

Oneida Nation

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Oneida, WI 54155

BC Resolution # 02-27-19-D

Approving a limited waiver of sovereign immunity for a Premium Stabilization Fund Agreement between the Oneida Nation and Epic Life Insurance Company

- 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 Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council, and is at times subject to review powers of the Oneida General Tribal Council; and
- WHEREAS,** The Oneida Nation desires to continue to improve the standard of living and quality of life for its membership while acting in a fiscally responsible manner; and
- WHEREAS,** the Oneida General Tribal Council, by General Tribal Council motion August 11, 1997, directed the Oneida Trust Enrollment Committee (f/k/a Trust Committee) to work with Bill Gollnick and bring back a Comprehensive Plan on a Tribal Social Security System, and the Oneida Trust Enrollment Committee has diligently identified potential social security plan alternatives to meet the needs of the entire tribal membership; and
- WHEREAS,** the Oneida Trust Enrollment Committee has determined that a life insurance plan is the only viable and fiscally feasible option available to all enrolled tribal members that is tax efficient, flexible and meets the objectives set forth in the General Tribal Council motion directive of August 11, 1997; and
- WHEREAS,** the Oneida Business Committee and Oneida Trust Enrollment Committee passed Joint Resolution #10-01-08-A, supporting the proposed Oneida Life Insurance Plan Plus that would consist of \$15,000 of life insurance benefits directly payable to the insured's designated beneficiary or beneficiaries; and
- WHEREAS,** GTC Resolution 1-17-09-B approved the Oneida Life Insurance Plan Plus to replace the Oneida Burial Fund, and that the Oneida Business Committee and Oneida Trust Enrollment Committee shall implement the Oneida Life Insurance Plan Plus for Fiscal Year 2010; and
- WHEREAS,** The EPIC Life Insurance Company will insure all enrolled tribal members and administer the life insurance benefits under EPIC Group Term Life Insurance Policy No. 11-803478 that is tailored to meet the specific needs of the Oneida Life Insurance Plan Plus program; and

- WHEREAS,** The EPIC Group Term Life Insurance Policy No. 11-803478 contains a Premium Stabilization Fund Agreement that establishes a calculation and payment of billed premiums due and payable by the Oneida Nation to EPIC Life Insurance Company, and functions to preserve a negotiated premium rate as determined by the Oneida Trust Enrollment Committee; and
- WHEREAS,** the Premium Stabilization Fund Agreement provides for a limited waiver of sovereign immunity for purposes of allowing The EPIC Life Insurance Company to enforce the provisions of the Premium Stabilization Funds Agreement; and
- WHEREAS,** the Oneida Nation and The EPIC Life Insurance Company agree to the exclusive jurisdiction and venue of the federal United States District Court for the Eastern District of Wisconsin, or the exclusive jurisdiction and venue of the Brown County Circuit Court, Wisconsin, if the United States District Court for the Eastern District of Wisconsin declines or cannot accept jurisdiction; and
- WHEREAS,** the Oneida Nation and The EPIC Life Insurance Company agree that any monetary judgment that may be issued by a court of competent jurisdiction against the Oneida Nation under the limited waiver of sovereign immunity shall be limited to a dollar amount of Five Million Dollars (\$5,000,000); and
- WHEREAS,** all limited waivers of sovereign immunity shall be made in accordance with the Oneida Nation Sovereign Immunity Law, Chapter 112; and
- WHEREAS,** the Oneida Business Committee Resolution 06-24-09-A approved the limited waiver of sovereign immunity provisions as set forth in the Premium Stabilization Fund Agreement between the Oneida Nation (f/k/a Oneida Tribe of Indians of Wisconsin) and The EPIC Life Insurance Company for EPIC Group Term Life Insurance Policy No. 11-803478, effective October 1, 2009; and
- WHEREAS,** the Premium Stabilization Fund Agreement was amended and signed by the Oneida Nation and The EPIC Life Insurance Company on April 18, 2013 to revise the definition of "Incurred Claims"; and
- WHEREAS,** the Oneida Trust Enrollment Committee took action at a duly called regular meeting on October 23, 2018 and approved to amend and restate the Premium Stabilization Fund Agreement to replace "Oneida Tribe of Indians of Wisconsin" with "Oneida Nation"; to update the interest rate options, and to restate the existing provisions that have been edited for stylistic purposes effective October 1, 2018; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby approves the limited waiver of sovereign immunity provisions as set forth in the Premium Stabilization Fund Agreement between the Oneida Nation and The EPIC Life Insurance Company for EPIC Group Term Life Insurance Policy No. 11-803478, effective February 27, 2019.

BE IT FINALLY RESOLVED, Oneida Nation Chairman Tehassi Hill is hereby authorized to execute the Premium Stabilization Fund Agreement between the Oneida Nation and The EPIC Life Insurance Company for EPIC Group Term Life Insurance Policy No. 11-803478, effective February 27, 2019.

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 27th day of February, 2019; 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 Summers, Secretary
Oneida Business Committee

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