



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE REVISION TO RESOLUTIONS REGARDING LEGISLATIVE TASK FORCE FOR HO-CHUNK NATION MINORS TRUST ACCOUNTS AND ADULT INCOMPETENTS ACCOUNTS

RESOLUTION 01-18-12 A

- 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(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(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; and
- WHEREAS,** Article V, Section 2(p) of the Constitution grants the Legislature the power to enact laws to create and regulate a system of property including but not limited to use, title, deed, estate, inheritance, transfer, conveyance, and devise; and
- WHEREAS,** Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; 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 Ho-Chunk Nation Legislative Organization Act, 2 HCC §11, ("LOA") provides in Section 10 that an internal Work Group or Task Force may be established in order to assist the Legislature by providing information necessary to carry out Legislative law-making and oversight functions; and

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- WHEREAS,** the Nation's Open Meetings Act, 2 HCC §2, contemplates that a Work Group or Task Force will be used as a temporary, short-term ad hoc body established by a governmental entity for a focused effort on a specific issue; and
- WHEREAS,** the LOA does not restrict Legislator(s) participation in a Ho-Chunk government task force(s) as an ex officio member when appointed by the Legislature, and
- WHEREAS,** on August 31, 2010, the Legislature adopted Resolution 8-31-10C to create a Legislative Task Force, pursuant to the LOA and Open Meetings Act, to focus on updating and improving the Nation's Minors Trust and Adult Incompetents Agreement with Old Kent Bank (now Fifth Third Bank); and
- WHEREAS,** Resolution 8-31-10C stated the Legislature's finding that it was necessary to update the Nation's Minors and Adult Incompetents Trust Agreement, which was initially drafted in 1998, in order to update the terms and conditions of said Agreement and improve service to the Nation, its members and their families; and
- WHEREAS,** the Task Force created by Resolution 8-31-10C (herein referred to as the "CTF Task Force") has continued to meet for the last year and assisted in improving the Nation's Trust Agreement, continuing a productive discussion with staff and officials from all Branches of government, and working with outside consultants on a revised investment policy for the Nation, which was ultimately approved by the Legislature; and
- WHEREAS,** the Legislature then revised the focus of issues for the CTF Task Force by adopting Resolution 7-19-11B, in order to broaden the points of discussion for the Task Force, including the following: an incompetence code, disability code, tribal member minors' education, enrollment (removals), distributions (staggered vs. lump sum), taxation, probate, early access to funds, early access abuses, social service impact, tribal cultural aspects, AODA issues, high school diploma requirements, scholarships and lost children addresses; and
- WHEREAS,** in light of the Legislature's legitimate goal of protecting the assets owned by the Nation for the benefit of tribal member Minors and Adult Incompetents, the Legislature deems it appropriate to authorize the CTF Task Force to continue meeting to discuss improvements to the services for such members, along with the Trust Agreement for such members, subject to the limitations herein; and
- WHEREAS,** the Legislature deems it appropriate to revise and clarify its instructions and mandate for the CTF Task Force, in order to maximize its efficiency and improve feedback to the Legislature on issues where full legislative involvement are necessary;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby revises and clarifies Resolution 8-31-10C and Resolution 7-19-11B by authorizing the CTF Task Force to continue meeting and discuss all topics and issues listed in those Resolutions; *provided*, however, that: any issues of a legal nature (including litigation, contracts or advice) shall be reserved for discussion at legislative session; and

BE IT FURTHER RESOLVED that the CTF Task Force shall forward minutes of its meetings to the Legislature to be included as a status update at each regular legislative session, reserving to the discretion of the Legislature as to whether such update is more appropriate for open or executive session; and

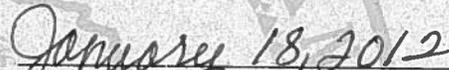
BE IT FURTHER RESOLVED that the CTF Task Force shall specifically report to the Legislature on the status and operation of the Nation's Trust and Investment Committee, along with any status update provided to the Legislature.

BE IT FURTHER RESOLVED that the CTF Task Force is, again, authorized to include staff and officials of the Executive, Legislative and Judicial Branches as noted in Resolution 8-31-10C, and report upon its progress to the Legislature as described herein and as it needs direction.

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 on the **18th day of January, 2012**, adopted the foregoing resolution at said meeting by an affirmative vote of **8 members, 0 opposed, and 2 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, Tribal Secretary


Date