

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 05-12-21-D

Emergency Amendments to the Oneida Nation Gaming Ordinance

- 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 Gaming Ordinance (“ONGO”) was adopted by the Oneida General Tribal Council through resolution GTC-07-05-04-A and subsequently amended by the Oneida Business Committee through resolutions BC-10-06-04-D, BC-03-23-05-C, BC-09-23-09-D, BC-06-24-14-B and BC-09-09-15-A; and
- WHEREAS,** the purpose of ONGO is to govern all Gaming Activities that occur on lands under the jurisdiction of the Nation and all individuals or entities that engage in said Gaming Activities, including those who provide goods or services to persons or entities engaged in Gaming Activities; and
- WHEREAS,** section 501.9 of ONGO assigns certain responsibilities to the Gaming Security Department (“Security”) that are meant to protect Gaming assets, patrons and Gaming Employees from an activity, repeat activity or ongoing activities which could injure or jeopardize Gaming assets, patrons and Gaming Employees; and
- WHEREAS,** section 501.9 further provides that Security is a department within the Oneida Police Department and directs the Oneida Police Department, Gaming General Manager and Oneida Gaming Commission to enter into an agreement, subject to ratification by the Oneida Business Committee, describing their responsibilities, as well as their reporting requirements, under ONGO; and
- WHEREAS,** the Oneida Law Office has raised a concern over possible legal issues that exists with respect to ONGO’s placement of Security under the Oneida Police Department, which could expose the Nation to unnecessary litigation costs, regardless of merit; and
- WHEREAS,** emergency amendments to ONGO are being sought to remove this legal issue and possible avenue for liability by temporarily re-assigning Security to the Oneida Business Committee under section 501.9-1 of the law, while a more appropriate permanent placement can be established and vetted, absent the legal risks that exist under the status quo; and

WHEREAS, the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and

WHEREAS, emergency adoption of temporary legislation is allowed when necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and

WHEREAS, emergency amendments to ONGO are necessary for the preservation of the general welfare of the Reservation population to shield it against the legal risk that exists with respect to the current placement of Security within the organizational structure of the Nation; and

WHEREAS, by temporarily re-assigning Security to the Oneida Business Committee, the legal risk is disposed of, as is the cost of having to defend claims that may be raised under the status quo, even if said claims/legal theories are without merit; and

WHEREAS, observance of the requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to the public interest because: (1) so long as Security remains under the Oneida Police Department, the potential exists for claims relating thereto to be raised against the Nation, which, even if successfully defended against in the end, will still cost the Nation money that could be put towards a use more beneficial to the Reservation population; and (2) given the ease within which claims can be filed, regardless of merit, the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure against the financial burden that the Nation could incur in defense costs if this issue is not expeditiously resolved before a more permanent solution can be established and vetted; and

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

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts emergency amendments to the Oneida Nation Gaming Ordinance, effective immediately

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 8 members were present at a meeting duly called, noticed and held on the 12th day of May, 2021; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Liggins, Secretary
Oneida Business Committee

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