doctrine and subsequent guidance, has recognized the sovereign right of Indian tribal governments to provide financial assistance to its Tribal members under certain circumstances on a non-taxable basis.

1001.1-3. *Policy.* It is the policy of the Nation to provide assistance to Tribal members through approved programs that promote the general welfare of the Nation. This law provides a framework for approved programs to follow to ensure compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35. Further, it is the intent of the Oneida Business Committee that all assistance provided under this law:

(a) is available to any recipients who satisfy the program policies, subject to budgetary restraints;

(b) is made under an approved program that does not discriminate in favor of members of the Nation's governing body;

(c) is not provided as compensation for goods and/or services; and

(d) is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee.

1001.2. Adoption, Amendment, Repeal

1001.2-1. This law was adopted by the Oneida Business Committee on an emergency basis by resolution BC-08-12-20-D, and emergency amended by resolution BC-__-__-__-__.

1001.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1001.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

1001.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

1001.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

1001.3. Definitions

1001.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Approved program" means any program(s) to provide general welfare assistance that

is intended to qualify as non-taxable as a General Welfare Exclusion, administered under specific guidelines, and is adopted by the Oneida Business Committee through resolution or law of the Nation.

(b) "Assistance" means benefits or payments under an approved program, which are paid to or on behalf of a recipient pursuant to this law, provided, that such assistance shall be owed back to the Nation from the Tribal member recipient in the event the Tribal member misappropriates the assistance.

(c) "Benefits" means any approved program assistance, including payments, which is provided pursuant to this law.

(d) "General Test" means the criteria used to determine if any assistance or benefits provided through an approved program to a recipient shall be treated as a General Welfare Exclusion. The criteria of the General Test include the following:

(1) Paid on behalf of the Nation;

(2) Pursuant to an approved program;

(3) Does not discriminate in favor of members of the governing body of the Nation;

(4) Are available to any Tribal member who meets the guidelines of the approved program;

(5) Are for the promotion of general welfare;

(6) Are not lavish or extravagant;

(7) Are not compensation for services; and

(8) Are not per capita payments.

(e) "General Welfare Exclusion" means any benefits shall be treated as non-taxable under federal law so long as it satisfies the requirements for exclusion under 26 U.S.C. §139E, is provided under a Safe Harbor Program listed and detailed in I.R.S. Rev. Proc. 2014-35 or subsequent Internal Revenue Service procedures or regulations, or it meets the General Test.

(f) "General welfare need" means a need, in the sole discretion of the Oneida Business Committee, which shall be met to ensure the Nation's longevity as a self-governing Indian nation, and includes needs in the areas of health, education, self-sufficiency, self-determination, the maintenance of culture and tradition, entrepreneurship, and employment.

(g) "Lavish" or "Extravagant" shall have the meaning determined by the Oneida Business Committee in its discretion and based on the circumstances, taking into account needs unique to the Nation as well as the social purpose being served by the particular assistance at hand, except as otherwise may be required for compliance with final guidance issued under 26 U.S.C. §139E following consultation between the Nation and the federal government.

(h) "Nation" means the Oneida Nation.

(i) "Recipient" means any Tribal member entitled to receive assistance in accordance with approved program requirements.

(j) "Tribal member" means an individual who is an enrolled member of the Nation.

1001.4. Ratification of Prior Acts

1001.4-1. This law is not to be construed as creating new general welfare assistance rights which are an inherent right of Nation. Rather, this law is intended to codify existing procedures used by the Nation to administer its general welfare assistance.

1001.4-2. Assistance provided prior to the enactment of this law is hereby ratified and confirmed as general welfare assistance provided pursuant to the exercise by the Nation of its inherent tribal sovereignty.

1001.5. General Welfare Doctrine and IRS Revenue Procedure 2014-53/ Tribal General Welfare Exclusion of 2014

1001.5-1. The federal government recognizes that benefits to recipients under an approved program for the promotion of the general welfare of the Nation is excludable from the gross income of those recipients.

1001.5-2. The Internal Revenue Service, through I.R.S. Revenue Procedure 2014-35, listed and detailed examples of Safe Harbor programs under which, if approved and in writing, need would be presumed, and benefits would be excluded from gross income.

1001.5-3. Benefits authorized by this law are intended to qualify non-taxable under the principles of the General Welfare Exclusion to the fullest extent permitted at law.

1001.5-4. Assistance authorized by this law shall be limited to funds appropriated, at the discretion of the Oneida Business Committee and no matter the source of the funds. All amounts budgeted by the Nation for assistance shall remain general assets of the Nation until payments are disbursed.

1001.5-5. Benefits are not subject to information reporting by the Nation to the Internal Revenue Service.

1001.5-6. Without limitation, the following benefits shall be treated as non-taxable hereunder:

- (a) Benefits that satisfy the requirements for the exemption under 26 U.S.C. §139E;
- (b) Benefits that are provided under an IRS Safe Harbor Program listed and described in I.R.S. Rev. Proc. 2014-35; or
- (c) Benefits that qualify for exclusion under the I.R.S. General Criteria of General Welfare exclusion listed in I.R.S. Rev. Proc. 2014-35, section 5.02(1).

1001.6. Non-Recourse Designation

1001.6-1. The Nation does not guarantee benefits under this law. Benefits shall not be treated as a resource or asset of a recipient for any purpose; and no recipient shall have an interest in or right to any funds budgeted for, or set aside for, approved programs until paid. Oneida Business Committee reserves the right to cancel, adjust, modify or revoke any benefit. The approved programs shall be administered at all times to avoid triggering of the doctrines of “constructive receipt” and/or “economic benefit.”

1001.7. Governing Law; Sovereignty

1001.7-1. All the rights and liabilities associated with the enactment of this law, or the assistance made hereunder, shall be construed and enforced according to the Nation’s laws and applicable federal law. Nothing in this law or the related laws, policies, or procedures adopted for its implementation, if any, shall be construed to make applicable to the Nation any laws or regulations which are otherwise inapplicable to the Nation, or from which the Nation is entitled to exemption because of its sovereign status.

