



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

**HO-CHUNK NATION LEGISLATURE  
DISAPPROVAL OF NOMINATION OF DAVID KLAUSER  
AS CHIEF JUDGE OF THE TRIAL COURT  
RESOLUTION 7-23-08 A**

- WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all governmental personnel; and
- WHEREAS,** Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** Article V, Section 2(j) of the Constitution grants the Legislature the power to authorize and appropriate funds to employ legal counsel in accordance with applicable law; and
- WHEREAS,** Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its Legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and
- WHEREAS,** Article VII, Section 3 of the Constitution provides that there shall be one Chief Judge of the Trial Court and other Associate Judges as deemed necessary by the Legislature; and
- WHEREAS,** Article VII, Section 9 of the Constitution provides that the Chief Judge and any Associate Judges of the Trial Court shall be appointed by the Legislature to serve for three year terms and until such time as their successors have been sworn into office.
- WHEREAS,** Article VII, Section 11 of the Constitution grants the Legislature the power to appoint the Chief Judge and any Associate Judges of the Trial Court.
- WHEREAS,** the Legislature enacted the *Ho-Chunk Nation Judiciary and Establishment Act* (hereinafter "Act") by Resolution 4/6/05 D; and
- WHEREAS,** Section 8, subparagraph a. of the Act provides:

the Chief Trial Judge and Associate Judges of the Trial Court shall be selected and confirmed by at least an absolute majority of the Legislature voting by secret ballot no less than fourteen (14) days and no more than thirty (30) days after the candidates are nominated. Nominations may be made and seconded in the normal course of business at any duly convened meeting of the Legislature. Except for the initial panel of judges, if any Legislator so requests, balloting

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W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615  
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

shall be supervised by the Court. At any meeting held to confirm an appointment, absentee ballots shall be available to those members of the Legislature who request them. If an absolute majority of the Legislature does not disapprove a nominee within thirty (30) days after nomination, such nomination shall be deemed to be confirmed.

**WHEREAS,** Resolution 06-09-05 A appointed Todd Matha to serve as Chief Judge of the Trial Court for a term beginning on July 1, 2005 through June 30, 2008; and

**WHEREAS,** the Legislature passed a motion to post the position of Chief Judge of the Trial Court; and

**WHEREAS,** the Legislature received applications from a number of qualified applicants for the position of Chief Judge of the Trial Court; and

**WHEREAS,** at the July 8, 2008 Legislative Session, the Legislature nominated Todd Matha and David Klauser to serve as Chief Judge of the Trial Court; and

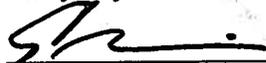
**WHEREAS,** at the July 22, 2008 Legislative Session, the Legislature conducted a secret ballot to confirm either Todd Matha or David Klauser as Chief Judge of the Trial Court; and

**WHEREAS,** pursuant to the requirements of the Act, the Legislature disapproved the nomination of David Klauser as the Chief Judge of the Trial Court and passed a Resolution to confirm Todd Matha as Chief Judge of the Trial Court.

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority and the requirements of the *Ho-Chunk Nation Judiciary and Establishment Act*, disapproves the nomination of David Klauser as the Chief Judge of the Trial Court.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 10 members, of whom 8 constituting a quorum were present at a meeting duly called and convened and held on the 23<sup>rd</sup> day of July, 2008, that the foregoing resolution was adopted at said meeting by an affirmative vote of 6 members, 1 opposed, and 1 abstaining, pursuant to the authority of Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

  
\_\_\_\_\_  
Elliott Garvin, Tribal Secretary

7-23-08  
\_\_\_\_\_  
Date