

2020  
ANNUAL GENERAL COUNCIL



ONLINE GENERAL COUNCIL MEETING  
HCG-WD  
LOWER DELLS BALLROOM  
WISCONSIN DELLS, WI 53965

**HO-CHUNK NATION 2020 ANNUAL GENERAL COUNCIL  
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# **OFFICE OF GENERAL COUNCIL MISSION STATEMENT**

The clear and explicit actions of the General Council Branch shall serve as the framework in which the Office of General Council will act to serve the rights of the people of the Ho-Chunk Nation.

**Ho-Chunk Nation 2020 Annual General Council**

Online GC2020 Meeting Broadcasted from  
Ho-Chunk Gaming – WI Dells - S3214 County Hwy BD, Baraboo, WI 53913

**December 5, 2020**

**PROPOSED AGENDA**

- A. ROLL CALL**
- B. CALL TO ORDER**
- C. DETERMINATION OF QUORUM – (COMPLETED BY ELECTRONIC MEANS, AS STATED IN THE CURRENT MEETING PROCEDURES)**
- D. OPENING SONG & PRAYER**
  - 1. SELECTION OF PRESIDING CHAIR OF THE GENERAL COUNCIL*
  - 2. PRESIDING CHAIR SHALL APPOINT THE RECORDING SECRETARY*
  - 3. VOTE TO CONTINUE IN A VIRTUAL MEETING**
- E. MEETING MINUTES**
  - 1. APPROVAL OF ANNUAL GENERAL COUNCIL 2019 MEETING MINUTES*
- F. REPORTS**
  - 1. LEGISLATIVE BRANCH*
  - 2. JUDICIAL BRANCH*
- G. UNFINISHED BUSINESS – 2019 RESOLUTIONS TABLED FOR GC2020**
  - 1. 2019 TABLED RESOLUTION -09-14-19 E – POLICY FOR HIRING GENERAL COUNCIL ATTORNEY*
  - 2. 2019 TABLED RESOLUTION 09-14-19 F – REVERSING LEGISLATIVE ACTION APPROVAL OF OFFICE OF GENERAL COUNCIL ESTABLISHMENT & ORGANIZATION ACT RESOLUTION 01-19-17 P*
- H. NEW BUSINESS - RESOLUTIONS**

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_
- D. \_\_\_\_\_
- E. \_\_\_\_\_
- F. \_\_\_\_\_
- G. \_\_\_\_\_
- H. \_\_\_\_\_
- I. \_\_\_\_\_
- J. \_\_\_\_\_

**I. Adjournment**

## HO-CHUNK NATION GENERAL COUNCIL

### RESOLUTION TITLE: CLARIFYING AND AMENDING 2007 GENERAL COUNCIL MEETING PROCEDURES RESOLUTION 12 – 05 - 2020 \_\_\_\_\_

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- WHEREAS**, on November 1, 1994, the United States Secretary of Interior approved a new Constitution for the Ho-Chunk Nation (“Constitution”), formerly known as the Wisconsin Winnebago Nation; and
- WHEREAS**, the Ho-Chunk Nation (“Nation”) is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS**, pursuant to Article IV, Section 1 of the Constitution, the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and
- WHEREAS**, pursuant to Article IV, Section 1, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and
- WHEREAS**, pursuant to Article IV, Section 3 (a) of the Constitution, the General Council retains the power to set policy for the Nation; and
- WHEREAS**, pursuant to Article IV, Section 3 (f) of the Constitution, Actions by the General Council shall be binding; and
- WHEREAS**, pursuant to Article IV, Section 5 of the Constitution, and Article IV, Section 2 (j) of the Constitution, an Annual meeting has been duly called and notice duly given by the President; and
- WHEREAS**, pursuant to Article IV, Section 7 of the Constitution, twenty (20) percent of eligible voters of the Nation present in General Council shall constitute a quorum; and
- WHEREAS**, pursuant to Article IV, Section 7 of the Constitution, each Action of the General Council shall require the presence of a quorum; and
- WHEREAS**, pursuant to Article IV, Section 3 (d) and (f) of the Constitution, the General Council retained the power “to establish its own procedures; and “actions by the General Council shall be binding;” and
- WHEREAS**, in the attached Resolution 10-20-07C the General Council adopted the 2007 General Council Meeting Procedures; and pursuant to paragraph 4 of the attached procedures a “[q]uorum may be established through electronic registration.”

**WHEREAS,** on January 30, 2020 the World Health Organization has declared COVID-19 a Public Health Emergency of International Concern; and on January 31, 2020, the United States Department of Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States in response to the presence of COVID-19 within the United States; and on March 11, 2020, the World Health Organization (“WHO”) declared the COVID-19 outbreak a pandemic; and;

**WHEREAS,** on March 13, 2020 in *Resolution 3-12-20A* and *Executive Administrative Order March 13, 2020-1*, the Ho-Chunk Nation Legislature and the President declared a state of emergency concerning the tribal and national response to the coronavirus (known as COVID-19), and set in place measures to protect the Nation, its Members and employees, including travel restrictions and adherence to certain federal recommendations and guidance to protect against the spread of such virus; and

**WHEREAS,** on March 12, 2020, Wisconsin Governor Tony Evers declared a public health emergency; and on March 13, 2020, U.S. President issued a proclamation declaring that the COVID-19 outbreak in the United States constitutes a national emergency; and

**WHEREAS,** on March 24, 2020 Wisconsin Secretary-designee Andrea Palm issued Emergency Order #12, Safer at Home Order, requiring everyone in Wisconsin stay at home or place of residents except in limited circumstances and also closing restaurants, casinos and other business; a State of Wisconsin Safer at Home Order prohibiting public gatherings which was extended on April 1, 2020; and on May 13, 2020 the Wisconsin Supreme Court struck down the Safer at Home Emergency Order; and

**WHEREAS,** on July 30, 2020, Wisconsin Governor Tony Evers declared a public health emergency as the “vast majority of Wisconsin is now experiencing high virus activity levels, with some experiencing uncontrolled spread, and without quick intervention there will be uncontrolled spread of COVID-19 infections statewide which will lead to unnecessary serious illness or death, overwhelming our healthcare system, prevent schools from fully re openings and unnecessarily undermine economic stability;” and in Emergency Order #1 Governor Evers required face coverings in public places; and

**WHEREAS,** on October 6, 2020 Wisconsin Secretary-designee Andrea Palm issued Emergency Order #3 Limiting Public Gatherings prohibiting large groups of people from gathering in indoor spaces that are open to the public, encouraging wearing a face mask and restricting travel; and

**WHEREAS,** on November 10, 2020 Wisconsin Governor Tony Evers issued Executive Order #94 recommending actions every “Wisconsinite Should Take to Protect their Family, Friends, and Neighbors from COVID-19” as the numbers of cases continue to increase as do the number of people who die every day and

coronavirus is the leading cause of death in Wisconsin for 2020 such order recommends that to avoid gatherings of any size between individuals who are not members of the same living unit or household and maintain physical distancing of at least 6 feet between individuals; and

**WHEREAS,** on November 12, 2020 the Ho-Chunk Nation Department of Health issued a “COVID-19 Update Take Care of One Another by Staying Home” due to the “extreme increases in COVID-19 cases in Ho-Chunk Nation” recognizing that surrounding communities and health facilities are experiencing similar issues; and to prevent the shortage of staff and closing of services encouraging all Ho-Chunk Nation family stop having gatherings outside the household; and

**WHEREAS,** the 2007 General Council Meeting Procedures allow for a virtual meeting setting including allowing electronic registration for verifying a quorum; however, to remove all doubt, it is in the best interests of the General Council to clarify its own meeting procedures; and

**WHEREAS,** pursuant to Article IV, Section 5 of Constitution the people shall meet in General Council at least one time each year and to address the unprecedented times during this COVID-19 pandemic and to expand future capability to attend annual meetings, a clarifying amendment to the General Council Meeting Procedures of 2007 Paragraph 4 is required to clarify that to establish a quorum Ho-Chunk Nation members may be present via telephonic, computer, or other technologic means to count toward a quorum and fully participate in the meeting.

**NOW THEREFORE BE IT RESOLVED** that the General Council hereby clarifies the General Council Meeting Procedures by approving the following amendment to the 2007 General Council Meeting Procedures effective immediately and which shall apply to the 2020 General Council meeting held on Saturday December 5, 2020:

Paragraph 4 of the 2007 General Council Meeting Procedures is amended by adding the following language to the existing paragraph:

Ho-Chunk Nation members may be present via telephonic, computer, or other technologic means to count toward a quorum. Any member attending via telephonic, computer or other technologic means may fully participate in the meeting including making motions, voting and participating in discussion.

### **CERTIFICATION**

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of \_\_\_\_\_ members, of whom \_\_\_\_\_ constituting a quorum were present at a meeting duly called and convened and held on the 5<sup>th</sup> day of December, 2020, that the foregoing resolution was adopted at said meeting by affirmative vote of \_\_\_\_\_ members, \_\_\_\_\_ opposed, and \_\_\_\_\_ abstaining, pursuant to the authority of

Article IV, Section 3 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.

\_\_\_\_\_  
Tribal Secretary

\_\_\_\_\_  
Date



## **GENERAL COUNCIL**

### **A Resolution to Adopt a Proposed General Counsel Meeting Scenario B as provided under the Ho-Chunk Constitution, Article IV, Section 3 (d)(f) Powers Retained by the General Council**

#### **RESOLUTION 10-20-07C**

**WHEREAS**, on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Nation; and

**WHEREAS**, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and

**WHEREAS**, pursuant to Article IV, Section 1 of the Constitution, the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and

**WHEREAS**, pursuant to Article IV, Section 1, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and

**WHEREAS**, pursuant to Article IV, Section 3 (a), the General Council retains the power to set policy for the Nation; and

**WHEREAS**, pursuant to Article IV, Section 3 (b), the General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council; and

**WHEREAS**, pursuant to Article IV, Section 3 (b), the General Council retains the power to review and reverse decisions of the Judiciary which interpret actions of the Legislature. The General Council does not retain the power to review and reverse decisions of the Judiciary which interpret this Constitution; and

**WHEREAS**, pursuant to Article IV, Section 3 (c), the General Council retains the power to propose amendments in accordance with Article XIII, including those which reverse decisions of the Judiciary interpreting the Constitution; and

**WHEREAS**, pursuant to Article IV, Section 3 (e), the General Council retains the power to call a Special Election; and

**WHEREAS**, pursuant to Article IV, Section 3 (f), action by the General Council shall be binding; and

**WHEREAS**, pursuant to Article IV, Section 5, and Article VI, Section 2 (j), an Annual meeting has been duly called and notice duly given by the President; and

**WHEREAS**, pursuant to Article IV, Section 7, twenty (20) percent of the eligible voters of the Nation present in General Council shall constitute a quorum; and

**WHEREAS**, pursuant to Article IV, Section 7, each action of the General Council shall require the presence of a quorum; and

**WHEREAS**, during June 5<sup>th</sup>, 2007 General Primary Run-off Election there was a Non-binding Referendum Ballot for General Council Meeting Procedures Scenarios. There were three choices A, B, and C; scenario B had the highest number of votes. Scenario B will is on the agenda for adoption.

**WHEREAS**, attached is Proposed General Council Meeting Scenario B.

**NOW THEREFORE BE IT RESOLVED** that the Ho-Chunk Nation General Council hereby requests that the attached General Council Meeting Scenario B regarding Article IV General Council Section 3 Powers retained by the General Council (d) The General Council retains the power to establish its own procedures in accordance with the Constitution and Article IV General Council Section 3 Powers retained by the General Council (f) Actions by the General Council shall be binding and General Council Meeting Procedures (2007) be admitted for adoption (as outlined in the attached Scenario B).

**BE IT FURTHER RESOLVED** that the General Council hereby adopts this resolution as a policy.

#### CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of 4846 members, of whom 969,2 constituting a quorum were present at a meeting duly called and convened and held on the 20<sup>th</sup> day of October, 2007, that the foregoing resolution was adopted at said meeting by an affirmative vote of 1049 members, 150 opposed, and 230 abstaining, pursuant to the authority of Article IV, Section 3 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.

TRIS T. CLEVELAND  
Secretary

October 20, 2007  
Date

**Constitution of the Ho-Chunk Nation 1994:**

**Article IV – General Council Section 3. pg 3 Powers retained by the General Council (d) *The General Council retains the power to establish its own procedures in accordance with this Constitution.***

**Article IV – General Council Section 3 pg 4 Powers retained by the General Council (f) *Actions by the General Council shall be binding.***

**General Council Meeting Procedures (2007) (RESOLUTION 10-20-07C)**

1. **Admission**  
Admission to Annual or Special General Council meeting shall be open to Ho-Chunk Nation members.
2. **Roll Call**  
Established through registration.
3. **Call to Order**  
General Council may be called to order by any Ho-Chunk Member.
4. **Determination of quorum**  
**Quorum may be established through electronic registration.** Confirmation of quorum will be tested throughout the day by random sampling. No action by General Council is valid without quorum.
5. **Prayer and song**
6. **Selection of Presiding Chair of the General Council**  
When quorum is attained, the General Council shall select either the President or another person to conduct the meeting.
  - A. Nominations shall be made from the floor; the floor will be open for 5 minutes
    - A1. Any Ho-Chunk Nation member may nominate any enrolled Ho-Chunk Nation member present.
    - A2. There must be a motion to close nominations from the floor before voting on chairperson.
7. **Presiding Chair shall appoint the Recording Secretary**
  - A. The chairperson shall select a Ho-Chunk Nation member as the official Recording Secretary.
  - B. The Recording Secretary shall record all business of the General Council meeting.
  - C. The Recording Secretary may ask for assistance; however there will be only one official Recording Secretary for the General Council meeting.
8. **Meeting Minutes**  
The Recording Secretary shall take, or cause to be taken, minutes of the meeting. The minutes shall include, at a minimum, the following:
  1. Time of meeting called to order.
  2. Roll Call
  3. Time quorum was established
  4. Record if at any time quorum was lost and regained
  5. A record or summary of all motions, proposals, resolutions or other matter formally voted upon, the results of the vote.

6. Times when body is recessed, if applicable.

7. Time of adjournment

It is also the responsibility of the recording secretary to submit the Official signed minutes of the General Council to the Ho-Chunk Nation Legislature no less than 5 days after the General Council has adjourned.

9. **Sergeant at arms**

The Bear Clan, peacekeepers of the Ho-Chunk Nation, shall be the designated security to insure safety and order of the meeting. Duties include:

A. Maintain order

B. Remove from premises any member(s) who displays any lack of respect after 3 warnings

C. Assist the Presiding Chair to maintain order during the meeting.

10. **Agenda**

General council will follow a standard form of operations as accepted by Ho-Chunk Nation that will utilize the following guidelines for conducting a meeting:

A. *Roll call*

B. *Call to order:*

C. *Determination of quorum*

D. *Opening prayer*

E. *Meeting minutes (previous general council meeting)*

F. *Reports*

*1. Legislative Branch*

*2. Judicial Branch*

G. *Unfinished business*

H. *New business*

a. Ho-Chunk Nation Members are responsible for their own agenda item.

b. Agenda items will be offered from the floor; the floor will be open for 15 minutes.

c. Agenda shall be approved by vote

d. However, if the General Council has been called for a Special meeting, the Special meeting item shall be the first order of business

11. **Procedures for motions**

All persons are to use a microphone

A. The Ho-Chunk Nation member shall identify their membership to the Presiding Chair by name, and enrollment number. That person shall have 5 minutes to present motion/resolution, more time if deemed necessary by the Presiding Chair.

B. There must be a second to every motion

C. When deemed appropriate the presiding chairperson will call for the question, end the discussion and voting will begin.

12. **Voting**

- A. Voting on all matters that come before the General Council meeting shall be restricted to enrolled Ho-Chunk Nation members 18 years old and older.
- B. Each vote requires that a quorum must be present
- C. A simple majority vote shall determine the pass or failure of motions and/or resolutions; with the following exceptions:

**C1. Ho-Chunk Nation Constitution Article II – Membership section 3. Re-enrollment by General Council Pg. 2** *Any person at least one-fourth (1/4) Ho-Chunk blood who has relinquished membership under Section 2 of this Article may be re-enrolled by a two-thirds (2/3) vote of the General Council, provided, that such individual is not an enrolled member of any other Indian Nation.*

**C2. Ho-Chunk Nation Constitution Article II – Membership section 5. Membership code. Pg. 2.** ~~*The legislature shall have the power to enact laws not inconsistent with this Article to govern membership. Removal of any person who is not eligible for membership from the Membership Roll shall be done in accordance with the Membership Code, provided, that such removal is approved by at least a two thirds (2/3) vote of the General Council. [Amendment XVI adopted on January 26, 2016, which became effective on February 11, 2016 by operation of law.]*~~  
**Constitution of the Ho-Chunk Nation, Article II Membership, Section 5, Membership Code. Pg.2** *The Legislature shall have the power to enact laws not inconsistent with this Article to govern membership. Removal of any person who is not eligible for membership from the Membership Roll shall be done in accordance with the Membership Code. Removal of any person from the Membership roll shall be determined by the Judiciary. The rule of law shall be applied based on the evidence and DNA evidence. All decisions of the Judiciary shall be final.*

13. **Discussion**

- A. All General Council members attending shall be allowed the privilege of the floor.
- B. After gaining recognition from the chair to speak the speaker shall first clearly state his/her name and Ho-Chunk enrollment number so that the secretary may keep an accurate record of the proceedings
- C. If, in the opinion of the chair or the voting body, it becomes necessary to limit discussion because of time constraints, each item will be limited to fifteen (15) minutes total agenda time for discussion. Limits on each speaker may be imposed as determined by presiding chairperson; unless removal or recall proceedings in progress. (When time limits are imposed, a timekeeper shall be used.)
- D. No person may speak more than once on a subject until all others who wish to speak have had an opportunity to do so; with the exception of persons subject to a recall or removal.

14. **Resolutions and motions**

- A. Actions taken by resolution are effective ratified immediately.
- B. Resolutions and motions are made by Enrolled Ho-Chunk voting members only.

15. **Adjournment**

The action of adjournment hereby ratifies all binding actions of General Council.

