



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE BADGER ARMY AMMUNITION PLANT ORBITEC NEGOTIATING TEAM APPOINTMENT RESOLUTION 7-21-09 K

- 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 Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes; 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(k) of the Constitution grants the Legislature the power to acquire or purchase lands for the benefit of the Nation and its members; and
- WHEREAS,** Article V, Section 2(1) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; and
- WHEREAS,** Article V, Section 2(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; and
- WHEREAS,** the Ho-Chunk Nation is a stakeholder in a federal property disposal action of land at the Badger Army Ammunition Plant (BAAP) owned by the U.S. Department of Army; and
- WHEREAS,** the General Services Administration (GSA) is the agency authorized by the United States to dispose excess and surplus federal properties owned by the United States, per the Federal Property and Administrative Services Act of 1949; and
- WHEREAS,** the Bureau of Indian Affairs (BIA) sponsored a claim for 1,500 acres of BAAP land deemed excess on behalf of the Ho-Chunk Nation to the GSA in 1998; and
- WHEREAS,** on February 20, 2007, the GSA made a formal offer to convey a parcel totaling 1,552.5 acres of BAAP land to the Ho-Chunk Nation; and
- WHEREAS,** on May 5, 2008, the U.S. Army informed the Nation that approximately 736 acres of the overall claim may be eligible for transfer in 2008 for the benefit of the Ho-Chunk Nation, including Parcel "O"; and
- WHEREAS,** Orbital Technologies Corporation, a.k.a. "Orbitec", currently operates research and development activities via lease with the U.S. Army on Parcel O; and
- WHEREAS,** on May 14, 2008, the U.S. Army served Orbitec with a notice to vacate within sixty (60) days in anticipation of a 2008 conveyance to the Bureau of Indian Affairs or Ho-Chunk Nation; and

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- WHEREAS,** Orbitec seeks a lease with the Ho-Chunk Nation to maintain its research and development activities on Parcel O post-transfer; and
- WHEREAS,** the Nation recognizes that a lease with Orbitec may provide a significant benefit to the tribal membership; and
- WHEREAS,** it is in the best interests of the Ho-Chunk Nation to authorize the appropriate representatives to promulgate timely negotiations on matters affecting the Nation's economic and planning interests.

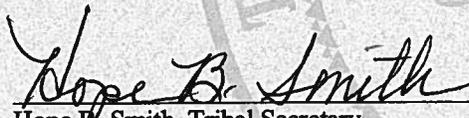
**NOW THEREFORE BE IT RESOLVED,** that the Legislature, pursuant to its constitutional authority, hereby authorizes an Orbitec Lease Negotiating Team for the purposes of negotiating lease provisions on behalf of the Ho-Chunk Nation with Orbitec.

**BE IT FURTHER RESOLVED,** that the Orbitec Negotiating Team shall be comprised of all Ho-Chunk Nation District 2 Representatives, any consultants and in-house staff designated to provide assistance with Badger Army Ammunitions Plant.

**BE IT FINALLY RESOLVED,** that the Orbitec Negotiating Team is authorized to (1) meet and negotiate lease terms with Orbitec, (2) seek approval by the Bureau of Indian Affairs of such lease, if necessary and appropriate, and (3) provide a draft lease to the Ho-Chunk Nation Legislature for review and approval.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of 13 members, of whom 9 constituting a quorum were present at a meeting duly called and convened and held on the 21<sup>st</sup> day of July, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 8 members, 0 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.

  
\_\_\_\_\_  
Hope B. Smith, Tribal Secretary

7-21-09  
\_\_\_\_\_  
Date