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 possble.

BC Resolution 05-28-14-B
Removal Law Amendments

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 General Tribal Council adopted the Removal Law (Law) on January 9, 2006, and

WHEREAS, GTC Resolution 07-01-13-A authorized the Oneida Business Committee to make corrective amendments to all of the laws and policies that make reference to the Oneida Appeals Commission or the Oneida Tribal Judicial System and replace those terms with terms that are consistent with the Judiciary Law adopted by GTC Resolution 01-07-13-B, and

WHEREAS, GTC Resolution 07-01-13-A authorizes the Oneida Business Committee to bypass the procedural requirements in the Legislative Procedures Act in order to make these changes, and

WHEREAS, the amendments that are being made to the Law are those changing references to the Oneida Appeals Commission to "Judiciary" and adding a definition of "Judiciary".

NOW THEREFORE BE IT RESOLVED, that the attached amendments to the Removal Law are hereby adopted.

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 28th day of May, 2014; 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meeting by a vote of 6 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

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."

Chapter 4
REMOVAL LAW
Kwah Onʌ́ ʌluwalihutákwas Kayanlʌ́hsla
Just when they will remove him our kind of laws

4.1. Purpose and Policy
4.2. Adoption, Amendment, Repeal
4.3. Definitions
4.4. Grounds for Removal
4.5. Petition
4.6. Preliminary Review
4.7. Hearing
4.8. General Tribal Council Meeting

4.1. Purpose and Policy
4.1-1. The purpose of this law is to govern the removal of persons elected to serve on boards, committees and commissions of the Oneida Tribe of Indians of Wisconsin.
4.1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to provide an orderly and fair process for the removal of persons elected to serve on boards, committees and commissions.

4.2. Adoption, Amendment, Repeal
4.2-1. This law is adopted by the General Tribal Council by GTC Resolution é1-09-06-A and amended by Resolution BC-05-28-14-B.
4.2-2. This law may be amended by the General Tribal Council only.
4.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.
4.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this law are hereby repealed unless specifically re-enacted after adoption of this law. Specifically, the following resolutions are repealed by this law:

(a) GTC-6-13-79 (Adoption of Ordinance for the Removal of Oneida Tribal Business Committee Members)
(b) BC-3-8-85-A (Adoption of Legislatively Appointed Committee Removal Ordinance)
(c) BC-1-03-96-B (BC Adoption of Removal Law)
(d) GTC-1-17-98-A (GTC Adoption of Removal Law)

4.3. Definitions
4.3-1. This section shall govern the definitions of words or phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Counsel" means an attorney or advocate.
(b) "Judiciary" means the judicial system that was established by Oneida General Tribal Council resolution GTC é1-07-13-B to administer the judicial authorities and responsibilities of the Tribe.
(c) "Tribe" means the Oneida Tribe of Indians of Wisconsin.

4.4. Grounds for Removal
4.4-1. An elected official may be removed from office for any of the following reasons:

(a) failure to attend four (4) regularly scheduled meetings without a written explanation,
(b) failure to attend fifty percent (50ó) of an entity's regular scheduled meetings within a twelve (12) month period for any reason provided that this subsection shall not apply to the Oneida Business Committee,

(c) intentional mis-use of Tribal funds,
(d) alcohol use while performing official responsibilities or use of illegal drugs at any time,
(e) if he or she no longer meets the qualifications for office,
(f) violating a Tribal law which specifies removal as a penalty, or
(g) felony conviction while in office.

4.5. Petition

4.5-1. Any eligible voter may file a petition with the Tribal Secretary seeking the removal of an elected official. No petition shall request the removal of more than one (1) elected official. The petition shall state with particularity the facts upon which it is based and the specific grounds for removal, in not more than two hundred (200) words, and must be signed by fifty (50) or more eligible voters or a number equal to at least thirty (30) percent of the vote cast in the previous general election, whichever is greater. A petition may not be amended after it is filed with the Tribal Secretary.

4.5-2. The petition shall be filed within thirty (30) days after the date the first signature is obtained on the petition.

4.5-3. The petition shall contain, in ink:

(a) The appropriate lines for the eligible voter's:
  (1) Printed name
  (2) Signature
  (3) Street address
  (4) Enrollment number

(b) An oath verifying the fact that:
  (1) The circulator witnessed each person sign the petition,
  (2) Each signature appearing thereon is the genuine signature of the person it purports to be, and
  (3) The petition was signed in the presence of the witness on the date indicated.

