

Oneida Nation

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Oneida, WI 54155

BC Resolution # 06-09-21-B

Setting Goals for Application of Funding from the American Rescue Plan Act of 2021 to Direct Support to Individuals, Families, Community and the Oneida Nation

- 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 world has been impacted by the negative effects of the COVID-19 pandemic; and
- WHEREAS,** President Biden signed into law the American Rescue Plan Act of 2021 (*ARPA*) which provides direct financial assistance to tribal nations to assist in recovering from the health, financial and social impacts of this pandemic; and
- WHEREAS,** the Oneida Nation will receive three tranches of Federal Relief Funds (*ARPA FRF*) to be obligated for recovery activities by December 31, 2024; and
- WHEREAS,** the Oneida Business Committee has determined identifying the general purpose of the funding provides guidance to the Oneida Nation organization and awareness to the membership, of how these funds are being used to help the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee adopted *Broad Goal Statements* at its May 26, 2021 regular meeting to provide guidance to the organization in programming and budgeting for the next three years; and
- WHEREAS,** the Oneida Business Committee believes the *Broad Goal Statements* will provide a sound basis for utilization of the ARPA FRF and that percentages of allocations assigned to each goal will help meet those individual, family, community and Nation needs to emerge stronger from this pandemic;
- WHEREAS,** the Oneida Business Committee, with advice and recommendation from the Finance Office, has determined that utilizing the ARPA FRF for the provision of government services to the extent of a reduction in the Oneida Nation's general revenue, calculated in accordance with 42 U.S.C 801 *et seq.* and 31 C.F.R. PART 35, will provide the best use of the funds;

GENERAL APPLICATION OF ARPA FRF

(R1) **NOW THEREFORE BE IT RESOLVED**, the Oneida Business Committee adopts the following general guidelines for use of the ARPA Section 9901 FRF which is set forth in the new 42 U.S.C. s. 801 *et seq.* (ARPA FRF).

1. to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
2. to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the Oneida Nation performing such essential work;
3. for the provision of government services to the extent of the reduction in the revenue of Oneida Nation prior to the emergency; or
4. to make necessary investments in water, sewer, or broadband infrastructure.

(R2) **BE IT FURTHER RESOLVED**, the Oneida Business Committee directs that ARPA FRF shall be primarily allocated to section 3, “for the provision of government services to the extent of the reduction in the revenue of Oneida Nation prior to the emergency.”

RESPONSIBLE PARTIES FOR ARPA FRF CALCULATIONS AND APPLICATION

(R3) **BE IT FURTHER RESOLVED**, the Oneida Business Committee directs the following actions regarding ARPA FRF.

1. The Finance Office shall be responsible for calculating the value of lost revenue under ARPA FRF and obtaining a legal opinion from the Law Office regarding the use and allocations of lost revenue.
2. Upon calculation of the value of lost revenue, the Finance Office shall take such steps to identify application of lost revenue within the current year (FY2021) or future draft budgets (FY2022 and FY2023) to the greatest extent possible.
3. All lost revenue application shall be placed in the Investment Report in a line titled “ARPA FRF LR”.
4. ARPA FRF shall have pro rata share of interest income assigned each year to the remainder of the fund balance.
5. The Finance Office shall report annually to the Oneida Business Committee regarding the value of the fund, interest income, and the obligation to projects approved to be funded in a manner that confirms the funds are being allocated as identified in Resolve # 4.
6. The Finance Office shall report to the Oneida Business Committee concluding reports on two occasions – within 30 days of when the deadline for approval of projects and obligation of funding has passed and within 30 days of when the deadline for expenditure of funding has passed.

ALLOCATION OF PERCENTAGE APPLICATION OF ARPA FRF EACH FISCAL YEAR

(R4) **BE IT FURTHER RESOLVED**, the Oneida Business Committee sets the following use and purpose of the ARPA FRF as guidance over the next three years in providing services; creating individual opportunities to increase health, living and economic standards; and, building or developing infrastructure to strengthen the Oneida Nation as set forth in the attached spreadsheet which may be amended from time to time by the Oneida Business Committee to clarify application or meet emerging needs.

APPLICATION FOR USE OF ARPA FRF

(R5) **BE IT FURTHER RESOLVED**, the Oneida Business Committee directs an Oneida Nation ARPA FRF Program office (FRF Program Office) be created within the Accounting Department which is responsible for the following tasks.