1001.8. Federal Trust Obligations

1001.8-1. The Nation reserves the right to provide assistance in circumstances where federal funding is insufficient to operate federal programs designed to benefit applicants and when federal funding is insufficient to adequately and consistently fulfill federal trust obligations. The Nation's adoption of its approved programs is not intended to relieve or diminish the federal government of its funding and trust responsibilities. Nothing herein shall waive the Nation's right to seek funding shortfalls or to enforce the trust rights of the Nation and its citizens. The Nation shall be entitled to government-to-government consultation and coordination with the federal government in regard to these obligations.

1001.9. Approved Program Guidelines

1001.9-1. *Nation Approved Programs.* The Oneida Business Committee shall designate approved programs for which funds shall be budgeted each fiscal year, consistent with the purposes of this law. Each approved program shall be consistent with the principles of the General Welfare Exclusion as to purpose, eligibility, and funding.

1001.9-2. *Purpose of Approved Programs.* Each approved program shall be limited to purposes consistent with treatment under the General Welfare Exclusion. An approved program shall be established and operated to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment.

1001.9-3. *Eligibility.* Assistance intended to qualify under the General Welfare Exclusion shall be limited to Tribal members. Each approved program shall set forth the specific eligibility rules and limitations applied to that program. Programs comprising descriptions, including eligibility rules and limitations, may be presented to the Oneida Business Committee for approval in accordance with this law. Programs shall be approved by the Oneida Business Committee to be considered in force and effect and in accordance with this law.

1001.9-4. *Limited Use of Assistance Payments.* All assistance shall be used for the purpose stated in the approved program description. If assistance is used or pledged for a purpose inconsistent with the purpose set forth in an approved program the payment shall be deemed forfeited. The Nation may secure repayment from the recipient. The Nation may seek to garnish remuneration from other payments made to recipient to secure repayment of assistance under this law.

1001.9-5. *Anti-Alienation.* A Tribal member's benefit is not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, attachment or garnishment by creditors of the Tribal member.

End.

Emergency Adopted - BC-08-12-20-D
Emergency Amended – BC-__-__-__-__

Oneida Business Committee Agenda Request

Adopt resolution entitled Adoption of COVID Quarantine Assistance Program

1. Meeting Date Requested: 2 / 10 / 21 **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:
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:

This resolution adopts a temporary program titled COVID Quarantine Assistance Program that will assist Tribal members with essential costs for unpaid time-off due to an unexpected leave from employment due to COVID-19 illness, required quarantining, or temporary closure of their workplace due to COVID-19. The intent of this Program is to prevent the loss of necessary transportation means, home foreclosure, home lease terminations, utility disconnections, and resources to maintain employment.

Funds provided to qualified Tribal members who obtain assistance under the Program will be non-taxable pursuant to the Oneida General Welfare Law.

Adopting this Resolution will create the Program and adopt its Standard Operating Procedures and directs the Program to be implemented in accordance with the Oneida General Welfare Law.

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 Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # ADOPTION OF COVID QUARANTINE ASSISTANCE PROGRAM

1
2
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
4 recognized by the laws of the United States of America; and
5

6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7

8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
10

11 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*
12 *Emergency*" pursuant to the COVID-19 pandemic which declared public health state of
13 emergency for the Oneida Nation; and
14

15 **WHEREAS,** the State of Wisconsin and neighboring localities implemented similar emergency
16 measures; and
17

18 **WHEREAS,** the Oneida Nation's public health emergency remains in effect until further action by the
19 Oneida Business Committee; and
20

21 **WHEREAS,** the COVID-19 pandemic continues to spread unchecked; and
22

23 **WHEREAS,** the number of the members of the Oneida Nation contracting COVID-19, contending with
24 its symptoms, and quarantining to inhibit the spread of COVID-19 continues to increase;
25 and
26

27 **WHEREAS,** members of the Oneida Nation suffer economic ramifications of the COVID-19 pandemic
28 either through leave from employment due to the associated illness and symptoms,
29 required quarantining, or temporary closure of their workplace; and
30

31 **WHEREAS,** the Oneida Nation seeks to assist its members with essential costs incurred during unpaid
32 time due to an unexpected leave from employment due to COVID-19 illness, required
33 quarantining, or temporary closure of their workplace due to COVID-19 to prevent loss of
34 necessary transportation means, home foreclosure, home lease terminations, utility
35 disconnections, and resources to maintain employment; and
36

37 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee creates hereby the "COVID
38 Quarantine Assistance Program" and adopts the Standard Operating Procedures thereof and attached,
39 pursuant to its authority and in accordance with the Oneida General Welfare Law, 10. O.C. 1001 *et seq.*
40

41 **BE IT FUTHER RESOLVED,** the "COVID Quarantine Assistance Program" will assist members of the
42 Oneida Nation with essential costs for unpaid time-off due to an unexpected leave from employment due
43 to COVID-19 illness, required quarantining, or temporary closure of their workplace due to COVID-19 to

BC Resolution # _____
Adoption of COVID Quarantine Assistance Program
Page 2 of 2

44 prevent the loss of necessary transportation means, home foreclosure, home lease terminations, utility
45 disconnections, and resources to maintain employment.

46
47 **BE IT FUTHER RESOLVED**, the “COVID Quarantine Assistance Program” conveys to Oneida Nation
48 members, qualified to obtain assistance under the Program, a limited amount of financial assistance that
49 will be non-taxable pursuant to the Oneida General Welfare Law.

50
51 **BE IT FUTHER RESOLVED**, the “COVID Quarantine Assistance Program” meets the requirements of the
52 Oneida General Welfare Law, adheres to the Law’s General Test, and may be treated as a General Welfare
53 Exclusion that will be non-taxable to the recipient.

54
55 **BE IT FINALLY RESOLVED**, the Oneida Business Committee approves hereby the creation of the “COVID
56 Quarantine Assistance Program” and adopts its Standard Operating Procedures and directs the Program
57 implementation remain in accordance with the Oneida General Welfare Law, 10. O.C. 1001 *et seq.*
58
59



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



Statement of Effect

Adoption of COVID Quarantine Assistance Program

Summary

This resolution approves the creation of the COVID Quarantine Assistance Program in accordance with the Oneida General Welfare law and adopts its Standard Operating Procedures.

