

Oneida Nation

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Oneida, WI 54155

BC Resolution # 12-08-21-A Adoption of the Oneida General Welfare 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 purpose of the Oneida General Welfare law (“the Law”) is to govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion; and
- WHEREAS,** in August 2020, the Law was first adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D to provide a mechanism to address the economic needs of members of the Nation during the COVID-19 pandemic by providing a framework and guidelines for the Nation to establish and operate approved programs which provide assistance to eligible members to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment; and
- WHEREAS,** in February 2021, emergency amendments to the Law were then adopted by the Oneida Business Committee through resolution BC-02-10-21-B for the purpose of addressing how an approved program would be adopted by the Oneida Business Committee in an effort to allow for more flexibility and efficiency in addressing the needs of the Nation; and
- WHEREAS,** on July 28, 2021, the Oneida Business Committee extended the emergency amendments to this Law for an additional six (6) month period through the adoption of resolution BC-07-28-21-M; and
- WHEREAS,** the Law is now ready for permanent adoption by the Oneida Business Committee; and
- WHEREAS,** the Law provides a framework for the Nation to develop approved programs to provide assistance to members on a non-taxable basis in an effort to promote the general welfare while ensuring compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35, and that all assistance provided under this Law:
- is available to any recipients who satisfy the program policies, subject to budgetary restraints;
 - is made under an approved program that does not discriminate in favor of members of the Nation’s governing body;
 - is not provided as compensation for goods and/or services; and

- is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee; and

WHEREAS, in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were developed for this Law; and

WHEREAS, a public meeting on this proposed 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 January 23, 2022, by the Oneida Business Committee 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, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A and BC-11-24-21-F; and

WHEREAS, Oneida Business Committee resolution BC-08-03-21-A, *Setting Public Gathering Guidelines during Public Health State of Emergency—COVID-19*, prohibits indoor and outdoor public gatherings when the COVID-19 infection rates within Brown or Outagamie Counties exceed "Low" as identified by the Wisconsin Department of Health Services; 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 for the duration of the Public Health State of Emergency, 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 this proposed Law, the public comment period for this Law was held open until October 13, 2021, and no individuals submitted written comments during the public comment period; and

NOW THEREFORE BE IT RESOLVED, that the Oneida General Welfare law is hereby adopted and shall become effective on December 22, 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; 7 members were present at a meeting duly called, noticed and held on the 8th day of December, 2021; 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 Liggins, Secretary
Oneida Business Committee

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