1. Identifying a tracking system that requires all projects to have a project title and an identifier number for tracking which shall be placed on the application after received and be placed on all contracts, purchase orders, invoices, and other documentation and included in all on-line documents, files, and related information. A “project” in the Oneida Nation ARPA FRF Program means any application presented for the use of FRF with a tracking number and project title.
2. Developing accounting processes to manage funding and expenditures attributed to approved projects with the Project Owner.
3. Develop an on-line system for accepting project applications and related documentation with the assistance of appropriate departments.
4. Develop and draft minimum Standard Operating Procedure(s) meeting regulatory requirements.
5. Develop and submit reporting to federal agency regarding FRF.

(R6) **BE IT FURTHER RESOLVED**, the Oneida Business Committee adopts the following project approval process which shall be supplemented with needed Standard Operating Procedures approved by the FRF Program Office.


1. Applications are reviewed by the FRF Program Office for compliance with the allocation of percentages set forth in Resolve #4, *Allocation Of Percentage Application Of ARPA FRF Each Fiscal Year*, and completeness of information provided, and, if necessary approved by the Review Team for compliance with the four broad categories.
2. The FRF Program Office places the project on the Oneida Business Committee agenda for approval, denial, or returned to project owner with suggested amendments.
3. Expenditures under approved projects, which shall be treated as budgeted projects, shall be authorized by the Project Owner in accordance with approved expenditure sign-off levels as identified in the Sign-Off Authority form developed for each budget cycle.
4. The project owner shall provide monthly reporting to the Oneida Business Committee on project status and a final project report identifying, at minimum – total cost and both tangible and intangible benefits to the Oneida Business Committee work session.

APPROVAL FOR APPLICATION OF ALL OTHER ARPA FUNDS

(R7) **BE IT FINALLY RESOLVED**, all funds allocated under ARPA that are not included in ARPA FRF shall be presented to the Oneida Business Committee for approval by resolution and managed through the Grants Office, or when deriving from a self-governance contract through the Self-Governance Office.

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 9th day of June, 2021; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 1 members against, and 1 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."

