



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZATION OF OUTSIDE COUNSEL AGREEMENT WITH ATTORNEY JEFF SCOTT OLSON

RESOLUTION 02-21-12 L (Defeated Resolution)

- 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(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 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(j) of the Constitution grants the Legislature the power to authorize and appropriate funds to employ legal counsel in accordance with applicable law; 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 V, Section 7 of the Constitution was amended by the eligible voters and members of the Ho-Chunk Nation through a federal Secretarial Election in May 2009 to include an educational requirement for persons to be eligible to hold the position of Ho-Chunk Nation Legislator, said election being validated and the results certified by the Bureau of Indian Affairs on May 6, 2009; and

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WHEREAS, the resulting language of Article V, Section 7 of the Constitution states:

Section 7. Qualifications

Members of the Legislature shall be at least twenty (25) years old and eligible to vote and shall possess a four-year baccalaureate degree conferred by an accredited institution of higher education. No person shall become a member of the Ho-Chunk Nation Legislature if otherwise employed by the Ho-Chunk Nation. No person convicted of a felony shall serve as a Legislator unless pardoned; and

WHEREAS, the Legislature of the Nation deems is appropriate to file suit to legally challenge the educational requirement set forth in Article V, Section 7 of the Constitution; and

WHEREAS, Attorney Jeff Scott Olson has proposed to assist the Legislature with a legal challenge via letter dated February 14, 2012; and

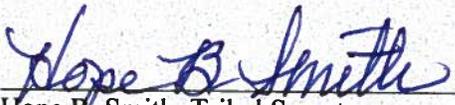
NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, authorizes the selection of Attorney Jeff Scott Olson as outside counsel to represent the Legislature of the Nation in a legal challenge to the educational requirement set forth in Article V, Section 7;

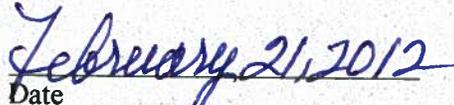
BE IT FURTHER RESOLVED that the Legislature authorizes the selection of Attorney Jeff Scott Olson based on the terms set forth in his February 14, 2012 letter, and on the condition that a more specific engagement letter agreement be executed between Attorney Olson and the Legislature; and

BE IT FURTHER RESOLVED that the Legislature authorizes the Vice President of the Legislature to execute any necessary agreement(s) to retain Attorney Olson for the purpose set forth in this resolution.

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 **11** constituting a quorum were present at a meeting duly called and convened and held that on the **21st day of February, 2012**, did not adopt the foregoing resolution at said meeting by an affirmative vote of **5 members, 6 opposed, and 0 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