

Oneida Tribe of Indians of Wisconsin

Post Office Box 365



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Oneida, WI 54155



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.

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

Resolution 03-24-99B Fireworks Display for June 5, 1999

- 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; and
- WHEREAS,** the 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 Tribal Council, and
- WHEREAS,** the Oneida Business Committee desires that a fireworks display be authorized in a safe and healthful manner by Spielbauer fireworks Co. Inc, of Green Bay, Wisconsin, who is a specialist in conducting this type of activity, which shall include all agents, helpers, assistance, employees and other persons needed by June 5, 1999 and
- WHEREAS,** this display is for entertainment purposes only and will not involve the sale of commerce or exchange of any fireworks of any ind, nor will any tribal employee, agent or consultant, for any purposes, be involved in the display, and
- WHEREAS,** proof of insurance will be condition precedent to the fireworks display which will hold the Oneida Tribe harmless for any liability that may arise out of the intended fireworks display.

NOW THEREFORE BE IT RESOLVED, that the permission is hereby granted to Speilbauer Fireworks Co. Inc. for the purposes of conducting a fireworks (Pyrotechnics) display on June 5, 1999 at dusk, on the Oneida Indian Reservation pursuant to all the usual protection for the safety of person, both observing and in the area, property, crops and wood, and provided that specific notice of display shall be provided to the Chief of the Oneida Police Department and the Town fire chief.

NOW THEREFORE BE IT FINALLY RESOLVED, that the Oneida Tribe assumes no responsibility whatsoever and hereby asserts its sovereign immunity for any claim of personal injury, or damage to property caused by the display.

CERTIFICATION

I, 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. 6 members were present at the meeting duly called, noticed an held on the 24th day of March, 1999; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against, and 0 members not voting; and that the said resolution has not been rescinded or amended in any way.


Julie Barton, Tribal Secretary
ONEIDA BUSINESS COMMITTEE

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STATEMENT OF EFFECT
Resolution Regarding Granting Permission for Fireworks Display

Summary

This resolution grants permission to conduct a fireworks display to Prism Fireworks & Pyrotechnics, Inc.

Analysis

This resolution grants permission to Prism Fireworks & Pyrotechnics, Inc. to conduct a fireworks display on June 5, 1999 on the Oneida Reservation. The resolution requires that the Chief of the Oneida Police Department be notified and the Fire Chief of the Town of Oneida. Further, the resolution indicates that granting permission does not waive sovereign immunity nor is there an assumption of liability.

As a sovereign nation, the Oneida Tribe of Indians of Wisconsin has the authority and ability to grant permits of this type. Further, the Oneida General Tribal Council specifically delegated this type of authority to the Oneida Business Committee. There are no prohibitions within any law of the Oneida Nation against this type of use of fireworks. Further, there are specific directions within the resolution to protect the public health and welfare. For example, the fire department and police department must be contacted. Further, the Oneida Tribe has granted this type of permit in the past.

There are no legal issues which would prohibit adoption of this resolution.

Conclusion

Adoption of this resolution is a valid action on the part of the Oneida Business Committee. There are no legal issues that would bar implementation of this resolution.