



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE APPOINTMENT OF KYLE FUNMAKER AS A HO-CHUNK NATION GAMING COMMISSIONER

#### RESOLUTION 1-18-11 D

**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(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(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; and

**WHEREAS,** the Legislature has adopted an *Amended and Restated Gaming Ordinance* (5 HCC §1) (hereinafter "Gaming Ordinance") of the Ho-Chunk Nation, with the most recent Amendment adopted by Legislative Resolution 1 - 28 - 08 D; and

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#### **Executive Offices**

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- WHEREAS**, Section 13, subparagraph a. of the Gaming Ordinance establishes the Ho-Chunk Nation Gaming Commission “as an independent regulatory authority responsible for oversight, training, and enforcement of gaming regulatory matters under the Ho-Chunk Nation law.”; and
- WHEREAS**, Section 13, subparagraph a. of the Gaming Ordinance provides that “[t]he Commission will consist of five (5) members appointed by a majority vote of the Legislature acting at a duly convened meeting at which quorum is present.”; and
- WHEREAS**, Section 13, subparagraph c. of the Gaming Ordinance provides that “[t]he Commissioners will each serve for a term of four (4) years commencing on July 1<sup>st</sup> of the year of appointment.”; and
- WHEREAS**, Section 13, subparagraph f. provides “[a] vacancy on the Commission through death, resignation, incapacity, or removal from office will be filled by a majority vote of the Legislature at a duly convened meeting. The newly appointed Commissioner will complete the unexpired term of the Commissioner being replaced.”
- WHEREAS**, in *Resolution 10-7-08D*, the Legislature appointed Fletcher Collins to serve in the position of Ho-Chunk Gaming Commissioner to fill a Commissioner term that was to run for four years for the time-period of July 1, 2008 through June 30, 2012; and
- WHEREAS**, Fletcher Collins resigned from his position as Gaming Commissioner; and
- WHEREAS**, on October 25 & 26, 2010 the Legislature conducted interviews to fill four vacancies to the appointed position of Gaming Commissioner; and
- WHEREAS**, the Legislature has determined that of the four vacancies, the position vacated by Fletcher Collins, with a term ending June 30, 2012, will be filled by an applicant and will finish the remaining two year term; and
- WHEREAS**, the Legislature selected Darren Brinegar as Gaming Commissioner to fill the spot vacated by Fletcher Collins, thus filling a term of 2 years; and
- WHEREAS**, just as Commissioner Brinegar recently began his employment as Gaming Commissioner, another recently appointed Commissioner (Sandra Smalley) declined her appointment to a four (4) year term; and
- WHEREAS**, the Legislature, in its discretion deemed it appropriate to transfer Commissioner Brinegar into the Commissioner position left open by Sandra Smalley’s departure; and

**WHEREAS**, as a result, the Gaming Commissioner position intended to complete the term of Fletcher Collins remains open; and

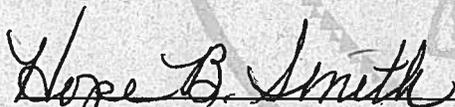
**WHEREAS**, the Legislature, in its lawful discretion, has deemed it appropriate to select Kyle Funmaker for the appointed position of Gaming Commissioner, since she interviewed for the position with the Legislature;

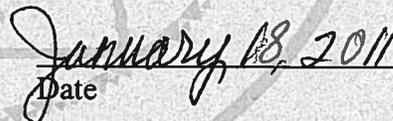
**NOW THEREFORE, BE IT RESOLVED**, that the Legislature, pursuant to its discretionary authority under the Constitution and Gaming Ordinance, hereby appoints Kyle Funmaker to serve in the position of Ho-Chunk Nation Gaming Commissioner to complete the term that began on July 1, 2008 and will end on June 30, 2012.

**BE IT FURTHER RESOLVED**, that Kyle Funmaker's service as a Gaming Commissioner shall begin after she is sworn into office.

#### 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 10 constituting a quorum were present at a meeting duly called and convened and held on the 18th day of January, 2011, that the foregoing resolution was adopted at said meeting by an affirmative vote of 9 members, 0 opposed, and 1 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, Tribal Secretary

  
Date