



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE

ESTABLISHMENT OF LEGISLATIVE WORKGROUP TO CONSIDER THE SEPARATION OF HO-CHUNK NATION BUSINESS FROM GOVERNMENT

RESOLUTION 02-21-12 K

- WHEREAS,** on November 1, 1994, the United States Secretary of Interior approved a new Constitution of the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Nation; 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 Constitution of the Ho-Chunk Nation grants the Legislature 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(q) of the Constitution grants the Legislature the power to issue charters of incorporation, to charter corporations and other organizations for economic or other purposes, and to regulate their activities; 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
- 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

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- 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,** the Nation operates its current business entities under the framework and structure of the tribal government; and
- WHEREAS,** the Legislature adopted the Business Corporation Ordinance (5 HCC § 2) which creates business corporation law for the Nation and provides procedures to organize a corporation under the Nation's laws; and
- WHEREAS,** the Nation's General Council adopted Resolution 10-11-03I entitled, "Separation of Business Ventures from Government," and directed the Legislature to expedite the organization of a Business Board of Directors in order to fulfill the goals described in the Nation's Ten Year Strategic Plan (approved in May 2002); and
- WHEREAS,** the Nation's Executive Branch and Legislative Branch have taken various steps in the past to generate ideas for the best practices for tribes to separate business from government, in order to maximize revenues, development and security for the tribe and its members; and
- WHEREAS,** in 2009 the Legislature considered the creation of a Workgroup to analyze the benefits of organizing the Nation's business entities through Section 17 of the Indian Reorganization Act of 1934, but the resolution was defeated through Resolution 11-03-09D; and
- WHEREAS,** though the resolution to create a workgroup for the specific purpose of organization under Section 17 was defeated, the general issue of business separation was referred to the Legislative Development Committee, where a motion was adopted on November 19, 2009 to establish a Legislative workgroup focused on the separation of business from government, with staff participating from the Executive Branch (pursuant to the President's discretion) and the Legislature Branch (pursuant to the Vice President's direction), said motion being later ratified by the full Legislature; and
- WHEREAS,** the effort to create a workgroup was put on hold while the Nation's Business Department studied the potential separation of business from government, including various approaches toward separation, yet leading to incomplete results;

NOW, THEREFORE, BE IT RESOLVED that the Legislature deems it appropriate to create a Legislative Workgroup to analyze, review and consider the various approaches (including Section 17), and merits, of separating tribal business from tribal government, and does hereby establish such a Workgroup with this enactment;

BE IT FURTHER RESOLVED, that said Workgroup may consist of these members: any interested Legislators, such Legislative personnel as deemed necessary by Legislators, any Legislative Paralegal, Legislative Counsel or Attorney; also, staff from the Office of the President, as determined by the President; also, any personnel deemed necessary by the President; and any Department of Justice attorneys; and any other staff or employees invited by the Legislature; and

BE IT FURTHER RESOLVED that the Separation of Business From Government Workgroup shall report on their activity and progress, in writing, to the Legislature after each meeting of the Workgroup, whether through written minutes or otherwise; and

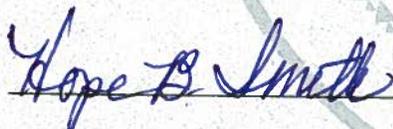
BE IT FURTHER RESOLVED that the Legislature shall determine which Legislative personnel shall take minutes or notes of meetings for the Workgroup, said minutes being available within 5 business days of each meeting; and

BE IT FURTHER RESOLVED, that the Workgroup created herein shall not be considered a Public Body under the HCN Open Meetings Act and shall be not be required to adhere to Quorum requirements; and

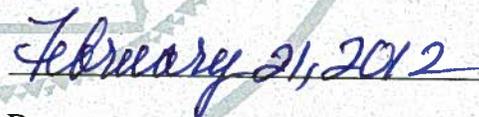
BE IT FURTHER RESOLVED, that the Workgroup is authorized to begin meeting after adoption of this resolution.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, 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 **21st day of February, 2012**, 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, Tribal Secretary



Date