4.5-4. Upon receipt of a petition, the Tribal Secretary shall promptly:

(a) Submit such petition to the Oneida Tribal Enrollment Department which shall, within five (5) business days, determine whether the petition contains the requisite number of signatures of eligible voters; and

(b) Notify the elected official sought to be removed that a petition has been filed seeking his or her removal by providing a copy of the uncertified petition.

4.5-5. If the Enrollment Department determines that the petition does not contain the requisite number of signatures, the Tribal Secretary shall so certify to the Oneida Business Committee and file the petition without taking further action, and the matter shall be at an end. No additional names may be added to the petition, and the petition shall not be used in any other proceeding.

4.5-6. If the Enrollment Department determines that the petition contains the requisite number of signatures, then the Tribal Secretary shall promptly cause a certified copy of the petition to be served upon the elected official sought to be removed and forward a copy of the same to the Judiciary.

4.5-7. In the event the removal of the Tribal Secretary is sought, the Tribal Vice Chairperson shall perform the duties assigned to the Secretary under this law.

4.6. Preliminary Review

4.6-1. The Judiciary, upon receipt of the petition shall schedule a preliminary review, to take place within twenty (20) calendar days, to determine whether the allegations set forth in the

petition would constitute sufficient grounds for removal. The Judiciary may request that the parties submit arguments in writing, and the parties may be represented by counsel.
4.6-2. If the Judiciary determines that a petition does not allege sufficient grounds for removal, the petition shall be dismissed. If the Judiciary determines that the petition alleges sufficient grounds for removal, the Judiciary shall conduct a hearing under 4.7.
4.6-3. The Tribal Secretary's certification of the sufficiency of the number of signatures on the petition may be reviewed by the Judiciary upon motion of the elected official whose removal is sought. The motion shall be filed within twenty (20) calendar days of service of the certified copy of the petition upon the elected official sought to be removed. The motion shall be in writing and the grounds limited to:

(a) the authenticity of the signatures, and
(b) whether the signature is that of an eligible voter.

4.6-4. The Judiciary review shall be conducted in the presence of the parties, who may be represented by counsel during the inspection. Opportunity to present evidence and testimony shall be provided. If the Judiciary determines that a petition contains less than the required number of valid signatures, the petition shall be dismissed.
4.6-5. In the event the removal of a member of the Judiciary is sought, the Clerk of Courts shall convene a panel of three (3) judges who are members of the Wisconsin Tribal Judges Association to carry out the Judiciary's responsibilities under this law.

4.7. Hearing
4.7-1. *Rights of Elected Official at Hearing.* An elected official whose removal is sought shall have the right to present witnesses on his or her behalf, to cross-examine adverse witnesses, to, at his or her expense, be represented by counsel of his or her choice.
4.7-2. *Burden of Proof.* A person seeking the removal of an elected official shall have the burden of proving by clear and convincing evidence that ground(s) for removal exist.
4.7-3. *Findings.* The Judiciary shall, within twenty (20) calendar days after the preliminary review has been completed, determine whether each allegation of the petition has been proven by clear and convincing evidence, and whether such allegations constitute sufficient grounds for removal under 4.4-1. If the Judiciary determines that sufficient grounds have not been proven the Judiciary shall dismiss the petition. If the Judiciary determines that the sufficient grounds have been proven, the Judiciary shall forwathe written findings to the Tribal Chair.

4.8. General Tribal Council Meeting
4.8-1. *Special Meeting.* Upon receipt of the findings from the Judiciary, the Tribal Chair shall call a special General Tribal Council meeting to consider the findings to be held within forty-five (45) calendar days after receipt of the Judiciary findings.
4.8-2. *Right to address the Council.* An elected official whose removal is sought shall have the right to address the General Tribal Council personally.
4.8-3. *Determination.* An elected official may only be removed from office upon the affirmative vote of a two-thirds (2/3) majority of the General Tribal Council at a meeting called for the purpose of considering the removal.
4.8-4. *Quorum.* If the meeting of the General Tribal Council fails to obtain a quorum, the removal petition shall be dismissed.

End.