

# Oneida Tribe of Indians of Wisconsin

## BUSINESS COMMITTEE



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the British 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.

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### BC Resolution # 5-05-04-D

#### *Emergency Adoption of Sovereign Immunity Ordinance*

- WHEREAS,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of the Wisconsin; and
- WHEREAS,** the General Tribal Council has been delegated the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Tribe possesses inherent sovereign immunity from suit which extends to all departments, officials, agents and employees of the Tribe; and
- WHEREAS,** the Oneida Appeals Commission has recently issued an opinion in which it asserted that there is no Tribal law which affirms the sovereign immunity of the Tribe and has used this rationale as a basis for hearing a case against Tribal departments and employees; and
- WHEREAS,** the Oneida Appeals Commission opinion exposes Tribal departments and employees to suit, which is contrary to the well-established principle of sovereign immunity; and
- WHEREAS,** Article VI of the Administrative Procedure Act authorizes the Business Committee to enact legislation on an emergency basis, to be in effect for a period of six months, renewable for an additional six months; and
- WHEREAS,** the Oneida Business Committee finds that reasserting the Tribe's sovereign immunity is an emergency situation which requires the immediate adoption of a sovereignty law; and
- WHEREAS,** adopting a sovereignty ordinance 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 laws would be contrary to public interest.

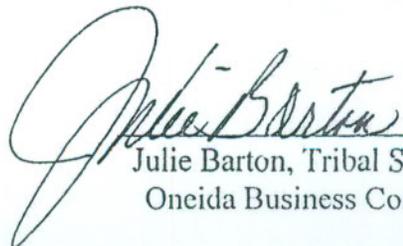
**NOW THEREFORE BE IT RESOLVED**, that the Oneida Business Committee hereby adopts the attached Sovereign Immunity Ordinance.

**BE IT FINALLY RESOLVED**, the Sovereign Immunity Ordinance is not intended to affect:

- 1.) Appeal rights established under the following Tribal laws, as amended:
  - A. Oneida Election Law, Sections 2.10-4 and 10-5;
  - B. Removal Law, Sections 4.4-4 through 4.4-6;
  - C. Protection and Management of Archeological and Historical Resources, Section 12.11-2;
  - D. Oneida Worker's Compensation Law, Section 13.11-2;
  - E. Comprehensive Gaming Ordinance, Section 21.16-1(b)(10);
  - F. Oneida Food Service Code, Sections 36.13-1 and 13-2;
  - G. Oneida Law Enforcement Ordinance, Section 37.9-9;
  - H. Hunting, Fishing and Trapping Law, Section 45.14-3;
  - I. On-Site Solid Waste Disposal, Section 46.5-1(f);
  - J. Oneida Vendor Licensing Ordinance, Section 56.7-2
  - K. Oneida Indian Preference Law, Section 57.4-16;
  - L. Garnishment Ordinance, Section 58.4-9;
  - M. Oneida Room Tax Law, Section 61.5-6;
  - N. Condominium Ordinance, Section 68.26-1(c); or
- 2.) Procedures established by Tribal law by the Oneida Business Committee or the Oneida General Tribal Council for challenging the validity of a rule or regulation; or
- 3.) Procedures established by Tribal law by the Oneida Business Committee or the Oneida General Tribal Council for challenging a Tribal agency decision issued pursuant to an agency hearing.

**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 5<sup>th</sup> day of May, 2004; that the foregoing 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 be rescinded or amended in any way,

  
Julie Barton, Tribal Secretary  
Oneida Business Committee