

Oneida Nation

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Oneida, WI 54155

BC Resolution # 08-12-20-E

Emergency Adoption of the Oneida Higher Education Pandemic Relief Fund 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 August 11, 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; and
- WHEREAS,** on March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer at Home*" declaration which prohibited all public gatherings of any number of people and ordered all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed; and
- WHEREAS,** the COVID-19 Core Decision Making Team has issued subsequent declarations modifying the "*Safer at Home*" declaration including the April 21, 2020 "*Updated Safer at Home*" declaration, the May 19, 2020, "*Safer at Home Declaration, Amendment, Open for Business*" declaration, and the June 10, 2020, "*Stay Safer at Home*" declaration; and
- WHEREAS,** on April 8, 2020, the Oneida Business Committee adopted resolution BC-04-08-20-C titled, "*Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020*" which adopted Tier V budget reductions from the Budget Contingency Plan in accordance with the Budget

Management and Control law, and included five percent (5%) mandatory budget cuts across the Nation and reduction of all funding to essential services only; and

WHEREAS, the Oneida Business Committee also adopted resolution BC-04-08-20-G titled, “*Reducing the General Tribal Council Higher Education Scholarship Payments for FY2020 and FY2021*” which provided that the General Tribal Council Higher Education Scholarship be reduced to five thousand dollars (\$5,000) per year; and

WHEREAS, the Oneida Higher Education Pandemic Relief Fund law (“the Law”) is being proposed for emergency adoption to create the Oneida Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions for the 2020 Fall Term; and

WHEREAS, the Law provides guidelines and requirements for use of the Oneida Higher Education Pandemic Relief Fund; 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 Oneida Higher Education Pandemic Relief Fund only from monies it received pursuant to the 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 grants, scholarships, and loans being forsaken by the granting institutions or banks, as well as personal and family funds being redirected to other needs during the ongoing Public Health State of Emergency, such as medical expenses and losses due to unemployment within the family, therefore, emergency adoption of the Law creating an Oneida Higher Education Pandemic Relief Fund shall assist eligible Tribal members enrolled as students in higher education institutions with funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act CRF in order to meet the higher education needs of its students during the COVID-19 Public Health Emergency; and

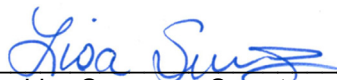
WHEREAS, observance of the requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest since the 2020 Fall Term for many higher education institutions begins in a couple weeks and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Oneida Higher Education Pandemic Relief Fund can be created for use by eligible students during the 2020 Fall 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, on an emergency basis, the Oneida Higher Education Pandemic Relief Fund 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; 8 members were present at a meeting duly called, noticed and held on the 12th day of August, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 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."