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

Date: February 2, 2021

Analysis by the Legislative Reference Office

In early 2020 the world began experiencing the effects of the COVID-19 pandemic. As a result of the COVID-19 pandemic, 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 February 11, 2021, through the adoption of the following 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, BC-09-09-20-A, and BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, and BC-01-07-21-A. [3 O.C. 302.8-5].

The COVID-19 pandemic continues to spread unchecked and the number of members of the Nation contracting COVID-19, contending with its symptoms, and quarantining to inhibit the spread of COVID-19 continues to increase. As a result, members of the Nation are suffering economic ramifications of the COVID-19 pandemic either through leave from employment due to the associated illness and symptoms, required quarantining, or temporary closure of their workplace.

This resolution provides that the Oneida Nation seeks to assist its members with essential costs incurred during unpaid time due to an unexpected leave from employment due to COVID-19 illness, required quarantining, or temporary closure of their workplace due to COVID-19 to prevent loss of necessary transportation means, home foreclosure, home lease terminations, utility disconnections, and resources to maintain employment. This resolution provides that the Nation seeks to provide this assistance to its members through the adoption of the COVID Quarantine Assistance Program and its Standard Operating Procedures in accordance with the Oneida General Welfare law.

The Oneida General Welfare law was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D for the purpose of providing assistance on a non-taxable basis, to eligible Tribal members through approved programs that promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education,

self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.1-1, 1001.1-3, 1001.9-2]. It is the intent of the Oneida Business Committee that all assistance provided under the Law is:

- available to any recipients who satisfy the program policies, subject to budgetary restraints;
- made under an approved program that does not discriminate in favor of members of the Nation's governing body;
- not provided as compensation for goods and/or services; and
- not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee. [10 O.C. 1001.1-3(a)-(d)].

The Law defines an "approved program" as "any program(s) to provide general welfare assistance that is intended to qualify as non-taxable as a General Welfare Exclusion, administered under specific guidelines, and is adopted as a law by resolution of the Oneida Business Committee."¹ [10 O.C. 1001.3-1(a)]. The Law further defines "General Welfare Exclusion" to mean that "any benefits shall be treated as non-taxable under federal law so long as it satisfies the requirements for exclusion under 26 U.S.C. § 139E, is provided under a Safe Harbor Program listed and detailed in I.R.S. Rev. Proc. 2014-35 or subsequent Internal Revenue Service procedures or regulations, or it meets the General Test." [10 O.C. 1001.3-1(e)]. The General Test is a set of criteria to be used to determine whether any assistance or benefits provided through an approved program to a recipient shall be treated as a General Welfare Exclusion under the Law. [10 O.C. 1001.3-1(d)]. The criteria of the General Test require that any such assistance or benefit:

- is paid on behalf of the Nation;
- is pursuant to an approved program;
- does not discriminate in favor of members of the governing body of the Nation;
- is available to any Tribal member who meets the guidelines of the approved program;
- is for the promotion of general welfare;
- is not lavish or extravagant;
- is not compensation for services; and
- is not a per capita payment. [10 O.C. 1001.3-1(d)(1)-(8)].


Through the adoption of this resolution the Oneida Business Committee would be creating the COVID Quarantine Assistance Program and adopting its Standard Operating Procedures in accordance with the Oneida General Welfare law. The COVID Quarantine Assistance Program will provide limited financial assistance on a non-taxable basis to members of the Nation with essential costs for unpaid time-off due to an unexpected leave from employment due to COVID-19 illness, required quarantining, or temporary closure of their workplace due to COVID-19 to prevent the loss of necessary transportation means, home foreclosure, home lease terminations, utility disconnections, and resources to maintain employment. The COVID Quarantine Assistance Program meets the requirements of the Oneida General Welfare law, adheres to the Law's General Test, and may be treated as a General Welfare Exclusion that will be non-taxable to the recipient.

¹ On February 10, 2021, the Legislative Operating Committee will present to the Oneida Business Committee a proposed emergency amendment to the Oneida General Welfare law which would revise the definition of approved program found in section 1001.3-1(a) to allow for an approved program to be adopted by the Oneida Business Committee through resolution in addition to through the adoption of a law of the Nation. If adopted by the Oneida Business Committee the proposed emergency amendment would become effective immediately.

Conclusion

Whether the adoption of the resolution conflicts with laws of the Nation is dependent on the Oneida Business Committee's February 10, 2021, action regarding the proposed emergency amendment to the Oneida General Welfare law.

- If the Oneida Business Committee first adopts the proposed emergency amendment to the Oneida General Welfare law which would allow an approved program to be adopted by the Oneida Business Committee through resolution, then adoption of this resolution would not conflict with any of the Nation's laws.
- If the Oneida Business Committee does not adopt the proposed emergency amendment to the Oneida General Welfare law, then adoption of this resolution would conflict with section 1001.3-1(a) of the Oneida General Welfare law which requires that an approved program be adopted by the Oneida Business Committee through the adoption of a law of the Nation.

 <p>ONEIDA NATION STANDARD OPERATING PROCEDURE</p>	<p>TITLE: COVID Quarantine Assistance Program</p>	<p>ORIGINATION DATE: November 30, 2020 REVISION DATE: EFFECTIVE DATE: 2/10/21 depending on BC approval of Resolution After last signature</p>
<p>AUTHOR: Delia Smith</p> <p>Delia Smith</p> <p><small>Digitally signed by Delia Smith Date: 2021.02.01 10:05:38 -06'00'</small></p>	<p>APPROVED BY:</p> <p><i>Candice E. Skanandore</i></p> <p>Self Governance Coordinator</p>	<p>DATE:</p> <p>2-1-2021</p>
<p>DEPARTMENT: Office of Self-Governance- Welfare Assistance</p>	<p>APPROVED BY:</p> <p><i>Tina Jorgensen</i></p> <p><small>Digitally signed by Tina Jorgensen, MS Date: 2021.02.01 11:50:06 -06'00'</small></p>	<p>DATE</p>
<p>DIVISION: Governmental Services and Intergovernmental Affairs & Communication</p>	<p>APPROVED BY:</p> <p>Melinda J. Danforth</p> <p><small>Digitally signed by Melinda J. Danforth Date: 2021.02.01 10:28:13 -06'00'</small></p>	<p>DATE:</p>
<p>PAGE NO: 1 of 5</p>		

1.0 PURPOSE

- 1.1 The purpose of the COVID Quarantine Assistance Program is to assist Tribal members with essential costs for unpaid time due to an unexpected leave from employment due to COVID illness, required quarantining, or temporary closure of their workplace due to COVID. Payments are made to prevent homelessness, utility disconnections and/or resources to maintain employment.
- 1.2 COVID Quarantine Assistance Program funds are authorized for use to support individuals/households impacted by employment interruption due to mandated quarantining or positive COVID test result or temporary closure of their place of employment due to COVID when the applicant exhausts or is not offered paid time off from their employer.
- 1.3 The delivery of the program is only to assist applicants who have been actively employed within the last thirty (30) days.

