



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE RESCISSION OF RESOLUTION 06/20/07F

AND

CHANGING TRUSTEE OF THE HO-CHUNK NATION 401(K) PLAN AND TRUST

RESOLUTION 10-20-10B

- WHEREAS,** on November 1, 1994, the United States of the 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 (d) of the Constitution gives 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 give the Legislature the power to set the salaries, terms and conditions of employment for all government personnel; and
- WHEREAS,** Article V, Section 2 (i) of the Constitution give the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** the Nation has had a 401(k) plan for the Nation's employees entitled "Ho-Chunk Nation 401(k) Plan and Trust" (Plan) since July of 1999; and
- WHEREAS,** the Plan provides that "A Trustee may resign at any time by giving 30 days written notice in advance to the Sponsor, unless such notice is waived by the Sponsor. The Sponsor may remove a Trustee any time, with or without cause, by giving written notice of the removal to the Trustee."; and
- WHEREAS,** this Plan provides that the Nation may appoint individuals to act as Trustees for the Plan and that the Plan may have one or more individual Trustees; and
- WHEREAS,** the Nation has appointed various elected and appointed officials of the Nation over time, as Trustee(s) with signature authority for the Plan, having done so most recently in Resolution 6-20-07F; and
- WHEREAS,** the Nation has also utilized the services of a Directed Plan Trustee and Plan Investment Advisor over time; and

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WHEREAS, at the October 1, 2010 Regular Finance Committee meeting, it was determined that clarification was needed in the Plan Trustee Designation, and

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its authority under the Nation's Constitution and Plan, hereby rescinds Resolution 06/20/07F;

BE IT FURTHER RESOLVED, that the Legislature, pursuant to its under the Nation's Constitution and the Plan, deems it to be in the best interest of the Nation to appoint the Charles Schwab Trust Company ("CSTC") to serve as a directed trustee ("the Directed Trustee") for the Plan and Trust;

BE IT FURTHER RESOLVED, that the Legislature will continue to review the Nation's Plan and Trustee designation, while also clarifying the fiduciary roles and responsibilities of persons involved in the Plan.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify 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 **20th day of October , 2010**, 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.

Hope B. Smith
Hope B. Smith, Tribal Secretary

October 20, 2010
Date