HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
CONFIRMATION OF ERICKA CLOUD TO
THE POSITION OF EXECUTIVE DIRECTOR OF
THE DEPARTMENT OF PERSONNEL

RESOLUTION 08-23-11K

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(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(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; 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(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 including but not limited to the foregoing list of powers; and

WHEREAS, Article VI, section 2(e) provides "[t]he President shall have the power . . . (e) To nominate the Executive Directors of each Department subject to confirmation by the Legislature except that if a confirmation vote is not taken by the Legislature within ninety (90) days the nomination shall be deemed confirmed."; and

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WHEREAS, the Legislature adopted the *Confirmation Process of Executive Directors of the Ho-Chunk Nation Act* (2 HCC § 9) (hereinafter "Confirmation Act"); and

WHEREAS, Section 2 of the Confirmation Act provides "[t]he purpose of this Act is to assist in an orderly transition between Executive administrations through a confirmation process. This Act shall be applicable to all Executive Directors, Interim Directors, and candidates for a Director Position."; and

WHEREAS, Section 5 of the Confirmation Act provides:

5. **Nomination Process**. The President, pursuant to Article VI, Section 2(e) of the Constitution of the Ho-Chunk Nation, must name all Executive Directors, subject to the confirmation of the Legislature:

a. Confirmation by the Legislature of an Executive Director during a previous presidential administration shall have neither force nor effect in subsequent New Administrations nor, in the event that an individual is re-elected as President, shall nominations or appointments remain in force or effect.

b. When a vacancy occurs for any reason, there shall be two (2) stages in the confirmation process for an individual who the President wants to be the Executive Director of an Executive Department:; and

WHEREAS, on July 7, 2011 President Jon Greendeer presented the nomination of Ericka Cloud as Executive Director of the Department of Personnel; and

WHEREAS, the Legislature adopted Resolution 07-19-11L; and

WHEREAS, the adoption of the aforementioned Resolution:

(1) Classified the candidate as an Interim Director and proceeded to move his or her candidacy to the second stage of the confirmation process pursuant to the requirements of the Confirmation Act;
(2) Required the Compliance Division to conduct a background investigation on Ericka Cloud, which must be concluded within forty-five days of adoption of the aforementioned Resolution; and
(3) Required the Legislature to take action with respect to the nomination within 90 days or, pursuant to Article VI, section 2, subparagraph (e) "that if a confirmation vote is not taken by the Legislature within ninety (90) days the nomination shall be deemed confirmed."

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby confirms **Ericka Cloud** to the position of Executive Director of the **Department of Personnel** in accordance with Section 5 of the *Confirmation* [*Process of Executive Directors of the Ho-Chunk Nation Act* (2 HCC § 9).

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of **13 members** of whom 9 constituting a quorum were present at a meeting duly called and convened and held that on the **23rd day of August, 2011**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **9 members, 0 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 — August 23, 2011

Hope B. Smith, Tribal Secretary — Date