2.0 DEFINITIONS

- 2.1 **Days:** will mean 'calendar' days unless otherwise specified.
- 2.2 **Department:** The Oneida Nation's Economic Support Department that is responsible for administering the COVID Quarantine Assistance Program.
- 2.3 **Household:** means persons living together who may or may not be related.
- 2.4 **Quarantine:** Quarantine refers to the practice of separating individuals who have had close contact with someone with COVID-19 to determine whether they develop symptoms or test positive for the disease. Quarantine also reduces the risk of

transmission if an individual is later found to have COVID-19. This definition also includes isolation which means to keep someone who is infected with the virus away from others, even in their home.

- 2.5 Quarantine period:** Quarantine for COVID-19 is recommended by CDC to last for a period of fourteen (14) days after the exposure has ended. Isolation is recommended to last for a period of at least ten (10) days since symptoms first appeared and at least 24 hours with no fever without fever-reducing medication and other symptoms of COVID-19 are improving.
- 2.6 Resources:** means compensation from employer offering monetary options for time off due to COVID testing, quarantining due to the COVID-19 pandemic, or having employment temporarily suspended due to the COVID-19 pandemic.
- 2.7 Program:** COVID Quarantine Assistance Program

3.0 ELIGIBILITY/PROCEDURES CRITERIA

3.1 Eligibility. To be eligible for the Program, the applicant must:

- 3.1.1** be an enrolled member of the Oneida Nation; and
- 3.1.2** have medical documentation of a positive COVID test, proof of being quarantined for a minimum of three days in the last thirty (30) days, or proof that his/her place of employment was temporarily shut down due to COVID; and
- 3.1.3** be eighteen (18) years of age or older; and
- 3.1.4** have consecutive employment within the last thirty (30) days; and
 - a.** be impacted by salary loss due to the COVID-19 pandemic; including employer action that resulted in having to take time off work due to contracting COVID, quarantining due to contact with someone positive for COVID, or having employment temporarily suspended due to COVID.
- 3.1.5** Applicant cannot qualify for other employment assistance resources, i.e. (Oneida Nation COVID-19 Paid time Off SOP effective 11/30/2020).
- 3.1.6** Applicant's eligibility will be determined dependent on their employer's wage compensation for their absence from employment.
- 3.1.7** The program is a one-time benefit, per applicant.

3.2 Procedures. Applications are limited to one (1) per enrolled member. To apply for Program funds, the applicant must:

- 3.2.1** Complete an application form; and
- 3.2.2** Provide proof that his/her employment income was temporarily lost or reduced due positive COVID test or required to quarantine during the COVID-19 pandemic or that his/her place of employment was temporarily shut down due to COVID; and
- 3.2.3** Personal/ Vacation time was not available for time that was taken off; and
- 3.2.4** Provide verification of income for last thirty (30) days; and
- 3.2.5** Provide proof of denial or ineligibility for other employment funding assistance or available time off for time off of work; and
 - a.** If personal or vacation time was available and applicant chooses not to

use time, the applicant will not be eligible for services.

- 3.2.6** Applicant is expected to return to the same employer after their quarantine period.

4.0 APPLICANT/RECIPIENT RESPONSIBILITIES

- 4.1 Applications.** It is the responsibility of the applicant to complete his/her application and ensure that all the required documentation is provided to the Department.

- 4.1.3** If the applicant/recipient fails to submit documentation within thirty (30) days of initial application establishing his/her eligibility or is found to be ineligible for the program, the applicant will receive a denial notice.

5.0 DEPARTMENT RESPONSIBILITIES

- 5.1 Document Creation.** The Department shall create an application form for applicants to complete to apply for Program funds.

5.2 Determination of Eligibility.

- 5.2.1** The Department shall verify that each applicant meets the criteria identified in Section 3.0 of this standard operating procedure.

- 5.3 Application Review.** Every effort shall be made to review, and process completed applications within ten (10) business days of receipt of an application. A completed application with appropriate documentation to support includes eligibility for Program funds. The Department shall review and confirm the following:

- 5.3.1** The application is complete.

- 5.3.2** The applicant received a letter from his/her employer notifying the applicant did not have resources from employer offering monetary options for time off due to COVID testing or quarantining due to the COVID-19 pandemic or that the applicant's place of employment was temporarily shut down due to COVID.

- 5.3.3** The applicant's previous thirty (30)-day income will be reviewed. Applicant's gross income will be averaged over the last thirty (30) days.

- 5.4 Notification to Applicants.** Upon review of the application, the Department shall provide written notification to the applicant of one of the following determinations:

- 5.4.1** The application is missing required documentation. In these circumstances, the Department must provide notice no later than fourteen (14) days from receipt of the application of any documentation needed to complete the application.

- a.** If the applicant fails to provide requested documentation within thirty (30) days from application date, the Department shall send an expiration/denial notice.

- 5.4.2** The application was approved. The notice shall include the following:

- b.** the amount of Program funds that will be paid to the applicant.
c. the Program funds are subject to availability as identified in Section 6.2.

- 5.4.3** The application was denied.

- a.** Denied applications will be due to lack of; completing applications timely, inappropriate requests for payments, employer offers

financial support during time off, applicant had personal/vacation time available, applicant was not employed prior to request.

