

Oneida Nation

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Oneida, WI 54155

BC Resolution # 11-24-20-F

Approval of Final Draft Fiscal Year 2021 Budget and Budget Directives

- 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 COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill, high mortality rates, and significant impacts to the economy; and
- WHEREAS,** Tribal governments, State Governors, including the State of Wisconsin, have declared public health emergencies and State public health officers have issued orders closing schools, limiting public gatherings, closing or limiting business activities, and other measures intended to slow or limit the spread of the virus; and
- WHEREAS,** the Oneida Nation Chairman declared a public health state of emergency on March 12, 2020 and has continued to extend the state emergency in 30-day increments in accordance with section 302.8-5 of the Emergency Management and Homeland Security Law; and
- WHEREAS,** the Oneida Business Committee adopted emergency amendments to laws to create the COVID-19 Core Decision Making Team in order to manage the daily changing impacts of the virus on the Oneida Nation and the community; 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 2017-2020 Oneida Business Committee adopted resolution # BC-08-12-20-J, *Continuing Resolution for Fiscal Year 2021*, considering the ongoing financial disruptions caused by the pandemic; and

- WHEREAS,** Treasurer Cristina Danforth, in consultation with the Chief Financial Officer and Finance Department, and working with the Gaming General Manager in understanding the economic trends and enterprise revenue trends as a result of the impact of the pandemic, identified that sufficient information as available to begin and finalize the Oneida Nation's budget for Fiscal Year 2021 with significant budget restrictions as identified in the Tier V Budget Contingency as identified in section 121.4-3 of the Budget Management and Control Law; and
- WHEREAS,** the Treasurer, as identified in Article III, section 3 of the Constitution, Section 1 of the By-Laws of the Oneida Nation, and the Position Description adopted by the General Tribal Council on July 30, 1990, has developed and presented a balanced budget for Fiscal Year 2021 to guide the Oneida Nation through the remainder of the fiscal year in spending and funding available for programming while maintaining the ability of the Oneida Nation to face unanticipated future economic impacts which may occur during this pandemic period and as the Nation and the world recovers; and
- WHEREAS,** the Treasurer has identified a budget which funds programming available for health, housing, and public safety, setting aside funds to protect future goals, and creating systems which return programming to prior levels; and
- WHEREAS,** the Oneida Business Committee has received the proposed final draft budget in accordance with section 121.5-7 of the Budget Management and Control Law and has determined that it should be adopted and, if possible, presented to the General Tribal Council for adoption; and
- WHEREAS,** the COVID-19 pandemic continues to spread across the Reservation, State of Wisconsin and United States to the extent that conducting the required Community Meetings under section 121.5-8 and holding a General Tribal Council meeting to adopt the budget would place members in significant jeopardy of contact with the virus and cause the virus to spread throughout the community; and
- WHEREAS,** the Treasurer has identified, and the Oneida Business Committee concurs, that any budget for Fiscal Year 2021 is a transition budget as the pandemic impacts are resolved and the economy, unemployment levels, and activities begin to recover and take on consistent trending; and
- WHEREAS,** the Oneida Business Committee believes that presentation of the budget to the community and adoption by the General Tribal Council remain important aspects, however any action to present this to the General Tribal Council at a meeting or to the membership through a Special Election would simply create unnecessary risk of spreading the COVID-19 virus throughout the membership and unduly jeopardize the health and safety of elders, children and adults; and

WHEREAS, the Treasurer presents the Final Draft Budget for review and approval;

NOW THEREFORE BE IT RESOLVED, in accordance with section 121.5-7 of the Budget Management and Control Law, the Oneida Business Committee approves the Final Draft Budget in the amount of \$426,427,822 and as an emergency exception to the Budget Management and Control Law under section 121.5-9(a) adopts the budget for implementation..

BE IT FURTHER RESOLVED, informational meetings on this transition budget for Fiscal Year 2021 shall be presented through a mailing to the membership regarding the budget, its transitional nature as we move through the restrictions and changes forced upon all of us by the global pandemic, and an on-line or other non-physical presence forum that creates a confidential space and allows questions, comments or concerns to be voiced in implementation of the Fiscal Year 2021 budget and development of the Fiscal Year 2022 budget.

BE IT FURTHER RESOLVED, an employment cap of 2200 employees shall be put in place based on all employees identified in the weekly Human Resource Department *Full-Time Equivalent (FTE) Employment Count*, Total Number of Employees:

1. the Human Resource Department shall work with the General Managers to identify and update the work force levels for each area which takes into critical and essential employee levels in place under prior Tier V Budget Contingency declarations, current budgeted funding, and also identifies 100% grant funded positions, 100% tribal contribution positions, and mixed funding positions;
2. the Human Resource Department shall identify full-time equivalents (*FTEs*) related to 2200 employees; and
3. the Chief Financial Officer shall identify a financial cap related to employment levels to provide further guidance in the provision of programs and services and maintaining enterprise activities.
4. Upon completion of items 1 and 2 above, hiring processes shall return to pre-COVID-19 hiring procedures.

BE IT FURTHER RESOLVED, employment increases related to new 100% funded grant positions shall not be counted within the 2200 employment cap for Fiscal Year 2021 and shall be subject to approval by the appropriate General Manager, recommendation by the Chief Financial Officer on the financial impact, and approval by the Oneida Business Committee after submission by the Human Resources Department.

BE IT FURTHER RESOLVED, the Oneida Business Committee has approved a \$.30 per hour pay increase in accordance with the Standard Operating Procedure *Salary/Wage Adjustments – Organization Wide Work Standards*, reference #1291, which shall be approved to be implemented by the Oneida Business Committee subject to the financial conditions of the Nation. The Chief Financial Officer shall provide an analysis and recommendation no later than January 31, 2021 on the ability to implement the budgeted pay increase and its impact on future fiscal years.

BE IT FURTHER RESOLVED, the Human Resources Department is directed to develop standard operating procedures to implement up to two weeks of paid leave for COVID-19 time off for employees to be implemented no later than December 1, 2020 and which shall be available one time for employee access and subject to provision of a positive COVID-19 test result of the employee or a member of the employee's household to receive the paid time off, provided that such time off may be paid retro-actively depending upon the receipt of the test results.

BE IT FURTHER RESOLVED, a "*Gaming Deposit Contingency*" is created by adoption of this resolution and an allocation of \$7.7 million to mitigate the risks of weekly revenues not meeting weekly expenses. The Gaming Deposit Contingency shall create a peg balance buffer in each fiscal year and shall not be used for specific projects.

BE IT FURTHER RESOLVED, that the \$15,589,776 is set aside for development of programming for members which may be utilized to fund a General Welfare payment in accordance with Title 10, General Welfare Exclusion, Chapter 1001 that will focus on the specific needs of two groups of members – those age 62 and over, and all membership. In the event the General Welfare programs are unable to be developed on or before March 15, 2021, the programming funding shall be allocated in a per capita payment based on the needs of the two groups of members age 62 and over, and all members.

BE IT FINALLY RESOLVED, the Elder Age 62+ per capita payment shall not be made in Fiscal Year 2021 and the Oneida Business Committee shall present alternatives for approval to the General Tribal Council as soon as reasonably possible.

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 24th 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.



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."