



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE RESTATEMENT OF RESOLUTION 12-06-11J CLARIFYING THE APPOINTMENT DATE OF JO DEEN LOWE AS CHIEF JUDGE OF THE HO-CHUNK NATION TRIAL COURT

RESOLUTION 01-18-12 B

- 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(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(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,** Article VII, Section 9 of the Constitution provides “[t]he Chief Judge and any Associate Judges of the Trial Court shall be appointed by the Legislature to serve for three (3) year staggered terms and until their successors have been sworn into office.”; and
- WHEREAS,** section 8, subparagraph a. of the Ho-Chunk Nation *Judiciary Establishment and Organization Act* (1 HCC § 1) provides:
- a. Appointment. The Chief Trial Judge and Associate Judges of the Trial Court shall be selected and confirmed by at least an absolute majority of the Legislature voting by secret ballot no less than fourteen (14) days and no more than thirty (30) days after the candidates are nominated. Nominations may be made and seconded in the normal course of business at any duly convened meeting of the Legislature.

Executive Offices

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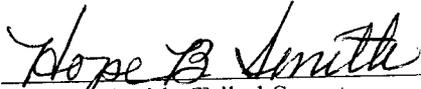
Except for the initial panel of judges, if any Legislator so requests, balloting shall be supervised by the Court. At any meeting held to confirm an appointment, absentee ballots shall be available to those members of the Legislature who request them. If an absolute majority of the Legislature does not disapprove a nominee within thirty (30) days after nomination, such nomination shall be deemed to be confirmed; and

- WHEREAS,** at its November 8, 2011 meeting, during regular business, the Legislature selected Jo Deen Lowe for nomination to the position of Chief Judge of the Ho-Chunk Nation Trial Court; and
- WHEREAS,** the Legislature, pursuant to its Constitutional authority, selected and confirmed Jo Deen Lowe to be Chief Judge of the Ho-Chunk Nation Trial Court, via Resolution 12-6-11J, after conducting a secret ballot vote pursuant to the HCN Judiciary Act; and
- WHEREAS,** the Legislature had set a starting date of December 18, 2011 within Resolution 12-6-11J for Judge Lowe, but upon further discussion with the Judge it was clear another meeting was required in order to discuss specific terms and conditions of employment; and
- WHEREAS,** the Legislature met with Judge Lowe and set the terms of conditions of her employment, pursuant to the Constitution, and agreed upon a starting date for her to begin her Trial Court appointment as January 9, 2012; and
- WHEREAS,** Judge Lowe was sworn in as the Chief Judge of the Trial Court on January 9, 2012;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its authority under the Constitution, hereby restates Resolution 12-6-11J, leaving in place the effect of said Resolution, but amending it in order to clarify the starting date of Judge Lowe to January 9, 2012 and to clarify her three-year term.

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**, that the foregoing resolution was adopted at said meeting in accordance with the Constitution, with the following vote totals: **10 members voting in favor, 0 members voting against, and 0 member(s) abstaining from the vote**; and that said vote was taken 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