

# Oneida Nation

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Oneida, WI 54155

## **BC Resolution # 11-10-21-A**

### **Extension of the Emergency Amendments to the Oneida Nation Gaming Ordinance**

- 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 Nation Gaming Ordinance (“ONGO”) was adopted by the Oneida General Tribal Council through resolution GTC-07-05-04-A; subsequently amended by the Oneida Business Committee through the adoption of resolutions BC-10-06-04-D, BC-03-23-05-C, BC-09-23-09-D, BC-06-24-14-B and BC-09-09-15-A; and most recently amended by the Oneida Business Committee on an emergency basis through the adoption of resolution BC-05-12-21-D; and
- WHEREAS,** the purpose of ONGO is to govern all Gaming Activities that occur on lands under the jurisdiction of the Nation and all individuals or entities that engage in said Gaming Activities, including those who provide goods or services to persons or entities engaged in Gaming Activities; and
- WHEREAS,** section 501.9 of ONGO assigns certain responsibilities to the Gaming Security Department (“Security”) that are meant to protect Gaming assets, patrons and Gaming Employees from an activity, repeat activity or ongoing activities which could injure or jeopardize Gaming assets, patrons and Gaming Employees; and
- WHEREAS,** in late 2020, the Oneida Law Office raised concerns over a possible legal issue regarding the placement of Security under the Oneida Police Department in section 501.9-1 of ONGO that could expose the Nation to unnecessary litigation costs, regardless of merit; and
- WHEREAS,** on May 12, 2021, the Oneida Business Committee adopted emergency amendments to ONGO that expeditiously disposed of the issue by temporarily reassigning Security to the Oneida Business Committee so that the Nation could explore a more appropriate option to permanently place it, without worrying about the legal risks that existed under the status quo; and


- WHEREAS,** the Legislative Procedures Act (“LPA”) authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** emergency adoption of temporary legislation is allowed when necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the LPA; and
- WHEREAS,** emergency amendments to ONGO were necessary for the preservation of the general welfare of the Reservation population to shield it against the legal risk that existed with respect to the placement of Security within the organizational structure of the Nation; and
- WHEREAS,** by temporarily reassigning Security to the Oneida Business Committee, the legal risk was disposed of, as was the cost of having to defend claims that could have been raised absent the emergency amendments, even if said claims/legal theories were without merit; and
- WHEREAS,** observance of the requirements under the LPA for adoption of the emergency amendments was contrary to the public interest because: (1) so long as Security remained under the Oneida Police Department, potential existed for claims relating thereto to be raised against the Nation, which, even if successfully defended against, would have still cost the Nation money that could be put towards a use more beneficial to the Reservation population; and (2) given the ease within which claims can be filed, regardless of merit, the process and requirements of the LPA could not be completed in time to ensure against the financial burden the Nation could have suffered in defense costs if the issue was not expeditiously resolved before a more permanent solution was established and vetted by the appropriate individuals within the organization; and
- WHEREAS,** the emergency amendments to ONGO will expire on November 12, 2021 if not extended for an additional six (6) month period in accordance with the LPA; and
- WHEREAS,** a six (6) month extension of the emergency amendments to ONGO is being requested because the Legislative Operating Committee, along with the workgroup of individuals within the organization it chose to assist in the process, is still developing the area under which Security will be permanently placed within section 501.9-1 of ONGO and needs the added window of time to complete the task without the legal risks that would exist if ONGO was to revert back to its previous state; and
- WHEREAS,** the extension of the emergency amendments to ONGO will become effective on November 12, 2021, when the emergency amendments as adopted by resolution BC-05-12-21-D expire, and will remain in effect for an additional six (6) month term which will end on May 12, 2022; and

**WHEREAS,** the LPA does not require a public meeting or fiscal impact statement when considering emergency legislation; and

**NOW THEREFORE BE IT RESOLVED,** the emergency amendments to the Oneida Nation Gaming Ordinance are hereby extended for an additional six (6) months, effective November 12, 2021, and shall expire May 12, 2022.

**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; 6 members were present at a meeting duly called, noticed and held on the 10<sup>th</sup> day of November, 2021; that the forgoing resolution was duly adopted at such meeting by a vote of 5 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."