5.5 Notification to Recipients of Discontinuation of Funds

5.5.1 If the Program funds are discontinued, terminated, suspended, the Department shall provide notice to recipients.

5.6 Recordkeeping. The Department is required to maintain all records to document how the Program funding is utilized, including documentation of case-by-case decisions. The Department shall assure full accountability and documentation for decisions made and prepare to be audited on such actions during the pandemic. All records shall be maintained by the Department for seven (7) years. The Department shall forward application forms and tribal identification cards to Accounting. Confidential information such as denial letters, proof of household income, proof of loss or reduction of salaries shall be maintained by the Department.

6.0 PROGRAM

6.1 Payments. The Program funds will be distributed through an A/P check request to the applicant.

6.1.1 An average income over the last thirty (30) days will be calculated by the case managers.

6.1.2 The applicant is eligible for assistance up to fifty percent (50%) of the his/her average income but not to exceed \$350.00 per week up to a maximum of two (2) work weeks not to exceed \$700.00 in total. Typical quarantine is fourteen (14) days or equivalent to two weeks.

a. For example: Applicant earns \$400.00 per week; assistance amount would be \$200.00 per week. Assistance will not exceed \$350.00 per week.

6.1.3 Payments should to be used by applicants/recipients for essential existing household expenses.

a. Examples for use of funds may be used to prevent the loss of necessary transportation means, home foreclosure, home lease terminations, utility disconnections, and resources to maintain employment, and include, but are not limited to:

1. Utility assistance
2. Water and sewer
3. Heating fuel assistance
4. Rent/mortgage assistance
5. Childcare assistance
6. Car payments
7. Car Insurance
8. Telecommunications
9. Any other expenses that are allowed pursuant to CARES Act Aid to Tribal Government Funds.

6.1.4 If applicant is unable to work for less than seven (7) days due to COVID,

the applicant is eligible for one (1) week of assistance

6.2 Availability of Funds. The Program funds will be available for the following length:

6.2.2 Programs funds are available until expended as identified in Frequently Asked Question # 18 which states “The deadline for the Federal Government to obligate funds received under Div. B, Title VII of the CARES Act is September 30, 2021. Once placed in a contract or self-governance agreement, the funds will be available to the tribe until expended.” (see attached).

6.2.3 Through the end of COVID emergency as determined by the Nation’s Oneida Business Committee; or

6.2.4 Until the Program funds are exhausted.

7.0 APPEAL PROCESS

7.1 Program Director Appeal. An applicant/recipient seeking to challenge a case manager’s decision shall file a written appeal with the Program Director or designee with ten (10) business days of receipt of the decision. The Program Director or designee shall issue a written decision within ten (10) business days of receipt of the appeal. The Program Director’s or designee’s decision is final.

8.0 RECORDKEEPING

8.1 The Department shall keep records of all authorizations of this Program and shall keep these Program funds separate from other program and service funds. These funds may be included in the Nation’s FASSR but will be identified separately, to illustrate the segregation of funds.

9.0 REFERENCES

9.1 Indian Affairs FAQs for Indian Affairs Regarding Funding for Division B, Title VII of the CARES Act (July 2, 2020).

Oneida Business Committee Agenda Request

Adopt resolution entitled 2020 Intertribal Buffalo Council, Buffalo Herd Development Grant Application

1. Meeting Date Requested: 02 / 10 / 21**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:
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:

The purpose of this resolution is to authorize the Oneida Farm to apply for an InterTribal Buffalo Council herd development grant. We ask that the Oneida Business committee authorize and support this application.

- 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 Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Leave this line blank
2020 Intertribal Buffalo Council, Buffalo Herd Development Grant Application

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 Nation has determined that the overall goal of the Oneida Nation is to protect, maintain and improve the standard of living and the environment in which the Oneida people live; and

WHEREAS, the Oneida Buffalo Herd Development Project promotes food sovereignty and self-sufficiency and is an integral component of the Oneida Community Integrated Food System (OCIFS) because it provides high quality, hormone-free, traditional bison meat products for the improved health and well-being of the Oneida Community; and

WHEREAS, the Oneida Nation is committed to maintaining long-term support for the Oneida Buffalo Herd Development Project and

WHEREAS, the Oneida Business Committee has on several occasions in the past, on behalf of the Oneida Nation, expressed their support through resolutions for similar grant applications and the InterTribal Buffalo Council; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Nation authorizes and supports the Oneida Farm's submission of a grant application to the InterTribal Buffalo Council for the purposes of restoring and supporting the Oneida Buffalo Herd Development Project in a manner that is culturally, ecologically and economically self-sustaining, and supportive of the Oneida Nations nutritional goals and community health. The official Tribal representative to the InterTribal Buffalo Council shall be Jeff Scofield, Agricultural Director/Farm and his alternate shall be Patrick Pelky, Division Director/Environmental, Health, Safety and Land.

GRANT PROPOSAL AUTHORIZATION FORM

ONEIDA GRANTS OFFICE

PH: (920) 496-7330 FAX: (920) 496-7494

Form instructions: Double click on the grey area; a drop down called "form field option box" box will appear. In the "items drop-down list" click on which one you want; then click on the "up" arrow move it to the top and click on ok. In the reporting area: Double click on the box you want to put an "x" in. A "check box form field" box will appear, in "under default value" click on "checked" then ok.

PROGRAM INFORMATION

Department: Farm	Division/Non-Division: EHSLA Division	
Program: Buffalo Herd Development	Program Accountant: Cindy Seelye	
Person Responsible for proposal development: Jeff Scofield		Phone: (920) 833-7952
Person Responsible for grant administration: Pat Pelky		Phone: (920) 869-4590
Project Title: Oneida Nation Buffalo Herd Development Project		

GRANT INFORMATION

Name of Funding Source: InterTribal Buffalo Council		Type (pick one): Foundation
Title of Grant: Herd Development Grant		CFDA No: N/A
Application Deadline: February 26, 2021		Grant Amount: \$ 75,000.00
Project Period (dates): 3-1-2021 to 2-28-2022	Budget Period (dates): 3-1-2021 to 2-28-2022	Type of Project (pick one): New
Maximum Match Request (% or \$): N/A		Match Type (pick one): None
Is a Tribal resolution required? If yes, please notify Grants Office immediately. Yes		

PLEASE MAKE SURE TO ANSWER THE FOLLOWING:

Will this grant create a: New position No Committee No Commission No Board No

Will this grant fund an existing position? No Name of Position(s):

If Yes to a new position has HRD been informed? No

If Yes to any of above has MIS been informed for computer needs? No

If Yes to any of above has Facilities Management been informed of space needs? No

If YES, attach draft job description for all grant funded positions.

