

Oneida Nation

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BC Resolution # 02-10-21-B Emergency Amendments to the Oneida General Welfare 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,** 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 March 13, 2021, 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, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A; and
- WHEREAS,** the Oneida Business Committee and COVID-19 Core Decision Making Team, after being impacted by the COVID-19 pandemic, adopted resolutions and declarations that were intended to protect the health and safety of members, residents of the Reservation and employees; and
- WHEREAS,** the Oneida General Welfare law (“the Law”) was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D in an effort to provide a mechanism to address the economic needs of members of the Nation during the COVID-19 pandemic; and
- WHEREAS,** the purpose of the Law is to provide assistance, on a non-taxable basis, to Tribal members through approved programs that promote the general welfare of the Nation; and
- WHEREAS,** the Law sets a framework and provides guidelines for the Nation to establish and operate approved programs which provide assistance to eligible Tribal members to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment; and

WHEREAS, an emergency amendment to the Law is now being sought to allow the Oneida Business Committee the ability to adopt an approved program through resolution in addition to through a law of the Nation in an effort to allow for more flexibility and efficiency in addressing the needs of the Nation; and

WHEREAS, the Legislative Procedures Act authorizes the Oneida Business Committee to amend legislation on an emergency basis when the 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 amendment to this Law is necessary for the preservation of the general welfare of the Reservation population because it allows for the economic needs of the Reservation population to be more efficiently addressed during the public health crisis that is the COVID-19 pandemic by providing the Nation more flexibility in establishing and operating approved programs that may provide assistance to Tribal members on a non-taxable basis; and

WHEREAS, observance of the requirements under the Legislative Procedures Act for adoption of this Law would be contrary to public interest since the Nation is currently experiencing the vast effects of the COVID-19 pandemic, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Law can be amended to best assist members of the Nation during the pandemic; and

WHEREAS, emergency adoption of legislation is effective for a period of six (6) months, renewable by the Oneida Business Committee for an additional six (6) month term; 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 Oneida General Welfare law 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; 9 members were present at a meeting duly called, noticed and held on the 10th day of February, 2021; that the forgoing resolution was duly adopted at such meeting by a vote of 8 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."