



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE ADOPTING AMENDMENTS TO THE OPEN MEETINGS ACT (2 HCC § 2) & VARIOUS ESTABLISHMENT ACTS RESOLUTION 2-03-09 F

- 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(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; 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(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,** the Legislature enacted the *Open Meetings Act* (2 HCC § 2) by Legislative Resolution 6/22/04 B; and
- WHEREAS,** Legislators have proposed Amendments to the *Open Meetings Act* and referred the proposed Amendments to the Administration Committee; and
- WHEREAS,** the Administration Committee reviewed the proposed Amendments and motioned for *Open Meetings Act* to be reviewed by the Attorney General of the Nation to provide her legal opinion on the proposed Amendments as originally presented to the Administration Committee; and
- WHEREAS,** the Attorney General provided a legal opinion on the proposed Amendments to Section 9, subparagraph b. regarding eliminating the prohibition of immediate family members from serving on public bodies; and

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WHEREAS, the Attorney General provided a legal opinion that the Legislature could enact the proposed Amendments; and

WHEREAS, the *Legislative Organization Act* (2 HCC § 13) controls the process for Amendments to laws of the Nation; and

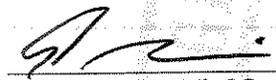
WHEREAS, Section 31, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period will typically be forty-five days.

WHEREAS, the Legislature placed the *Open Meetings Act* out for forty-five day public comment.

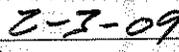
NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, adopts the Amendments to the *Open Meetings Act* (2 HCC § 2).

CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **11** constituting a quorum were present at a meeting duly called and convened and held on the **3rd day of February, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **5 members, 2 opposed, and 4 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



Date

