

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 05-13-20-D Amendments to the Oneida Food Service Law

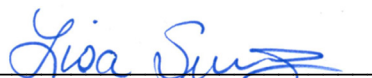
- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Food Service law ("Law") was adopted by the Oneida Business Committee through resolution BC-06-13-01-B, and the amended by resolution BC-02-25-15-C; and
- WHEREAS,** the purpose of the Law is to ensure the safety of food that is provided to consumers at retail or through an Oneida Nation Food Service Program by establishing a system of overlapping safeguards designed to minimize foodborne illness; ensure employee health, industry manager knowledge, safe food handling, nontoxic/cleanable equipment and acceptable levels of sanitation on the premises of food service businesses; and promote fair dealings with members of the community through adoption of licensing requirements, exemptions, regulation, control, supervision and enforcement procedures that govern food service businesses within the jurisdiction of the Nation; and
- WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the Oneida Environmental, Health, Safety and Land Division, Licensing Department and Cannery to develop the amendments to this Law; and
- WHEREAS,** the amendments to the Law remove the Licensing Department, Risk Management and the Oneida Police Department from the Law, leaving administration and enforcement duties exclusively to the Environmental, Health and Safety Area within the Nation's Environmental, Health, Safety and Land Division ("Department"); and
- WHEREAS,** the amendments to the Law provide two ways for applicants to satisfy the food safety training that is required to obtain a license to operate certain food service businesses: (1) by taking the course offered through the Department (as was previously the only option); or (2) by presenting evidence of having received training or certification from an alternative source that the Department finds satisfactory; and
- WHEREAS,** the amendments to the Law add an exemption for cottage food sales and prepackaged restaurants that eliminates the need for these operations to undergo the licensing process required of other food service businesses so long as applicants fulfill the requirements to qualify for the exemption specific to their operation; and

- WHEREAS,** the amendments to the Law add a requirement that the Department waive the licensing fee to operate a food service business or prepackaged restaurant when proof is submitted by a food service business or prepackaged restaurant of payment to an overlapping jurisdiction that covers the same term; and
- WHEREAS,** the amendments to the Law add a requirement that the Department decide whether to issue or renew a license within thirty (30) days of receiving an application and, if denied, the amendments further require that the Department notify the applicant in writing, supplying him or her with the basis for said denial, as well as information on how to appeal its decision; and
- WHEREAS,** the amendments to the law send appeals of all Department decisions not issued pursuant to a citation to the Area Manager, whose decision will be final unless challenged to the Trial Court of the Judiciary on the grounds that it constitutes an abuse of power, that it is contrary to law, or that it lacks any reasonable factual basis, while decisions of the Department issued pursuant to a citation would be appealed consistent with the Nation's Citations law; and
- WHEREAS,** the amendments to the Law provide for the licensing fee, fine and penalty schedules to be created by the Department, subject to approval by the Oneida Business Committee through resolution; and
- WHEREAS,** the amendments to the Law make other minor drafting revisions for clarification and consistency with the Legislative Procedures Act; and
- WHEREAS,** in accordance with the Legislative Procedures Act, a legislative analysis and fiscal impact statement were completed for the amendments to the Law; and
- WHEREAS,** a public meeting on the proposed amendments to this Law was held on February 6, 2020, in accordance with the Legislative Procedures Act, and the public comment period was held open until February 13, 2020; and
- WHEREAS,** the Legislative Operating Committee accepted, reviewed, and considered the public comments received on March 18, 2020.

NOW THEREFORE BE IT RESOLVED, that the amendments to the Oneida Food Service law are hereby adopted and shall become effective six (6) months following the adoption of this resolution.

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 13th day of May, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 1 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."