HO-CHUNK NATION LEGISLATURE
Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
APPOINTMENT OF STEVE GARVIN AS A
HO-CHUNK NATION GAMING COMMISSIONER
RESOLUTION 11-03-10 J

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(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 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; and

WHEREAS, the Legislature has adopted an *Amended and Restated Gaming Ordinance* (5 HCC §1) (hereinafter "Gaming Ordinance") of the Ho-Chunk Nation, with the most recent Amendment adopted by Legislative Resolution 1 - 28 - 08 D; and

WHEREAS, Section 13, subparagraph a. of the Gaming Ordinance establishes the Ho-Chunk Nation Gaming Commission "as an independent regulatory authority responsible for oversight, training, and enforcement of gaming regulatory matters under the Ho-Chunk Nation law."; and

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WHEREAS, Section 13, subparagraph a. of the Gaming Ordinance provides that "[t]he Commission will consist of five (5) members appointed by a majority vote of the Legislature acting at a duly convened meeting at which quorum is present."; and

WHEREAS, Section 13, subparagraph c. of the Gaming Ordinance provides that "[t]he Commissioners will each serve for a term of four (4) years commencing on July 1st of the year of appointment."; and

WHEREAS, Section 13, subparagraph f. provides "[a] vacancy on the Commission through death, resignation, incapacity, or removal from office will be filled by a majority vote of the Legislature at a duly convened meeting. The newly appointed Commissioner will complete the unexpired term of the Commissioner being replaced."

WHEREAS, on October 25 & 26, 2010 the Legislature conducted interviews to fill four vacancies to the appointed position of Gaming Commissioner;

NOW THEREFORE, BE IT RESOLVED, that the Legislature, pursuant to its discretionary authority under the Constitution and Gaming Ordinance, hereby appoints Mr. Steve Garvin to serve in the position of Ho-Chunk Nation Gaming Commissioner for a term of four years, with said term considered to have commenced on July 1, 2010 and with an expiration date of June 30, 2014.

BE IT FURTHER RESOLVED, that Mr. Steve Garvin service as a Gaming Commissioner shall begin after he or she is sworn into office.

BE IT FURTHER RESOLVED, that the Vice President or designee shall contact Mr. Steve Garvin to arrange to hold the swearing in ceremony as soon as possible.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members**, of whom **8** constituting a quorum were present at a meeting duly called and convened on the **3rd day of November, 2010**, and that the foregoing resolution was adopted by an affirmative vote of **4 members, 0 opposed, and 4 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 — November 3, 2010

Hope B. Smith, Tribal Secretary — Date