HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
ADOPTION OF LEGISLATIVE HEARING PROCEDURES
RESOLUTION 5-05-09 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, 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(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(g) of the Constitution grants the Legislature the authority to set its own procedures, select its officers, and to enact laws governing attendance of its members, including penalties for absences; 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(j) of the Constitution grants the Legislature the power to authorize and appropriate funds to employ legal counsel in accordance with applicable law; 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, Article VIII, Section 4 of the Constitution of the Ho-Chunk Nation Legislature provides:

The Legislature shall enact a law creating an Election Board. The Election Board shall conduct all General and Special Elections. At least sixty (60) days before the election, the Election Board may adopt rules and regulations governing elections. Election Board members shall serve for two (2) years. Election Board members may serve more than one term. The Legislature may remove Election Board members for good cause.

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WHEREAS, The *Election Code* provides in Section 4, subparagraph d. (1), (2), (3), & (4):

(1) The Election Board shall strictly adhere to the duties and obligations set forth above. The Election Board Chairperson shall report to the Legislature any and all acts and circumstances, which come to the attention of the Chairperson regarding the conduct of Election Board Members that, in the Chairperson's judgment, may be reasonably construed as a violation of this Ordinance, whether or not the Chairperson recommends removal under paragraph (2), below.

(2) If the Election Board or the Election Board Chairperson finds that an Election Board Member(s) has violated any provision of this Ordinance or that an Election Board Member(s) has engaged in any activity which constitutes good cause for removal, the Election Board and/or Election Board Chairperson may recommend to the Legislature that the Election Board Member(s) in question be removed.

(3) Subject to and consistent with the terms of the Constitution, including without limitation, Article VIII, Section 4, the Legislature may remove an Election Board Member with or without a recommendation from the Election Board or the Election Board Chairperson.

(4) Any Election Board Member subject to removal shall be informed of the charges at least ten (10) calendar days before a legislative hearing to consider the charges and shall be given an opportunity to respond to the charges.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, adopts the attached "Procedure Manual Ho-Chunk Nation Legislative Hearings."

BE IT FURTHER RESOLVED, that this Manual establishes procedures for Legislative Hearings convened to determine if there is Good Cause for an action taken by the Legislature and for which hearing procedures are not specifically authorized by any other directive.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies 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 that on the **5th day of May, 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 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.

Elliott Garvin, Tribal Secretary

5-5-09
Date