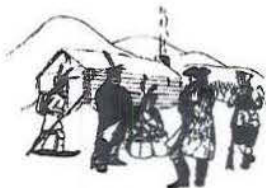


Oneida Tribe of Indians of Wisconsin



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

BC Resolution 01-23-13-D Emergency Amendments to the Pardon and Forgiveness Law

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin 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 Tribe of Indians of Wisconsin, 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 Pardon and Forgiveness Law was adopted by Resolution BC-05-25-11-A, and was effective September 30, 2011, and
- WHEREAS,** the Pardon and Forgiveness law established a process for Tribal member to receive pardons for criminal convictions and for Tribal and non-Tribal members to receive forgiveness for acts that make them ineligible for Tribal employment, licenses, certifications, permits, housing or benefits, and
- WHEREAS,** there has been difficulty in coordinating meetings for the Pardon and Forgiveness Screening Committee that is provided for in the Pardon and Forgiveness Law as adopted by the Oneida Business Committee, and
- WHEREAS,** there have been over eighty (80) people who have expressed interest in applying for a pardon or forgiveness since the adoption of the Pardon and Forgiveness Law, but the applicants have not yet been able to apply or receive a hearing due to the inability to get the Pardon and Forgiveness Screening Committee together at meetings to discuss and start the process, and
- WHEREAS,** the Oneida Business Committee recognizes the need allow applications and to provide these hearings as established by law, and emergency adoption of these amendments will allow people to apply and have their hearings scheduled immediately, and
- WHEREAS,** emergency adoption of the amendments gives the Pardon and Forgiveness Screening Committee a six month probationary period to review the process and address any concerns the Committee has regarding implementation of the Law with the Oneida Business Committee, and
- WHEREAS,** the Administrative Procedure Act (APA) 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 the amendments to the Pardon and Forgiveness Law is necessary for the preservation of the public health, safety, or general welfare of the reservation population, and that observance of the regular APA adoption requirements for passage of amendments to laws would be contrary to public interest.

NOW THEREFORE BE IT RESOLVED, that the Pardon and Forgiveness Law is amended on an emergency basis as follows:

5.4. Pardon and Forgiveness Screening Committee

5.4-1. A Pardon and Forgiveness Screening Committee (Committee) is hereby created for the purpose of carrying out the provisions of this law. This Committee shall operate on a probationary basis for a period of six (6) months. After five (5) months, the Committee shall report to the Oneida Business Committee as to the progress of the Committee and any concerns they have with implementation of this Law.

5.4-2. *Authority.* The Committee shall:

- (a) promulgate internal standard operating procedures necessary to govern its proceedings;
- (b) review and process applications for a pardon or forgiveness in an orderly and expeditious manner;
- (c) investigate an applicant's background;
- (d) conduct and preside over hearings;
- (e) provide formal, written recommendations to the Oneida Business Committee to approve or deny a pardon or forgiveness application; and
- (f) take other actions reasonably related to the purpose of the Committee.

5.4-3. *Committee Membership.*

(a) *Number of Committee Members.* The Committee shall be comprised of ~~five (5)~~four (4) enrolled Tribal members from ~~four (4)~~three (3) representative areas who shall serve a term consistent with that of the Oneida Business Committee term of office. Committee members shall include:

- (1) one (1) representative from the Oneida Police Department, identified in writing by the Chief of Police, including two (2) alternates, submitted to the Tribal Secretary;
- (2) one (1) representative from the Oneida Social Services Department, identified in writing by the Division Director for Governmental Services Division, including two (2) alternates, submitted to the Tribal Secretary; and
- ~~(3) one (1) representative from the Oneida Business Committee, identified by motion or resolution of the Oneida Business Committee, including at least one (1) alternate; and~~
- (4) (3) two (2) representatives from the Oneida community-at-large, appointed by motion or resolution of the Oneida Business Committee, including two (2) alternates.

(A) At least one (1) community-at-large representative shall be an elder over the age of fifty-five (55).

(B) Preference for community-at-large representatives shall be given to Tribal members with a background in social services, probation/parole, law enforcement, legal services, public policy and similar fields.

(b) *Alternates.* For each representative there shall be one (1) alternate who may serve in a regular member's place where a Committee member is absent or unable to participate in a hearing due to a conflict of interest, provided that, an alternate shall not participate if he or she has a conflict of interest.

5.4-4. *Stipends.* The Committee members who are Oneida community-at-large representatives and their alternates may receive a stipend of fifty dollars (\$50) for conducting a pardon hearing if stipend payments are available in the budget.

BE IT FINALLY RESOLVED, that the above amendments shall be effective immediately and remain in effect for six (6) months unless extended by the Oneida Business Committee for an additional six (6) months.

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; 5 members were present at a meeting duly called, noticed and held on the 23rd day of January, 2013; that the forgoing resolution was duly adopted at such meeting by a vote of 4 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Patricia Hoeft, Tribal Secretary
Oneida Business Committee

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