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**2019 Annual General Council  
Resolution  
9/14/2019-E**

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## HO-CHUNK NATION GENERAL COUNCIL

### RESOLUTION TITLE: POLICY FOR HIRING GENERAL COUNCIL ATTORNEY

RESOLUTION 12 - 05 - 2020 - \_\_\_\_\_

- WHEREAS**, on November 1, 1994, the United States Secretary of Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Nation; and
- WHEREAS**, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS**, pursuant to Article IV, Section 1 of the Constitution, the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and
- WHEREAS**, pursuant to Article IV, Section 1, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and
- WHEREAS**, pursuant to Article IV, Section 3 (a), the General Council retains the power to set policy for the Nation; and
- WHEREAS**, pursuant to Article IV, Section 3 (b), the General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council; and
- WHEREAS**, pursuant to Article IV, Section 3 (b), the General Council retains the power to review and reverse decisions of the Judiciary which interpret actions of the Legislature. The General Council does not retain the power to review and reverse decisions of the Judiciary which interpret this Constitution; and
- WHEREAS**, pursuant to Article IV, Section 3 (c), the General Council retains the power to propose amendments in accordance with Article XIII, including those which reverse decisions of the Judiciary interpreting this Constitution; and
- WHEREAS**, pursuant to Article IV, Section 3 (e), the General Council retains the power to call a Special Election; and
- WHEREAS**, pursuant to Article IV, Section 3 (f), action by the General Council shall be binding; and

**WHEREAS,** pursuant to Article IV, Section 5, and Article VI Section 2 (j), an Annual Meeting has been duly called and notice duly given by the President; and

**WHEREAS,** pursuant to Article IV, Section 7, twenty (20) percent of the eligible voters of the Nation present in General Council shall constitute a quorum; and

**WHEREAS,** pursuant to Article IV, Section 7, each action of the General Council shall require the presence of a quorum; and

**WHEREAS,** Article IV, Section 3(g) entitled Powers Retained by the General Council provides that the, “General Council Branch delegates authority to General Council Agency to select, hire manage and supervise General Council Branch personnel to accomplish the tasks mandated by General Council;” and

**WHEREAS,** pursuant to Article IV, Section 3 (d), “[t]he General Council retains the power to establish its own procedures . . .”and

**WHEREAS,** pursuant to Article IV, Section 3 (a), the General Council retains the power to “file suit in the Ho-Chunk Nation Court against elected officials of the Ho-Chunk Nation branch of government” “[i]n the event that the policy [passed by the General Council] is not enacted by the Legislature Branch or enforced by the Executive Branch within fifteen (15) days of the” deadlines contained in Article IV, Section 3 (a); and

**WHEREAS,** the General Council finds that it is necessary to establish a policy to hire legal counsel to exercise the retained power of the General Council set out in the Article IV; and

**WHEREAS,** the General Council finds and declares as policy that any limitation placed on the General Council attorney which infringes on the General Council’s ability to exercise its exclusive reserved power under Article IV, Section 3 is an infringement upon the power reserved to the General Council; and therefore, that the policy and procedure of the General Council is that any chosen legal counsel must have the ability to sue the other branches of government pursuant to the plain language of the CONSTITUTION and the reserved powers of the General Council; and further General Council requests the Legislative and Executive branches to take action consistent with the policy set forth herein and as required by the CONSTITUTION; and

**WHEREAS,** the General Council adopts the following policy and procedure for hiring General Council legal counsel.

**NOW THEREFORE BE IT RESOLVED,** that the General Council hereby authorizes the hiring of legal counsel either through employment or contract in order to exercise its exclusive power reserved in the CONSTITUTION pursuant to Articles III and IV and for other legal needs of the General Council and General Council Agency; and delegates to the General Council



Advocate, or their successor; the power to hire such attorney including developing selection criteria, reviewing qualifications, making the selection recommendation to the Legislature, if required, for contracting General Council legal counsel, and directing the day to day activities of legal counsel including representation in any pending litigation.

**BE IT FURTHER RESOLVED**, the General Council requests that the Legislature adopt the General Council policy set forth above and implement the policy in a manner, which does not infringe upon the General Council's exclusive reserved powers pursuant to Article IV, Section 3 and Article III, Section 3.

### CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of \_\_\_\_\_ members, of whom \_\_\_\_\_ constituting a quorum were present at a meeting duly called and convened and held on the 5<sup>th</sup> day of December, 2020, that the foregoing resolution was adopted at said meeting by affirmative vote of \_\_\_\_\_ members, \_\_\_\_\_ opposed, and \_\_\_\_\_ abstaining, pursuant to the authority of Article IV, Section 3 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.

\_\_\_\_\_  
Tribal Secretary

\_\_\_\_\_  
Date

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**2019 Annual General Council  
Resolution  
9/14/2019-F**

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## HO-CHUNK NATION GENERAL COUNCIL

### RESOLUTION TITLE: REVERSING LEGISLATIVE ACTION APPROVAL OF OFFICE OF GENERAL COUNCIL ESTABLISHMENT & ORGANIZATION ACT RESOLUTION 01-19-17P

#### RESOLUTION 12-05-2020 - \_\_\_\_\_

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- WHEREAS**, on November 1, 1994, the United States Secretary of Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Nation; and
- WHEREAS**, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS**, pursuant to Article IV, Section 1 of the Constitution, the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and
- WHEREAS**, pursuant to Article IV, Section I, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and
- WHEREAS**, pursuant to Article IV, Section 3 (a), the General Council retains the power to set policy for the Nation; and
- WHEREAS**, pursuant to Article IV, Section Article 3 (b), the General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council; and
- WHEREAS**, pursuant to Article IV, Section 3 (b), the General Council retains the power to review and reverse decisions of the Judiciary which interpret actions of the Legislature. The General Council does not retain the power to review and reverse decisions of the Judiciary which interpret this Constitution; and
- WHEREAS**, pursuant to Article IV, Section 3 (c), the General Council retains the power to propose amendments in accordance with Article XIII, including those which reverse decisions of the Judiciary interpreting this Constitution; and
- WHEREAS**, pursuant to Article IV, Section 3 (e), the General Council retains the power to call a Special Election; and
- WHEREAS**, pursuant to Article IV, Section 3 (f), action by the General Council shall be binding; and

**WHEREAS**, pursuant to Article IV, Section 5, and Article VI Section 2 (j), an Annual Meeting has been duly called and notice duly given by the President; and

**WHEREAS**, pursuant to Article IV, Section 7, twenty (20) percent of the eligible voters of the Nation present in General Council shall constitute a quorum; and

**WHEREAS**, pursuant to Article IV, Section 7, each action of the General Council shall require the presence of a quorum; and

**WHEREAS**, the Ho-Chunk Nation Legislative Branch on January 19, 2017 passed resolution 01-19-19P Approval of Office of General Council Establishment & Organization Act, codified in Title 1 of the Nations Code as I HCC § 18; and

**WHEREAS**, the Ho-Chunk Nation CONSTITUTION Art. IV § 3 (g) entitled Powers Retained by the General Council states:

General Council Branch delegates authority to General Council Agency to select, hire manage and supervise General Council Branch personnel to accomplish the tasks mandated by General Council; and

**WHEREAS**, General Council has been operating under a non-constitutional agency entitled the Office of the General Council for the past two 3 years and has determined after review it shall reverse the action of the Legislature establishing the Office of the General Council codified in Title 1 of the Nations Code as I HCC § 18; and

**WHEREAS**, the General Council has reviewed the Legislative action and finds it must reverse the action as it is inconsistent with the policy of the General Council and the Constitutional Powers Retained by the General Council and is in conflict with the Separation of Powers provision under Article III, Section 3; and enacted based upon the unconstitutional disestablishment of the General Council Agency absent a constitutional amendment.

**NOW THEREFORE BE IT RESOLVED**, that the General Council hereby pursuant to Article IV, Section Article 3 (b) of the CONSTITUTION, reviews and reverses the action of the Legislature entitled Approval of the General Council Establishment Act in Legislative Resolution 01-19-17P passed by the Legislature on January I, 2017. The General Council returns this reversal to the Legislature for reconsideration consistent with this action of the General Council.

**BE IT FURTHER RESOLVED** that if any provision of this Resolution is declared or interpreted to be beyond the scope of the Constitutional power of the General Council or otherwise unconstitutional, then that provision shall be struck and the remaining provisions shall remain in full force and effect.

**CERTIFICATION**

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of \_\_\_\_\_ members, of whom \_\_\_\_\_ constituting a quorum were present at a meeting duly called and convened and held on the 5<sup>th</sup> day of December, 2020, that the foregoing resolution was adopted at said meeting by affirmative vote of \_\_\_\_\_ members, \_\_\_\_\_ opposed, and \_\_\_\_\_ abstaining, pursuant to the authority of Article IV, Section 3 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.

\_\_\_\_\_  
Tribal Secretary

\_\_\_\_\_  
Date

2020  
ANNUAL GENERAL COUNCIL



GENERAL COUNCIL  
MEETING PROCEDURES

**Constitution of the Ho-Chunk Nation 1994:**

**Article IV – General Council Section 3. pg 3 Powers retained by the General Council (d) *The General Council retains the power to establish its own procedures in accordance with this Constitution.***

**Article IV – General Council Section 3 pg 4 Powers retained by the General Council (f) *Actions by the General Council shall be binding.***

**General Council Meeting Procedures (2007)**

**1. Admission**

Admission to Annual or Special General Council meeting shall be open to Ho-Chunk Nation members.

**2. Roll Call**

Established through registration.

**3. Call to Order**

General Council may be called to order by any Ho-Chunk Member.

**4. Determination of quorum**

Quorum may be established through electronic registration. Confirmation of quorum will be tested throughout the day by random sampling. No action by General Council is valid without quorum.

**5. Prayer and song**

**6. Selection of Presiding Chair of the General Council**

When quorum is attained, the General Council shall select either the President or another person to conduct the meeting.

**A.** Nominations shall be made from the floor; the floor will be open for 5 minutes

**AI.** Any Ho-Chunk Nation member may nominate any enrolled Ho-Chunk Nation member present.

**A2.** There must be a motion to close nominations from the floor before voting on chairperson.

**7. Presiding Chair shall appoint the Recording Secretary**

**A.** The chairperson shall select a Ho-Chunk Nation member as the official Recording Secretary.

**B.** The Recording Secretary shall record all business of the General Council meeting.

**C.** The Recording Secretary may ask for assistance; however there will be only one official Recording Secretary for the General Council meeting.

**8. Meeting Minutes**

The Recording Secretary shall take, or cause to be taken, minutes of the meeting. The minutes shall include, at a minimum, the following:

**1.** Time of meeting called to order.

**2.** Roll Call

**3.** Time quorum was established

**4.** Record if at any time quorum was lost and regained

**5.** A record or summary of all motions, proposals, resolutions or other matter formally voted upon, the results of the vote.

6. Times when body is recessed, if applicable.

7. Time of adjournment

It is also the responsibility of the recording secretary to submit the Official signed minutes of the General Council to the Ho-Chunk Nation Legislature no less than 5 days after the General Council has adjourned.

9. **Sergeant at arms**

The Bear Clan, peacekeepers of the Ho-Chunk Nation, shall be the designated security to insure safety and order of the meeting. Duties include:

- A. Maintain order
- B. Remove from premises any member(s) who displays any lack of respect after 3 warnings
- C. Assist the Presiding Chair to maintain order during the meeting.

10. **Agenda**

General council will follow a standard form of operations as accepted by Ho-Chunk Nation that will utilize the following guidelines for conducting a meeting:

- A. *Roll call*
- B. *Call to order:*
- C. *Determination of quorum*
- D. *Opening prayer*
- E. *Meeting minutes (previous general council meeting)*
- F. *Reports*
  - 1. *Legislative Branch*
  - 2. *Judicial Branch*
- G. *Unfinished business*
- H. *New business*
  - a. Ho-Chunk Nation Members are responsible for their own agenda item.
  - b. Agenda items will be offered from the floor; the floor will be open for 15 minutes.
  - c. Agenda shall be approved by vote
  - d. However, if the General Council has been called for a Special meeting, the Special meeting item shall be the first order of business

11. **Procedures for motions**

All persons are to use a microphone

- A. The Ho-Chunk Nation member shall identify their membership to the Presiding Chair by name, and enrollment number. That person shall have 5 minutes to present motion/resolution, more time if deemed necessary by the Presiding Chair.
- B. There must be a second to every motion
- C. When deemed appropriate the presiding chairperson will call for the question, end the discussion and voting will begin.



12. **Voting**

- A. Voting on all matters that come before the General Council meeting shall be restricted to enrolled Ho-Chunk Nation members 18 years old and older.
- B. Each vote requires that a quorum must be present
- C. A simple majority vote shall determine the pass or failure of motions and/or resolutions; with the following exceptions:

**C1. Ho-Chunk Nation Constitution Article ii – Membership section 3. Re-enrollment by General Council Pg 2** *Any person at least one-fourth (1/4) Ho-Chunk blood who has relinquished membership under Section 2 of this Article may be re-enrolled by a two-thirds(2/3) vote of the General Council, provided , that such individual is not an enrolled member of any other Indian Nation.*

**C2. Ho-Chunk Nation Constitution Article ii – Membership section 5. Membership code Pg 2.** *The legislature shall have the power to enact laws not inconsistent with this Article to govern membership. Removal of any person who is not eligible for membership from the Membership Roll shall be done in accordance with the Membership Code, provided, that such removal is approved by at least a two-thirds (2/3) vote of the General Council.*

13. **Discussion**

- A. All General Council members attending shall be allowed the privilege of the floor.
- B. After gaining recognition from the chair to speak the speaker shall first clearly state his/her name and Ho-Chunk enrollment number so that the secretary may keep an accurate record of the proceedings
- C. If, in the opinion of the chair or the voting body, it becomes necessary to limit discussion because of time constraints, each item will be limited to fifteen (15) minutes total agenda time for discussion. Limits on each speaker may be imposed as determined by presiding chairperson; unless removal or recall proceedings in progress. (When time limits are imposed, a timekeeper shall be used.)
- D. No person may speak more than once on a subject until all others who wish to speak have had an opportunity to do so; with the exception of persons subject to a recall or removal.

14. **Resolutions and motions**

- A. Actions taken by resolution are effective ratified immediately.
- B. Resolutions and motions are made by Enrolled Ho-Chunk voting members only.

15. **Adjournment**

The action of adjournment hereby ratifies all binding actions of General Council.

**ADOPTED BY GENERAL COUNCIL**

2020 ANNUAL GENERAL COUNCIL



2019 GENERAL COUNCIL  
MEETING MINUTES AND  
CERTIFIED RESOLUTIONS

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# GC2019

## MEETING MINUTES

**2019 GENERAL COUNCIL MEETING MINUTES**  
**Kalahari Resort – Wisconsin Dells, WI**  
**SEPTEMBER 14, 2019**

**I. ROLL CALL:**

Quorum was established through registration at 11:14 a.m.

**II. DETERMINATION OF QUORUM:**

Quorum was established electronically at 11:14 a.m., with 2,260 voting members present. (1,439 members required for quorum)

**III. OPENING PRAYER:**

Martin Littlewolf, Sr., offered the prayer on behalf of the Ho-Chunk Nation.

**IV. REPORTS:**

- Vice President Karen Thundercloud, District 1 Legislator, reported on the Legislative Branch.
- Chief Judge JoDeen B. Lowe provided a Judicial Report on behalf of the Judicial Branch.

**V. SELECTION OF PRESIDING CHAIRPERSON:**

Nathaniel Longtail opens the nominations for General Council presiding Chairperson. Three members were nominated and each received a second.

**GENERAL COUNCIL VOTES FOR PRESIDING CHAIRPERSON**

Wilfrid Cleveland 650

Gerald Cleveland 514

Nathaniel Longtail 435

Total Votes 1,599

**WILFRID CLEVELAND 0351 IS PRESIDING CHAIRMAN**

Chairman Wilfrid Cleveland 0351 appoints Pamela M. Wilber 1694 as Recording Secretary with Tina Brown 0216 to assist her.

**VI. CALL TO ORDER:**

Chairman Wilfrid Cleveland 0336 called the meeting to order at 11:55 a.m.

General Council Meeting Minutes 2019

President Marlon Whiteagle gave a report from the Office of the President.

**VII. APPROVAL OF MINUTES:**

Alice Wood 1442 motions to approve the minutes of General Council 2018.

Sheridan Cloud 2869 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE THE MINUTES**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,497	48	56	1,601

**MOTION CARRIED.**

**VIII. AGENDA:**

Tribal members made the motions to put the following resolutions on the agenda:

- A. MOTION by Sanford Decorah 5594 to add 09-14-19-A. Minor Trust Policy for Returns on Investment. Sandra Decorah 0984 seconds the motion.
- B. MOTION by Sheridan Cloud 2869 to add 09-14-19-B. Constitutional Amendment & Constitutional (FMA/AKA Secretarial) Elections at the Annual General Council. Susan Greengrass 2955 seconds the motion
- C. MOTION by Robert Funmaker 0915 to add 09-14-19-C. Contract Disclosure to Legislature. Michael Thunder 6182 seconds the motion.
- D. MOTION by Ben Krause 8132 to add 09-14-19-D. Reinstatement of General Council Agency. Karen Hopinka Ramberg 1234 seconds the motion.
- E. MOTION by Ben Krause 8132 to add 09-14-19-E. Policy for Hiring General Council Attorney. Karen Hopinka Ramberg 1234 seconds the motion.
- F. MOTION by Ben Krause 8132 to add 09-14-19-F. Reversing Legislative Action Approval of Office of General Council Establishment & Organization Act. Karen Hopinka Ramberg 1234 seconds the motion.
- G. MOTION by Andrea Storm 2161 to add 09-14-19-G. Request for Status of Disenrollment of Mary Ellen Blackdeer Anwash. Wayne Blackdeer 0176 seconds the motion.
- H. MOTION by Cari Fay Bohman 1460 to add 09-14-19-H. General Council FY 2021 Budget. Ben Krause 8132 seconds the motion.
- I. MOTION by Jeanine Hellner 1145 to add 09-14-19-I. Declaring the Policy for the General Council to meet on Sovereign Lands of the Ho-Chunk. Scott Hellner 4404 seconds the motion.
- J. MOTION by Jeanine Hellner 1145 to add 09-14-19-J. Request for Comparable Worth Study. Scott Hellner 4404 seconds the motion.
- K. MOTION by Jeanine Hellner 1145 to add 09-14-19-K. Law Enforcement. Scott Hellner 4404 seconds the motion.
- L. MOTION by Lori Funmaker 0891 to add 09-14-19-L. Review and Reverse the Increase in Salary the Legislature Provided to Themselves. Jon Warner 2430 seconds the motion.
- M. MOTION by Gary Funmaker 3182 to add 09-14-19-M. Authorizing the General Council and the President of Ho-Chunk Nation, to investigate further, the Indian Nation Preference to Sell Electric Power from an Indian Nation Controlled - Clean Energy Power Production Plant - to the U.S. Federal Government. Jeremy Rockman 1942 seconds the motion.

Dave WhiteEagle 2527 motions to close the agenda items. Alice Wood 1442 seconds the motion.  
MOTION IS RESCINDED. Alice Wood 1442 concurs.

Tribal member attempted to present items to the agenda via "proxy" – which is not allowed as stated in the HCN General Council Meeting Procedures. *Do-Clunk Nation Members are responsible for their own agenda item.*

Dave WhiteEagle 2527 motions to close the agenda items.  
JoVanna WhiteEagle 4540 seconds the motion.

