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* CLARIFYING REFERENCE
TO DISTRICT 2 AREA MEETING

RESOLUTION 2/22/11 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(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

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

Executive Offices
W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

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 clarify that there is no longer a "Wisconsin Dells" Area meeting for District 2 of the Nation, since this is now considered to be a Baraboo Area meeting; and

WHEREAS, the Board's proposed clarification would require an amendment to Section 11 of the Code of Ethics; 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 allow inconsistent treatment of Baraboo Area meeting in relation to how the Legislature and District 2 actually hold their Area meetings;

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 fourteen (14) Ethics Review Board Members shall be nominated by each District as follows:

. . .

b. District II will have four (4) members. The four members will each initially be nominated at the Tomah, LaCrosse, ~~Wisconsin Dells~~ Baraboo, and Madison Area Meetings, with the Tomah Area Meeting nominating one (1) member, the LaCrosse Area Meeting nominating one (1) member, the ~~Wisconsin Dells~~ Baraboo Area Meeting nominating one (1) member, and the Madison Area Meeting nominating one (1) member.

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 — February 22, 2011

Hope B. Smith, Tribal Secretary — Date