PLEASE NOTE: Position/employee will be phased out when grant funding ends.

List any capital expenditures (cap ex), technology expenses & CIP purchases (NOTE: Must follow the appropriate Cap ex, CIP or Technology SOP for each purchase request.):


Project Proposal Summary (must answer all these questions): The purpose, benefit(s), where is the match coming from, are there any other programs collaborating, travel justification, position justification, or pertinent information: The purpose of this grant is to continue funding the development of the Oneida Nation's buffalo herd. The grant requires no match and will not affect Oneida Tribal Contribution.

Reporting: Quarterly ☐ Semi-Annually ☐ Yearly X Narrative ☐ Financial ☐

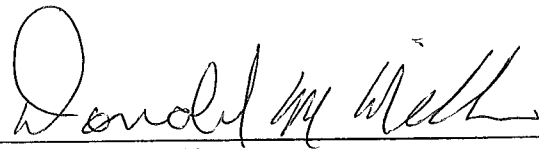
SIGNATURES

Your signature authorizes the person responsible for proposal development to work with the Grants Office when applying for funding and acknowledges your responsibility to successfully administer all requirements of this grant throughout the project period and budget period.

 1-20-21
 Supervisor Signature Date
VERIFIES & APPROVES MATCH

 Deborah Thundercloud
 2021.01.20 12:49:29 -06'00'
 General Manager Signature Date
APPROVES GRANT PROJECT

 1/20/21
 Div./Non-Div. Director Signature Date
APPROVES GRANT PROJECT & MATCH

 1-20-2021
 Grants Office Signature Date
 FINAL SIGNATURE PRIOR TO OBC SIGNATURES

Revised: 9/18/2020

GO-001

From: [Donald M. Miller](#)
To: [BC Agenda Requests](#)
Subject: FW: Grant Resolution
Date: Wednesday, January 27, 2021 2:12:21 PM

Here is the GMs email authorizing the ITBC Resolution request.

Thank you

Don

From: General_Manager_SignOff <General_Manager_SignOff@oneidanation.org>
Sent: Wednesday, January 27, 2021 1:59 PM
To: Donald M. Miller <DMILLER1@oneidanation.org>
Subject: FW: Grant Resolution

GM reply below.

Lori S. Hill
Ext. 3803 or 490-3803
Lhill4@oneidanation.org

From: Deborah J. Thundercloud <dthunde2@oneidanation.org>
Sent: Wednesday, January 27, 2021 1:49 PM
To: General_Manager_SignOff <General_Manager_SignOff@oneidanation.org>
Subject: RE: Grant Resolution

This is approved to go to the OBC agenda.

Debbie Thundercloud
General Manager
Oneida Nation, WI

920-869-4315 – Norbert Hill Center
920-496-7414 – Skenandoah Complex
dthunde2@oneidanation.org

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.



A good mind. A good heart. A strong fire.

From: General_Manager_SignOff <General_Manager_SignOff@oneidanation.org>
Sent: Monday, January 25, 2021 8:54 AM
To: Deborah J. Thundercloud <dthunde2@oneidanation.org>
Subject: FW: Grant Resolution

FYI...

From: Donald M. Miller <DMILLER1@oneidanation.org>
Sent: Friday, January 22, 2021 11:53 AM
To: General_Manager_SignOff <General_Manager_SignOff@oneidanation.org>
Subject: Grant Resolution

Here is the resolution for the InterTribal Buffalo Council Grant

I hope that you have a great rest of the day!

Don Miller

Adopt resolution entitled Authorizing Exemption from Temporary Closure – Oneida Nation Arts Board

Business Committee Agenda Request

1. Meeting Date Requested: 02/10/20

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- | | | |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CWILSON1



Business Committee Agenda Request – Cover Memo

From: Lisa Liggins, Secretary/OBC

Date: 2/5/2021

RE: Resolution Authorizing Exemption from Temporary Closure – Oneida Nation Arts Board

PURPOSE

Authorizing exemption from temporary closure for the Oneida Nation Arts Board

BACKGROUND

At the January 13, 2021, a request was submitted to the BC from the General Manager to reinstate the Oneida Nation Arts Board. At that meeting, the BC took action to request an amendment to resolution # BC-11-24-20-C. It has been determined a amendment is not necessary; instead a new resolution granting an exemption is being provided.

REQUESTED ACTION

Adopt resolution entitled Authorizing Exemption from Temporary Closure – Oneida Nation Arts Board

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution #
Authorizing Exemption from Temporary Closure – Oneida Nation Arts Board

- 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 resolution # BC-04-08-20-B, *Placing Listed Boards, Committees and Commissions in Temporary Closure Status*, at the beginning of the pandemic and the financial impact of closing gaming operations to protect against increased spread of the COVID-19 virus ; and
- WHEREAS,** the Oneida Business Committee reaffirmed the temporary closure of those boards, committees and commissions for Fiscal Year 2021 by adoption of resolution # BC-11-24-20-C, *Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021*; and
- WHEREAS,** the Oneida Business Committee, on behalf of the General Tribal Council which is unable to be called into session because of the transmission of the deadly pandemic through larger gatherings, adopted resolution # BC-11-24-20-F, *Approval of Final Draft Fiscal Year 2021 Budget and Budget Directives*; and
- WHEREAS,** the Oneida Nation Arts Board does not receive a stipend and carries out the necessary function of awarding grants to artisans to benefit the community; and
- WHEREAS,** the Oneida Nation has received state grant funds to be awarded; and
- NOW THEREFORE BE IT RESOLVED,** that the Oneida Nation Arts Board is exempted from temporary closure.



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



Statement of Effect

Authorizing Exemption from Temporary Closure – Oneida Nation Arts Board

Summary

This resolution exempts the Oneida Nation Arts Board from temporary closure.

