

ADDENDUM TO

RESOLUTION NO. 8-19-91-A

ONEIDA APPEALS COMMISSION

<input type="checkbox"/> Draft	<input checked="" type="checkbox"/> Final #			
<input type="checkbox"/> Law	<input type="checkbox"/> Policy	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Program
<input checked="" type="checkbox"/> Other <u>Addendum to Res. 8-19-91-A</u>				
Approved by <input checked="" type="checkbox"/> General Tribal Council			<input checked="" type="checkbox"/> Business Committee	
Authorized by _____				
Legal Review by _____			Date _____	
Public Hearing/s held on: _____				
Repealed or Superseded on: _____				

I. APPOINTMENT AND AUTHORITY

- A. There is hereby created an Oneida Appeals Commission which shall consist of eleven (11) Oneida Tribally-enrolled members who shall have the authority to hear specified original and appeals actions that arise within the jurisdiction of the Oneida Tribe of Indians of Wisconsin.
1. The Oneida Business Committee shall appoint three (3) members who shall be appointed for an initial one (1) time three (3) year term pursuant to the Oneida Tribal Committee Selection Process who must adequately meet the following qualifications after receiving applications from individual Oneida Tribal members.
    - a. Enrolled members of the Oneida Tribe of Indians of Wisconsin;
    - b. Must be twenty-one (21) years of age or older;
    - c. Preference shall be given to an applicant who has participated in Tribal government within the last three (3) years and/or has been an employee of the Oneida Tribe within the last five (5) years and exhibits a workable understanding of the Oneida Tribal structure;
    - d. An appointee cannot have been or be convicted of a felony;
    - e. An appointee cannot be an administrative staff person for the Oneida Tribe while serving on the Appeals Commission.
  2. The Oneida Business Committee shall adhere to the following procedures in order to appoint members to the Commission:
    - a. The Oneida Business Committee shall review all applications individually, and as a body, and determine by a majority vote which applicants meet the minimum qualifications as set forth at a review meeting. Should a person not meet the qualifications; that person shall be screened out and notified within a five (5) day period of disqualification and he/she shall be given a five (5) day period to answer the disqualification and request reinstatement. Reinstatement as an applicant can take place with a majority vote of the Oneida Business Committee.
    - b. A final election by the Oneida Business Committee for appointments shall be held within fifteen (15) working days of the review meeting. Said election shall proceed as follows:

- 1) Each Business Committee member shall list three (3) names of the nominees on a written ballot.
  - 2) The Vice-Chairman and Secretary shall collect and count the ballots and shall do so in front of other Business Committee members by saying each name as it is written.
  - 3) The three (3) nominees that receive the most votes shall be appointed to the Oneida Appeals Commission and shall be sworn in at a later date.
  - 4) In case of a tie, the above ballot procedure shall be followed in order to break the tie between those candidates who have an equal number of votes.
  - 5) Objections to an appointed member shall be presented pursuant to the Oneida Tribal Legislatively Appointed Removal Ordinance.
- c. An appointed member shall serve an initial one time (3) year term and thereafter all eleven (11) members of the Appeals Commission shall be elected officials.
3. The Oneida General Tribal Council shall elect eight (8) members to the Appeals Commission who meet those qualifications listed above as I.A.1.a., b., d., and e. Said election shall be held pursuant to the Oneida Tribal Election Ordinance and each election shall be held every four (4) years, and each elected candidate shall serve a four (4) year term.
  4. Subsequent Appeals Commission elections shall be held every three (3) years for three (3) members and held every four (4) years for eight (8) members.
- B. The Oneida Appeals Commission shall have authority to hear appeals which fall under the jurisdiction of the Oneida Tribe and shall include appeals which arise under the following instances.
1. A decision of a subcommittee of the Oneida Appeals Commission or a Tribal commission, board or entity action that would be in violation of the Indian as adopted in the Oneida Constitution Civil Rights Act and/or the Oneida Constitution and ordinances, rules and/or regulations duly adopted by the Oneida Tribe.
  2. Tribal Committee, commission, board or entity action vs. individual.
  3. Tribal committee, commission, board of entity action vs. other committee, board or entity action.
  4. Individual, enterprise or corporation vs. a Tribal officer, employee or staff person.
  5. A Tribal officer, employee or staff member vs. individual, enterprise or corporation.

6. Individual vs. Individual
  7. Individual vs. Tribal committee, commission, board or entity actions.
- C. A subcommittee of the Oneida Appeals Commission shall have authority to hear and attempt to resolve actions that are subject to ordinance or rules that have no specified hearing forum within the Oneida Tribe.
  - D. A subcommittee member of the Appeals Commission or any other commission or committee shall not hear an appeal that is a result of a subcommittee hearing and decision that said subcommittee member was a part of, as a decision maker, or witness or potentially places the commission member in a position of violating ethical consideration. In a like manner, an employee of the Oneida Tribe shall not hear, proceedings under the Oneida Tribal Personnel system. This same ethical consideration shall apply to all areas within the jurisdiction of the Oneida Tribe of Indians of Wisconsin and shall be adhered to by all commission members.

## II. VACANCIES

- A. All subsequent appointment procedures to the Commission shall be adhered to as the original, except that the number of Commission members being appointed shall be in line with the vacancies.
- B. Should there be more than two (2) vacancies of appointed members and/or more than one (1) vacancy of an elected member, special appointments and/or an election shall be held.

## III. OPINIONS AND RECORDS

- A. Opinions of all appeal actions shall be written by one or two Commission members who are appointed to do so following each hearing, by the head Commission Officer.
- B. Records, opinions, judgments and/or decisions of all proceedings of the Commission or a subcommittee shall be maintained and filed in a central location that is a central Oneida Tribal registry as designated by the Oneida Tribal Secretary.

## IV. JUDICIARY IMMUNITY

- A. The Oneida Appeals Commission officers shall maintain their immunity from suit, but are subject to the "Oneida Legislatively appointed Committee Removal Ordinance", and the Oneida Elected Official Removal Ordinance.

## V. MISCELLANEOUS

- a. All nominees and candidates to the Oneida Appeals Commission shall be subject to a background check. Should a felony be discovered in someone's background, said person shall be ineligible to serve on said Commission if the person was convicted of the felony.

VI. ADMINISTRATION

An independent administration of the Oneida Tribal Judicial system, which is known as the Appeals Commission of the Oneida Tribe, shall select an administrator to administer the judicial arm of the Oneida Tribe, completely separate from any executive branch, legislative branch, and the Personnel Department of the Oneida Tribe in order to maintain the integrity of a separation of powers.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the foregoing Oneida Appeals Commission was duly adopted by the Oneida General Tribal Council on August 19, 1991 in Resolution 8-19-91-A.

  
Amelia Cornelius, Secretary  
Oneida Business Committee