

# Oneida Nation

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## **BC Resolution # 11-24-20-D Emergency Adoption of the Pandemic Relief Assistance 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 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, declared public health emergencies and state public health officers 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, 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 set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses; and
- WHEREAS,** the Nation's Public Health State of Emergency has since been extended by the Oneida Business Committee until December 13, 2020, 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, and BC-11-10-20-A; and
- WHEREAS,** the Oneida Business Committee and the COVID-19 Core Decision Making Team took action that protected the health and welfare of the Oneida Nation community and employees which included health related restrictions such as closing programs, schools, offices and businesses; significantly reducing and restricting expenditures to protect the Nation's ability to provide needed health and safety services to members and the community during the pandemic; and, adopting actions which prohibited or limited public interactions, gatherings, and activities; and
- WHEREAS,** the Pandemic Relief Assistance law ("the Law") is being proposed for emergency adoption to create the Pandemic Relief Assistance Program to assist eligible members of the Nation with payments for limited and specific needs created by the COVID-19 Public Health Emergency; and

**WHEREAS,** the Law provides guidelines and requirements for use of the Pandemic Relief Assistance Program; and

**WHEREAS,** the Law describes the presumption of need and the General Test to be used to determine General Welfare Exclusion; and

**WHEREAS,** the Law provides that the Nation allocate funds to the Pandemic Relief Assistance Program only from monies it received pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF), and that this program is dependent on availability of funding from the CRF; and

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

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

**WHEREAS,** the emergency adoption of this Law is necessary for the preservation of the general welfare of the Reservation population as the COVID-19 pandemic resulted in many members of the Nation experiencing shrinking wages, job losses, medical emergencies, shortages of household goods and food, and demand for greater access to telecommunications for work, education, and to remain in contact with socially distant family, therefore, emergency adoption of the Law creating the Pandemic Relief Assistance Program shall assist eligible members of the Nation with payments for limited and specific needs created by the COVID-19 Public Health Emergency with funding from the CARES Act CRF; and

**WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of this Law would be contrary to public interest since the deadline for expending CARES Act CRF is December 31, 2020, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Pandemic Relief Assistance Program can be created for use by eligible members prior to the expiration of the CARES Act CRF; 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, on an emergency basis, the Pandemic Relief Assistance law effective immediately.

**BE IT FINALLY RESOLVED,** the Oneida Business Committee identifies that any adult member of the Nation who submitted an application for assistance from the Pandemic Relief Assistance Program from August 1, 2020 through September 30, 2020, shall be eligible to receive the December 2020 permitted distribution of funds from the Pandemic Relief Assistance Program.

### 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 24<sup>th</sup> day of November, 2020; 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.

  
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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."