



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE DENIAL OF ACCEPTANCE OF NOMINATION OF EXECUTIVE DIRECTOR OF HEALTH RESOLUTION 1-19-10 E

- 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(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; 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(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(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 Legislature adopted the *Confirmation Process of Executive Directors of the Ho-Chunk Nation Act* (2 HCC § 9) (hereinafter "Confirmation Act"), which was last amended and restated by Legislative Resolution 7/22/03A on July 22, 2003; and
- WHEREAS,** section 2 of the Confirmation Act provides "[t]he purpose of this Act is to assist in an orderly transition between Executive administrations through a confirmation process. This Act shall be applicable to all Executive Directors, Interim Directors, and candidates for a Director position."; and
- WHEREAS,** on May 6, 2009 the Ho-Chunk Nation conducted a Secretarial Election to consider four amendments to the Ho-Chunk Nation Constitution; and

#### **Executive Offices**

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**WHEREAS,** Amendment III separated the Department of Health and Social Services into two separate departments – the Department of Health and the Department of Social Services; and

**WHEREAS,** the Legislature adopted the *Department of Social Services Establishment and Organization Act of 2009* (1 HCC § 15) and amended and renamed the *Department of Health and Social Services Establishment and Organization Act of 2001* to the *Department of Health Act of 2009* (1 HCC § 5) (hereinafter “Health Act”); and

**WHEREAS,** section 5, subparagraph b. of the Health Act provides “[t]he Department of Health shall consist of an Executive Director and such divisions, branches, and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its annual goals and objectives.”; and

**WHEREAS,** section 5, subparagraph b. (3) of the Confirmation Act provides “[i]n the event that an Executive Director vacancy occurs for any reason, the President must nominate within fourteen (14) days of such vacancy a candidate to fill the vacant position.”; and

**WHEREAS,** as a result, the President nominated Hazel Hindsley to serve as Executive Director of Health; and

**WHEREAS,** at its January 5, 2010 Legislative Session a motion was made but not seconded to accept the nomination of Hazel Hindsley.

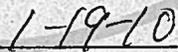
**NOW THEREFORE BE IT RESOLVED,** that the Legislature, pursuant to its Constitutional authority, does not accept the nomination of Hazel Hindsley to be the Executive Director of Health.

**BE IT FURTHER RESOLVED,** pursuant to the *Confirmation Process of Executive Directors of the Ho-Chunk Nation Act* (2 HCC § 9), the Executive Director of Health position shall be considered vacant.

**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 13 constituting a quorum were present at a meeting duly called and convened and held that on the 19<sup>th</sup> day of January, 2010, that the foregoing resolution was adopted at said meeting by an affirmative vote of 10 members, 3opposed, 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