



HO-CHUNK NATION LEGISLATURE
Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
AUTHORIZATION TO MAKE DIRECT
PAYMENT TO BUREAU OF INDIAN AFFAIRS FOR
LEASE DEBT FOR ELITE ELDERS
RESOLUTION 1-28-08 B**

- 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 Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; 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(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(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(m) of the Constitution grants the Legislature the power to enact laws to prevent the sale, disposition, or encumbrance of Ho-Chunk lands, or other Ho-Chunk 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(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; 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,** The *Charitable Contributions Act* (4 HCC §8) defines an Elite Elder as "any person who is seventy (70) years of age or more and has been an enrolled member of the Ho-Chunk Nation for a minimum of five (5) years."; and
- WHEREAS,** The *Charitable Contributions Act* (4 HCC §8) creates the Elder Assistance Fund; and

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WHEREAS, The *Charitable Contributions Act* (4 HCC §8) provides that “[t]he Elder Assistance Fund shall be reserved to only fund grants and other types of assistance benefiting the Nation’s Elders.”; and

WHEREAS, The *Charitable Contributions Act* (4 HCC §8) provides that “[a]ll reasonable requests necessary for the health and welfare of Elite Elders shall be honored as a matter of policy.”; and

WHEREAS, There are several Elite Elder Ho-Chunk Tribal Members who are presently obligated to make structured annual payments pursuant to leases with the Bureau of Indian Affairs; and

WHEREAS, The Ho-Chunk Nation Elderly Advisory Board passed a motion “to approve Land Lease payments for Ho-Chunk Nation Elders age 70 and over.”; and

WHEREAS, The Ho-Chunk Nation Elderly Advisory Board passed a motion “that the Ho-Chunk Nation Elder 70 and over **MUST** reside on the property that the Property Tax Relief and Land Lease payments are requested for.”; and

WHEREAS, The Bureau of Indian Affairs (BIA) informed the Nation that if the Elite Elder owns any portion of the property, the BIA will adjust the fair market rent to eliminate the lessee (owner) portion of the payment.

NOW THEREFORE BE IT RESOLVED, that the Ho-Chunk Nation Legislature, pursuant to its Constitutional authority, shall pay the lease rentals of all Elite Elders who are obligated to make structured annual payments pursuant to leases with the Bureau of Indian Affairs; and

BE IT FURTHER RESOLVED, that these payments shall not include the fair market rent of the property less the lessee (owner) portion of the payment; and

BE IT FURTHER RESOLVED, to be eligible for this payment the Elite Elder must “reside on the property that the Property Tax Relief and Land Lease payments are requested for”; and

BE IT FURTHER RESOLVED that these payments shall come out of the Elder Assistance Fund.

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 **9** constituting a quorum were present at a meeting duly called and convened and held on the **28th day of January, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **7 members, 0 opposed, and 2 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

1-28-08

Date