



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE EXECUTIVE BRANCH OPERATION OF LYNWOOD PROPERTIES, LLC. RESOLUTION 5-19-09 I

- WHEREAS,** on November 1, 1994, the United States Secretary of Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Business Committee; and
- WHEREAS,** the Ho-Chunk Nation is a federally-recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** the Legislature of the Ho-Chunk Nation is the duly constituted governing body of the Ho-Chunk Nation pursuant to the Constitution of the Nation; and
- WHEREAS,** Article V, Section 2 (a) of the Ho-Chunk Nation Constitution authorizes the Legislature to make laws, including codes, ordinances, resolutions and statutes; and
- WHEREAS,** Article V, Section 2 (i) of the Ho-Chunk Nation Constitution authorizes 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 (q) of the Ho-Chunk Nation Constitution authorizes the Legislature the power to issue charters of incorporation, to charter corporations and other organizations for economic or other purposes, and to regulate their activities; and
- WHEREAS,** the Ho-Chunk Nation's *Limited Liability Company Act (5 HCC §3)* (hereinafter "Act") provides for the establishment and operation of Limited Liability Companies under the laws of the Ho-Chunk Nation; and
- WHEREAS,** Legislative Resolution 1-04-06 F declares that the Ho-Chunk Nation shall be the sole member of Lynwood Properties, LLC; and
- WHEREAS,** Section 8, subparagraph b. of the Act provides that if the Nation is a member of any LLC formed under this Act, any action which the Nation is required or permitted to take with respect to any vote, approval, consent, appointment, direction, or other matter shall be taken as stated by a resolution of the Legislature; and
- WHEREAS,** the Ho-Chunk Nation Legislature desires to delegate oversight, including all authority necessary to carry out the Nature of the Business as listed in Section 9 of the Act and including any future amendments of the Articles of Organization of the Corporation to the Executive Branch; and
- WHEREAS,** At its May 5, 2009 Legislative Session, during Executive Session, the Legislature passed the following motion "to have the Legislative Counsel draft a resolution on the conveyance to the Executive Branch the management, operation of the businesses, and control of the Limited Liability Companies for the Southland Properties."

Executive Offices

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NOW THEREFORE BE IT RESOLVED, that the Ho-Chunk Nation Legislature, pursuant to its constitutional authority, hereby grants the Ho-Chunk Nation Executive Branch all authority over management, operation of the businesses, and control of the Limited Liability Companies of the Lynwood Properties, LLC., including re-establishing a Board of Directors, setting rent and any other duties constituting day to day operations such as paying bills and other actions to keep the business functioning.

BE IT FURTHER RESOLVED, that in order for the Legislature to have oversight of Lynwood Properties, LLC., the Executive Branch shall provide the Legislature and the Ho-Chunk Nation Department of Justice a start up report within two (2) weeks after the date of this Resolution, showing where the facility and properties are at financially and what further improvement are necessary and future plans as well as a bi-monthly reports thereafter or when requested by the Vice President.

BE IT FURTHER RESOLVED, that in order to create a properly documented transition of authority to the Executive Branch over the subject matter of this Resolution, the Legislature deems that all actions taken by the Executive Branch as of the October 5, 2005 motion by the Legislature and forward shall be deemed a valid exercise of authority.

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 11 constituting a quorum were present at a meeting duly called and convened and held on the 19th day of May, 2009 that the foregoing resolution was adopted at said meeting by an affirmative vote of 8 members, 0 opposed, and 3 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

5-19-09

Date

