

Oneida Nation

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Oneida, WI 54155

BC Resolution # 03-10-21-A

Amendments to the Emergency Management and Homeland Security 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 Emergency Management and Homeland Security law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-07-15-98-A, amended by resolutions BC-12-20-06-G and BC-05-13-09-F; and
- WHEREAS,** the Oneida Business Committee recently adopted emergency amendments to the Law through resolution BC-03-17-20-E and then extended those emergency amendments for an additional six-month period through the adoption of resolution BC-08-26-20-A in accordance with the emergency adoption process set forth by the Legislative Procedures Act; and
- WHEREAS,** the emergency amendments to the Law are set to expire on March 17, 2021; and
- WHEREAS,** the Legislative Operating Committee has developed permanent amendments to the Law for consideration by the Oneida Business Committee; and
- WHEREAS,** the Law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provides for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establishes the use of the National Incident Management System; and designates authority and responsibilities for public health preparedness; and
- WHEREAS,** the amendments to the Law amend the title from Emergency Management and Homeland Security law to the Emergency Management law; and
- WHEREAS,** the amendments to the Law remove a provision regarding the Public Safety Officers’ Benefits Program from the law because it is provided for in federal law; and
- WHEREAS,** the amendments to the Law clarify that the Nation may implement more strict policies or requirements than those issued by the Community/Public Health Officer; and
- WHEREAS,** the amendments to the Law clarify that it is within the authority of the Community/Public Health Officer to issue any mandate, order, and/or require restrictions which may limit the spread of any communicable disease to any individual, business, or the general population of the Reservation; and

- WHEREAS,** the amendments to the Law remove a provision that required the Oneida Community Health Services to be responsible for certain expenses of an infected individual; and
- WHEREAS,** the amendments to the Law address the authority of the Community/Public Health Officer to organize the vaccinations of individuals during the Public Health Emergency, and clarify exemptions to the requirements for vaccinations; and
- WHEREAS,** the amendments to the Law extend the time period for a proclamation of an emergency from thirty (30) days to sixty (60) days; and
- WHEREAS,** the amendments to the Law clarify that the Conservation Department may contract with an agency to cover their responsibility for the care, disposal, and sheltering of all abandoned domestic animals and livestock during a proclaimed emergency; and
- WHEREAS,** the amendments to the Law delegate authority to the Oneida Business Committee to establish an Emergency Core Decision Making Team upon the declaration of an emergency and determine which positions of the Nation will compose the Emergency Core Decision Making Team; and
- WHEREAS,** the amendments to the Law delegate authority to the Emergency Core Decision Making Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation; and
- WHEREAS,** the amendments to the Law provide how the Emergency Core Decision Making Team will make declarations, and the duration of authority for those declarations; and
- WHEREAS,** the amendments to the Law require that notification of any declaration be provided to the Oneida Business Committee within twenty-four (24) hours of a declaration being made; and
- WHEREAS,** the amendments to the Law clarify the authority of the Oneida Business Committee to modify, extend, or repeal any declaration or emergency action taken by the Emergency Core Decision Making Team; and
- WHEREAS,** the amendments to the Law provide that citations issued for violations of this Law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations; and
- WHEREAS,** the amendments to the Law provide that the Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law; and
- WHEREAS,** the amendments to the Law make other minor drafting changes throughout the law for clarity; and
- WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Nation's Emergency Management Department, Comprehensive Health Division, Risk Management Department, Intergovernmental Affairs, Oneida Law Office, Oneida Business Committee, General Manager, and the Strategic Planner; and
- WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the proposed amendments to the Law; and

WHEREAS, a public meeting on the proposed amendments to this Law was not held in accordance with the Legislative Procedures Act due to the COVID-19 pandemic; 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 subsequently extended through 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, 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, although a public meeting was not held for the proposed amendments to this Law, the public comment period for the amendments to this Law was held open until January 13, 2021, and three (3) submissions of written comments were received during the public comment period; and

WHEREAS, the Legislative Operating Committee reviewed and considered all public comments received on January 20, 2021; and

NOW THEREFORE BE IT RESOLVED, that the amendments to the Emergency Management and Homeland Security law are hereby adopted and shall become effective on March 10, 2021.

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 10th day of March, 2021; 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 Liggins, Secretary
Oneida Business Committee

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