

DEFEATED RESOLUTION

HO-CHUNK NATION LEGISLATURE ANNUAL SALARY INCREASE FOR LEGISLATIVE ATTORNEY RESOLUTION 10-21-09 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, 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(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(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,** in October 2006, the Legislature signed an employment contract with Attorney Scott Sussman; and
- WHEREAS,** section 5.2 of the contract provides, “on the anniversary date of this Contract, Attorney’s performance under this contract shall be evaluated by the Legislature for a possible salary increases in accordance with the personnel policies and procedures of the Nation, or at such time as may be agreed by the parties.”; and
- WHEREAS,** section 6, subparagraph d. of the Ho-Chunk Nation *Legislative Organization Act* (2 HCC § 11) provides that “[t]he Vice President will exercise supervisory authority over Legislative Counsel(s)/Attorney(s) . . .”; and
- WHEREAS,** the Vice President, based on Attorney Sussman’s performance throughout the past year, is recommending that the Legislature approve a four percent salary increase for Legislative Attorney Sussman.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, effective immediately is providing a four percent salary increase for Legislative Attorney Sussman.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of **13 members** of whom **10** constituting a quorum were present at a meeting duly called and convened and held that on the **21th day of October, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **2 members, 7 opposed, and 1 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.

Hope Smith, Tribal Secretary

Date