



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
DENIAL OF CONFIRMATION OF EXECUTIVE DIRECTOR
OF THE DEPARTMENT OF HOUSING
RESOLUTION 3-03-09 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 VI, Section 2(e) of the Constitution grants the President the power to nominate the Executive Directors of each Department subject to confirmation by the Legislature except that if a confirmation vote is not taken by the Legislature within ninety (90) days the nomination shall be deemed confirmed; and
- WHEREAS,** President Wilfrid Cleveland nominated Levi Thunder, as the Executive Director of the Department of Housing, on December 12, 2008, pursuant to Section 5 of the *Confirmation Process of Executive Directors for the Ho-Chunk Nation Act* (2 HCC § 9) (hereinafter "*Confirmation Act*").
- WHEREAS,** by Resolution 12-10-08 C, the Legislature accepted the nomination of Levi Thunder, as Executive Director of the Department of Housing and, pursuant to the Confirmation Act, he became the Interim Director of the Department of Housing; and
- WHEREAS,** Section 5, Subparagraph f. of the Confirmation Act provides "[u]pon acceptance of the nomination, the Legislature must confirm or deny the appointment of the Interim Director to Director within ninety (90) days after acceptance of the nomination or it shall be deemed confirmed."; and
- WHEREAS,** Section 7, Subparagraph b. of the Confirmation Act further provides "[a]n interim Director shall be deemed confirmed if the Legislature fails to take a confirmation vote within ninety (90) days of accepting the nomination."; and
- WHEREAS,** Section 6 of the Confirmation Act requires that the Compliance Department conduct a background investigation of an interim Director, but the nominee has not complied with the Compliance Department to conduct a background investigation; and
- WHEREAS,** this makes it impossible for the Compliance Department, as required by Section 6 of the Confirmation Act, to conduct an investigation and "include a written summary of any findings."

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its constitutional authority, hereby denies the confirmation of Levi Thunder as the Executive Director of the Department of Housing in accordance with the *Confirmation Process of Executive Directors for the Ho-Chunk Nation Act* (2 HCC § 9).

Executive Offices

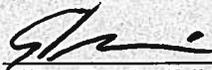
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BE IT FURTHER RESOLVED, upon the denial of a nominee, the individual has forty-eight (48) hours to vacate the position effective the date of denial.

BE IT FURTHER RESOLVED, that the President shall have fourteen (14) days to nominate another candidate for that Executive Director position, pursuant to the *Confirmation Process of the Executive Directors for the Ho-Chunk Nation Act (2 HCC § 9)*.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation , hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **7** constituting a quorum were present at a meeting duly called and convened and held on the **3rd day of March, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **7 members, 0 opposed, and 0 abstaining**, pursuant to the authority of 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 said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.



Elliott Garvin, Tribal Secretary

3-3-09
Date

