



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
RESCISSION OF RESOLUTION 9-22-09 D
CITIBANK N.A.-THE CITI PRIVATE BANK
NON-REVOLVING LINE OF CREDIT
RESOLUTION 10-07-09 G**

- 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(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,** Resolution 9-22-09 D in relevant part provided "**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, approves the Nation entering into an agreement with Citibank, N.A. – The Citi Private Bank, the Lender, in substantially the form presented to the Legislature at this meeting on August 04, 2009 under which the Nation may obtain a non-revolving line of credit and become obligated to reimburse the Lender on the non-revolving line of credit issued for the account of the Nation of \$50 million in aggregate amount; and the Vice President or the President of the Nation delivers to the Lender such documentation including any investment policy statement as contained in the Demand Note and Control Agreement."; and

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WHEREAS, the Nation has not accessed any of the \$50 million from this account and, therefore, is not responsible for any interest payments associated with entering into this agreement; and

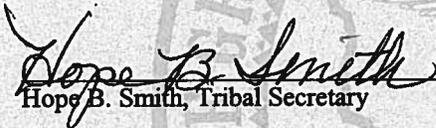
WHEREAS, the agreement with Citibank provides that the Nation may pay back the entire amount without any penalty, but would have to pay expenses to Citibank such as fees for their attorneys having reviewed the agreement; and

WHEREAS, concerns have been raised with respect to the Nation entering into this agreement.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, rescinds Resolution 9-22-09 D and shall, pursuant to the terms of the agreement, pay all expenses associated with having signed this agreement with Citibank.

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 7th day of October, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 5 members, 2 opposed, and 3 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