**GENERAL COUNCIL VOTES TO CLOSE THE AGENDA.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,638	86	58	1,782

**MOTION CARRIED.**

**IX: AGENDA**

- A. Sandra Decorah 0984 motions to approve Resolution 09-14-19-A: Minor Trust Policy for Returns on Investment. Bethel St. Cyr 5564 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 09-14-19-A.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,111	490	223	1,824

**MOTION CARRIED.**

- B. Sheridan Cloud 2869 motions to approve Resolution 09-14-19-B: Constitutional Amendment & Constitutional (FMA/AKA Secretarial) Elections at the Annual General Council. Parmenton Decorah 0620 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 09-14-19-B.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,282	356	184	1,822

**MOTION CARRIED.**

- C. Robert Funmaker 10915 motions to approve Resolution 09-14-19-C: Contract Disclosure to Legislature Bethel St. Cyr 5564 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 09-14-19-C.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,238	452	209	1,899

**MOTION CARRIED.**

- D. Ben Krause 8123 motions to approve Resolution 09-14-19-D: Reinstatement of General Council Agency. Karen Hopinka Ramberg 1234 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 09-14-19-D.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
423	1,304	136	1,863

**MOTION DEFEATED.**

- E. Ben Krause 8132 motions to table Resolution 09-14-19-E: Policy for Hiring General Council Attorney. Karen Hopinka Ramberg 1234 seconds the motion.

**GENERAL COUNCIL VOTES TO TABLE RESOLUTION 09-14-19-E.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,258	344	178	1,780

**MOTION CARRIED.**

- F. Ben Krause 8132 motions to table Resolution 09-14-19-F: Reversing Legislative Action Approval of Office of General Council Establishment & Organization Act. Karen Hopinka Ramberg 1234 seconds the motion.

**GENERAL COUNCIL VOTES TO TABLE RESOLUTION 09-14-19-F.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,412	193	183	1,788

**MOTION CARRIED.**

G. Resolution 09-14-19-G called for Request of Status – status and statements were made. No action taken.

H. Cari Fay Bohman 1460 motions to approve Resolution 09-14-19-H: General Council FY 2021 Budget.  
Ben Krause 8132 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 09-14-19-H.**

YES OR ACCEPT	NO OR REJECT	ABSTAIN	TOTAL VOTES
979	648	249	1,876

**MOTION CARRIED.**

Myrtle Long 1580 motions to adjourn.  
Bonnie Smith 2660 seconds the motion.

**GENERAL COUNCIL VOTES TO ADJOURN.**

YES OR ACCEPT	NO OR REJECT	ABSTAIN	TOTAL VOTES
1,043	848	78	1,969

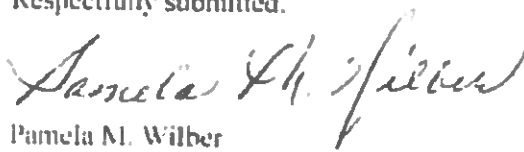
**MOTION CARRIED.**

Chairman Wilfrid Cleveland adjourns the meeting at 4:28 p.m.

**ATTACHMENTS:**

**Resolutions 09/14-19-A through 09-14-19-H**

Respectfully submitted.



Pamela M. Wilber

Recording Secretary

(Tina Brown, Assistant Secretary)



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**GC2019**  
**CERTIFIED RESOLUTIONS**

**2019 Annual General Council  
Resolution  
9/14/2019-A**

## HO-CHUNK NATION GENERAL COUNCIL

### RESOLUTION TITLE: MINOR TRUST POLICY FOR RETURNS ON INVESTMENT

RESOLUTION 09-14-2019- A

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- WHEREAS**, on November 1, 1994, the United States Secretary of Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Nation; and
- WHEREAS**, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS**, pursuant to Article IV, Section 1 of the Constitution, the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and
- WHEREAS**, pursuant to Article IV, Section 1, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and
- WHEREAS**, pursuant to Article IV, Section 3 (a), the General Council retains the power to set policy for the Nation; and
- WHEREAS**, pursuant to Article IV, Section Article 3 (b), the General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council; and
- WHEREAS**, pursuant to Article IV, Section 3 (b), the General Council retains the power to review and reverse decisions of the Judiciary which interpret actions of the Legislature. The General Council does not retain the power to review and reverse decisions of the Judiciary which interpret this Constitution; and
- WHEREAS**, pursuant to Article IV, Section 3 (c), the General Council retains the power to propose amendments in accordance with Article XIII, including those which reverse decisions of the Judiciary interpreting this Constitution; and
- WHEREAS**, pursuant to Article IV, Section 3 (e), the General Council retains the power to call a Special Election; and
- WHEREAS**, pursuant to Article IV, Section 3 (f), action by the General Council shall be binding; and

**WHEREAS,** pursuant to Article IV, Section 5, and Article VI Section 2 (j), an Annual Meeting has been duly called and notice duly given by the President; and

**WHEREAS,** pursuant to Article IV, Section 7, twenty (20) percent of the eligible voters of the Nation present in General Council shall constitute a quorum; and

**WHEREAS,** pursuant to Article IV, Section 7, each action of the General Council shall require the presence of a quorum; and

**WHEREAS,** the Ho-Chunk Nation Per Capita Distribution Ordinance (2 HCC 12) Section 8 provides that all per capita amounts held for the benefit of a minor "shall be held in an account for the benefit of each such Member-beneficiary under the supervision of the Trust and Investment committee and Trial court of the Nation. Trust assets of such Trust Funds shall be invested in a reasonable and prudent manner which protects the principal and seeks a reasonable return;" and

**WHEREAS,** over the course of the past year, minor trust balances have decreased which brings into question whether the minor trusts are invested in a reasonable and prudent manner which seeks a reasonable return.

**NOW, THEREFORE, BE IT RESOLVED,** that the General Council hereby declares the policy that minor trust funds must make a reasonable return.

**BE IT FURTHER RESOLVED** that the Executive and Legislative branches shall take action consistent with the policy stated in this resolution.

**BE IT FURTHER RESOLVED,** that in implementing this policy the General Council requests that the minor trust be removed from portfolios that are not making a reasonable return and placed in an interest-bearing account.

#### CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of 2,216 members, of whom 1,214 constituting a quorum were present at a meeting duly called and convened and held on the 14<sup>th</sup> day of September, 2019, that the foregoing resolution was adopted at said meeting by affirmative vote of 1,111 members, 490 opposed, and 223 abstaining, pursuant to the authority of Article IV, Section 3 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.

Samela M. Fischer  
Tribal Secretary

September 11, 2019  
Date

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**2019 Annual General Council  
Resolution  
9/14/2019-B**

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# CONSTITUTIONAL AMENDMENTS & CONSTITUTIONAL (FKA/AKA SECRETARIAL) ELECTIONS AT THE ANNUAL GENERAL COUNCIL RESOLUTION 9-14-2019 B

## I. POLICY REGARDING CONSTITUTIONAL AMENDMENTS & CONSTITUTIONAL ELECTIONS.

It is the policy of the Ho-Chunk people to have constitutional amendments and the subsequent constitutional/secretarial elections occur at the Ho-Chunk General Council, in conjunction with mail balloting for those in non-attendance. By General Council 2020, the Ho-Chunk Nation Legislature and Election Board should propose lawful amendments and developed procedures to hold constitutional amendments and elections at the 2021 General Council, and present such at General Council 2020.

### A. Rationale: Greater participation in the Electoral Process & Potential Cost Savings

- i. The General Council has a requirement of 20% to reach quorum, which has been met routinely for the past several decades.
- ii. In order to amend the Constitution, it requires that 30% of the Ho-Chunk Nation vote.
  1. *Voter turnout has never been 30% in any election.*
- iii. The process has potential to save funds, as it would not require multiple polling sites, as well as ensure voter turnout.

## 2. LEGAL BASIS

WHEREAS, on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Nation; and

WHEREAS, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, pursuant to Article IV, Section 1 of the Constitution, the People of the Nation hereby grant all inherent sovereign powers to the General Council; and

WHEREAS, pursuant to Article IV, Section 1, all eligible voters of the Nation are entitled to participate in General Council; and

WHEREAS, pursuant to Article IV, Section 2, the General Council "authorizes the [L]egislative [B]ranch to make laws and appropriate funds in accordance with Article V;" and

WHEREAS, pursuant to Article IV, Section 2, the General Council "authorizes the the [E]xecutive [B]ranch to enforce the laws and administer funds in accordance with Article VI;" and

WHEREAS, pursuant to Article IV, Section 2, the General Council "authorizes the [J]udicial [B]ranch to interpret and apply the laws and Constitution of the Nation in accordance with Article VII;" and

WHEREAS, pursuant to Article IV, Section 3 (a), the General Council retains the power to set policy for the Nation; and

WHEREAS, pursuant to Article IV, Section 3 (f), action by the General Council shall be binding; and

WHEREAS, pursuant to Article IV, Section 3 (a), the General Council sets policy for the Nation through "resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council; and

WHEREAS, pursuant to Article IV, Section 5, and Article VI Section 2 (j), an Annual meeting has been duly called and notice duly given by the President; and

WHEREAS, pursuant to Article IV, Section 7, twenty (20) percent of the eligible voters of the Nation present in General Council shall constitute a quorum; and

WHEREAS, pursuant to Article IV, Section 7, each action of the General Council shall require the presence of a quorum; and

NOW THEREFORE BE IT RESOLVED, that the Ho-Chunk Nation General Council sets a binding policy that the constitutional amendments and the subsequent constitutional/secretarial elections occur at the Ho-Chunk General Council, in conjunction with mail balloting for those in non-attendance. By General Council 2020, the Ho-Chunk Nation Legislature and Election Board should propose lawful amendments and developed procedures to hold constitutional amendments and elections at the 2021 General Council, and present such at General Council 2020.

#### CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of 2226 members, of whom 424 constituting a quorum were present at a meeting duly called and convened and held on the 14th day of September 2019, that the foregoing resolution was adopted at said meeting by an affirmative vote of 1282 members, 356 opposed, and 184 abstaining, pursuant to the authority of Article IV, Section 3 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 the said resolution.

Annela M. Silber  
Secretary

September 14, 2019  
Date

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**2019 Annual General Council  
Resolution  
9/14/2019-C**

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## HO-CHUNK NATION GENERAL COUNCIL

### RESOLUTION TITLE: CONTRACT DISCLOSURE TO LEGISLATURE RESOLUTION 09-14-2019 - C

- WHEREAS**, on November 1, 1994, the United States Secretary of Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Nation; and
- WHEREAS**, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS**, pursuant to Article IV, Section 1 of the Constitution, the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and
- WHEREAS**, pursuant to Article IV, Section 1, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and
- WHEREAS**, pursuant to Article IV, Section 3 (a), the General Council retains the power to set policy for the Nation; and
- WHEREAS**, pursuant to Article IV, Section Article 3 (b), the General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council; and
- WHEREAS**, pursuant to Article IV, Section 3 (b), the General Council retains the power to review and reverse decisions of the Judiciary which interpret actions of the Legislature. The General Council does not retain the power to review and reverse decisions of the Judiciary which interpret this Constitution; and
- WHEREAS**, pursuant to Article IV, Section 3 (c), the General Council retains the power to propose amendments in accordance with Article XIII, including those which reverse decisions of the Judiciary interpreting this Constitution; and
- WHEREAS**, pursuant to Article IV, Section 3 (e), the General Council retains the power to call a Special Election; and
- WHEREAS**, pursuant to Article IV, Section 3 (f), action by the General Council shall be binding; and
- WHEREAS**, pursuant to Article IV, Section 5, and Article VI Section 2 (j), an Annual Meeting has been duly called and notice duly given by the President; and

**WHEREAS,** pursuant to Article IV, Section 7, twenty (20) percent of the eligible voters of the Nation present in General Council shall constitute a quorum; and

**WHEREAS,** pursuant to Article IV, Section 7, each action of the General Council shall require the presence of a quorum; and

**WHEREAS,** the General Council determines that it is in the best interests of the Nation for government to be transparent including when running the Nation's businesses; and

**WHEREAS,** when one branch of government does not allow other branches of government access to important information then it is the people of the Ho-Chunk Nation who suffer; and


**WHEREAS,** it has come to General Council's attention that the food and beverage function of the casinos have been contracted out to the company Spectra; however, no other branch of government may review the contract entered into by the executive branch of government raising questions whether the contract is in the best interests of the Nation particularly since Ho-Chunk members who work in food and beverage at the casinos are no longer working for the Nation under this contract.

**NOW THEREFORE BE IT RESOLVED,** that the General Council hereby finds that it is vitally important that the legislature be able to review contracts entered by the executive branch even if the contracts are proprietary.

**BE IT FURTHER RESOLVED** that the Legislative and Executive branches shall take action consistent with the policy set forth in this Resolution as required by the Constitution.

#### CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of 2,234 members, of whom 1,214 constituting a quorum were present at a meeting duly called and convened and held on the 14<sup>th</sup> day of September, 2019, that the foregoing resolution was adopted at said meeting by affirmative vote of 1238 members, 452 opposed, and 309 abstaining, pursuant to the authority of Article IV, Section 3 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.

  
Tribal Secretary

  
Date

**2019 Annual General Council  
Resolution  
9/14/2019-H**

## HO-CHUNK NATION GENERAL COUNCIL

### RESOLUTION TITLE: GENERAL COUNCIL FY 2021 BUDGET RESOLUTION 09 - 14 - 2019 H

- WHEREAS,** on November 1, 1994, the United States Secretary of Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Nation; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** pursuant to Article IV, Section 1 of the Constitution, the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and
- WHEREAS,** pursuant to Article IV, Section 1, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and
- WHEREAS,** pursuant to Article IV, Section 3 (a) of the Constitution, the General Council retains the power to set policy for the Nation; and
- WHEREAS,** pursuant to Article IV, Section 3 (f) of the Constitution, Actions by the General Council shall be binding; and
- WHEREAS,** pursuant to Article IV, Section 5 of the Constitution, and Article IV, Section 2 (j) of the Constitution, an Annual meeting has been duly called and notice duly given by the President, and
- WHEREAS,** pursuant to Article IV, Section 7 of the Constitution, twenty (20) percent of eligible voters of the Nation present in General Council shall constitute a quorum; and
- WHEREAS,** pursuant to Article IV, Section 7 of the Constitution, each Action of the General Council shall require the presence of a quorum; and
- WHEREAS,** pursuant to the Appropriations and Budget Process Act, 2 HCC § 4 (5)(b)(4), "(t)he General Council Agency shall submit the proposed annual budget for the General Council and General Council Agency to the Finance Committee not later than the last business day in March of each year for the succeeding fiscal year." and
- WHEREAS,** pursuant to the Appropriations and Budget Process Act, 2 HCC § 4 (4)(k), "'General Council' means those programs and department(s), including General

Council Agency and General Council, which are designated pursuant to Article IV of the Constitution of the Ho-Chunk Nation;" and

WHEREAS, pursuant to the policies of the General Council Agency "[t]he General Council Advocate will have the right to prepare and present the annual budget to the Legislature in accordance with the Appropriations and Budget Process Act ("Budget Act") of the Ho-Chunk Nation, including the right of the Advocate to request budget modifications from the Legislature, consistent with the Budget Act;" and

NOW THEREFORE BE IT RESOLVED, that the General Council by and through the General Council Agency hereby requests the FY2021 General Council Branch Budget to be approved in the amount of no less than \$ \_\_\_\_\_ as explained in the proposed budget titled, "General Council Budget Line Items Explanation;" and

BE IT FURTHER RESOLVED that the General Council hereby approves the foregoing budget for the FY 2021 in the amount of no less than \$ \_\_\_\_\_ as explained in the proposed budget titled, "General Council Budget Line Items Explanation."

#### CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of 2236 members, of whom 1219 constituting a quorum were present at a meeting duly called and convened and held on the 14<sup>th</sup> day of September, 2019, that the foregoing resolution was adopted at said meeting by affirmative vote of 977 members, 148 opposed, and 249 abstaining, pursuant to the authority of Article IV, Section 3 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.

Samela M. Gilbert  
Tribal Secretary

September 14, 2019  
Date

**GC2019  
LEGISLATIVELY  
ACKNOWLEDGED  
RESOLUTIONS  
OCTOBER 22, 2019**

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**2019 Annual General Council  
Resolution**

**9/14/2019-A**

**Acknowledgement  
Legislative Action**



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

**HO-CHUNK NATION LEGISLATURE**  
**ACKNOWLEDGEMENT OF GENERAL COUNCIL RESOLUTION 09-14-2019-A AND**  
**LEGISLATIVE ACTION REGARDING REQUEST FOR MINORS TRUST FUND TO HAVE A**  
**REASONABLE RATE OF RETURN**

**RESOLUTION 10-22-19 A**

- 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,** in Article IV, Section 2 of the Ho-Chunk Nation Constitution, the General Council delegated and authorized the Legislature to make laws and appropriate funds in accordance with Article V of the Constitution; and
- WHEREAS,** Article V, Section 1(a) of the Ho-Chunk Nation Constitution ("Constitution") vests Legislative powers in the Legislature; and
- WHEREAS,** Article V, Section 2(a) of the Nation's 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(b) of the Constitution authorizes the Legislature to establish Executive Departments, and to delegate legislative powers to the Executive Branch to be administered by such Departments, in accordance with the law, subject to the Legislature's reserved power to review any action taken by virtue of such delegated power; and
- WHEREAS,** Article V, Section 2(d) of the Constitution gives 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(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(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 General Council met on September 14, 2019 at its Annual Meeting and adopted Resolution 9-14-2019-A, entitled "Minor Trust Policy for Returns on Investment" which requests that the Legislature ensure that the Minors Trust is making a reasonable rate of return and to transfer those portfolios that are not making a reasonable rate of return to interest-bearing accounts; and

**WHEREAS,** Article IV, Section 3(a) of the Constitution states that "[t]he General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings."; and

**WHEREAS,** the Legislature recognizes that it has the authority under the Constitution to manage the Nation's assets including the Minors Trust Funds and to move the recommendations of General Council Resolution 9-14-2019-A forward if it deems appropriate; and

**WHEREAS,** the Ho-Chunk Nation Legislature adopted the *Trust and Investment Committee Establishment and Organization Act of 2011* (1 HCC § 16), which was last amended on August 23, 2016; and

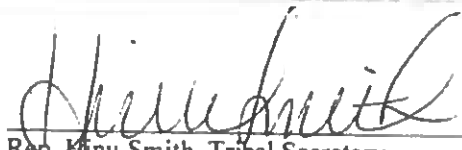
**WHEREAS,** Section 7 of the *Trust and Investment Committee Establishment and Organization Act of 2011* (1 HCC § 16) gives the Trust and Investment Committee the responsibility to set the "investment strategy, including allowable investments, asset allocation, risk assessments, and benchmarks for measuring investment performance" as well as revising the Investment Policy Statement for the Nation's assets; and

**NOW, THEREFORE, BE IT RESOLVED,** that the Legislature, pursuant to its Constitutional authority, and in satisfaction of Article IV, Section 3(a) of the Constitution, hereby acknowledges General Council Resolution 9-14-2019-A, and refers it to the Trust and Investment Committee to review the performance of the Minors Trust Fund and the current Investment Policy Statement to ensure that the Minors Trust Fund is receiving the greatest possible rates of return;

**BE IT FURTHER RESOLVED,** that the Legislature requests that the Trust and Investment Committee, upon completion of its review, provide the Legislature with a recommendation as to whether any changes are needed in investment strategies or to the Investment Policy Statement, and if so what changes should be made, with a status report on such recommendations after the commencement of their next regular meeting.

