

Oneida Nation

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BC Resolution # 09-14-22-B Emergency Amendments to the Emergency Management Law

- 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 Emergency Management law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-07-15-98-A and amended by resolutions BC-12-20-06-G, BC-05-13-09-F, and BC-03-10-21-A; and
- WHEREAS,** the purpose of the Law is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provide for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establish the use of the National Incident Management System; and designate authority and responsibilities for public health preparedness; and
- WHEREAS,** on June 15, 2022, the Oneida Nation and surrounding areas experienced a severe thunderstorm, high winds and tornados affecting power, damaging homes and businesses, and impacting access through downed trees causing multiple buildings and much of the programs and services of the Nation to be negatively impacted through damage to buildings, lack of power and utilities, and inability of employees to come to work as a result of the same impact on their homes; and
- WHEREAS,** the Oneida Business Committee declared an emergency resulting from the damages caused by the June 15, 2022, severe weather through the adoption of resolution BC-06-20-22-A, *Declaration of Emergency Resulting from the Damages Caused by the June 15, 2022, Severe Weather and Tornado*; and
- WHEREAS,** on June 24, 2022, the Oneida Business Committee held a storm emergency debrief session with the Emergency Management Director to review the Nation’s emergency response to the June 15, 2022, severe weather, and during this session it was identified that amendments to the Emergency Management law would be needed to address the Oneida Nation Emergency Planning Committee and its impact on the Nation’s emergency response; and

- WHEREAS,** the Oneida Nation Emergency Planning Committee consisted of representatives from entities and a community representative as identified in the Oneida Nation Emergency Planning Committee bylaws, and served the purpose of assisting the Emergency Management Director in drafting and maintaining the Emergency Response Plan, and providing assistance to the Emergency Management Director in the implementation of the provisions of this law or any plan issued thereunder; and
- WHEREAS,** some of the positions identified in the Oneida Nation Emergency Planning Committee Bylaws were direct reports to the Oneida Business Committee or General Manager, or were employees of the Nation's Internal Audit Department, Finance Administration, Law Office, Business Committee Support Office, or Intergovernmental Affairs and Communications; and
- WHEREAS,** section 105.15-3 of the Boards, Committees, and Commissions law provides that direct reports to the Oneida Business Committee or General Manager, or are employees of the Nation's Internal Audit Department, Finance Administration, Law Office, Business Committee Support Office, or Intergovernmental Affairs and Communications are ineligible to serve on an appointed or elected boards, committee, or commission of the Nation; and
- WHEREAS,** the Legislative Operating Committee determined that emergency amendments to the Law should be sought to address the Oneida Nation Emergency Planning Committee since it is essential that direct reports and employees of those designated areas participate on this committee in order to achieve the best emergency response for the Nation; and
- WHEREAS,** the emergency amendments to the Law eliminate the Oneida Nation Emergency Planning Committee and replace it with an Emergency Management Operations Team, clarifying that this Team exists not as a board, committee, or commission of the Nation, but instead as a network of different employee positions throughout the Nation that all have a responsibility to aid in the Nation's response to emergencies; and
- WHEREAS,** the emergency amendments to the Law provide that members of the Emergency Management Operations Team shall attend meetings, or send a designee in their absence, and comply with any training requirements set forth by the Emergency Management Director; and
- WHEREAS,** the emergency amendments to the Law require that within forty-eight (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan; and
- WHEREAS,** the emergency amendments to the Law allow the Oneida Business Committee to direct the Emergency Management Director to provide additional emergency briefings to the Oneida Business Committee; and
- WHEREAS,** the emergency amendments to the Law require that within thirty (30) days of an emergency subsiding, unless additional time is granted by the Oneida Business Committee, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a preliminary emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public; and

WHEREAS, the emergency amendments to the Law extend the amount of time for the Emergency Management Director to prepare and present an after-action report to the Oneida Business Committee, any interested entity, and the public, from sixty (60) days to ninety (90) days ; 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 amendment of legislation is allowed 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; and

WHEREAS, the emergency adoption of amendments to this Law are necessary for the preservation of the safety and general welfare of the Reservation population in order to ensure that the Nation can adequately respond to emergencies that occur by ensuring that there is an Emergency Management Operations Team that can assist the Emergency Management Director in drafting and maintaining the Emergency Response Plan., as well as assist the Emergency Management Director in the implementation of the provisions of this law or any plan issued thereunder; and

WHEREAS, the observance of the requirements under the Legislative Procedures Act for adoption of the emergency amendments to this Law would be contrary to public interest since the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Emergency Management Operations Team can be established and prepared to aid in the emergency response prior to the next emergency occurring within the Nation; 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 the emergency amendments to the Emergency Management law effective immediately.

BE IT FURTHER RESOLVED, the Oneida Nation Emergency Planning Committee is hereby dissolved, and its bylaws repealed.

BE IT FURTHER RESOLVED, in accordance with section 302.5-1 of the Law, which provides that the Emergency Management Director shall identify the representatives from entities of the Nation that comprise the Emergency Management Operations Team, the Emergency Management Director shall collaborate with the following positions to identify the appropriate representatives that will comprise the Emergency Management Operations Team:

- General Manager;
- Gaming General Manager;
- Retail General Manager;
- Chief Financial Officer; and
- A Non-Divisional Representative.
 - The Oneida Business Committee shall identify an individual to represent the Non-Divisional areas.

BE IT FURTHER RESOLVED, the Emergency Management Director shall collaborate with the General Manager, Gaming General Manager, Retail General Manager, Chief Financial Officer, and a Non-Divisional representative to develop a draft standard operating procedure regarding the application and communication of this Law, to be submitted to the November Oneida Business Committee work session agenda for review and discussion.

BE IT FINALLY RESOLVED, all entities shall develop and/or update their Emergency Action Plan and submit their Plans to the Emergency Management Director for review by the end of the Fiscal Year 2023 first quarter. The Emergency Management Director shall notify the Oneida Business Committee of any entity that fails to meet this directive in their Fiscal Year 2023 Second Quarter Report.

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; 7 members were present at a meeting duly called, noticed and held on the 14th day of September, 2022; that the forgoing resolution was duly adopted at such meeting by a vote of 6 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."