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

HO-CHUNK NATION LEGISLATURE
DECLARATION OF OFFICIAL INTENT
TO REIMBURSE EXPENDITURES FOR IMPROVEMENTS TO WAZEE AREA WASTEWATER TREATMENT PLANT

RESOLUTION 12-21-10 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, the tribal government headquarters of the Nation are located in Black River Falls, Wisconsin; 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(d) of the Constitution grants the Legislature the power 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(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 Nation's Legislature created and chartered the Wazee Area Wastewater Commission ("Commission") by resolution in 1995 in order to establish an entity to manage wastewater collection and treatment in Jackson County, Wisconsin and serve Ho-Chunk communities; and

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WHEREAS, the Commission receives annual funding from the Ho-Chunk Nation, by Legislative appropriation, and also reports to the Nation regularly concerning the operation and maintenance of the wastewater treatment plant and sewer system; and

WHEREAS, the Wazee Area Wastewater Treatment Facility currently operates within its original design flows and loadings from 1995 which, based on current capacity, is in need of update, improvement and expansion; and

WHEREAS, the Nation, plans to make several improvements to the Wazee Area Wastewater Treatment Plant, Sewage Collection System, and other related facilities ("the Project"), and the Commission updated the Legislature regarding the need for improvements to the facility; and

WHEREAS, since the Legislature authorized the Nation to apply for funding for the Project, the Nation expects to borrow funds and incur debt from one or more possible sources on a long-term basis by utilizing Wisconsin Environmental Improvement Funds ("EIF") Funds through the Wisconsin Department of Natural Resources ("DNR"), issuing tax-exempt bonds, promissory notes, or other "debt" to finance the Project ("the Loan"); and

WHEREAS, because proceeds of the debt which will provide project financing will not become available prior to commencement of the Project, the Nation may need to provide interim financing to cover costs of the Project incurred prior to receipt of the Loan, or other debt proceeds; and

WHEREAS, it is necessary, desirable, and in the best interest of the Nation to use moneys from its funds on an interim basis until the Loan becomes available.

NOW, THEREFORE, BE IT RESOLVED, by the Legislature of the Nation that:

Section 1. Expenditure of Funds: The Nation shall make expenditures as needed from its funds to pay the costs of the Project until loan proceeds become available.

Section 2. Declaration of Official Intent: The Legislature of the Ho-Chunk Nation hereby officially declares its intent under 26 CFR Section 1.150-2 to reimburse said expenditures with proceeds of the debt, the principal amount of which is not expected to exceed $10,375,000.

Section 3. Effective Date: This Resolution shall become effective upon its adoption and approval.

CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13** members of whom **_8_** constituting a quorum were present at a meeting duly called and convened and held on the **21st** day of **December, 2010**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **_8_ members, _0_ opposed, and _0_ abstaining,** pursuant to the authority of Article V, Section 2 (a) through (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 — December 21, 2010

Hope B. Smith, Tribal Secretary — Date

THE GREAT SEAL OF THE HO-CHUNK NATION