**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 **October, 2019**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8** 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.

  
Rep. Minu Smith, Tribal Secretary

10/22/19  
Date

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**2019 Annual General Council  
Resolution**

**9/14/2019-B**

**Establishment**

**Legislative Workgroup**



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

**HO-CHUNK NATION LEGISLATURE  
ESTABLISHMENT OF A LEGISLATIVE WORKGROUP TO ADDRESS  
GENERAL COUNCIL RESOLUTION 9-14-2019-B  
REGARDING CONSTITUTIONAL AMENDMENTS & CONSTITUTIONAL (FKA/AKA  
SECRETARIAL) ELECTIONS AT THE ANNUAL GENERAL COUNCIL**

**RESOLUTION IO-22-19 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,** in Article IV, Section 2 of the Ho-Chunk Nation Constitution, the General Council delegated and authorized the Legislature to make laws and appropriate funds in accordance with Article V of the Constitution; and
- WHEREAS,** Article V, Section 1(a) of the Ho-Chunk Nation Constitution ("Constitution") vests Legislative powers in the Legislature; 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(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(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 XIII of the Constitution addresses the process and requirements for amending the Nation's Constitution; and

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- WHEREAS,** Article XIII, Section 1 of the Constitution states that “[t]his Constitution may be amended by a majority vote of the qualified voters of the Ho-Chunk Nation voting at an election called for that purpose by the Ho-Chunk Nation Election Board, provided, that at least thirty (30) percent of those entitled to vote shall vote in such election.”; and
- WHEREAS,** the Nation’s *Legislative Organization Act*, 2 HCC § 11, (“LOA”) provides in Section 9 that an internal Work Group or Task Force may be established in order to assist the Legislature by providing information necessary to carry out Legislative law-making and oversight functions; and
- ~~**WHEREAS,** the Nation’s *Open Meetings Act*, 2 HCC § 2, contemplates that a Work Group or Task Force will be used as a temporary, short-term ad hoc body established by a governmental entity for a focused effort on a specific issue; and~~
- WHEREAS,** the LOA does not restrict Legislator(s) participation in a Ho-Chunk government task force(s) as an ex officio member when appointed by the Legislature; and
- WHEREAS,** Article XIII, Section 2 of the Constitution states that “Requests for a Secretarial Election. It shall be the duty of the Ho-Chunk Nation Election Board to call and hold an election on any proposed amendment to this Constitution at the request of two thirds (2/3) of the entire Legislature, at the request of the General Council, or upon presentation of a petition signed by thirty (30) percent of the eligible voters of the Ho-Chunk Nation.”; and
- WHEREAS,** the Nation’s General Council met on September 14, 2019 at its Annual Meeting and adopted **Resolution 9-14-2019-B**, entitled “**Constitutional Amendments & Constitutional (FKA/AKA Secretarial) Elections at the Annual General Council**”; and
- WHEREAS,** General Council Resolution 9-14-2019-B set binding policy that constitutional amendments and subsequent constitutional/secretarial elections occur at the Ho-Chunk Nation General Council, in conjunction with mail balloting for those in non-attendance, and that by the date of the Nation’s General Council Meeting in 2020, the Nation’s Legislature and Election Board “should propose lawful amendments and developed procedures to hold constitutional amendments and elections at the 2021 General Council, and present such at General Council 2020.”; and
- WHEREAS,** Article IV, Section 3(a) of the Constitution states that “[t]he General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings.”; and
- WHEREAS,** the Attorney General of the Nation rendered an opinion, analyzing the 2019 General Council Resolutions, by memo dated September 25, 2019; and

**WHEREAS,** in the opinion memo of the Attorney General, it is noted that General Council Resolution 9-14-2019-B requests a constitutional amendment to the Nation's Constitution, but also requests that the Election Board and Legislature work together on a specific proposal to enable the Election Board to conduct future Constitutional Elections at the General Council meetings, where a large amount of the membership is required to make quorum, thus saving on costs and potentially enabling a greater likelihood of reaching the 30% of eligible voters required by the Constitution for any amendments to be adopted; and

**WHEREAS,** the Attorney General's opinion memo notes that the Legislature could comply with the forty-five day requirement of Article IV, Section 3(a) of the Constitution by creating a Legislative workgroup within the timeframe to take the steps requested by General Council Resolution 9-14-2019-B to propose lawful amendments and develop procedures to hold constitutional amendment elections; and

**WHEREAS,** the Legislature finds it appropriate to form such a Legislative Workgroup consisting of key Legislative and Executive Branch staff to research and consider developing necessary statutory, policy, and procedural changes to address the policy decision set by the General Council;

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, hereby authorizes the establishment of a Legislative Workgroup to assist the Legislative body in addressing General Council Resolution 9-14-2019-B; and

**BE IT FURTHER RESOLVED** that the General Council Resolution 9-14-2019-B Legislative Workgroup shall consist of any interested Legislators, Legislative Counsel, assigned Legislative Staff, key Executive Branch staff from the Office of the President; Department of Justice; and the Election Board, and any other requested person(s) by the Legislature; and

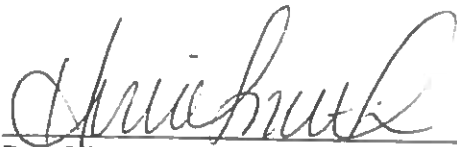
**BE IT FURTHER RESOLVED** that this Legislative Workgroup shall report on their activity and progress to the full Legislature after each meeting; and

**BE IT FURTHER RESOLVED** that the Legislative Workgroup created herein shall not be considered a Public Body under the Nation's Open Meetings Act and shall not be required to adhere to Quorum or meeting posting requirements; and

**BE IT FURTHER RESOLVED** that this Legislative Workgroup is authorized to begin meeting after adoption of this resolution.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify 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 on the **22nd day of October, 2019**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **9 members, 0 opposed, and 1 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.



Rep. Hinu Smith, Tribal Secretary

10/22/19

Date

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**2019 Annual General Council  
Resolution**

**9/14/2019-C**

**Acknowledgement**

**Legislative Action**





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

**HO-CHUNK NATION LEGISLATURE  
ACKNOWLEDGEMENT OF GENERAL COUNCIL RESOLUTION 9-14-2019-C  
AND LEGISLATIVE ACTION REGARDING THE ACTION ON  
CONTRACT DISCLOSURE TO THE LEGISLATURE**

**RESOLUTION 10-22-19 C**

- 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,** in Article IV, Section 2 of the Ho-Chunk Nation Constitution, the General Council delegated and authorized the Legislature to make laws and appropriate funds in accordance with Article V of the Constitution; and
- WHEREAS,** Article V, Section 1(a) of the Ho-Chunk Nation Constitution ("Constitution") vests Legislative powers in the Legislature; 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(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 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 General Council met on September 14, 2019 at its Annual Meeting and adopted Resolution 9-14-2019-C, entitled "Contract Disclosure to Legislature"; and
- WHEREAS,** General Council Resolution 9-14-2019-C requested that the Legislative and Executive Branches take action consistent with the General Council's policy finding that "it is vitally important that the legislature be able to review contracts entered into by the executive branch even if the contracts are proprietary."; and
- WHEREAS,** Article IV, Section 3(a) of the Constitution states that "[t]he General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings."; and
- WHEREAS,** according to the Nation's Trial Court in *Coalition for Fair Government II v. Chloris Lowe, Jr., et al.*, CV 96-22 (HCN Tr. Ct., Jul. 23, 1996) at 11, the General Council is bound to follow the Constitution of the Nation; and
- WHEREAS,** also in *Coalition for Fair Government II v. Chloris Lowe, Jr., et al.*, CV 96-22 (HCN Tr. Ct., Jul. 23, 1996) at 13, the Trial Court of the Nation emphasized that properly conducted and Constitutional actions of the General Council are binding, but action which violates the Constitution would be unlawful and not "binding"; and
- WHEREAS,** the Attorney General of the Nation rendered an opinion, analyzing the 2019 General Council Resolutions, by memo dated September 25, 2019 and
- WHEREAS,** in the opinion memo of the Attorney General, it is noted that General Council Resolution 9-15-2019-C requests that the Legislature be able to review contracts of the Executive Branch, even if the contracts are trade secrets or confidential in nature and, further, that the General Council resolution expresses that it is in the best interests of the Nation that the government be transparent when running the Nation's businesses; and
- WHEREAS,** the Attorney General's opinion memo analyzes various provisions of the Nation's Constitution and other laws of the Nation, finding some complexity to the request included within General Council Resolution 9-14-2019-C; and
- WHEREAS,** the Attorney General's opinion memo offers various recommendations for further action, including consideration of a potential amendment to the Ho-Chunk Nation Discovery Act, codified in the Nation's Code as 2 HCC §3, and/or the creation of procedures for Executive Branch contract review within the current system of the Nation's contract database and record-keeping system; and


**WHEREAS,** the Legislature acknowledges General Council Resolution 9-14-2019-C while also noting that the resolution does not request specific action of the Legislature in connection with Executive Branch contracts, other than expressing the policy view that it is "vitaly important for the legislature to be able to review contracts entered into by the executive branch[,] even if the contracts are proprietary.";

**NOW, THEREFORE, BE IT RESOLVED,** that the Legislature, pursuant to its Constitutional authority, and in satisfaction of the Constitution, hereby acknowledges General Council Resolution 9-14-2019-C and accepts the expressed policy finding that the Legislature be able to review contracts entered into by the Executive Branch, even if such contracts are proprietary, since: (a) Legislature retains its authority under Article V, Section 2(b) of the Constitution to review the actions of the Executive Branch by virtue of any authority delegated by the Legislature and (b) the Legislature retains its authority under Article V, Section 2(i) of the Constitution to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and

**BE IT FURTHER RESOLVED,** that due to the complexities and interaction with current laws and contracts procedures identified by the Attorney General, the Legislature will consider, and research, the necessary constitutional measures it may take to ensure legislative review of contracts entered into by the Executive Branch, in furtherance of General Council Resolution 9-14-2019-C.

#### 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 October, 2019, 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.

  
\_\_\_\_\_  
Rep. Hinu Smith, Tribal Secretary

10/22/19  
\_\_\_\_\_  
Date

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**2019 Annual General Council  
Resolution**

**9/14/2019-H**

**Acknowledgement  
Legislative Action**



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

**HO-CHUNK NATION LEGISLATURE**  
**ACKNOWLEDGEMENT OF GENERAL COUNCIL RESOLUTION 09-14-2019-H**  
**AND LEGISLATIVE ACTION REGARDING THE**  
**GENERAL COUNCIL BUDGET FOR FISCAL YEAR 2021**

**RESOLUTION 10-22-19 D**

- 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(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(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 General Council met on September 14, 2019 at its Annual Meeting and adopted Resolution 09-14-2019-H, entitled "Policy General Council FY 2021 Budget," and sought approval of a Fiscal Year 2021 budget for the General Council Branch; and
- WHEREAS,** General Council Resolution 09-14-2019-H was adopted by the General Council and approved a specific amount of \$ \_\_\_\_\_ as the Fiscal Year 2021 budget for the General Council, as "explained in the proposed budget titled, 'General Council Budget Line Item Explanation'"; and
- WHEREAS,** Article IV, Section 3(a) of the Constitution states that "[t]he General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings."; and

**Executive Offices**

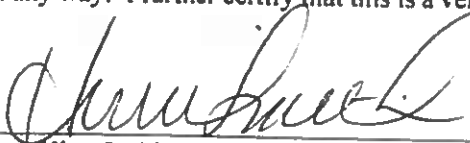
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- WHEREAS,** in Article IV, Section 2 of the Constitution, the General Council delegated and authorized the Legislature to make laws and appropriate funds in accordance with Article V of the Constitution; and
- WHEREAS,** Article V, Section 2(d) of the Constitution gives the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** the Attorney General of the Nation rendered an opinion, analyzing the 2019 General Council Resolutions, by memo dated September 25, 2019; and
- WHEREAS,** in the opinion of the Attorney General, the requirements of General Council Resolution 09-14-2019-H were proper, as the General Council retains the power to propose a budget in accordance with the APPROPRIATIONS AND BUDGET PROCESS ACT, 2 HCC § 4.5b(4); and
- WHEREAS,** the Attorney General further stated that the General Council delegated the authority to appropriate funds to the Legislature, thus the General Council can at most recommend a budget as policy, with the Legislature ultimately determining whether funds will be expended based on the budget approved by General Council; and
- WHEREAS,** according to the Nation's Trial Court in *Coalition for Fair Government II v. Chloris Lowe, Jr., et al.*, CV 96-22 (HCN Tr. Ct., Jul. 23, 1996) at 11, the General Council is bound to follow the Constitution of the Nation; and
- WHEREAS,** the Nation's Trial Court has also stated that it would be impermissible for the General Council to exercise the power of the Legislature, *HCN Legislature v. HCN General Council, et al.*, CV 01-11 (HCN Tr. Ct., Jun. 22, 2001) at 8;

**NOW, THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, and in satisfaction of Article IV, Section 3(a) of the Constitution, hereby acknowledges General Council Resolution 09-14-2019-H, and refers the proposed 2021 Fiscal Year budget for the General Council to the Legislature for consideration when it reviews and approves the upcoming Fiscal Year 2021 budgets of the Nation.

#### 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 22nd day of October, 2019, 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.

  
 Rep. Hinu Smith, Tribal Secretary

10/22/19  
 Date

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**GC2019**  
**LEGISLATIVE MEETING**  
**MINUTES**  
**OCTOBER 22, 2019**  
**RESOLUTIONS**  
**ACKNOWLEDGEMENT**

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

**HO-CHUNK NATION LEGISLATURE  
REGULAR MEETING  
IRONWORKS HOTEL  
BELOIT, WI (KeCak)  
OCTOBER 22, 2019**

**Call to Order:** Vice President Karena Thundercloud called the meeting to order at 10:01 a.m.

**Roll Call:**

President Marlon White Eagle (EX)	Vice President Karena Thundercloud (P)
Rep. George Stacy (P)	Rep. Hinu Smith (10:06 a.m.)
Rep. Conroy Greendeer, Jr. (P)	District 2 Vacancy
Rep. Kristin White Eagle (P)	Rep. Darren Brinegar (P)
Rep. Lawrence Walker, Jr. (EX)	Rep. Sarah Lemeux (EX)
Rep. Paul Fox (P)	Rep. Robert TwoBears (P)
Rep. Matt Mullen (P)	
Rep. Kathyleen Lone Tree-Whiterabbit (P)	

**Determination of Quorum:** Quorum is established.

**Opening Prayer:** Rep. Kathyleen Lone Tree-Whiterabbit offered a word of prayer.

**Approval of Agenda:**

**MOTION** by Rep. Matt Mullen to approve the agenda with adding under New Business J. Nomination of the Executive Director of Administration to the agenda. Second by Rep. Paul Fox. 8-1 (Rep. Darren Brinegar)-0 **MOTION CARRIED.**

**Approval of Previous Meeting Minutes:**

***Legislative Meeting-October 9, 2019***

**MOTION** by Rep. Darren Brinegar to approve the October 9, 2019 Legislative Meeting minutes with corrections. Second by Rep. George Stacy. 9-0-0 **MOTION CARRIED.**

*Rep. Hinu Smith arrives at 10:06 a.m.*



***Special Legislative Meeting-October 11, 2019***

**MOTION** by Rep. Darren Brinegar to approve the October 11, 2019 Special Legislative Meeting minutes with corrections. Second by Rep. George Stacy. 8-0-2 (Rep. Robert TwoBears, Rep. Conroy Greendeer, Jr.) **MOTION CARRIED.**

**Committee Reports:**

***Administration Committee-October 10, 2019***

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to approve the October 10, 2019 Administration Committee meeting minutes with corrections. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

Discussion was on the Legislative Committees going to quarterly meetings and getting verification from the Executive Branch on the attendance at meetings. Committees like the updates, but would also like progress on action items referred from the Legislative Branch to the Executive Branch. It was suggested to take a look at revising the Legislative Organization Act to add language on specifics for reporting to Committees.

It was suggested to have a memo confirming the agreement discussed on the reporting to Committees between the Executive and Legislative Branches.

**MOTION** by Rep. Darren Bringer to have committee meetings on a quarterly basis including Finance. **MOTION AMENDED**, with the exception of the Finance Committee. Second by Rep. Kathyleen Lone Tree-Whiterabbit. **MOTION AMENDED**, to have Committee Meetings quarterly until revisions are made to the Legislative Organizational Act. **MOTION WITHDRAWN** by Rep. Darren Brinegar.

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to have Committee meetings on a quarterly basis. Second by Rep. Paul Fox. **MOTION AMENDED**, and to refer to the Legislative Organization Act Off-Site. **MOTION AMENDED**, and to include the Finance Committee. **SECOND CONCURS**. 9-1(Rep. Darren Brinegar)-0 **MOTION CARRIED.**

**MOTION** by Rep. Kristin White Eagle to request the Vice President have the Legislative Organization Act Off-Site within the next month. Second by Rep. Kathyleen Lone Tree-Whiterabbit. 10-0-0 **MOTION CARRIED.**

**Unfinished Business:**

***Office of General Council***

***Resolution-Acknowledgement of General Council Resolution 09-14-2019-A and Legislative Action Regarding Request for Minors Trust Fund To Have A Reasonable Rate of Return***

Discussion was on the Minor's Trust and Investment Committee to provide a timeline on the Minors Trust Fund activity. A monthly status update and recommendation from the advisors if changes need to be made to the portfolio on the legal rate of return as a suggestion.

