



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE APPOINTMENT OF DARREN BRINEGAR AS A HO-CHUNK NATION GAMING COMMISSIONER

RESOLUTION 1-18-11 C

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, Section 13, subparagraph a. of the Gaming Ordinance provides that “[t]he Commission will consist of five (5) members appointed by a majority vote of the Legislature acting at a duly convened meeting at which quorum is present.”; and

WHEREAS, Section 13, subparagraph c. of the Gaming Ordinance provides that “[t]he Commissioners will each serve for a term of four (4) years commencing on July 1st of the year of appointment.”; and

WHEREAS, on October 25 & 26, 2010 the Legislature conducted interviews to fill four vacancies to the appointed position of Gaming Commissioner;

WHEREAS, as a result of the interview process, the Legislature appointed Darren Brinegar as a Gaming Commissioner to fill a vacancy left by the resignation of former Commissioner Fletcher Collins, whose term was set for July 1, 2008 to June 30, 2012; and

WHEREAS, Mr. Brinegar began his employment as a Gaming Commissioner, scheduled to serve the remainder of Fletcher Collins’ term, until June 30, 2012; and

WHEREAS, after Commissioner Brinegar started his employment, another Gaming Commissioner position opened, since recently appointed Commissioner Sandra Smalley declined her appointment to a four (4) year term; and

WHEREAS, the Legislature, in its discretionary authority, has deemed it appropriate to change Commissioner Brinegar’s appointment to a four (4) year term, to fill the position left open by Sandra Smalley’s departure;

NOW THEREFORE, BE IT RESOLVED, that the Legislature, pursuant to its discretionary authority under the Constitution and Gaming Ordinance, hereby appoints Darren Brinegar to serve in the position of Ho-Chunk Nation Gaming Commissioner for a term of four years, with said term considered to have commenced on July 1, 2010 and with an expiration date of June 30, 2014.

BE IT FURTHER RESOLVED, that Commissioner Brinegar shall begin to serve in the four (4) year term immediately, since he has already been sworn in for the general position of Gaming Commissioner.

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.

Hope B. Smith

Hope B. Smith, Tribal Secretary

January 18, 2011

Date