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

Date: January 29, 2021

Analysis by the Legislative Reference Office

In early 2020 the world began experiencing the effects of the COVID-19 pandemic. As a result of the COVID-19 pandemic, 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 February 11, 2021, through the adoption of the following 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, BC-09-09-20-A, and BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, and BC-01-07-21-A. [3 O.C. 302.8-5].

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. [3 O.C. 302.10]. When a public health emergency has been declared, the COVID-19 Core Decision Making 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]. These declarations remain in effect for the duration of the Public Health State of Emergency, unless identified to be effective for a shorter time period. [3 O.C. 302.10-3].

On March 19, 2020, the COVID-19 Core Decision Making Team issued a “*Suspension of all Non-Emergent Expenses & Stipends and Activity by Certain Boards, Committees and Commissions*” declaration which in an effort to preserve cash flow to provide funds for regular wages to employees throughout the emergency declaration period, budget expenditures, stipends, and meetings were suspended for identified boards, committees, and commissions of the Nation.

On April 8, 2020, the Oneida Business Committee then adopted resolution BC-04-08-20-B, titled “*Placing Listed Boards, Committees and Commissions in Temporary Closure Status*.” This resolution provided that the following boards, committees and commissions of the Nation would be placed on temporary closure for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal Year 2021:

- Oneida Community Library Board;
- Oneida Environmental Resource Board;
- Oneida Nation Arts Board;
- Oneida Nation Veterans Affairs Committee;
- Oneida Personnel Commission;
- Oneida Pow Wow Committee;
- Pardon and Forgiveness Screening Committee;
- Southeastern Wisconsin Oneida Tribal Social Services Advisory Board;
- Oneida Land Claims Commission; and
- Oneida Nation Commission on Aging.

The Oneida Business Committee then adopted resolution BC-11-24-20-C titled, “*Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021.*” Resolution BC-11-24-20-C provided that the temporary closure of those certain boards, committees, and commissions identified in resolution BC-04-08-20-B should continue for the duration of Fiscal Year 2021.

This resolution provides that the Oneida Nation Arts Board is exempted from the temporary closure status provided for in resolution BC-11-24-20-C. The Oneida Nation Arts Board does not receive a stipend, and carries out the necessary function of awarding grants to artisans to benefit the community. The Nation has received state grant funds that are necessary to be awarded out to artisans.

Conclusion

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

Oneida Business Committee Agenda Request

Adopt resolution entitled Temporary Assistance to Needy Families (TANF) Grant Application

1. Meeting Date Requested: 02 / 10 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

Approval of a resolution to authorize and support the submission of a grant application to the U.S. Department of Health and Human Services/Administration for Children and Families.

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:
Your Name, Title / Dept. or Tribal Member**Delia Smith**
Digitally signed by Delia Smith
Date: 2021.01.29 11:20:31 -06'00'

Additional 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:

The U.S. Department of Health & Human Services/Administration for Children and Families requires an approved, signed resolution by the governing body as part of the Tribal Temporary Assistance to Needy Families grant application guidelines. The Oneida Economic Support Department will submit an application in the amount of \$835,924. The funding will provide assistance to needy families so that children may be cared for in their own home or in the home of a relative; reduce dependency on public benefits by promoting job preparation, work and marriage; prevent and reduce the incidence of out-of-wedlock (unplanned) pregnancies; and encourage the formation and maintenance of two-parent families.

GRANT SYNOPSIS

GRANT: Tribal Temporary Assistance to Needy Families (TANF)

PROGRAM: Tribal TANF/Economic Support Department

PROGRAM DIRECTOR: Delia Smith, Community Economic Support Director

MATCH: None

SUMMARY: The TANF Program will provide assistance to needy families so that children may be cared for in their own home or in the home of a relative; reduce dependency on public benefits by promoting job preparation, work and marriage; prevent and reduce the incidence of out-of-wedlock (unplanned) pregnancies; and encourage the formation and maintenance of two-parent families.

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 Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Leave this line blank Temporary Assistance to Needy Families (TANF) Grant Application

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 Nation has determined that the overall goal of the Oneida Nation is to protect, maintain and improve the standard of living and the environmental in which the Oneida people live; and

WHEREAS, the Oneida Business Committee recognizes and supports the efforts of the Tribal Temporary Assistance to Needy Families (TANF) Program to ensure the primary purposes of the Federal Personal Responsibilities and Work Opportunities Reconciliation Act; and

WHEREAS, the Oneida Business Committee hereby supports implementation of the proposed Tribal TANF Plan for the 2021-2024 Project Period ; and

NOW THEREFORE BE IT RESOLVED, that upon approval by the Administration of Children and Families, the Oneida Nation TANF Program will be implemented according to the provisions set forth within the Tribal TANF Plan in the broadest manner possible, while meeting established standards.

BE IT FINALLY RESOLVED, that the Oneida Nation authorizes and supports the submission of a grant application to the U.S. Department of Health and Human Services, Administration for Children and Families for the Temporary Assistance to Needy Families (TANF) in the amount of \$835,924.00. families.

From: [Racquel L. Hill](#)
To: [BC Agenda Requests](#)
Cc: [Marsha J. Danforth](#); [Tina M. Jorgensen](#); [Delia M. Smith](#)
Subject: BC Agenda Submission for 2/10/21 BC Meeting
Date: Monday, February 1, 2021 9:21:41 AM
Attachments: [image003.png](#)
[2021-2024 TANF BC Agenda Request Form.pdf](#)
[2021-2024 Tribal TANF Resolution.docx](#)

The attached BC Agenda Request Form and the 2021-2024 Tribal TANF Resolution sent on behalf of Tina Jorgensen, GSD Director and Delia Smith, Director of Community Support for the BC Meeting Agenda of February 10, 2021. Below is the approval received from the General Manager.

Please confirm receipt.

Any questions or concerns let me know.

*Racquel Hill, Executive Assistant
Governmental Services Division (GSD)*



Office: 920.490.3903
Cell: 920.819.8322
PO Box 365 – Oneida, WI 54155
"It's a good day to have a good day." (me)

**The information contained in this e-mail is confidential and privileged. If you are not the intended recipient, please be advised that any unauthorized use, copying, or dissemination of this information is prohibited. Please destroy this e-mail and immediately notify me of the erroneous transmission.*

From: General_Manager_SignOff <General_Manager_SignOff@oneidanation.org>
Sent: Friday, January 29, 2021 1:57 PM
To: Racquel L. Hill <rhill2@oneidanation.org>
Subject: FW: 2021-2024 TANF Resolution

GM approved.