**MOTION** by Rep. Kristin White Eagle to adopt **Resolution 10-22-19 A**, Acknowledgement of General Council Resolution 09-14-2019-A and Legislative Action Regarding Request for Minors Trust Fund To Have A Reasonable Rate of Return. Second by Rep. Conroy Greendeer, Jr. **MOTION AMENDED**, to add language that the Trust and Investment Committee provides a status report with recommendations a month after commencement of the next regular meeting, Second by Rep. Conroy Greendeer. 8-0-2 (Rep. Kathyleen Lone Tree-Whiterabbit, Rep. George Stacy) **MOTION CARRIED.**

***Resolution-Acknowledgement of General Council Resolution 09-14-2019-B and Legislative Action Regarding Constitutional Amendments & Constitutional (FKA/AKA Secretarial) Elections At the Annual General Council***

**MOTION** by Rep. Kristin White Eagle to adopt **Resolution 10-22-19 B**, Acknowledgement of General Council Resolution 09-14-2019-B and Legislative Action Regarding Constitutional Amendments & Constitutional (FKA/AKA Secretarial) Elections at the Annual General Council and to send to the Election Code Work Group. Second by Rep. George Stacy. 9-0-1 (Rep. Conroy Greendeer, Jr.) **MOTION CARRIED.**

***Resolution-Acknowledgement of General Council Resolution 09-14-2019-C and Legislative Action Regarding the Action on Contract Disclosure to the Legislature***

**MOTION** by Vice President Karena Thundercloud to adopt **Resolution 10-22-19 C**, Acknowledgement of General Council Resolution 09-14-2019-C and Legislative Action Regarding the Action on Contract Disclosure to the Legislature. Second by Rep. George Stacy. 10-0-0 **MOTION CARRIED.**

***Resolution-Resolution-Acknowledgement of General Council Resolution 09-14-2019-C and Legislative Action Regarding the General Council Budget for Fiscal Year 2021***

**MOTION** by Rep. Darren Brinegar to adopt **Resolution 10-22-19 D**, Acknowledgement of General Council Resolution 09-14-2019-C and Legislative Action Regarding the General Council Budget for Fiscal Year 2021. Second by Rep. Matt Mullen. 10-0-0 **MOTION CARRIED.**

***Economic Diversification***

Rep. Matt Mullen mentions the next Economic Diversification Meeting is tentatively scheduled for 2:00 p.m. after the Health, Social Services & Insurance Committee on October 29, 2019.

***Resolution-Quick Passage Amendment to the Ho-Chunk Nation Employment Relations Act (6 HCC § 5).***

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to TABLE the resolution Quick Passage Amendment to the Ho-Chunk Nation Employment Relations Act (6 HCC § 5) for the following reasons: Legislative Counsel to review the contract, copy of the contract to Legislators, costs involved, the report provided to Finance on the performance measures area motions referred to the Executive Branch, requesting Legislative Counsel review the contract and go over specific areas highlighted that have been discussed and of concern, the Executive Director of Personnel provide the benefits of the Bridge Service, emphasizing cost, and request any amendments that have been made to the contract. With a request to the Department of Business for information on how the contract reads. Second by Rep. Darren Brinegar. 10-0-0 **MOTION CARRIED.**

*Five-minute break*

**Amendment to the Agenda**

**MOTION** by Rep. Kristin White Eagle to amend the agenda to add a Beloit Presentation. Second by Rep. Kathyleen Lone Tree-Whiterabbit. 10-0-0 **MOTION CARRIED.**

***Beloit Presentation***

Mr. Celestino Ruffini, Executive Director of Visit Beloit provided a brief video presentation regarding the services of his company, and the services they provide.

***Resolution-Adoption of Amendments to the Per Capita Distribution Ordinance (2 HCC § 12)***

**MOTION** by Rep. Kristin White Eagle to adopt *Resolution 10-22-19 E*, Adoption of Amendments to the Ho-Chunk Nation Per Capita Distribution Ordinance (2 HCC § 12). Second by Rep. Kathyleen Lone Tree-Whiterabbit 10-0-0 **MOTION CARRIED.**

***Illinois Gaming (Standing Agenda Item)***

Rep. Kristin White Eagle mentions this was added from the October 9, 2019 Legislative Meeting to provide transparency on the Illinois Project. There is nothing going out to the tribal membership on the status of activity.

Noted for the record, the Town of Lynwood adopted a resolution to support the Nation's casino.

**MOTION** by Rep. Kristin White Eagle to request Legislative Counsel and the Public Relations Officer draft a presentation for the tribal membership and work in collaboration with Executive Branch and include the Hocak Worak, and any other website pages regarding updates on the Lynwood Property. Second by Rep. Conroy Greendeer, Jr. 10-0-0 **MOTION CARRIED.**

**New Business:**

***Resolution-Authorization for the Department of Health To Apply for and Participate in the Centers for Medicare & Medicaid Program of the U.S. Department of Health & Human Services***

**MOTION** by Rep. Matt Mullen to adopt **Resolution 10-22-19 F**, Authorization for the Department of Health To Apply for and Participate in the Centers for Medicare & Medicaid Program of the U.S. Department of Health & Human Services. Second by Rep. George Stacy. 10-0-0 **MOTION CARRIED.**

***Resolution-Support for the Department of Health to Apply for the Wisconsin Department of Health Services Urban Rural Women's Substance Use Services Grant***

**MOTION** by Rep. Matt Mullen to adopt **Resolution 10-22-19 G**, Support for the Department of Health to Apply for the Wisconsin Department of Health Services Urban Rural Women's Substance Use Services Grant. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

***Resolution-Authorization for Department of Housing To Perform Demolition of Barn Located at 29614 Evergreen Avenue, Tomah, WI 54660***

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to adopt **Resolution 10-22-19 H**, Authorization for Department of Housing To Perform Demolition of Barn Located at 29614 Evergreen Avenue, Tomah, WI 54660. Second by Rep. Kristin White Eagle. 8-0-2 (Rep. George Stacy, Rep. Matt Mullen) **MOTION CARRIED.**

***Resolution-Support for the University of Wisconsin-Madison and Nelson Institute to Apply for National Science Foundation Grant for the Earth Partnership Indigenous Arts and Sciences Initiative***

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to adopt **Resolution 10-22-19 I**, Support for the University of Wisconsin-Madison and Nelson Institute to Apply for National Science Foundation Grant for the Earth Partnership Indigenous Arts and Sciences Initiative. Second by Rep. Paul Fox. 10-0-0 **MOTION CARRIED.**

***Resolution-Rescission and Restatement of Resolution 06-18-19 D Establishment of Restricted Account for Utility Development***

Vice President Karena Thundercloud mentions she requested this to be on the agenda because the intended purpose was to move funds from the Black Hawk Property to Wazee subdivision. She

has since learned that the resolution passed was for infrastructure. A afraid fund is going to continue to get nicked and dimed until no funds are available for Wazee subdivision.

Vice President Karena Thundercloud had discussion with the Realty Division. Wazee Property is a priority; plotted sites with no infrastructure.

Michael Rave, Planning & Development Director was present and mentioned there were two resolutions presented. One was for Wazee and the other was general for utility utilization. There are enough funds in the account for Wazee, but there is not enough to close out other subdivisions. There was no infrastructure funding provided. In the case of the John Winneshiek property that would be going on. The other one would be the Ho-Chunk Prairie Sub-division development. There is no funding for telecommunications. Planning is not able to fund that project and seeks to find funds elsewhere. Planning Department is looking to apply for the ICDBG grant for infrastructure. This eliminates the Nation to continue on John Winneshiek and development on Sauk Prairie.

Vice President Karena Thundercloud mentions the two lots in John Winneshiek are funded because of the law that is in place. There are other lots that can be given out, but they haven't been.

Andrea Estebo read the memo provided by Office of the President as an fyi. The request was to have discussion of this resolution when the meeting is on-site and the Executive Director of Administration is on-site.

*Rep. Darren Brinegar is out of the room.*

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to adopt **Resolution 10-22-19 J**, Rescission and Restatement of Resolution 06-18-19 D Establishment of Restricted Account for Utility Development. Second by Rep. Hinu Smith. 8-0-1 (Rep. Robert TwoBears) **MOTION CARRIED.**

*Rep. Darren Brinegar returns.*

#### ***All Area Indian Awareness Week Request***

Note for the record, Rep. Hinu Smith requests that it be provided on the number of school that presentations are provided as a part of the report.

**MOTION** by Rep. Kristin White Eagle to approve the Native American Awareness Week funding for activities in the amount of \_\_\_\_\_ from the Youth Assistance line item for communities: Black River Falls, Tomah, La Crosse, Baraboo, Madison, Nekoosa/Rapids, Mauston, Wittenberg, Green Bay, Milwaukee, St. Paul/Minneapolis, Chicago and Wisconsin Dells and funds are to be reconciled with Treasury. Second by Rep. Kathyleen Lone Tree-Whiterabbit. **MOTION AMENDED**, to request a report on activities from the area within 30 days after the event. **MOTION AMENDED**, to add Reedsburg, Port Edwards/Pittsville. 9-1(Rep. George Stacy)-0 **MOTION CARRIED.**

***Resolution-Approval of Memorandum of Understanding Between the Ho-Chunk Nation and the U.S. Department of Veterans Affairs for Native American Direct Home Loans***

**MOTION** by Rep. Darren Brinegar to adopt **Resolution 10-22-19 K**, Approval of Memorandum of Understanding between the Ho-Chunk Nation and the U.S. Department of Veterans Affairs for Native American Direct Home Loans. Second by Rep. Kathyleen Lone Tree-Whiterabbit. 10-0-0 **MOTION CARRIED.**

***Sauk County Development Corporation Fall Forum 2019***

Rep. Kristin White Eagle mentions the event is on November 7, 2019. The event is a series of collaborative community information on workforce, housing and business retention/expansion to benefit Sauk County & Wisconsin's greater South-Central region.

**MOTION** by Rep. Kristin White Eagle to approve a sponsorship for the Sauk County Development in the amount of \_\_\_\_\_ from Charitable Contributions for the Sauk County Development Corporation. Second by Rep. Conroy Greendeer, Jr. 10-0-0 **MOTION CARRIED.**

***Resolution-Authorization to Deduct Amounts from Annual Gaming Compact Payment for Ho-Chunk Nation Peacemaker's Court.***

**MOTION** by Kathyleen Lone Tree-Whiterabbit to adopt **Resolution 10-22-19 L**, Authorization to Deduct Amounts from Annual Gaming Compact Payment for Ho-Chunk Nation Peacemaker's Court. Second by Rep. George Stacy. 10-0-0 **MOTION CARRIED.**

***Nomination of Application for the Interim Director of the Department of Administration***

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to request a resolution be drafted for later today for the Nomination of Application of Ms. Phyllis Smoke to be Interim Director of the Department of Administration. Second by Rep. Matt Mullen. 10-0-0 **MOTION CARRIED.**

**Break**

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to break for lunch. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

12:45 p.m.

**Call to Order:** Vice President Karena Thundercloud called the meeting to order at 1:27 p.m.

**Roll Call:** President Marlon White Eagle (EX) Vice President Karena Thundercloud (P)  
Rep. George Stacy (P) Rep. Hinu Smith (P)  
Rep. Conroy Greendeer, Jr. (P) District 2 Vacancy  
Rep. Kristin White Eagle (P) Rep. Darren Brinegar (P)  
Rep. Lawrence Walker, Jr. (EX) Rep. Sarah Lemieux (EX)  
Rep. Paul Fox (P) Rep. Robert TwoBears (P)  
Rep. Matt Mullen (P)  
Rep. Kathyleen Lone Tree-Whiterabbit (P)

**Determination of Quorum:** Quorum was established at 1:27 p.m.

**District Meetings:**

***District 1-Black River Falls District Meeting – October 9, 2019***

**MOTION** by Vice President Karena Thundercloud to refer to Office of the President the MOTION by Lori Pettibone to readdress the need for hours and look at any additional funding that may be needed for additional personnel to keep the Center open and to provide an update each month. Second by Rep. Kathyleen Lone Tree-Whiterabbit. 10-0-0 **MOTION CARRIED.**

**MOTION** by Vice President Karena Thundercloud to refer to the Administration Committee the MOTION by Lori Pettibone to establish an advisory board for the District 1 Community (DICC). Second by Rep. George Stacy. 10-0-0 **MOTION CARRIED.**

**MOTION** by Vice President Karena Thundercloud to refer to Legislative Counsel the MOTION by Larry Littlegeorge to accept the Law Enforcement Agreement Grant. Second by Rep. George Stacy. 10-0-0 **MOTION CARRIED.**

**MOTION** by Vice President Karena Thundercloud to refer to Office of the President and the Department of Natural Resources the MOTION by Jovanna Whiteeagle to table the Kickapoo Valley Reserve Board Seat Vacancy and for Tina Brown to be in attendance at next month's area meeting or provide more information. Second by Rep. George Stacy. 10-0-0 **MOTION CARRIED.**

**READ FOR THE RECORD:**

**MOTION** by Jennifer Kearnes for the Black River Falls Area meeting to remain at the Tribal Office Building in the same location.

**MOTION** by Vice President Karena Thundercloud to refer to Ho-Chunk Housing and Community Development Agency the MOTION by Wes Cloud to move the bus stop shelter from Winneshiek Circle to behind the Head Start building. Second by Rep. George Stacy. 10-0-0 **MOTION CARRIED.**

***District 1-Wausau District Meeting – October 15, 2019***

**READ FOR THE RECORD:**

**MOTION** by Connie Radtke to have District 1 Legislators support the Nominated Matthew Mann for Executive Director of Heritage Preservation.

**READ FOR THE RECORD:**

**MOTION** by Anna Longtail to have District 1 Legislators to support Christmas Bonuses for Tribal Membership.

**MOTION** by Rep. Hinu Smith to refer to the Finance Committee the **MOTION** by Connie Radtke to support “The Tricia Zunker for Congress” campaign in the amount of \_\_\_\_\_ Second by Rep. George Stacy. 10-0-0 **MOTION CARRIED.**

***District 2-La Crosse District Meeting-October 14, 2019***

*No motions.*

***District 2-Tomah District Meeting-October 16, 2019***

**MOTION** by Rep. Kristin White Eagle to refer to the Vice President the **MOTION** by Carson Funmaker to request Legislative and Executive Branches of Government to come together and collaborate to design a strategic plan that will look into a 1 year, 3 year, and 5 year, ahead, which would state a plan of action within the next 45 days. Second by Rep. Conroy Greendeer, Jr. 10-0-0 **MOTION CARRIED.**

**MOTION** by Rep. Kristin White Eagle to refer to the Office of the President, Executive Branch and to add to the Finance Committee agenda the **MOTION** by Winona Mann to give every tribal member under the age of 18 a \_\_\_\_\_ Christmas Bonus. Second by Rep. Conroy Greendeer, Jr. 10-0-0 **MOTION CARRIED.**

Note for the record, there has not been any unspent funds.

**MOTION** by Rep. Kristin White Eagle to refer to Office of the President and Executive Branch the **MOTION** by Winona Mann for Legislature to investigate the availability of all funds so that all Ho-Chunk Nation Tribal Members receive a Christmas Bonus. Second by Conroy Greendeer, Jr. 6-4(Vice President Karena Thundercloud, Rep. Robert TwoBears, Rep. Darren Brinegar, Rep. Hinu Smith)-0 **MOTION CARRIED.**

**MOTION** by Rep. Kristin White Eagle to request a planning meeting to conduct a doodle poll in options. Second by Rep. Conroy Greendeer, Jr. 10-0-0 **MOTION CARRIED.**



**MOTION** by Rep. Kristin White Eagle to have in-house financial staff and Legislative Counsel to research the last three years on budget concerns. Second by Rep. Robert TwoBears. **MOTION AMENDED**, to utilize REDW to consult with Representatives and to provide a one page document and to request REDW go over this document with Legislators. **SECOND CONCURS. 10-0-0 MOTION CARRIED.**

**MOTION** by Rep. Kristin White Eagle to refer to Legislative Counsel the **MOTION** by Roberta Decorah to provide from Compact Deductions to the Oakdale Fire Department for their request for self-breathing apparatus and air cylinder and how the Ho-Chunk Nation will be recognized. Second by Rep. Conroy Greendeer, Jr. 9-1(Rep. Matt Mullen)-0 **MOTION CARRIED.**

**MOTION** by Rep. Kristin White Eagle to refer to the Legislative financial staff the **MOTION** by Winona Mann to request how much Gaming Revenue deduction goes to which compact deductions. Second by Rep. Conroy Greendeer, Jr. **MOTION AMENDED**, to provide to Legislature. **SECOND CONCURS. 10-0-0 MOTION CARRIED.**

**MOTION** by Rep. Kristin White Eagle to refer to Office of the President, Department of Business, Department of Labor the **MOTION** by Wallace Greendeer to ask the Executive Branch to look at competitive pricing for surrounding community gas prices and also review Customer Service Standard with C-Store employees in Tomah. Second by Rep. Conroy Greendeer, Jr. 10-0-0 **MOTION CARRIED.**

**MOTION** by Rep. Kristin White Eagle to refer to Office of the President, Housing Department the **MOTION** by Felicia Wanna for the Housing Department to follow all current Housing Policies and not make any changes to the Policies regarding home repairs, garbage removal, and snow removal. Second by Rep. Conroy Greendeer, Jr. **MOTION AMENDED**, include the Housing Committee. **SECOND CONCURS. 10-0-0 MOTION CARRIED.**

***District 2-Baraboo District Meeting-October 17, 2019***

**MOTION** by Rep. Conroy Greendeer, Jr. to refer to Legislative Counsel the **MOTION** by Sanford Decorah for Ho-Chunk Nation Government to support the Law Enforcement Agreement between Ho-Chunk Nation and Juneau County Sheriff's Department. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

**MOTION** by Rep. Conroy Greendeer, Jr. to refer to the Office of the President, Department of Education and Administration Committee the **MOTION** by Nela Stacy to establish a task force to review comparable High School curriculum requirements to put forth towards Financial Literacy requirement. **SECOND** by Rep. Kristin White Eagle. **MOTION RESCINDED, SECOND CONCURS.** **MOTION** by Rep. Conroy Greendeer, Jr. to refer to Legislative Attorneys to prepare a response for District Meetings. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

**READ FOR THE RECORD:**

MOTION by Becky Davis to reduce Legislators salaries to \$25 an hour and capped at      an hour.

**READ FOR THE RECORD:**

MOTION by Sheridan Cloud to have District 2 Legislative Aide develop a report from July 2017 from every area meeting motion and report on what was the final resolution of those motions.

Note for the record, District 2 Legislators are addressing the issue.

**MOTION** by Rep. Conroy Greendeer, Jr. to refer to the Office of the President, and Department of Housing the MOTION by Robert Funmaker to increase the Housing Budget by 25% for operations and payroll. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

**MOTION** by Rep. Conroy Greendeer, Jr. to refer to the Office of the President, and to the Finance Committee the MOTION by Becky Davis for Legislator shall find monies for 2019 Tribal Christmas Bonus in the amounts not to exceed \$75 nor less than      for Minors and not to exceed \$300 nor less than \$175 for age 18 and over. Second by Rep. Kristin White Eagle. 9-1(Rep. Robert TwoBears)-0 **MOTION CARRIED.**

***District 3-Green Bay District Meeting-October 10, 2019***

No motions.

