

Oneida Nation

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Oneida, WI 54155

BC Resolution # 05-13-20-A Amendments to the Curfew 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 Curfew law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-10-09-19-F; and
- WHEREAS,** the purpose of the Law is to protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor; and
- WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the Oneida Law Office to develop the amendments to this Law; and
- WHEREAS,** the amendments to the Law remove an incorrect reference to the Nation’s territorial jurisdiction, as the Nation’s territorial jurisdiction is provided by the Constitution and Bylaws of the Oneida Nation and the Nation’s Judiciary law; and
- WHEREAS,** the amendments to the Law remove a duplicative provision regarding personal jurisdiction as personal jurisdiction is already provided by the Nation’s Judiciary law; 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 scheduled for April 2, 2020, in accordance with the Legislative Procedures Act, with the public comment period set to be held open until April 9, 2020; and
- WHEREAS,** after the public meeting was scheduled, the world was hit with a COVID-19 pandemic resulting in many countries experiencing the effects of health issues and mortality related to COVID-19 and vast economic impacts; 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, which was then extended through May 12, 2020, through the adoption of resolution BC-03-28-20-A; and

WHEREAS, on March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer at Home*" declaration which prohibits all public gatherings of any number of people and orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed; and

WHEREAS, on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period; and

WHEREAS, on March 30, 2020, the Legislative Operating Committee provided additional notice that the April 2, 2020, public meeting was canceled; and

WHEREAS, although the April 2, 2020, public meeting was canceled, the public comment period was still held open until April 9, 2020; and

NOW THEREFORE BE IT RESOLVED, that the amendments to the Curfew law are hereby adopted and shall be effective on May 29, 2020.

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."