



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE TRANSFER OF MEMORIAL RELIEF FUND FROM ADMINISTRATION TO GENERAL FUND RESOLUTION 1-05-10 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, pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives 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 Departments, 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,** Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; 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(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,** pursuant to the *Appropriations and Budget Process Act* (2 HCC § 4), the Legislature adopted a Memorial Relief Fund within the Budget of the Department of Administration; and
- WHEREAS,** section 7, subparagraph d. of the *Appropriations and Budget Process Act* requires:
- d. Memorial Relief Burial Fund. Notwithstanding any provision of this or any other Act, disbursements properly payable out of the line item for the Nation's Memorial Relief Fund may be paid even if the appropriated funds for that line item have been previously exhausted during the fiscal year due to usage beyond the budgeted estimate. Any payments in excess of the budgeted amount of the Memorial Relief Burial Fund shall be funded from the General Fund pending the year-end adjustment described in the following sentence. The Treasury will offset any such deficit against the amount of unused funds identified in its report for a fiscal year prepared in accordance with paragraphs a(1) and a(2), above, and restore such deficits to the General Fund.

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, during the December 29 Finance Committee meeting, the Treasurer recommended that due to the above requirements it fiscally would be more appropriate for the Legislature to:

- (1) Create a budget line within the General Fund for the Memorial Relief Fund;
- (2) Authorize, pursuant to the requirements of section 6 of the *Appropriations and Budget Process Act*, a budget modification of the remainder of the money within the Memorial Relief Fund from the budget of the Department of Administration to the newly created budget line within the General Fund for the Memorial Relief Fund;
- (3) Create, for fiscal year 2010 to 2011 and each succeeding fiscal year, a budget line for the Memorial Relief Fund within the General Fund; and
- (4) Authorize the Executive Director of the Ho-Chunk Nation Department of Administration, or designee, to have signature authority over such funds to continue day to day management.

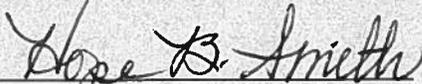
NOW THEREFORE BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority:

- (1) Creates a budget line within the General Fund for the Memorial Relief Fund;
- (2) Authorizes, pursuant to the requirements of section 6 of the *Appropriations and Budget Process Act*, a budget modification of the remainder of the money within the Memorial Relief Fund from the budget of the Department of Administration to the newly created budget line within the General Fund for the Memorial Relief Fund; and
- (3) Creates, for fiscal year 2010 to 2011 and each succeeding fiscal year, a budget line for the Memorial Relief Fund within the General Fund.

BE IT FURTHER RESOLVED, that the use of the Memorial Relief Fund shall be utilized in accordance with established policies and to which the Executive Director of the Ho-Chunk Nation Department of Administration, or designee, shall have signature authority over such funds to continue day to day management.

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 10 constituting a quorum were present at a meeting duly called and convened and held that on the 5th day of January, 2010, that the foregoing resolution was adopted at said meeting by an affirmative vote of 10 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

1-05-10
Date