



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE PURCHASE OF WHITE CROW VILLAGE PARCEL RESOLUTION 12-22-09 O

- 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(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(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(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(l) 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,** 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

#### **Executive Offices**

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**WHEREAS,** the attached map outlines the parcel of land referred to as White Crow Village, which represents a significant historical parcel of land for the Ho-Chunk Nation; and

**WHEREAS,** the Legislature adopted Resolution 4-4-06 A entitled "AUTHORIZATION FOR WISCONSIN DNR STEWARDSHIP ADLP GRANT APPLICATION REGARDING WHITE CROW VILLAGE ACQUISITION"; and

**WHEREAS,** Resolution 4-4-06 A provides in relevant part:

**"NOW THEREFORE, BE IT RESOLVED** that the Ho-Chunk Nation Legislature, pursuant to its constitutional authority, has budgeted a sum sufficient to complete the project or acquisition and hereby authorizes Tribal Archeologist Jay Toth, of the Ho-Chunk Nation Department of Heritage Preservation, to act on behalf of the Ho-Chunk Nation to submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available, sign documents and; take any necessary action to undertake, direct, and complete the approved project; and"

**"BE IT FURTHER RESOLVED** that the Ho-Chunk Nation will comply with state or federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change in the use of the project site is officially made; and "

**WHEREAS,** while the Nation did not complete the project or acquisition in 2004, the historical significance of the White Crow Village to the Ho-Chunk Nation remains a paramount concern of the Nation and the Nation continues to seeks to acquire this land for historical reasons; and

**WHEREAS,** while the historical significance of this land to the Nation cannot be understated, financial aid is necessary for the Nation to be able to consider the possibility of purchasing the aforementioned property because the Nation will not economically develop this land due to its significant historical importance to the Nation.

**NOW THEREFORE BE IT RESOLVED,** that the Legislature, pursuant to its Constitutional authority, directs a budget modification of up to \$5,000.00 from the general fund to the Department of Historical Preservation in order to enable the Tribal Archeologist, of the Ho-Chunk Nation Department of Historical Preservation, to obtain an appraisal of the potential purchase price of the White Crow Village.

**BE IT FURTHER RESOLVED,** that the Legislature directs that upon obtaining the appraisal the Tribal Archeologist, with any necessary assistance from Attorney Samantha Greendeer of Whyte Hirschboek Dudek, shall negotiate a purchase price for the Nation to potentially purchase the White Crow Village.

**BE IT FURTHER RESOLVED,** that the Legislature directs that upon completion of the negotiations of a purchase price for the White Crow Village, the Tribal Archeologist shall bring back the results of the negotiations for the Legislature to consider authorizing a budget modification and purchase of the property.

**BE IT FURTHER RESOLVED,** that the Legislature directs, in order to potentially facilitate this purchase, either prior to or after the purchase the Tribal Archeologist shall submit an application to the State of Wisconsin Department of Natural Resources or to any other grant program for any financial aid that may be available for the Nation to acquire the White Crow Village.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 10 constituting a quorum were present at a meeting duly called and convened and held that on the 22<sup>nd</sup> day of December, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 10 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.

*Hope B. Smith*  
Hope B. Smith, Tribal Secretary

*12-22-09*  
Date