American Recovery Plan Act - FRF; Lost Revenue; ARPA FRF LR Investments

FRF Funds Received		Total Allocations		Fiscal Year 2021		Fiscal Year 2022		Fiscal Year 2023		Description - Examples of activities within ARPA FRF Guidelines	Justification	Notes
		% Allocation	\$ based on % in Total Funding Received	% Allocation - FY2021	Fiscal Year 2021 Allocation	% Allocation - FY2022	Fiscal Year 2022 Allocation	% Allocation - FY2023	Fiscal Year 2023 Allocation			
Formula - Pro rata share of \$1 billion	\$ 1,742,160.27	45.00%	\$ 53,484,924.97	45.00%	\$ 17,828,308.32	45.00%	\$ 17,828,308.32	45.00%	\$ 17,828,308.32	Economic relief payments, home repairs, food and health assistance, home/rental assistance, vaccine incentive \$500/member + children	42 USC 602(c)(1)(A); 31 CFR 35.6 (b)(12)(ii); 31 CFR 35.6 (b)(8)	Part of "Disproportionately impacted communities"; May also find funds from ARPA Homeowners Assistance Fund (HAF) -- \$10B set aside for these sorts of programs- not part of FRF
Formula - 65% of FRF - Enrollment	\$ 82,113,228.55	16.67%	\$ 19,809,231.47	20.00%	\$ 7,923,692.59	20.00%	\$ 7,923,692.59	10.00%	\$ 3,961,846.29	All income levels and family sizes affordable housing; multifamily housing; meeting all housing needs by fully funding existing and future programs	42 USC 602(c)(1)(A); 31 CFR 35.6 (b)(12)(ii); 31 CFR 35.6 (b)(8)	Will be limited on future funding -- not beyond 12/2024; HAF funding may be used for these programs as well.
Formula - 35% of FRF - Employment - Estimated May 27, 2021	\$ 35,000,000.00	11.67%	\$ 13,866,462.03	20.00%	\$ 7,923,692.59	5.00%	\$ 1,980,923.15	10.00%	\$ 3,961,846.29	Food and resources that include cash cropping, providing medicines, and creating a sustainable food system; improving existing structures; and continuing to explore hemp	31 CFR 35.6 (b)(6), id at (7), id at (12)	This may be shoehorned into providing assistance to non-profits, aid to impacted industries, or impacted community needs. This may take organizational realignment to show Hemp and Ag as impacted businesses. Sustainable food industry will fall under impacted communities.
Total Funding Received and Allocated to Lost Revenue	\$ 118,855,388.82	6.67%	\$ 7,923,692.59	0.00%	\$ -	10.00%	\$ 3,961,846.29	10.00%	\$ 3,961,846.29	Duplicate degrees, certifications, licenses, and through nonconventional ways.	31 CFR 35.6 (b)(12)(iii)	
<i>Potential one year interest income on the remaining of FRF Funds after first year. Example calculation of simple interest on \$79.2 million at 0%.</i>	\$ -	9.67%	\$ 11,489,354.25	10.00%	\$ 3,961,846.29	9.00%	\$ 3,565,661.66	10.00%	\$ 3,961,846.29	Increased educational opportunities across the organization, in school systems, offices, the community and in homes; and support our language immersion program	42 USC 602 (c)(1)(D); 42 USC 602(c)(1)(A); 31 CFR 35.6 (b)(12)(iii); 31 CFR 35.6 (e)(2)	42 USC 602 (c)(1)(D) and 31 CFR (e)(2) are references to broadband expansion.
Remainder allocated for FY2022 (Total Less Fiscal Year 2021) Plus Interest Income	\$ 79,236,925.88	2.00%	\$ 2,377,107.78	0.00%	\$ -	1.00%	\$ 396,184.63	5.00%	\$ 1,980,923.15	Improve tourism revenue opportunities through agriculture, golf, entertainment, pow wow, Applefest; managing employee wages to meet economic and market changes	42 USC 602(c)(1)(A); Fact Sheet, p. 4, Sect. 2; 31 CFR 35.6 (b)(9)	
<i>Potential one year interest income on the remaining of FRF Funds after second year. Example calculation of simple interest on \$39.2 million at 0%.</i>	\$ -	3.33%	\$ 3,961,846.29	0.00%	\$ -	5.00%	\$ 1,980,923.15	5.00%	\$ 1,980,923.15	Improving GTC meeting space; enhance the government structure to increase effectiveness and efficiency; create opportunities through technology to improve interaction with membership and incorporation of membership voice in governmental actions	31 CFR 35.6 (d)	The allocation for provision of government services in the referenced CFR section must adhere to the calculation for a reduction in the Nation's reduction in its general revenues in 31 CFR (d)(2)
Remainder allocated for FY2023 (Less Fiscal Year 2021 and Fiscal Year 2022)+ Interest Income	\$ 39,618,462.94	5.00%	\$ 5,942,769.44	5.00%	\$ 1,980,923.15	5.00%	\$ 1,980,923.15	5.00%	\$ 1,980,923.15	Land, infrastructure	42 USC 602(c)(1)(D); 31 CFR 35.6 (e)	Infrastructure -- water, sewer, and broadband. Land substantially more difficult to justify, if not not bordering on not justifiable.
Total Uses		100%	\$ 118,855,388.82	100%	\$ 39,618,462.94	100%	\$ 39,618,462.94	100%	\$ 39,618,462.94	NOTE: PERCENTAGES IDENTIFIED IN FY2021 ARE FROM WORK SESSION, PERCENTAGES IDENTIFIED IN FY2022 AND 2023 ARE EXAMPLES ONLY. The percentages are set up so projects that take longer are funded earlier to avoid not meeting spending/completion deadlines.		

General Flow
 ARPA FRF 100% Lost Revenue Allocation of TC each Fiscal Year
 TC will go to ARPA FRF LR Investments
 Funds from ARPA FRF LR Investments will then be allocated via projects approved by the Oneida Business Committee

NOTES:

1. Review "Description" column to ensure it contains sufficient examples to provide guidance.
2. Identify % allocations in unshaded purple cells - must equal to 100%.
3. Review to ensure total dollars are equal to total funds received (green cells).
4. The pie chart will automatically update with any changes in percentages based on total uses over three years.
5. The receipt of the 35% Employment Formula FRF will automatically update all the dollar figures in the allocations.
6. *Direct Membership Assistance has been substituted for Health and Safety as significant direct funding under ARPA is received for these
7. Lines in italics under FRF Funds Received chart are estimates and should be corrected when actual amounts are identified. There may be two more additional years of interest (Years 4 and 5) based on obligated by unexpended funds.
8. Current allocations may be subject to change by the Oneida Business Committee.