Lori S. Hill
Ext. 3803 or 490-3803
Lhill4@oneidanation.org

From: Deborah J. Thundercloud <dthunde2@oneidanation.org>
Sent: Friday, January 29, 2021 1:34 PM
To: General_Manager_SignOff <General_Manager_SignOff@oneidanation.org>
Subject: RE: 2021-2024 TANF Resolution

Approved to be submitted to the OBC agenda.

Debbie Thundercloud
General Manager
Oneida Nation, WI

920-869-4315 – Norbert Hill Center
920-496-7414 – Skenandoah Complex
dthunde2@oneidanation.org

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.



A good mind. A good heart. A strong fire.

From: General_Manager_SignOff <General_Manager_SignOff@oneidanation.org>
Sent: Friday, January 29, 2021 1:28 PM
To: Deborah J. Thundercloud <dthunde2@oneidanation.org>
Subject: FW: 2021-2024 TANF Resolution

Requesting your approval to go to BC agenda.

From: Racquel L. Hill <rhill2@oneidanation.org>
Sent: Friday, January 29, 2021 1:24 PM
To: General_Manager_SignOff <General_Manager_SignOff@oneidanation.org>
Subject: FW: 2021-2024 TANF Resolution

Please review and let me know if you approve for next BC meeting agenda (2/10/21). Thank you.

*Racquel Hill, Executive Assistant
Governmental Services Division (GSD)*



A good mind. A good heart. A strong fire.

Office: 920.490.3903

Cell: 920.819.8322

PO Box 365 – Oneida, WI 54155

"It's a good day to have a good day." (me)

**The information contained in this e-mail is confidential and privileged. If you are not the intended recipient, please be advised that any unauthorized use, copying, or dissemination of this information is prohibited. Please destroy this e-mail and immediately notify me of the erroneous transmission.*

From: Marsha J. Danforth <MDANFOR4@oneidanation.org>

Sent: Friday, January 29, 2021 11:46 AM

To: Tina M. Jorgensen <tjorgens@oneidanation.org>; Racquel L. Hill <rhill2@oneidanation.org>

Cc: Delia M. Smith <DSMITH1@oneidanation.org>

Subject: 2021-2024 TANF Resolution

Good Morning Ladies,

I have the 2021-2024 TANF Resolution ready to be submitted to the BC for the next meeting agenda scheduled for 2/10/2021. Would you like to submit the paperwork or would you like for me to do that?

Let me know.

Thanks,

Marsha Danforth

Grant Development Specialist

Oneida Nation Grants Office

PH: 920-496-7328

Email: mdanfor4@oneidanation.org

Oneida Business Committee Agenda Request

Accept the January 20, 2021, regular Legislative Operating Committee meeting minutes

1. Meeting Date Requested: 2 / 10 / 21 **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:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.



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



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
 Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
 January 20, 2021
 9:00 a.m.

Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Marie Summers, Daniel Guzman King

Others Present: Clorissa N. Santiago, Kristen Hooker, Aliskwet Ellis, Rhiannon Metoxen, Kristal Hill

I. Call to Order and Approval of the Agenda

David Jordan called the January 20, 2021, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Marie Summers to adopt the agenda; seconded by Daniel Guzman King. Motion carried unanimously.

II. Minutes to be Approved

1. December 16, 2020 LOC Meeting Minutes

Motion by Kirby Metoxen to approve the December 16, 2020 LOC meeting minutes and forward to the Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Community Support Fund Law Amendments

Motion by Jennifer Webster to accept the public comments and public comment review memorandum and defer to a work meeting for further consideration; seconded by Daniel Guzman King. Motion carried unanimously.

2. Emergency Management and Homeland Security Law Amendments

Motion by Jennifer Webster to accept the public comments and public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

3. Oneida Nation Emergency Planning Committee Bylaws Amendments

Motion by Jennifer Webster to accept the Oneida Nation Emergency Planning Committee bylaws amendments and legislative analysis and forward to the Oneida Business Committee for consideration with all of the requested changes from Kaylynn Gresham being added except as follows: (1) that the area representative membership qualification section be revised to only allow one area representative to be exempt from the requirement that they be a member of the Oneida Nation; and (2) that the residential restriction set forth in the qualification section of the bylaws be deleted in its entirety; seconded by Kirby Metoxen. Motion carried unanimously.

IV. New Submissions

A good mind. A good heart. A strong fire.

Legislative Operating Committee Meeting Minutes of January 20, 2021

Page 1 of 2



V. Additions**VI. Administrative Items****1. Landlord-Tenant Law Rule No. 2 Income Based Rental Program Eligibility, Selection and Other Requirements: Emergency Amendments**

Motion by Jennifer Webster to certify the emergency amendment to Landlord-Tenant Law Rule No. 2 and forward to the Oneida Business Committee for consideration.; seconded by Marie Summers. Motion carried unanimously.

VII. Executive Session**VIII. Adjourn**

Motion by Daniel Guzman King to adjourn at 9:30 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.

Oneida Business Committee Agenda Request

Post four (4) vacancies - Oneida Nation Arts Board

1. Meeting Date Requested: 2 / 10 / 21

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header: New Business

- ☐ Accept as Information only
☒ Action - please describe:

Post four (4) vacancies - Oneida Nation Arts Board

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: Lisa Liggins, Secretary

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor
Your Name, Title / Dept. or Tribal Member

Additional 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:

The Oneida Business Committee is considering a request to exempt the Oneida Nation Arts Board from Temporary Closure Status. A resolution for this consideration is being provided at the February 10, 2021 Business Committee meeting.

If the Oneida Nation Arts Board is exempted from Temporary Closure status we are asking to post the vacancies.

There are four (4) vacancies on the Oneida Nation Arts Board that need to be posted. One (1) vacancy is to finish a term ending February 28, 2022 and three (3) vacancies are for terms ending February 29, 2024.

Action requested:

Post four (4) vacancies for the Oneida Nation Arts Board.

- 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