***District 3-Wittenberg District Meeting-October 14, 2019***

**MOTION** by Rep. Darren Brinegar to refer to the Law Enforcement Committee and Department of Justice for a background check the MOTION by Shelby Decorah to accept Fran Littlewolf for LEC Delegate. Second by Vice President Karena Thundercloud. 10-0-0 **MOTION CARRIED.**

**MOTION** by Rep. Darren Brinegar to refer to Law Enforcement Committee and Department of Justice for a background check the MOTION by Lanette Walker to accept Shelby Decorah for LEC Alternate. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

**READ FOR THE RECORD:**

MOTION by Joe Decorah to receive      from Shawano County Agreement for the Fallween party.

**READ FOR THE RECORD:**

MOTION by Lanette Walker for the check to be made out to Kathy La Mere.

**MOTION** by Rep. Darren Brinegar to refer to Ho-Chunk Housing and Community Development Agency the **MOTION** by Shelby Decorah to get the two units that are empty, fixed up and ready to rent out and to find out what is happening with the other ones. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

**MOTION** by Rep. Darren Brinegar to refer to the Executive Director of Health and Office of the President the **MOTION** by Lorenzo Funmaker to see if the old Head Start building could be turned into a health office depending on compliance issues. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

*District 3-Madison District Meeting-October 15, 2019*

**READ FOR THE RECORD:**

**MOTION** by Cher Laubmeier to keep David Radtke as the Veterans Board Delegate.

*District 3-Milwaukee District Meeting-October 16, 2019*

**READ FOR THE RECORD:**

**MOTION** by Hazel Guerrero to have a Christmas bonus of a \_\_\_\_\_ across the board to every tribal member and \$200 for 17 year old and under.

*District 3-Wisconsin Rapids District Meeting-October 17, 2019*

**MOTION** by Rep. Darren Brinegar to refer to the Personnel Department and the Executive Director of Administration the **MOTION** by Lena Walker to request the Legislative and Executive Branch work together on budget mods for the Branch Office. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

**MOTION** by Rep. Darren Brinegar to refer to the Law Enforcement Committee and Department of Justice for a background check the **MOTION** by Angela Wanatee to appoint Barb Smith to the LEC. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

**MOTION** by Rep. Darren Brinegar to refer to the Law Enforcement Committee and Department of Justice for a background check the **MOTION** by Anita Naquayouma to accept Jesse Saidman as LEC Alternate. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

**MOTION** by Rep. Darren Brinegar to refer to the Veterans Advisory Board and Office of the President the **MOTION** by Jesse Saidman to accept Marcus Carriaga as Alternate to the Veterans Advisory Board for District 3. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

***District 4-Chicago District Meeting-October 14, 2019***

**MOTION** by Rep. Paul Fox to refer to Office of the President the **MOTION** by Dolly Finn to refer Melvin Masquat from the American Indian Changing Spirit Recovery Center to meet with the Executive and Legislative Branch to discuss an MOU with Ho-Chunk Nation. The MOU would be only for HCN members seeking treatment at the American Indian Changing Spirit Recovery Center. Second by Rep. Kathyleen Lone Tree-Whiterabbit. 10-0-0 **MOTION CARRIED.**

***District 4-St.Paul District Meeting-October 17, 2019***

**MOTION** by Rep. Paul Fox to nominate and appoint Ruth Denny as the D4 Election Board Alternate. Second by Rep. Kathyleen Lone Tree-Whiterabbit. 10-0-0 **MOTION CARRIED.**

**MOTION** by Rep. Paul Fox to refer to Office of the President, Ho-Chunk Housing and Community Development Agency and Department of Housing the **MOTION** by Rosetta Hunt to refer to the Housing Department the safety and security concerns for the residents that reside at the Minneapolis Housing Duplex. There is a need for safety lights, cameras, water leaks and fencing located at 2216 S. 17<sup>th</sup> Avenue, Units A&B, Minneapolis, MN. Second by Rep. Robert TwoBears. **MOTION AMENDED**, amended to refer to HHCDA regarding the warranty. **SECOND CONCURS. 10-0-0 MOTION CARRIED.**

**MOTION** by Rep. Paul Fox to refer to the Office of the President the **MOTION** by Libby Fairchild to have the Enrollment Department attend and provide Tribal I.D.'s at the next Twin Cities Area Meeting on November 14, 2019. Second by Rep. Kathyleen Lone Tree-Whiterabbit. 10-0-0 **MOTION CARRIED.**

**Amendment to the Agenda:**

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to amend the agenda and go back to Item J. Resolution-Acceptance of Application of Phyllis Smoke to be Interim Director of the Department of Administration. Second by Rep. Matt Mullen. 10-0-0 **MOTION CARRIED.**

***Resolution-Acceptance of Application of Phyllis Smoke to Be Interim Director of the Department of Administration***

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to adopt **Resolution 10-22-19 M**, Acceptance of Application of Phyllis Smoke to Be Interim Director of the Department of Administration. Second by Rep. Hinu Smith. 10-0-0 **MOTION CARRIED.**

**Recess:**

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to recess the Legislative Meeting to Black River Falls on Wednesday, October 23, 2019. **MOTION DIES FOR A LACK OF A SECOND.**

**Executive Session:**

3:10 p.m.

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to go into Executive Session. Second by Rep. Darren Brinegar. 10-0-0 **MOTION CARRIED.**

**MOTION** by Rep. Kathyleen Lone Tree-Whiterabbit to move into Open Session. Second by Rep. Kristin White Eagle. 10-0-0 **MOTION CARRIED.**

4:51 p.m.

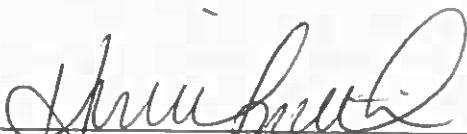
**MOTION** by Rep. Kristin White Eagle to ratify all action taken in Executive Session. Second by Rep. Darren Brinegar. 10-0-0 **MOTION CARRIED.**

**Adjournment:**

**MOTION** by Rep. Darren Brinegar to adjourn the meeting. The next meeting will be Monday, November 4, 2019 at Tribal Executive Offices in Black River Falls, Wisconsin. Second by Rep. Kathyleen Lone Tree-Whiterabbit. 10-0-0 **MOTION CARRIED.**

The Legislative Meeting adjourned at 4:52 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Rep. Hinu Smith, Tribal Secretary

11/4/19  
\_\_\_\_\_  
Date ratified

2020  
ANNUAL GENERAL COUNCIL



HCN ATTORNEY GENERAL  
OPINION  
2019 GENERAL COUNCIL ACTIONS



## Ho-Chunk Nation Department of Justice

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Paralegals  
Sue Thompson  
Amanda Glasspool  
Sarah Morgan

Victim/Witness Advocate  
Kate Funmaker

Contract Division  
Tracy Calverley  
Patrick Houghton

**To: President Marlon WhiteEagle  
Vice President Karena Thundercloud  
Ho-Chunk Nation Legislature**

**Cc: Legislative Counsel Michael Murphy**

**From: Attorney General Michelle M. Greendeer-Rave**

**Date: September 25, 2019**

**RE: 2019 General Council Actions**

On September 14, 2019, the Ho-Chunk Nation General Council held its annual meeting at the Kalahari Convention Center in Wisconsin Dells, Wisconsin. The Department of Justice, through the Attorney General, traditionally prepares an opinion for the President and Legislature about each General Council resolution. The purpose of the opinion is to provide a preliminary legal review of the resolutions that passed and to assist the Legislature in determining what type of action, if any, can be taken on the resolutions.

The official General Council minutes were provided by the appointed General Council Secretary Pamela Wilber. I received a copy of the official meeting minutes and the certified resolutions on Monday, September 16, 2019.

Traditionally, opinions are not rendered on resolutions that failed to be adopted. Nonetheless, the defeat of a resolution does not mean that the General Council adopted the inverse of the resolution.

The genesis of the post-General Council Attorney General opinions stem from a Ho-Chunk Nation Trial Court Order in 2001 that dismissed a case in which the Legislature sought an advisory legal opinion in *Ho-Chunk Nation Legislature v. Ho-Chunk Nation General Council*, CV01-11 (HCN Tr. Ct., July 24, 2001), wherein the court declined to give an order without a real case and controversy. In other words, the

court determined that the question given to it was still hypothetical, and not the kind of question a court can or should properly resolve:

"While it is true that the Court may issue declaratory judgments, it may do so only where there is a real case and controversy, where there are parties who have standing, and where the issues are ripe for a decision and the Court can actually redress the harm of the plaintiff. The Court only has jurisdiction where there is an actual case and controversy pursuant to the HCN CONSTITUTION ART. VII § 5(a). However, the plaintiff HCN Legislature has failed to convince this Court that it has overlooked or misapplied any law in accordance with the standard outlined in *Babcock v. HCN Gaming Commission*." CV 95-08 (HCN Tr. Ct., March 14, 1996).

The Court has also discussed the Attorney General's unique role in delivering opinions that take into account the interests of the entire Nation:

"If the HCN Legislature desires a legal ruling without a case and controversy as required by the Court's interpretation of HCN CONSTITUTION ART. VII § 5(a) it should first apply to the Ho-Chunk Nation Attorney General to issue a legal opinion as to the constitutionality of HCN GENERAL COUNCIL RESOLUTION 10-21-00D and act in accordance with that opinion. Should anyone disagree with what the HCN Legislature does after that, they may do so by suing someone who has either carried out HCN GENERAL COUNCIL RESOLUTION 10-21-00D or failed to carry it out. It is then that there will be a real case and controversy. The Attorney General has the duty to examine all of the legal factors involved in the case and render an advisory opinion that can then be tested in Court. The Attorney General's opinion must be based on the HCN CONSTITUTION, the laws and ordinances of the Ho-Chunk Nation and Federal laws such as the *Indian Gaming Regulatory Act*, or IGRA, 25 U.S.C. § 2701 et. seq., the priority allocation plan approved by the BIA etc. The Attorney General's duty is not like that of an ordinary litigant who hires an attorney to represent his or her point of view. The Attorney General has a greater duty, not just to win the case before them, but to consider the "big" picture in interpreting and reconciling laws passed by the HCN Legislature or resolutions of the General Council within the overall framework of the HCN CONSTITUTION in a manner that is in the best interests of the Ho-Chunk Nation as a whole." *Ho-Chunk Nation Legislature v. Ho-Chunk Nation General Council*, CV01-11 (HCN Tr. Ct., July 24, 2001).

Finally, it should be noted that the entrance of an Attorney General legal opinion would not, in and of itself, render a matter justiciable, as such delegation of authority is granted solely to the Ho-Chunk Nation Judiciary as the CONSTITUTION gives the Judiciary the power to "interpret and apply the CONSTITUTION and laws of the Ho-Chunk Nation." CONSTITUTION Art. VII § 4.

The table below summarizes the constitutional powers of the General Council:



<b>Powers of the General Council</b>	<b>General Council does NOT have the following powers</b>
Set Policy Art. IV, § 3(a)	To Enact Law (power of the Legislature) Art. V § 2(a),(h),(m),(o),(p),(t),(w),(x)
Review and Reverse Legislative Action and Return to Legislature for Reconsideration Art. IV, § 3(b)	To Appropriate Funds (power of the Legislature) Art. V § 2(d)
Establish Procedures for the General Council Art. IV, § 3(d)	To Enforce Laws and Administer Funds (power of the President) Art. VI § 2(a),(l)
Call Special Elections Art. IV, § 3(e)	To Review Actions for Hiring/Firing Personnel (Power of the President) Art. IV § 4
Remove Legislators Art. IX, § 1	To Set Salaries, Terms and Conditions of Employment for Government Personnel (power of the Legislature) Art. V § 2(f)
Remove the President Art. IX, § 2	To Set Legislative Procedures, Officers, or Codes of Conduct (power of the Legislature) Art. V § 2(g), § 3
Propose Amendments to the CONSTITUTION OF THE HO-CHUNK NATION by calling for a Secretarial Election Art. IV § 3(c)	To Select and Hire Personnel (power of the President) Art. VI § 2(g)

In recognition of and respect for the General Council's constitutional role in setting policy, the Legislature may want to consider assigning all formalized General Council policy actions that it evaluates to be constitutional to the appropriate Legislative Committee, as well as assign a timeline with a final deadline, date-certain, based on the forty-five (45) day time limit contained in the Constitution. CONSTITUTION, Art. IV § 3(a).

## 2019 GENERAL COUNCIL RESOLUTION ANALYSIS

The General Council approved the minutes from General Council 2018. The General Council cast 1,601 votes, and the approval of the minutes PASSED with 1,497 Affirming, 48 Opposing, and 56 Abstaining.

### 09-14-19-A Minor Trust Policy For Returns on Investment

• **Authority:**

"General Council retains the power to set policy for the Nation . . ." CONSTITUTION, Art. IV, § 3(a), (f).

• **Vote:**

The General Council cast 1,824 votes, and the Resolution was PASSED with 1,111 Affirming, 490 Opposing, and 223 Abstaining.

• **Analysis:**

The vote on the resolution was proper.

• **Summary:**

-It appears that it was the change in the market, or loss in the investment of a minor trust account holder's trust account, that may have created the maker of the resolution to seek action at the 2019 Annual General Council. A resolution that requires the Legislature to expend funds can be taken by the Legislature as policy where the General Council wants to see some action by the Legislature. Constitutionally, however, the General Council delegated the authority to the Legislature to appropriate funds. CONSTITUTION., Art. IV, § 2. The Legislature's powers to "enact laws to... manage... or otherwise deal with the Nation's... assets" arguably also applies to its control of minor's trust funds. CONSTITUTION, Art. IV, § 2(f). The General Council cannot specifically mandate how minor trust funds can be invested. In fact, the Legislature may have already created a proper procedure that includes a check and balance review of the Nation's appropriations, expenditures, and investments, including the minor trust funds, with the creation of the Trust and Investment Committee. At most, the Legislature must determine whether or not the existing investment policy statement (IPS) should be reviewed and updated as the market trends change. However, the Ho-Chunk Nation cannot control the greater investment market, but can utilize a proper guidance policy for investment purposes.

Constitutionally, the Legislature has the clear authority to expend funds and it has exercised such power in the past. The Legislature is privy to financial information and expenses, as well as other debts of the Nation, that are necessary to analyze in order to determine whether a limiting investment edict, such a removing all minor trust accounts from an investment portfolio into solely interest-bearing checking accounts, is fiscally responsible, or even feasible. The fact that this resolution calls for this specified

particular action, whereby limiting the investment policy statement (IPS) absent any certified financial and investment advisor analysis with a fiduciary responsibility, runs counterintuitive to fiscal responsibility. Presently, the Ho-Chunk Nation Legislature utilizes only authorized and certified financial advisors to provide financial and investment recommendations through a Trust and Investment Committee appointment process to ensure that financially competent people who have a vetted background check can review and make recommendations on investment policies and activities, which includes the minor trust account portfolio. The General Council cannot usurp the constitutionally delegated authority for the Legislature of investment advisement as such action is at the discretion of the Legislature, working in cooperation and conformity with the legislatively created Trust and Investment Committee.

• **Recommendation:**

At most, the Legislature could adopt an amendment, or even a law consistent with the policy articulated by the General Council, but it is not required to adopt the action proposed by the General Council. Since the Nation already has the Trust and Investment Committee in place to monitor the Nation's investments, the Legislature could refer the resolution to the Committee to consider reviewing the current investment strategies and the IPS.

**09-15-19-B Constitutional Amendments & Constitutional (FKA/AKA Secretarial) Elections at the General Council**

• **Authority:**

"General Council retains the power to set policy for the Nation . . . ." CONSTITUTION, Art. IV, § 3(a), (f).

• **Vote:**

The General Council cast 1,822 votes, and the Resolution was PASSED with 1,282 Affirming, 356 Opposing, and 184 Abstaining.

• **Analysis:**

The vote on the resolution was proper.

• **Summary:**

The General Council wants the ability for voters to vote in Constitutional Elections<sup>1</sup> while attending the General Council meeting(s). The resolution further states that the rationale is for greater participation in the electoral process and a potential cost savings to the Ho-Chunk Nation. The resolution demonstrates that its intent is rationally-related to a legitimate government interest because Ho-Chunk Nation tribal

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<sup>1</sup> The CONSTITUTION retained the words "Secretarial Election" even though the section no longer requires the Secretary of the Interior's approval to amend the CONSTITUTION.

members have the right to vote. The resolution requests a constitutional amendment. The General Council retains the authority to request a "secretarial election." CONST., Art. XIII, § 2. The CONSTITUTION indicates that "[i]t shall be the duty of the Ho-Chunk Nation Election Board to call and hold an election on any proposed amendment to this Constitution . . . at the request of the General Council . . ." *Id.*, Art. XIII, § 2.

The policy of the General Council is clear. Note that both of the previous constitutional secretarial election amendments have failed due to poor voter turnout, specifically thirty percent (30%) of those entitled to vote did not vote in the previous elections. The former Attorney General properly opined that a General Council vote does not amend the CONSTITUTION immediately. The constitutional amendment processes must still be followed. CONSTITUTION, Art. XIII. The Ho-Chunk Nation Election Board must therefore call and hold an election based upon two-thirds (2/3) vote of the entire Legislature, at the request of General Council, or upon the presentation of a petition signed by thirty (30) percent of the eligible voters. CONSTITUTION, Art. XIII, § 2.

• **Recommendation:**

The General Council requests that the Election Board and the Legislature work together on a specific proposal to enable the Election Board to conduct future Constitutional Elections at the General Council meetings where a large amount of the membership is required to make quorum, thus saving on costs and potentially enabling a greater likelihood of reaching the 30% of eligible voters required by the CONSTITUTION for amendments. CONSTITUTION, Art. XII § 2. This plan should be structured in such a way that it could be implemented in 2021 if it is approved by the 2020 General Council. There should be no legal barrier to the Election Board and the Legislature from developing such a proposal. As voters typically have to sign in when they vote, a procedure could be developed where the Election Board has voting machines set up at the General Council meeting allowing the membership to come and vote in person on proposed Constitutional amendments from the previous year. The Election Board could then compare the Eligible Voter List to those who voted at General Council, and then mail ballots out to those who did not vote at the annual meeting.

This resolution is interesting as it requires the proposals to be presented at the 2020 annual General Council meeting. However, the Constitution requires the Legislature to make policy into law within 45 days. CONSTITUTION, Art. IV § 3(a). The Legislature could comply by creating a workgroup in the 45-day timeframe.

**09-15-19-C Contract Disclosure to Legislature**

• **Authority:**

"General Council retains the power to set policy for the Nation . . ." CONSTITUTION, Art. IV, § 3 (a), (f).

• **Vote:**

The General Council cast 1,899 votes, and the Resolution was **PASSED** with 1,238 Affirming, 452 Opposing, and 209 Abstaining.

• **Analysis:**

The vote on the resolution was proper.

• **Summary:**

The resolution requests that the Legislature be able to review contracts of the Executive Branch, even if the contracts are trade secrets or confidential in nature. The resolution further states that it is in the best interests of the Nation that the government be transparent when running the Nation's businesses.

