

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 07-10-13-A

Extension of 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,** the Legislative Procedures Act (LPA) 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,** the Oneida Business Committee amended the Pardon and Forgiveness Law on an emergency basis through Resolution BC-01-23-13-D due to a back log of people applying for a Pardon or Forgiveness due to difficulty in coordinating meetings for the Pardon and Forgiveness Screening Committee to discuss and start the process of having hearings, and
- WHEREAS,** the Pardon and Screening Committee have now held several hearings under the amended Pardon and Forgiveness Law and anticipates forwarding amendments to the Law to the Legislative Operating Committee, and
- WHEREAS,** extension of the 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 amendments to the Law are required sooner than would be possible under this Law,

NOW THEREFORE BE IT RESOLVED, that the Pardon and Forgiveness Law is amended on an emergency basis for an additional six (6) months 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. 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, the above amendments shall be effective upon the expiration of the emergency amendments adopted on January 23, 2013 and shall remain in effect for six (6) months or until permanent amendments are adopted, whichever occurs first.

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; 8 members were present at a meeting duly called, noticed and held on the 10th day of July, 2013; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for; 0 members against; and 1 member 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."