

# 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 # 02-24-16-B Administrative Procedures Act Adoption

- 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,** GTC Resolution 01-07-13-A adopted amendments to the Administrative Procedures Act (APA) and adopted the Legislative Procedures Act (LPA); and
- WHEREAS,** GTC Resolution 01-17-13-B adopted the Judiciary Law and repealed the hearing procedures found in the APA, effective March 1, 2015; and
- WHEREAS,** although the Judiciary Law was adopted, certain boards, committees and commissions of the Tribe continue to have hearing body authority through various Tribal laws; and
- WHEREAS,** some of these hearing bodies, including but not limited to, the Gaming Commission, Environmental Resource Board and Land Commission, are required to hold their hearings in accordance with the APA; and
- WHEREAS,** after March 1, 2015, the APA no longer contained hearing body procedures; and
- WHEREAS,** the Oneida Business Committee adopted resolution BC-02-25-15: Administrative Procedures Act Amendments Emergency Adoption to put a hearing process in place for those hearing bodies that are required to hold hearings but do not have other hearing rules in place; and
- WHEREAS,** the Oneida Business Committee adopted resolution BC-08-26-15 to extended the emergency amendments an additional six (6) months and they are set to expire March 1, 2016; and
- WHEREAS,** the attached Administrative Procedures Act amendments would enact permanent requirements for hearing bodies to follow when conducting hearings; and
- WHEREAS,** allow hearing bodies to develop additional procedures so long as those procedures do not conflict with the APA and are noticed to the public; and
- WHEREAS,** establish procedural requirements for hearings; and
- WHEREAS,** authorize the hearing bodies to issue fines, orders and/or penalties that comply with the Indian Civil Rights Act; and

**WHEREAS,** allow a party to appeal the hearing body's decision to the Tribe's Court of Appeals; and

**WHEREAS,** a public meeting for the proposed amendments was held on January 7, 2016 in accordance with the Legislative Procedures Act; and

**NOW THEREFORE BE IT RESOLVED,** that the attached Administrative Procedures Act is hereby adopted and becomes effective March 1, 2016.

#### **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; 5 members were present at a meeting duly called, noticed and held on the 24<sup>th</sup> day of February, 2016; that the forgoing resolution was duly adopted at such meeting by a vote of 4 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
Lisa Summers, Tribal Secretary  
Oneida Business Committee

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