



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
ENACTMENT OF THE HO-CHUNK NATION
ALTERNATE SIDE PARKING ORDINANCE (3 HCC § 9)
RESOLUTION 12-09-08 C**

- 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(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; and
- WHEREAS,** Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; 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(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; and
- WHEREAS,** Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; and
- WHEREAS,** Article V, Section 2(w) of the Constitution grants the Legislature the power to enact laws to regulate hunting, fishing, trapping, recreation and all other related activities on lands within the Nation's jurisdiction; 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,** last winter there was a record snowfall in Wisconsin Dells, Wisconsin and residents of Ho-Chunk Village left their cars on the street for days, weeks and in two cases, months at a time; and

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WHEREAS, this created a problem because snow plows had trouble going around the parked cars and maintaining a sufficient lane for safe passage of traffic in and out of Ho-Chunk Village; and

WHEREAS, in the case of emergency, a Fire Truck or Ambulance or other emergency vehicle would not be able to get through to provide critical services to the residents of Ho-Chunk Village; and

WHEREAS, the Ho-Chunk Housing and Community Development Agency Director requested the Legislature enact an Alternate Side Parking Ordinance (3 HCC § 9) for the Ho-Chunk Village; and

WHEREAS, the Legislature placed the Alternate Side Parking Ordinance (3 HCC § 9) out for forty-five day public comment; and

WHEREAS, the public comment period ended on December 5, 2008; and

WHEREAS, the Ho-Chunk Nation Legislature passed the Legislative Organization Act (2 HCC § 11), which was last Amended August 5, 2008; and

WHEREAS, the Legislative Organization Act provides the procedures for enacting a Ho-Chunk Nation law; and

WHEREAS, Section 30 of the Legislative Organization Act provides Quick Passage Procedures; and

WHEREAS, Under certain limited circumstances, Section 30 provides “[t]he Legislature may vote to immediately pass Legislation.”; and

WHEREAS, Section 30 of the *Legislative Organization Act* in relevant parts provides:

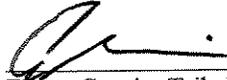
- (2) For the Legislation to be considered for Quick Passage the Legislature must conclude:
 - (a) The Legislation must take effect immediately to address a situation that:
 - 1 Adversely affects the health, safety, welfare, or economic well-being of the Nation;
 - 3 Is internal to the operation of the Government; or
 - 4 Impacts negotiations with a sovereign entity; and
 - (b) Adherence to the Normal Legislation Process outlined in Section 31 would result in a delay that would adversely impact the Nation, a Member of the Nation, or Members of the Nation.

WHEREAS, Section 30 of the Legislative Organization Act provides “[f]or the Legislation to immediately become the law of the Nation it will require an affirmative vote of more than two-thirds (2/3) of Legislators present at the Legislative Session.”.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional Authority, enacts the Ho-Chunk Nation Alternate Side Parking Ordinance (3 HCC § 9).

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **8** constituting a quorum were present at a meeting duly called and convened and held on the **9th day of December, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8 members, 0 opposed, and 0 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

12-9-08

Date

