



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
QUICK PASSAGE OF AMENDMENT TO
MATERIALS MANAGEMENT AND POLICIES
PROCEDURES MANUAL (5 HCC § 9)
RESOLUTION 3-03-09 M**

- 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 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 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(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(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; 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 Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last Amended August 5, 2008; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting a Ho-Chunk Nation law; and

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- WHEREAS,** Section 30 of the *Legislative Organization Act* provides Quick Passage Procedures; and
- WHEREAS,** under certain limited circumstances, Section 30 provides “[t]he Legislature may vote to immediately pass Legislation.”; and
- WHEREAS,** Section 30 of the *Legislative Organization Act* in relevant parts provides:
- (2) For the Legislation to be considered for Quick Passage the Legislature must conclude:
- (a) The Legislation must take effect immediately to address a situation that:
- 1 Adversely affects the health, safety, welfare, or economic well-being of the Nation;
 - 2 Adversely affects a person or multiple people for which Legislative relief is deemed appropriate and necessary by the Legislature;
 - 3 Is internal to the operation of the Government; or
 - 4 Impacts negotiations with a sovereign entity; and
- (b) Adherence to the Normal Legislation Process outlined in Section 31 would result in a delay that would adversely impact the Nation, a Member of the Nation, or Members of the Nation.
- WHEREAS,** Section 30 of the *Legislative Organization Act* provides “[f]or the Legislation to immediately become the law of the Nation it will require an affirmative vote of more than two-thirds (2/3) of Legislators present at the Legislative Session.”; and
- WHEREAS,** the United States government passed the *American Recovery and Reinvestment Act of 2009* (hereinafter “ARRA”); and
- WHEREAS,** the ARRA will create numerous opportunities for tribal governments to access federal funds to address infrastructure and other capital needs; and
- WHEREAS,** the Ho-Chunk Nation has significant infrastructure needs for projects related to, but not limited to, health, housing, roads, and other facilities; and
- WHEREAS,** if the Ho-Chunk Nation is going to be awarded grants and other investment opportunities as a result of the appropriations authorized by the ARRA, it will need to compete successfully against other Tribal Governments and other entities; and
- WHEREAS,** on September 21, 2005 the Ho-Chunk Nation Legislature passed the *Materials Management and Policies Procedures Manual* (5 HCC § 9), which was last amended on October 31, 2005; and
- WHEREAS,** the purpose of the *Materials Management and Policies Procedures Manual* is “to establish uniform policies and standards to effectively coordinate the Nation’s materials management functions. This Manual establishes standardized policies and procedures for the purchase, management, warehousing, and distribution of fixed assets and consumable supplies for the Ho-Chunk Nation.”; and
- WHEREAS,** except for in limited circumstances, the *Materials Management and Policies Procedures Manual* establishes a three-bid process for transactions on:
- materials and/or services with an estimated unit price of \$500 or more;
 - items under \$500 in quantities of 100 or more;
 - all contracts and leases; and
 - all capital expenditure purchases; and

WHEREAS, the three-bid process has proven effective in creating uniform procedures for the purchasing of items, that are consistent throughout the Nation's governmental entities and business units and are consistent with standard industry operating procedures; and

WHEREAS, nonetheless, the three-bid process may hinder the Nation's ability to obtain funding resulting from the ARRA despite the critical need the Nation has to address significant infrastructure needs for projects related to, but not limited to, health, housing, roads, and other facilities.

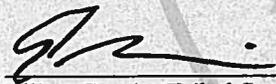
NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional Authority, uses the quick passage procedures of the *Legislative Organization Act* (2 HCC § 11) to amend the *Materials Management and Policies Procedures Manual* (5 HCC § 9).

BE IT FURTHER RESOLVED, that the *Materials Management and Policies Procedures Manual* is amended to enable the Ho-Chunk Nation Government to use sole source purchasing when "it is necessary to access grants available as a result of the United States Federal Government's passage of the *American Recovery and Reinvestment Act of 2009*."

BE IT FURTHER RESOLVED, that the amendment in the *Materials Management and Policies Procedures Manual* provides that the authorization for the government to use sole source purchasing shall terminate one (1) year from March 3, 2009, unless the Legislature passes a Resolution extending the deadline.

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 5 members, 1 opposed, and 1 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