• **Recommendation:**

The policy recommendation of the General Council is to allow the Legislature to review contracts of the Executive Branch. The resolution was particularly concerned with a specific contract relating to the Department of Business. The resolution does not allow the release of the contracts to the public. The resolution specifically requests the release of Executive Branch contracts to the Legislative Branch.

The Constitution grants the Legislature the power to "negotiate and enter into... contracts and agreements with other governments, organizations, and individuals." CONSTITUTION, Art. VI § 2(i). The Legislature therefore has the power to control all contract negotiations of the Nation. Furthermore, although the Legislature has delegated part of this contract authority to the Executive Branch, it also holds the constitutional power to "review any action taken by virtue of such delegated power." CONSTITUTION, Art. VI § 2(b). Accordingly, this resolution, which "finds it vitally important that the legislature be able to review contracts entered by the executive branch" and directs both branches to take action consistent with that, is valid and constitutional. However, it is not immediately clear what it means to "review" a contract that has already been entered into. At a minimum, the Legislature must be able to view the terms of such a contract regardless of any terms establishing it to be confidential or otherwise secret. However, whether the power to review a signed contract includes the power to revoke or cancel it requires further analysis.

The Constitution grants to the President the authority to "administer all Departments, boards, and committees created by the Legislature," as well as the power to "execute, administer, and enforce the laws of the Ho-Chunk Nation necessary to exercise all powers delegated by the General Council and the Legislature." CONSTITUTION, Art. VI § 2(d). These are central aspects of the executive power, which is clearly vested in the Executive Branch. CONSTITUTION, Art. VI § 1(a). Accordingly, while negotiating and entering into contracts is a clearly legislative power, once a contract has been entered into, the legislative power ends and the executive power, to execute the contract and expend funds, begins. See, e.g., *Parmenton Decorah v. HCN Legislature et al.*, CV 99-

08 (*HCN Tr. Ct.*, July 1, 1999) at 10 and *Cleveland v. Garvin*, CV 08-36 (*HCN Tr. Ct.*, Feb. 2, 2009) at 19. Therefore, even if the Legislature exercises its right to review a contractual agreement whose terms are now being carried out by the Executive, it may only view it and use that information to take action by passing some sort of law to regulate future contracting. If the Legislature were to attempt to reverse the contract, the Legislature would then be administering a Department of the Nation by overruling a decision that the Department made, which is not allowed by the Nation's CONSTITUTION or by its Courts.

Furthermore, while the General Council has clearly directed the Legislature to view and review contracts entered into by the Executive, this directive cannot overcome the Legislature's own Constitutional powers, one of the most central of which is its ability to "delegate legislative powers to the Executive branch." CONSTITUTION, Art. V, § 2(b). While the General Council can suggest the Legislature use its inherent constitutional powers and affirm its right to do so, it cannot prevent it from delegating those powers. The Legislature may want to seriously consider ensuring that the separation of powers doctrine remains intact so as not to frustrate the clear authorities delegated to each branch of government by reviewing the DEPARTMENT OF BUSINESS ESTABLISHMENT ACT or by considering a "separation of business from government" model so that the boundaries have clear bright-line tests, adequate gaming licensing and background checks amongst the decision-makers, and most importantly, so that the control of the Executive Branch is not blurred through the control of the annual budgeting process of the Legislature.

The Legislature's right to view otherwise confidential documents is clear, but it is not unlimited, and does not allow legislators to pass confidential information onto the public. Admittedly, there is a general governmental presumption that the denial of public access is generally contrary to the public interest. Furthering this presumption is the DEPARTMENT OF BUSINESS ESTABLISHMENT ACT, 1 HCC § 3, which recognizes that the Legislature already has the inherent Constitutional power to retain oversight and review actions of the Executive Branch. CONSTITUTION, Art. V, § 2(b)(q). It states,

"The Legislature establishes and organizes a Department of Business as required by the Constitution of the Ho-Chunk Nation. The Legislature shall retain oversight, pursuant to Article V, Sections 2(b) and 2(q) of the Constitution, of those business enterprises organized and established by the Legislature or a federally chartered corporation owned by the Nation, including business enterprises organized pursuant to the Nation's laws, 25 U.S.C. § 477 or the laws of any other jurisdiction, unless otherwise delegated by the Legislature or prescribed by law....

4. Functions. The Department of Business shall:

- a. Provide high-quality customer service.
- b. Expand and diversify the Nation's industries to promote self-determination and financial stability.

c. Provide for effective communication and dissemination of Tribal information to the Tribal population." 1 HCC § 3.

In provision "c" immediately referenced above, the Legislature could consider amending laws that would allow specific tribal member(s) access to the Nation's contracts upon a proper request, but only after certain procedures are in place that do not implicate the Nation in a breach of confidentiality, or put in the Nation in a position of violating properly executed non-disclosure agreements (NDAs). Presently, by law, only the Attorney General can release information requested of the Nation. HO-CHUNK NATION DISCOVERY ACT, 2 HCC § 3. There is no exception to this restriction for legislators.<sup>2</sup> However, if the information requested is categorized as confidential, as a trade secret, or if the information is protected with a duly executed NDA, then the HO-CHUNK NATION DISCOVERY ACT forbids the release. Such prohibition is a matter of law, even though binding policy may have been passed by the General Council by resolution, such release requires an amendment so as not to violate the ACT as the release could then become an open violation of tribal law. The ACT states,

"8. Non-Disclosure of Certain Information.

a. The Attorney General shall not approve disclosure, production, or testimony regarding any material or information by any past or present Nation official or employee with respect to any request or demand if:

(1) Disclosure would violate federal or tribal law or regulation;

(2) Disclosure would reveal confidential information maintained by the Nation as confidential, including but not limited to medical and personnel files;" 2 HCC § 3.8.a(1-2).

Further compounding the complexity of release of the Nation's confidential information designation in this context, a duly executed active contract executed by the Department of Business, the ACT states,

"The Attorney General shall not approve disclosure, production, or testimony, unless the Attorney General determines that the administration of justice requires disclosure of such information, if...(3) Disclosure would improperly reveal trade secrets without the owner's consent." 2 HCC § 3. 8.c(3).

The Legislature may choose to adopt the former version of the law, but it is solely within its purview. One alternative way that the release of the contract at issue can be properly addressed is to simply amend the ACT. In the alternative, an amendment conforming to the binding policy recommendation of the General Council could include,

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<sup>2</sup> Although legislators in the United States Congress have a "legislative privilege" to speak on matters that may otherwise be barred to them by law, the Supreme Court of the Ho-Chunk Nation has not found any such right under Ho-Chunk law, and has instead suggested that this foreign doctrine does not exist under it. *Gardner v. Littlejohn*, SU 11-02 (HCN S. Ct., Oct. 5, 2011) at 11.

but not be limited to, the Legislature creating a proper contract confidentiality request procedure wherein trade secrets can be properly protected and applied when categorizing the contract or information to remain confidential temporarily, or permanently, in the Nation's contracts database and record-keeping system.

#### **09-14-19-D Reinstatement of General Council Agency**

**• Vote:**

The General Council cast 1,863 votes, and the Resolution was **DEFEATED** with 423 Affirming, 1,304 Opposing, and 136 Abstaining.

**• Analysis:**

The vote on the resolution was proper.

**• Recommendation:**

No action necessary; the resolution was defeated.

#### **09-15-19-E Motion To Table Policy For Hiring General Council Attorney**

**• Vote:**

The General Council cast 1,780 votes, and the Motion was **PASSED** with 1,258 Affirming, 344 Opposing, and 178 Abstaining.

**• Analysis:**

The vote on the resolution was proper.

**• Recommendation:**

No action necessary; the resolution was tabled.

#### **09-15-19-F Motion To Table Reversing Legislative Action Approval of Office of General Council Establishment & Organization Act**

**• Vote:**

The General Council cast 1,788 votes, and the Motion was **PASSED** with 1,412 Affirming, 193 Opposing, and 183 Abstaining.

**• Analysis:**

The vote on the resolution was proper.

**• Recommendation:**

No action necessary; the resolution was tabled.



#### 09-15-19-G Call For Request For Status

- No vote occurred, as the General Council did not take any action.

- **Summary:**

Nevertheless, a brief synopsis of the current standing is important to provide a legal status of the matter, as the General Council does have a formal role in the removal of Mary Blackdeer-Anwash from the Ho-Chunk Nation membership rolls. The disenrollment of Ms. Anwash began in 2012 before the CONSTITUTION was amended, via Amendment XVI, in 2016. Before that time, disenrollment matters were voted on by the General Council; however, on September 23, 2013, via GC Resolution 9-23-2013-6, the General Council passed a resolution and decided to eliminate itself from the Disenrollment process.

This issue has already been determined by the Judiciary to require the General Council to remove Ms. Anwash. The Court has clearly stated:

"The power to remove Mary Ellen Blackdeer Anwash from the Membership Roll remains with the General Council as the previous MEMBERSHIP CODE and CONSTITUTION prior to Amendment XVI stays alive for the removal proceedings of this Ho-Chunk Nation member." See *Mary Ellen Blackdeer Anwash v Ho-Chunk Nation Committee on Tribal Enrollment* CV 12-73 (HCN Tr. Ct., Nov. 21 2016) at 7.

The CONSTITUTION gives the judiciary the power to "interpret and apply the CONSTITUTION and laws of the Ho-Chunk Nation." CONSTITUTION, Art. VII §4. The General Council does not have to power to review or reverse decision of the Judiciary which interpret the CONSTITUTION. CONSTITUTION Art. IV § 3(b). The Judiciary has interpreted the CONSTITUTION in relation as to when Amendment XVI was effective in the CONSTITUTION. The General Council has since then continued to refuse or fail to address the final removal action under the prior CONSTITUTION.

- **Recommendation:**

Based on the opinion of the Trial Court, the General Council is constitutionally tasked with the discretion of addressing the matter, or not addressing the matter, and until a decision is made, no disenrollment can legally happen.

#### 09-15-19-H Policy General Council FY 2021 Budget

- **Authority:**

"The General Council retains the power to propose a budget in accordance with BUDGET & APPROPRIATIONS ACT, 2 HCC § 4(5)(b)(4).

• **Vote:**

The General Council cast 1,876 votes, and the Motion was **PASSED** with 979 Affirming, 648 Opposing, and 249 Abstaining

• **Analysis:**

The vote on the resolution was proper.

• **Summary:**

The resolution states that pursuant to the **BUDGET & APPROPRIATIONS ACT, 2 HCC § 4(5)(b)(4)**, the General Council requests \_\_\_\_\_ from the Legislature.

• **Recommendation:**

The General Council delegated the authority to the Legislature to . . . appropriate funds. **CONSTITUTION, Art. IV, § 2**. The General Council cannot mandate funds be used for the next fiscal year 2021 budget, but can recommend it as a policy pursuant to the **CONSTITUTION, Art. IV, § 3(a)**, and the **BUDGET & APPROPRIATIONS ACT, 2HCC § 4(5)(b)(4)**. The Legislature must determine whether funds will be expended to the General Council based on the budget approved by resolution and reviewed by the Legislature.

2020  
ANNUAL GENERAL COUNCIL



2019 OGC ATTORNEY  
REVIEW AND ANALYSIS OF RESOLUTIONS PASSED AT THE  
HO-CHUNK NATION  
SEPTEMBER 14, 2019 GENERAL COUNCIL MEETING

**SWANSON, DROBNICK & TOUSEY, P.C.**  
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**To: Cari A. Fay-Bohman**  
**General Council Advocate**

**Date: October 7, 2019**

**Re: Review and Analysis of Resolutions Passed at the Ho-Chunk Nation**  
**September 14, 2019 General Council Meeting**

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**INTRODUCTION**

The 2019 Annual General Council Meeting was held at the Kalahari Resort in Wisconsin Dells, Wisconsin, on September 14, 2019. Proper notice of the meeting was provided by President Wilfrid Cleveland by and through his written notice to the Office of General Council dated March 21, 2019, pursuant to Art. IV, § 5 of the CONSTITUTION of the Ho-Chunk Nation.<sup>1</sup>

The number of eligible voting members need to obtain a quorum for the 2019 Annual General Council Meeting was 1214. Pursuant to Art. IV, § 7 of the CONSTITUTION, a quorum was obtained by a vote showing a quorum of voting members present, at 11:14 a.m., when 2,260 voting members electronically confirmed their presence. After a quorum was reached, the General Council duly nominated three (3) members to Chair the meeting as provided by Art. IV, § 7 of the CONSTITUTION. *Wilfrid Cleveland* was selected to preside as Chairperson, receiving 650 votes, with *Gerald Cleveland* receiving 514 votes and *Nathaniel Longtail* receiving 435 votes. Chairperson *Wilfrid Cleveland* 0351 appointed *Pamela M. Wilbur* 1694 as Recording Secretary, with *Tina Brown* 0216 to assist her. On September 16, 2019, Ms. Wilbur transmitted to the HCN Legislature and Department of Justice the 2019 General Council Meeting Minutes, along with the certified versions of the 2019 General Council Resolutions, certifying the votes that were recorded on each resolution.<sup>2</sup>

<sup>1</sup> All references herein to "CONSTITUTION" shall be to the CONSTITUTION of the Ho-Chunk Nation, unless stated otherwise. The Ho-Chunk Nation shall be referred to as such or by reference to the "Nation or HCN."

<sup>2</sup> In the event that any information is not reflected in the Recording Secretary's meeting minutes, that information is reflected in the transcript of the meeting by Sue Veres, the Registered Court Reporter, provided on September 15,

Following updates from the Legislative Branch, by Vice President Karena Thundercloud, District I Legislator, and the Judicial Branch, by Chief Judge JoDeen B. Lowe, the Annual General Council Meeting was called to Order by the Chair at 11:55 a.m. President Marlon WhiteEagle then gave a report on the Executive Branch.

Alice Wood 1442 made a Motion to Approve the Minutes of the 2018 General Council meeting and Sheridan Cloud 2869 Seconded the motion. The Motion was Carried with 1,497 affirmative votes, 48 against and 56 abstained.

The floor was opened for Agenda items and thirteen (13) General Council Resolutions were placed onto the 2019 General Council Agenda:

- 9-14-19-A: Minor Trust Policy for Returns on Investments,**  
Motion by Sanford Decorah 5594, Second by Sandra Decorah 0984
- 9-14-19-B: Constitutional Amendment & Constitutional (FMA/AKA Secretarial) Elections at the Annual General Council,**  
Motion by Sheridan Cloud 2869, Second by Susan Greengrass 2955
- 9-14-19-C: Contract Disclosure to Legislature**  
Motion by Robert Funmaker 0915, Second by Michael Thunder 6182
- 9-14-19-D: Reinstatement of General Council Agency,**  
Motion by Ben Krause 8132, Second by Karen Hopinka Ramberg 1234
- 9-14-19-E: Policy for Hiring General Council Attorney,**  
Motion by Ben Krause 8132, Second by Karen Hopinka Ramberg 1234
- 9-14-19-F: Reversing Legislative Action Approval of Office of General Council Establishment & Organization Act,**  
Motion by Ben Krause 8132, Second by Karen Hopinka Ramberg 1234
- 9-14-19-G: Request for Status of Disenrollment,**  
Motion by Andrea Storm 2161, Second by Wayne Blackdeer 0176
- 9-14-19-H: General Council FY 2021 Budget,**  
Motion by Cari Fay Bohman 1460, Second by Ben Krause 8132

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2019, or in the official video of the 2019 General Council Meeting. Both items are maintained by the Office of General Council.

- 9-14-19-I: Declaring the Policy for the General Council to meet on Sovereign Lands of the Ho-Chunk,**  
Motion by Jeanine Heffner 1145, Second by Scott Heffner 4404
- 9-14-19-J: Request for Comparable Worth Study,**  
Motion by Jeanine Heffner 1145, Second by Scott Heffner 4404
- 9-14-19-K: Law Enforcement,**  
Motion by Jeanine Heffner 1145, Second by Scott Heffner 4404
- 9-14-19-L: Review and Reverse the Increase in Salary the Legislature Provided to Themselves,**  
Motion by Lori Funmaker 0891, Second by Jon Warner 2430
- 9-14-19-M: Authorizing the General Council and the President of the Ho-Chunk Nation, to investigate further, the Indian Nation Preference to Sell Electric Power from an Indian Nation Controlled – Clean Energy Power Production Plant – to the U.S. Federal Government,**  
Motion by Gary Funmaker 3182, Second by Jeremy Rockman 1942

Dave WhiteEagle 2527 made a Motion to Close the Agenda and Alice Wood 1442 Seconded the motion. Motion was Rescinded with Alice Wood 1442 concurring. Tribal member attempted to place items on the Agenda as a "proxy" for another tribal member; after discussion, this was not allowed. Dave WhiteEagle 2527 made a Motion to Close the Agenda and JoVanna WhiteEagle 4540 Seconded the motion. The Motion was Carried with 1,638 affirmative votes, 86 against and 58 abstained (total 1,782).

#### **APPROVED RESOLUTIONS - ANALYSIS**

The General Council voted to approve and passed four (4) resolutions at the 2019 Annual Meeting. The following review addresses only those resolutions that passed "by a majority vote of the qualified voters of the Ho-Chunk Nation General Council," under Ar. IV, § 3 (1) of the CONSTITUTION.

In addition to attending the September 14, 2019 Annual General Council Meeting, Legal Counsel have reviewed the CONSTITUTION, past General Council minutes and Legal Opinion, case law and General Council Resolutions 09-14-2019-A, 09-14-2019-B, and 09-14-2019-C, and offer this analysis based upon such review.

**9-14-19-A: Minor Trust Policy for Returns on Investments**

After discussion for and against, this Resolution **PASSED** with 1,111 affirmative votes, 490 negative votes and 223 abstained (1,824 total).

The General Council retains the power to set policy for the Nation as described by the CONSTITUTION, Art. IV, § 3 (a):

#### ARTICLE IV – GENERAL COUNCIL

##### Section 3. Powers Retained by the General Council.

- (a) The General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings. The Executive Branch shall enforce this policy within sixty (60) days of the majority vote of the qualified voters of the Ho-Chunk Nation General Council. In the event that this policy is not enacted by the Legislative Branch or enforced by the Executive Branch within fifteen (15) days of the aforementioned deadlines, the Ho-Chunk Nation General Council shall file suit in the Ho-Chunk Nation Tribal Court against elected officials of the Ho-Chunk Nation branch of government. The Supreme Court of the Ho-Chunk Nation shall have original jurisdiction within fifteen (15) days of filing date of suit.

