



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

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



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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.

RESOLUTION # 09-03-08-A

Resolution Waiving Sovereign Immunity for Law Enforcement Purposes

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty Tribe organized under 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 General Tribal Council has delegated the authorities of Article IV of the Oneida Tribal Constitution to the Oneida Business Committee; and
- WHEREAS,** the Oneida Business Committee recognizes that the safety of all Tribal members and residents of the Oneida Reservation is of the highest priority; and
- WHEREAS,** the Oneida Tribe has dedicated significant resources to the development, improvement, and maintenance of a fully functioning Oneida Police Department to enforce the laws of the State of Wisconsin and the laws of the Oneida Tribe; and
- WHEREAS,** all Oneida Police Department law enforcement officers meet or exceed the State of Wisconsin qualifications for law enforcement officers as prescribed by Wisconsin Statute; and
- WHEREAS,** all Oneida Police Department law enforcement officers are qualified and available to provide mutual aid and assistance to surrounding law enforcement agencies; and
- WHEREAS,** the Oneida Business Committee previously adopted Resolution 3-13-96-C, pursuant to which the Oneida Tribe maintains a liability insurance policy covering the actions of Oneida Police Department law enforcement officers, and under which the insurer is prohibited from raising the defense of sovereign immunity; and
- WHEREAS,** the Wisconsin Department of Justice has opined that Resolution 3-13-96-C meets the requirements of section 165.92(3) of the Wisconsin Statutes, and since that time Oneida Police Department law enforcement officers have enforced state law pursuant to section 165.92 of the Wisconsin Statutes; and

WHEREAS, Oneida Police Department law enforcement officers are also deputized by the Sheriff of Brown County, Wisconsin, pursuant to section 59.26(5) of the Wisconsin Statutes, and enforce state law pursuant to such deputization; and

WHEREAS, the Oneida Tribe accepts liability for all acts of each Oneida Police Department law enforcement officer while acting within the scope of his or her employment; and

WHEREAS, the Oneida Business Committee desires to adopt a new Resolution incorporating the pertinent language of section 165.92(3)(b)(1) of the Wisconsin Statutes regarding the waiver of sovereign immunity for liability for acts of tribal law enforcement officers;


NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby rescinds Resolution 3-13-96-C; and

BE IT FURTHER RESOLVED, that Oneida Tribe continues to accept liability for all acts of each Oneida Police Department law enforcement officer while acting within the scope of his or her employment, and the Oneida Business Committee hereby waives the Oneida Tribe's sovereign immunity to the extent necessary to allow the enforcement in the courts of the State of Wisconsin of this liability in accordance with section 165.92(3)(a) of the Wisconsin Statutes; and

BE IT FINALLY RESOLVED, that duly trained and certified Oneida Police Department law enforcement officers shall continue to be authorized to enforce the laws of the State of Wisconsin in accordance with section 165.92 of the Wisconsin Statutes.

CERTIFICATION

I, the undersigned, as Vice Chair 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 3rd day of Sept., 2008; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against, and 1 members not voting; and that said resolution has not be rescinded or amended in any way.



Kathy Hughes, Vice Chair
Oneida Business Committee

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