



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
DESIGNATION AS A CAPITAL PROJECT THE ACQUISITION
OR CONSTRUCTION OF A DEPARTMENT OF HEALTH AND
SOCIAL SERVICES REPLACEMENT BUILDING
RESOLUTION 6-23-09 G**

- 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, pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives 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 to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; 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(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 passed the *Appropriations and Budget Process Act* (2 HCC § 4); and
- WHEREAS,** Section 2 entitled "Purpose" of the *Appropriations and Budget Process Act* provides that "[t]his Act provides the Ho-Chunk Nation branches of government policy and guidance in preparing budgets to ensure fiscal responsibility and integrity within the Nation."; and
- WHEREAS,** the *Appropriations and Budget Process Act* provides that the definition of "Fiscal Year" is "the period beginning on July 1 of any particular calendar year to June 30 of the following calendar year."; and

Executive Offices

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WHEREAS, Section 7, Subparagraph b. provides:

b. Capital Projects. The Legislature shall designate Capital Projects that are to be budgeted on a project basis. These Capital Projects shall be tracked in distinct capital project funds, separate from the General Fund, and budgeted based on the life of the project. Unexpended Capital Project budgets at the end of the fiscal year will be carried into the next fiscal year until the project is completed or terminated by Legislative action. Capital Project budgets can be modified for true increases or decreases to the project.; and

WHEREAS, the Nation needs a building to replace the building it is renting for the offices of the Department of Health and Social Services; and

WHEREAS, a search for a property is being conducted to try and satisfy the critical needs of the Department of Health and Social Services; and

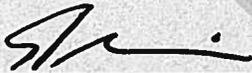
WHEREAS, the Legislature approved a budget modification for the acquisition and/or construction of such building and does not create a budget increase; and

WHEREAS, any proposed purchase of a building for these offices or construction of a social services building should be designated a capital project so that fund availability is not dependent on the fiscal year.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority and the requirements of the *Appropriations and Budget Process Act* (2 HCC § 4), designates as a Capital Project the acquisition or construction of a Department of Health and Social Services replacement building.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of 11 members of whom 10 constituting a quorum were present at a meeting duly called and convened and held that on the 23rd day of June, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 10 members, 0 opposed, and 0 abstaining, pursuant to the 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 the foregoing 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

6-23-09

Date