



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AMENDMENT TO LEGISLATIVE HEARING PROCEDURES RESOLUTION 10-07-09 E

- 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(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(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 provides:

Section 4. Election Board.

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.

WHEREAS, the Legislature adopted an *Election Code* (2 HCC § 6), which was last amended on June 23, 2009; and

WHEREAS, the *Election Code*, in relevant part, provides:

Executive Offices

W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

(b) 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 or Election Board Chairperson for good cause.

(c) Any Election Board Member or Election Board Chairperson subject to removal shall be informed of the charges in writing at least ten (10) calendar days before the legislative hearing to consider the charges and shall be given an opportunity to respond to the charges.; and

WHEREAS, Resolution 5-05-09 M adopted procedures to govern removal hearings; and

WHEREAS, on June 25, 2009 the Legislature conducted removal hearings and, as a result, recognized some minor changes that should be made to the attached "Procedural Manual for Ho-Chunk Nation Legislative Hearings."

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

BE IT FURTHER RESOLVED that the attached Procedural Manual, consistent with Resolution 5-05-09 M, continues to establish 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 13 members of whom 13 constituting a quorum were present at a meeting duly called and convened and held that on the 7th day of October, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 12 members, 0 opposed, and 1 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, Tribal Secretary

10-07-09
Date