



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO DEDUCT AMOUNTS FROM ANNUAL GAMING COMPACT PAYMENT IN FISCAL YEAR 2010-2011 RESOLUTION 12-7-10 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, 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 the power 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 authorizes the Legislature to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and

WHEREAS, the Nation entered into a Gaming Compact with the State of Wisconsin in 1992 and has amended said Compact at various times over the years, the most recent of which taking place in 2008 (known as the Third Amendment to the Gaming Compact); and

WHEREAS, under Paragraph 8 of the Third Amendment to the Gaming Compact, subsections XXXIV.C. 2 through 6 of the Compact were created under the heading of "Credits;" and

WHEREAS, subsection XXXIV.C. 2 of the "Credits" provisions allows the Nation to deduct certain amounts from its Annual Payment to the State of Wisconsin under the Compact for public works projects, with certain restrictions, beginning in May 2010; and

WHEREAS, in taking this deduction, subsection XXXIV.C.2 requires that the Nation consult with the State regarding which public works projects qualify for the deduction prior to initiating the projects (though the Nation does not need the prior consent of the State); and

WHEREAS, the Nation recognizes the need to upgrade the Wazee Wastewater facility in Jackson County, Wisconsin, on the Nation's lands, in order to benefit both the Nation, its members, and the citizens/residents of Jackson County; and

WHEREAS, the Nation has an agreement with the Village of Wittenberg, in Shawano County, Wisconsin, to extend a water main, including the costs of engineering and construction, and to share in water utility costs that benefit the Village and the Nation; and

WHEREAS, the Legislature finds that the Nation's estimated cost for public works improvements under its agreement with the Village of Wittenberg are estimated at \$630,000.00 and the estimated cost of upgrades to the Wazee Wastewater facility will reach \$370,000.00 prior to May, 2011; and

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority and the terms of the Nation's Gaming Compact, hereby authorizes a Gaming Compact deduction of the Nation's costs associated with the Wazee public project and Village of Wittenberg public project (\$1,000,000.00) from the Nation's Annual Payment to the State.

BE IT FURTHER RESOLVED that the Nation, through its Legislature, President, Attorney General, Legislative Counsel, designated counsel and appropriate staff, shall consult with the State of Wisconsin regarding the above public works projects and the Nation's intention to deduct the associated costs from the Tribe's Annual Payment to the State.

CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom

11 constituting a quorum were present at a meeting duly called and convened and held on the 7th day of **December, 2010**, that the foregoing resolution was adopted at said meeting by an affirmative vote of 11 members, 0 opposed, and 0 abstaining, pursuant to the authority of Article V, Section 2 (a) through (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.

Hope B. Smith
Hope B. Smith, Tribal Secretary

December 7, 2010
Date

