

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 05-11-22-C 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; subsequently amended by the Oneida Business Committee through the adoption of 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 most recently amended by the Oneida Business Committee on an emergency basis through the adoption of resolutions BC-05-12-21-D and BC-11-10-21-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,** in late 2020, the Oneida Law Office raised concerns over a possible legal issue regarding the placement of Security under the Oneida Police Department in section 501.9-1 of ONGO that could expose the Nation to unnecessary litigation costs, regardless of merit; and
- WHEREAS,** on May 12, 2021, the Oneida Business Committee adopted emergency amendments to ONGO through the adoption of resolution BC-05-12-21-D that expeditiously disposed of the issue by temporarily reassigning Security to the Oneida Business Committee so that the Nation could explore a more appropriate option to permanently place it, without worrying about the legal risks that existed under the status quo; and
- WHEREAS,** the emergency amendments to ONGO were subsequently extended for an additional six (6) month period by the Oneidas Business Committee through the adoption of resolution BC-11-10-21-A; and
- WHEREAS,** the emergency amendments to the Law are set to expire on May 12, 2022; and

- WHEREAS,** the Legislative Operating Committee has developed permanent amendments to ONGO for consideration by the Oneida Business Committee; and
- WHEREAS,** the amendments to ONGO remove Security as a department under the Oneida Police Department within the Nation's organizational structure; and
- WHEREAS,** the amendments to ONGO eliminate the Executive Director position within the Oneida Gaming Commission and instead provide that the Oneida Gaming Commission, or designee, shall be responsible for the hiring and managing of personnel of the Commission; and
- WHEREAS,** the amendments to ONGO make other make non-material changes to certain language that will bring it up to date with the Nation's current drafting practices; and
- WHEREAS,** in the development of these amendments the Legislative Operating Committee collaborated with the Oneida Law Office, Oneida Police Department, Internal Security Department, Oneida Gaming Commission, Gaming Management, and the Oneida Police Commission; and
- WHEREAS,** in accordance with the Legislative Procedures Act, a legislative analysis and fiscal impact statement were completed for the amendments to ONGO; and
- WHEREAS,** a public meeting on the proposed amendments to ONGO was not held in accordance with the Legislative Procedures Act due to the COVID-19 pandemic; and
- WHEREAS,** on March 12, 2020, 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, which was subsequently extended by the Oneida Business Committee until May 23, 2022, 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, BC-01-07-21-A, BC-02-10-21-A, and BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, BC-11-24-21-F, BC-01-12-22-B, and BC-03-23-22-A; and
- WHEREAS,** on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a *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; and
- WHEREAS,** on December 8, 2021, the Oneida Business Committee adopted resolution BC-12-08-21-B, *Updating Public Gathering Guidelines During Public Health State of Emergency - COVID-19*, which superseded Oneida Business Committee resolution BC-08-13-21-A, *Setting Public Gathering Guidelines During Public Health State of Emergency - COVID-19*, and provided updated guidelines on holding meetings both indoors and outdoors; and
- WHEREAS,** at the time the public comment period was scheduled by the Legislative Operating Committee for the proposed amendments to ONGO the Nation did not yet meet the criteria for holding an indoor public meeting as required by resolution BC-12-08-21-B; and

WHEREAS, although an in-person public meeting was not held for the proposed amendments to ONGO, the public comment period for the submission of written comments regarding the proposed amendments to ONGO was held open until April 13, 2022, in accordance with the Legislative Procedures Act as modified by the COVID-19 Core Decision Making Team's *Suspension of Public Meetings under the Legislative Procedures Act* declaration; and

WHEREAS, the Legislative Operating Committee reviewed and considered all public comments received on April 20, 2022; and

NOW THEREFORE BE IT RESOLVED, the amendments to the Oneida Nation Gaming Ordinance are hereby adopted and shall be effective on May 12, 2022.

BE IT FINALLY RESOLVED, the Oneida Business Committee shall be responsible for the supervision and oversight of the Security Department, with the Security Department reporting directly to the Oneida Business Committee per the process and schedule set by the Oneida Business Committee, until such a time that the Oneida Nation Law Enforcement Ordinance can be amended to address the supervision of the Security Department.

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; 6 members were present at a meeting duly called, noticed and held on the 11th day of May, 2022; that the forgoing resolution was duly adopted at such meeting by a vote of 5 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."