

Oneida Nation

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Oneida, WI 54155

BC Resolution # 05-13-20-G

Suspension of the Pardon and Forgiveness Law Application Fee due to the COVID-19 Public Health State of Emergency

- WHEREAS,** the Oneida Nation 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 Nation; 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 Pardon and Forgiveness law (“the Law”) provides a fair, efficient and formal process by which: a member of the Nation may receive a pardon for the conviction of a crime(s); a member of the Nation may receive forgiveness for acts that render him or her ineligible for housing with the Nation or other benefits; and a member of the Nation or non-member may receive forgiveness for acts that render him or her ineligible for employment with the Nation; an occupational license, certification or permit issued by the Nation, housing through the Nation or other benefit; and
- WHEREAS,** the Law requires that the Oneida Business Committee set a nonrefundable application fee amount for a pardon or forgiveness from the Nation through the adoption of a resolution; and
- WHEREAS,** the Oneida Business Committee adopted resolution # BC-05-13-20-F which set the application fee for a pardon or forgiveness by the Nation at fifty dollars (\$50); and
- WHEREAS,** the federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses; and
- WHEREAS,** state governors, including the State of Wisconsin, have declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders; and
- WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses; and
- WHEREAS,** on March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer at Home*” declaration which prohibits all public gatherings of any number of people and

orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed, and this "Safer at Home" declaration was updated on April 21, 2020; and

WHEREAS, on March 28, 2020 the Oneida Business Committee adopted resolution BC-03-28-20-A titled, "Extension of March 12th Declaration of Public Health State of Emergency" which extended the Nation's Public Health State of Emergency declaration until May 12, 2020; and

WHEREAS, on April 8, 2020, the Oneida Business Committee adopted resolution BC-04-08-20-C titled, "Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020," which requires greater reduction in expenses as a result of zero gaming revenues supporting governmental functions, and included initial and on-going layoffs; and

WHEREAS, on May 6, 2020, the Oneida Business Committee adopted resolution BC-05-06-20-A titled, "Extension of Declaration of Public Health State of Emergency Until June 11, 2020" which further extended the Nation's Public Health State of Emergency until June 11, 2020; and

WHEREAS, the layoffs that will occur during the Public Health State of Emergency are likely to have financial impacts that may impede an individual's ability to apply for a pardon or forgiveness from the Nation; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby suspends the application fee for a pardon or forgiveness from the Nation for the duration of the COVID-19 public health emergency.

BE IT FINALLY RESOLVED, that the suspension of the application fee for a pardon or forgiveness from the Nation shall be retroactive from March 12, 2020, when the Nation declared the public health emergency, and therefore, any individual who submitted the application fee during the public health emergency shall be refunded the application fee amount.

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; 9 members were present at a meeting duly called, noticed and held on the 13th day of May, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 8 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, Secretary
Oneida Business Committee

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