



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE

ESTABLISHMENT OF LAND ACQUISITION POLICY WORKGROUP RESOLUTION 03-09-11 B

- 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 (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(k) of the Constitution grants the Legislature the power to acquire or purchase lands for the benefit of the Nation and its members; and
- WHEREAS,** Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; and
- WHEREAS,** Article V, Section 2(m) of the Constitution grants the Legislature the power to enact laws to prevent the sale, disposition, or encumbrance of Ho-Chunk lands, or other Ho-Chunk assets; 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
- 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 Legislative Development Committee recently discussed the need to establish a process for the Nation's land acquisitions, consideration and easements, leases, rights-of-way and generally all matters pertaining to the Nation's interests in lands; and
- WHEREAS,** the Legislature retains Constitutional authority to address land acquisitions and issues, yet has delegated a portion of the Nation's due diligence effort to the Ho-Chunk Nation Land

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Development Team ("LDT"), which is comprised of Executive Branch staff and who review land issues in order to make recommendations to the Legislature; and

WHEREAS, the Legislature recognizes the need to establish an improved process for the Nation's land acquisitions and land interests that specifically addresses the roles of the Legislative and Executive Branch and establishes authority for the negotiation and acquisition of lands, or other lands-related issues concerning the Nation ; and

NOW THEREFORE, BE IT RESOLVED, that the Ho-Chunk Nation Legislature, pursuant to its constitutional authority, hereby authorizes the creation of Land Acquisition Policy Work Group, consisting of these members: any interested Legislators, members of the Land Development Team, Departments of Justice, Business, Housing, Planning and Lands; also any Legislative Staff, Paralegal, Counsel or Attorney as are necessary and, generally, any other staff or employees invited by the Legislature; and

BE IT FURTHER RESOLVED that the Land Acquisition Policy Work Group shall report on their activity and progress to the Legislative Development Committee after each meeting of the Work Group; and

BE IT FURTHER RESOLVED that one of the primary tasks of the Land Acquisition Policy Work Group shall be to develop a set of recommendations and policies for the Legislature to consider that address and clarify: the Nation's process for land acquisitions, the roles of the Executive Branch and Legislative Branch of government, as well as the roles of the LDT, Department of Justice, Legislative Counsel/Attorney, other concerned Departments, the extent of negotiation and acquisition authority, and the appropriation of funds for land acquisition, yet nothing in the preceding list precludes the Work Group from addressing any other related issues; and

BE IT FURTHER RESOLVED that the Legislative Chief of Staff shall determine who shall take minutes of meetings for the Land Acquisition Policy Work Group, said minutes being available for members of the Work Group within 7 business days of each meeting; and

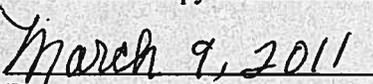
BE IT FURTHER RESOLVED, that the Work Group created herein shall not be considered a Public Body under the HCN Open Meetings Act and shall not be required to adhere to Quorum requirements; and

BE IT FURTHER RESOLVED, that the Land Acquisition Policy Work Group 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 **12** constituting a quorum were present at a meeting duly called and convened and held on the **9th day of March, 2011**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **12 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