



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE QUICK PASSAGE PROCEDURE TO AMEND THE *CODE OF ETHICS ACT* REGARDING BOARD REPRESENTATION FROM DISTRICT 1 AND 4

RESOLUTION 2-22-11 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(g) of the Constitution authorizes the Legislature to set its own procedures, select its officers, and to enact laws governing attendance of its members, including penalties for absences; 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 3 of the Constitution provides that the Legislature shall adopt Codes governing, among other things, Ethics, including conflicts of interest, nepotism, and the conduct of all elected and appointed officials and employees; 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,** the Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on June 9, 2009; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and
- WHEREAS,** Section 30 of the *Legislative Organization Act* provides Quick Passage Procedures; and

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WHEREAS, under certain limited circumstances, Section 30 provides “[t]he Legislature may vote to immediately pass Legislation”; and

WHEREAS, Section 30 of the *Legislative Organization Act* in relevant parts provides:

(2) For the Legislation to be considered for Quick Passage the Legislature must conclude:

(a) The Legislation must take effect immediately to address a situation that:

1 Adversely affects the health, safety, welfare, or economic well-being of the Nation;

2 Adversely affects a person or multiple people for which Legislative relief is deemed appropriate and necessary by the Legislature;

3 Is internal to the operation of the Government; or

4 Impacts negotiations with a sovereign entity; and

(b) Adherence to the Normal Legislation Process outlined in Section 31 would result in a delay that would adversely impact the Nation, a Member of the Nation, or Members of the Nation; and

WHEREAS, Section 30 of the *Legislative Organization Act* provides “[f]or the Legislation to immediately become the law of the Nation it will require an affirmative vote of more than two-thirds (2/3) of Legislators present at the Legislative Session.”; and

WHEREAS, the Legislature adopted the Ho-Chunk Nation Code of Ethics Act in 1999 and has reviewed, restated and amended the Act at various times up through November 2009; and

WHEREAS, the Code of Ethics Act (“Code of Ethics”) establishes standards for elected and appointed officials and certain employees of the Nation intended to be a guide to avoid conflicts of interest and to improve the level of public service of such officials and employees of the Nation; and

WHEREAS, the Code of Ethics establishes an Ethics Review Board comprised of members of the Nation and intended to hear reports of alleged violations under the Code of Ethics; and

WHEREAS, the Legislature recently reconstituted the Ethics Review Board and appointed several new members, after a period of time when the Board was not active or functioning; and

WHEREAS, the Ethics Review Board (“Board”) met on February 12, 2011 to review the Code of Ethics and determine whether any parts of the Code were lacking in specificity, in need of clarification, or should be changed in order to make the Board fully functioning; and

WHEREAS, the Board approved a proposed amendment to the Code to increase the number of Board Members from District 1 and District 4, from one to two, since the Code currently provides that District 1 and District 4 will only nominate 1 person from each District; and

WHEREAS, the Board’s justification for this proposal is that all other Districts have at least two members and that each District should have at least two Board members in case one Member may have to recuse themselves in any given case; in its current form, if the Board Member from District 1 or 4 had to recuse themselves, then neither of the Districts would have representation on the Board to hear any particular case; and

WHEREAS, the Board proposes the above amendment to the Code as a Quick Passage amendment, since it affects the internal operation of the Government (the Ethics Review Board) and the delay of following the Normal Legislation Process would adversely affect the Nation inasmuch as it would prevent District 1 and District 4 from being represented in certain cases;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature concludes that the Code of Ethics Act, 2 HCC § 1, should be amended through the Quick Passage Procedure, since adherence to the Normal Legislation process of the Legislative Organization Act would result in a delay that could adversely impact the Nation, and also that Quick Passage should be carried out in order to address a situation that is internal to the operation of the Nation's government;

NOW THEREFORE, BE IT FURTHER RESOLVED that the Legislature, pursuant to its Constitutional Authority, using the Quick Passage procedures of the *Legislative Organization Act*, amends Section 11a of the Code of Ethics Act as follows:

"(3) Subject to confirmation by the Legislature, the ~~twelve (12)~~ fourteen (14) Ethics Review Board Members shall be nominated by each District as follows:

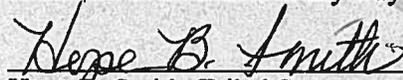
a. District I will have ~~one (1)~~ two (2) members initially nominated at the Black River Falls Area Meeting.

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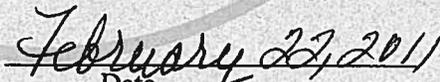
d. District IV will have ~~one (1)~~ two (2) members initially nominated at the Milwaukee Area Meeting.

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 7 constituting a quorum were present at a meeting duly called and convened and held that on the 22nd day of February, 2011, that the foregoing resolution was adopted at said meeting by an affirmative vote of 7 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, Tribal Secretary



Date