



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE RESCISSION OF RESOLUTION APPOINTING DARREN BRINEGAR AS A HO-CHUNK NATION GAMING COMMISSIONER

#### RESOLUTION 1-18-11 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, organized pursuant to the Indian Reorganization Act of 1934; and

**WHEREAS**, Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") grants 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(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; 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; and

**WHEREAS**, the Legislature has adopted an *Amended and Restated Gaming Ordinance* (5 HCC §1) (hereinafter "Gaming Ordinance") of the Ho-Chunk Nation, with the most recent Amendment adopted by Legislative Resolution 1 - 28 - 08 D; and

**WHEREAS**, Section 13, subparagraph a. of the Gaming Ordinance establishes the Ho-Chunk Nation Gaming Commission "as an independent regulatory authority responsible for oversight, training, and enforcement of gaming regulatory matters under the Ho-Chunk Nation law."; and

**WHEREAS,** the Nation's Gaming Commission recently had several open Commissioner positions for which the Legislature has the authority to fill by appointment; and

**WHEREAS,** the Legislature selected Darren Brinegar for an appointment to the position of Ho-Chunk Nation Gaming Commissioner through the adoption of Resolution 11-03-10M; and

**WHEREAS,** Commissioner Brinegar was appointed to a term of two (2) years in order to fill a vacancy created by the resignation of former Commissioner, Fletcher Collins, who had been serving a term set to run from July 1, 2008 through June 30, 2012; and

**WHEREAS,** after Commissioner Brinegar started his employment as Gaming Commissioner, another recently appointed Commissioner (Sandra Smalley) refused their appointment to a four (4) year term, thereby requiring the Legislature to fill that position; and

**WHEREAS,** the Legislature, pursuant to its discretionary authority under the Constitution and Gaming Ordinance, has deemed it appropriate to appoint Commissioner Brinegar to the Commissioner position now open as a result of Sandra Smalley's departure; and

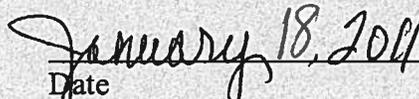
**WHEREAS,** the change in appointed terms for Commissioner Brinegar requires the rescission of Resolution 11-03-10M, in order to enact a separate resolution;

**NOW THEREFORE, BE IT RESOLVED,** that the Legislature, pursuant to its discretionary authority under the Constitution and Gaming Ordinance, hereby rescinds Resolution 11-03-10M, since the Legislature deems it appropriate to appoint Commissioner Brinegar to a different term of appointment.

#### CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation Legislature, 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, 2011, that the foregoing resolution was adopted at said meeting by an affirmative vote of 9 members, 0 opposed, and 1 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.

  
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Hope B. Smith, Tribal Secretary

  
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Date