



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE RESCISSION OF RESOLUTION 10-5-10 K

RESOLUTION 12-7-10 A

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(b) of the Constitution grants the Legislature the power to establish Executive Department, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; and

WHEREAS, the Ho-Chunk Nation Legislature approved a Memorandum of Understanding between the Ho-Chunk Nation Department of Housing Home Ownership Program and the Black River Falls School District New Home Construction Project ("MOU") at a duly convened Legislative session on October 5, 2010, as set forth in Resolution 10-5-10 K; and

WHEREAS, after the Legislative approval, the Black River falls School District determined they wanted additional language in the MOU regarding liability exemptions and a waiver of the Nation's sovereign immunity; and such proposed language was sent to the Legislative Office for Legal Counsel review, despite the discrepancy with the MOU approved by the Legislature; and

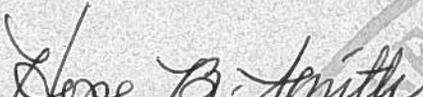
WHEREAS, the office of Legislative Legal Counsel and Department of Justice pointed out to the Legislature at session on November 3, 2010, that the Black River Falls School District sought approval of a revised MOU; and

WHEREAS, the Legislature adopted motions on November 3, 2010 to deny the revised MOU with the Black River Falls School District and to take the necessary steps to rescind Resolution 10-5-10 K; and

NOW THEREFORE BE IT RESOLVED, that the Ho-Chunk Legislature hereby rescinds Resolution 10-5-10 K, Memorandum of Understanding between Ho-Chunk Nation Department of Housing Home Ownership and Black River Falls School District New Home Construction project.

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 12 constituting a quorum were present at a meeting duly called and convened and held on the 7th day of **December, 2010**, that the foregoing resolution was adopted at said meeting by an affirmative vote of 11 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, Tribal Secretary



Date