The General Council “set policy for the Nation” when it passed 9-14-19-A, *Minor Trust Policy for Returns on Investments*. The resolution cites the Ho-Chunk Nation Per Capita Distribution Ordinance, 2HCC 12 § 8, which provides that all minor trust per capita amounts must be held for the member and invested in a “reasonable and prudent manner which protects the principal and seeks a reasonable return” and goes on to state that the actual minor trust balances of Ho-Chunk youth have declined over the past year, raising the question of whether the trust funds are being invested in a reasonable and prudent manner which seeks a reasonable return. The resolution was brought forth by parents who are concerned about the future benefits that will be available for their children; it does not attempt to change the law or create any new law, but rather, emphasizes that portion of the existing law that the General Council deems important for the Nation to focus on as a policy: ensuring the minor trust accounts *produce a reasonable return* on investments. See, Art. IV § (b) of the CONSTITUTION (General Council retains the power to review the actions of the HCN Legislature).

Further, the resolution does not demand that the other Branches take any specific action other than to act in accordance with the resolution, which expresses the policy that the Executive and Legislative Branches must actively follow the laws of the Nation as written, and to do things that they are already required to do. The resolution does make a

request that the Trust and Investment committee remove the trust assets from portfolios that are *not making a reasonable return* and place the funds in interest-bearing accounts; this is more of a conceptual request than a specific request to remove funds from any certain accounts or to invest funds in any other specific accounts – it is saying to pay attention to what is happening and to take money from accounts that aren't making money and put it into accounts that are making money.

Again, both the Legislative and Executive Branches are constitutionally mandated to act within the time-frames noted above to enforce the policy as set by the General Council.

**9-14-19-B: Constitutional Amendment & Constitutional (FMA/AKA Secretarial) Elections at the Annual General Council**

After discussion for and against, this Resolution **PASSED** with 1,282 affirmative votes, 356 negative votes and 184 abstained (1,822 total).

The General Council retains the power to set policy for the Nation as described by the CONSTITUTION, Art. IV, § 3 (a):

**ARTICLE IV – GENERAL COUNCIL**

**Section 3. Powers Retained by the General Council.**

- (a) The General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings. The Executive Branch shall enforce this policy within sixty (60) days of the majority vote of the qualified voters of the Ho-Chunk Nation General Council. In the event that this policy is not enacted by the Legislative Branch or enforced by the Executive Branch within fifteen (15) days of the aforementioned deadlines, the Ho-Chunk Nation General Council shall file suit in the Ho-Chunk Nation Tribal Court against elected officials of the Ho-Chunk Nation branch of government. The Supreme Court of the Ho-Chunk Nation shall have original jurisdiction within fifteen (15) days of filing date of suit.

The General Council retains the power pursuant to Art. IV, §3(c) to propose constitutional amendments in accordance Art. XIII of the CONSTITUTION; and pursuant to Art. XIII of the CONSTITUTION, the General Council can mandate the Election Board to call and hold a constitutional/secretarial election to amend the HCN CONSTITUTION.



The resolution establishes binding policy of the Ho-Chunk "people to have constitutional amendments and the subsequent constitutional/secretarial elections occur at the Ho-Chunk General Council" which, is interpreted to mean at a duly called meeting of the General Council, in conjunction with mail balloting for those in non-attendance. There are two separate policies set by this resolution. First, that all proposed constitutional amendments be presented to the General Council. Second, that any subsequent constitutional/secretarial election to be held at a HCN General Council meeting.

While 20% of the eligible voters must be present to constitute a quorum for a General Council Annual or Special Meeting (Article IV, Section 7), 30% of the eligible voters must actually vote in an election in order for it to be a valid election to amend the CONSTITUTION under Art. XIII, § 1, thus a mail balloting provision for those in non-attendance at the General Council Annual Meeting. As stated in the policy of the resolution, this policy is intended to hold voting at a time and place to maximize voter turnout and to save funds as it would not require multiple polling sites.

It appears upon review that the HCN Election Code, 2 HCC §6, requires amended to implement this policy. The Election Code limits the discretion of the Election Board to conduct an election by mail balloting to Special Elections to (1) fill vacancies in the Judiciary, Office of the President, or to fill a vacancy on the Legislature, (2) to recall a Legislator, or (3) to increase or decrease the number of Legislators on the Legislature after a Redistricting Special Election. *See* 2 HCC § 6.14a. Further, it appears as if mail box balloting and poll place voting are mutually exclusive. There may be other provision of the Election Code and Election Board policies, which also require additional review for compliance with this policy.

The resolution further recommends that the HCN Legislature and Election Board propose lawful amendments and developed procedures to hold constitutional amendments and elections at the 2021 General Council, and present such at General Council 2020. The recommendation is in line with the authority of the General Council to set policy and the HCN Legislature to enact that policy within a specified time pursuant to Art. IV, § 3(a).

This recommendation to the Legislature and the Election Board is just that: a recommendation and request to report to the General Council how the policy will be implemented by the HCN Legislature. There is no specific directive which goes beyond the power of the General Council, although there is a suggestion as to how the Legislative Branch may choose to make the policy into law, code, ordinance, etc., as contemplated by Article IV, Section 3 (a).

#### **9-14-19-C: Contract Disclosure to Legislature**

After discussion for and against, this Resolution **PASSED** with 1,238 affirmative votes, 452 negative votes and 209 abstained (1,899 total).

The General Council retains the power to set policy for the Nation as described by the CONSTITUTION, Article IV, Section 3 (a):

#### ARTICLE IV – GENERAL COUNCIL

##### Section 3. Powers Retained by the General Council.

- (a) The General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings. The Executive Branch shall enforce this policy within sixty (60) days of the majority vote of the qualified voters of the Ho-Chunk Nation General Council. In the event that this policy is not enacted by the Legislative Branch or enforced by the Executive Branch within fifteen (15) days of the aforementioned deadlines, the Ho-Chunk Nation General Council shall file suit in the Ho-Chunk Nation Tribal Court against elected officials of the Ho-Chunk Nation branch of government. The Supreme Court of the Ho-Chunk Nation shall have original jurisdiction within fifteen (15) days of filing date of suit.

This resolution expresses the policy of the Nation to have transparency in government business endeavors, and in particular, to allow the Legislature to review contracts entered into by the Executive Branch, on behalf of the Nation.

Further, this resolution is consistent with the HCN Judiciary interpretation.

The HCN Legislature is constitutionally charged with entering into contracts for the Nation, HCN CONST. Art. V. § 2(a) & (i) and has the authority to delegate that authority to the Executive Branch. *Id.* @ § 2(a).

*HCN Treasury Department, et al. v Corvettes on the Isthmus, et al.*, HCN S. Ct., Nov. 19, 2007 at 4.

This resolution is proper in that there is no specific directive, although there is a suggestion as to how the Legislative Branch may choose to make the policy into law, code, ordinance, etc., as contemplated by Article IV, Section 3 (a).

**9-14-19-H: General Council FY 2021 Budget**


After discussion for and against, this Resolution **PASSED** with 979 affirmative votes, 648 negative votes and 249 abstained (1,876 total).

This resolution was made in accordance with the Appropriations and Budget Process Act, 2 HCC § 4 (5)(b)(4), "(t)he General Council Agency shall submit the proposed annual budget for the General Council and General Council Agency to the Finance Committee not later than the last business day in March of each year for the succeeding fiscal year," and the approval by the General Council is required by the policies of the General Council Agency. Ms. Cari Fay, as the General Council Advocate, prepared the annual budget. The General Council after review approved the budget. The next step is for Ms. Cari Fay to present the budget to the Legislature and to Advocate for the funds necessary to operate the Office of the General Council<sup>3</sup>. The resolution had an attached comparison of the detailed expenses for the department for FY 2019-2020 and FY 2020-2021, and more details regarding some of the costs and expenses were provided when the Resolution was presented at the Annual Meeting.

The resolution was made in accordance with Ho-Chunk law, and does not infringe on the powers or authority of the Executive or the Legislative branches.

Respectfully submitted,

**SWANSON, DROBNICK & TOUSEY, P.C.**



Heidi A. Drobnick  
*Attorney at Law*

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<sup>3</sup> While the Resolution references "General Council Agency", the Resolution 09-14-19-D that *would have* disestablished the Office of the General Council and re-instated the General Council Agency was defeated, so the appropriate title is the Office of the General Council.

2020  
ANNUAL GENERAL COUNCIL



OFFICE OF GENERAL COUNCIL  
ANNUAL REPORT

## **OFFICE OF GENERAL COUNCIL ANNUAL REPORT 2019-2020**

Welcome to the Annual Meeting of the General Council being conducted in a Virtual Format, due to restrictions arising from the COVID-19 Pandemic, which prevents interpersonal activity in large groups. The beginning of 2020 has been tumultuous and challenging with the closings of casinos, working with a limited essential staff and continuing to keep moving forward throughout this pandemic. These unprecedented times necessitate that our tribal government utilize our technological capabilities to uphold our constitutionally mandated obligations, wherein our Annual General Council activities are concerned.

This report contains actions which have ensued following the HCN 2020 General Council.

There were a total of 13 resolutions placed on the agenda. Eight were presented, Resolutions 09-14-19 A through 09-14-19 H. The four resolutions which were passed are the following:

- **09.14.19-A:** Minor Trust Policy for Returns on Investment.
- **09.14.19-B:** Constitutional Amendments & Constitutional (FKA/AKA) Secretarial Elections at The Annual General Council
- **09.14.09-C:** Contract Disclosure to Legislature
- **09.14.19-H:** General Council FY 2021 Budget

The Legislative Acknowledgements occurred in session on October 22, 2019.

I have included a copy of the October 22, 2019 meeting minutes of the Legislative Acknowledgements. Resolutions and Actions from the 2019 General Council Agenda, (Refer to the attachments).

Reflecting back to GC2017, court proceedings regarding the disputed 2017 resolutions have been ongoing, which occurred after GC2017 adjourned. However, the GC membership decided to reconvene because of the immediacy of the four remaining resolutions, which, in their determination had to be addressed. That action resulted in litigation filed by Gerald Cleveland for General Council, Chairperson at the GC2017 assembly. The upcoming hearing in front of the HCN Supreme Court is scheduled for Saturday January 30, 2021 at 1:00 p.m. Gerald Cleveland is represented by Daniel Finerty of Law Offices of Linder & Marsak, concerning the status of Resolutions 09-16-17 I through 09-16-17 R (Please see attachments 1-4).

### **GC Budgetary Concerns**

During this last year, the Office of General Council was tasked with submitting a budget reflective of the stark economic realities which has impacted the HCN vis-à-vis the disruptions which COVID-19 imposed upon us. Due to the financial restrictions to which the tribe has been contending, the OGC budget has had to fiscally respond accordingly. In doing so, the budget has been pared down to a least operable amount, taking into account the fact that if the tribe

experiences an economic upswing, we may have an in-person General Council meeting with a the best possible gratuity that the tribe can provide.

Please keep in mind that this budget is a suggestion for the Legislative body to consider when it comes to the budget hearings.

In closing, it is our greatest hope that you will enjoy your virtual experience and that it will be one that is beneficial to all as we discharge the duties of being a member of Ho-Chunk Wazijaci Howacena General Council during the COVID-10 pandemic.

Appreciatively,



Cari A. Fay-Bohman

General Council Advocate

# GC2017

## MEETING MINUTES

**GENERAL COUNCIL MEETING MINUTES**  
**ALLIANT ENERGY CENTER – Exhibition Hall**  
**SEPTEMBER 16, 2017**

**I: ROLL CALL:**

Established through registration at 10:12 a.m.

Tribal elder, Dennis Funmaker was appointed as Sergeant-at-Arms.

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**II: DETERMINATION OF QUORUM:**

Quorum was established electronically at 11:14 a.m., with 2,190 voting members present. (1,186 members required for quorum)

**III: SELECTION OF PRESIDING CHAIRPERSON:**

Matt Mann opens the nominations for General Council presiding Chairperson

Alice Wood 1442 nominates Gary Funmaker.

Crystal Herriage 1449 seconds.

Libby Fairchild 2179 nominates Gerald Cleveland.

Melodie Cleveland 3054 seconds.

Martin Yellowbank 2763 nominates Charles Hindsley.

Anna Salinas 1974 seconds.

Desiree Rave 6451 nominates Forrest Funmaker.

Marlon White Eagle 2549 seconds.

Teala Edwards 1961 motions to close nominations.

Ernestine Helgesen 3205 seconds.

**GENERAL COUNCIL VOTES FOR PRESIDING CHAIRPERSON**

Gary Funmaker - 139

Gerald Cleveland - 797

Charles Hindsley - 202

Forest Funmaker - 354

General Council Meeting Minutes 2017



**GERALD CLEVELAND 0336 IS PRESIDING CHAIRMAN**

Chairman Gerald Cleveland appoints Pamela M. Wilber 1694 as Recording Secretary with Tina Brown 0216 to assist her.

**IV: CALL TO ORDER:**

Chairman Gerald Cleveland 0336 called the meeting to order at 11:48 a.m.

**V: OPENING PRAYER:**

Wilfrid Cleveland offered the prayer on behalf of the Ho-Chunk Nation.

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**VI: APPROVAL OF MINUTES:**

Teala Edwards 1961 motions to approve the minutes of General Council 2016.

Bill Winneshiek 2747 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE THE MINUTES**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
<b>1,351</b>	<b>113</b>	<b>140</b>	<b>1,604</b>

**MOTION CARRIED.**

**VII: LEGISLATIVE REPORT:** There was no report given.

**VIII: NEW BUSINESS:**

Tribal members made the motions to put the following resolutions on the agenda:

- A. Requiring Legislature and Executive Branches to fulfill their constitutional duty in compliance with the policy set forth in 2015 and 2016 General Council Resolutions.**
- B. Request for Secretarial Election.**
- C. Authorization and approval for General Council Work Group and financial resources for pre-and-post-General Council meeting activities.**
- D. A resolution to establish the Tribal Aging Unit as a separate and independent department named the Department of Aging under the Executive Branch of Government.**
- E. General Council FY 2019 Budget.**
- F. A Resolution to Assign Willing HC Homesteads to Grow Non-GMO, Non-Herbicidal Produce with Compensation at Going Rate.**
- G. Ho-Chunk Nation General Council Resolution in Support of a Full Time Drug and Alcohol Enforcement Officer of the Ho-Chunk Nation.**
- H. A Resolution requiring that Resolutions by General Council be acted upon by the Legislative Branch and not referred to another department.**
- I. Resolution Regarding Pike Island Energy LLC.**
- J. Resolution to Mandate Treatment to Tribal Members Addicted to Drugs and Alcohol if They Request it from the Ho-Chunk Nation.**

- K. A Resolution to Obtain AODA Healing Center with EDMR Therapy.
- L. Members receive a payout for members mileage and expenses to attend future General Council meetings.
- M. Setting Policy regarding driver's license requirement in the Ho-Chunk Nation's Job Descriptions.
- N. A Resolution to opt out or accept lesser amount of the Christmas Bonus.
- O. Move Hocak Worak from the Executive Branch to the General Council Branch.
- P. Anyone turning 18 receive their regular per-cap, not Children's Trust Fund monies.
- Q. Resolution to Reaffirm the Employment Protections for Ho-Chunk Members.
- R. A Resolution to Complete Cannabis Research.

Gloria Visintin 3116 motions to close the agenda items.

Joe Decorah 4587 seconds the motion.

**GENERAL COUNCIL VOTES TO CLOSE THE AGENDA.**

YES OR ACCEPT	NO OR REJECT	ABSTAIN	TOTAL VOTES
1,619	68	57	1,744

**MOTION CARRIED.**

Joy Thompson 2235 motions to approve the agenda for General Council 2017.

James Krause 8134 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE AGENDA**

YES OR ACCEPT	NO OR REJECT	ABSTAIN	TOTAL VOTES
1,593	73	64	1,730

**MOTION CARRIED.**

**IX: AGENDA**

(Chairman Gerald Cleveland 0336 asks the authors of the next item agenda to ready their Resolution)

- A. Joy Thompson 2235 motions to approve Resolution 9/16/17-A: Requiring Legislature and Executive Branches to fulfill their constitutional duty in compliance with the policy set forth in 2015 and 2016 General Council Resolutions.

James Krause 8134 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-A.**

YES OR ACCEPT	NO OR REJECT	ABSTAIN	TOTAL VOTES
1,032	465	336	1,833

**MOTION CARRIED.**

(Chairman Gerald Cleveland 0336 asks the authors of the next item agenda to ready their Resolution)

- B. Bill Winneshiek 2747 motions to approve Resolution 9/16/17-B: Request for Secretarial Election.  
Jeremy Rockman 1942 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-B.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
<u>1,154</u>	<u>511</u>	<u>245</u>	<u>1,910</u>

**MOTION CARRIED.**

(Chairman Gerald Cleveland 0336 asks the authors of the next item agenda to ready their Resolution)

- C. Josh Rykman 6829 motions to approve Resolution 9/16/17-C: Authorization and approval for General Council Work Group and financial resources for pre-and-post-General Council meeting activities.  
Joy Thompson 2235 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-C.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
809	971	136	1,916

**MOTION DEFEATED.**

(Chairman Gerald Cleveland 0336 asks the authors of the next item agenda to ready their Resolution)

- D. Teala Edwards 1961 motions to approve Resolution 9/16/17-D: To establish the Tribal Aging Unit as a separate and independent department named the Department of Tribal Aging under the Executive Branch of Government.  
Ernestine Helgeson 2832 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-D.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
626	1,167	105	1,898

**MOTION DEFEATED.**

(Chairman Gerald Cleveland 0336 asks the authors of the next item agenda to ready their Resolution)

- E. James Krause 8134 to approve Resolution 9/16/17-E: General Council FY 2019 Budget  
Joy Thompson 2235 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-E.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
<b>1,056</b>	<b>678</b>	<b>176</b>	<b>1,910</b>

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**MOTION CARRIED.**

(Chairman Gerald Cleveland 0336 asks the authors of the next item agenda to ready their Resolution)

- F. Hazel Guerrero 3423 motions to approve Resolution 9/16/17-F: Resolution to Assign Willing HC Homesteads to Grow Non-GMO, Non-Herbicidal Produce with Compensation at Growing Rate.  
Joyce Warner 2431 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-F.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
<b>876</b>	<b>613</b>	<b>281</b>	<b>1,770</b>

**MOTION CARRIED.**

(Chairman Gerald Cleveland 0336 asks the authors of the next item agenda to ready their Resolution)

- G. Michelle Greendeer-Rave motions to approve Resolution 9/16/17-G: Resolution in Support of a Full Time Drug and Alcohol Enforcement Officer of the Ho-Chunk Nation. Michelle Greendeer-Rave 1029 amends Resolution 9/16/17-G adding 3 positions.  
Cari Fay 1460 seconds the motion and concurs with the amendment to the resolution.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-G.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
<b>1,270</b>	<b>584</b>	<b>103</b>	<b>1,957</b>

**MOTION CARRIED.**

(Chairman Gerald Cleveland 0336 asks the authors of the next item agenda to ready their Resolution)

H. Joyce Warner 2431 motions to approve Resolution 9/16/17-H: Resolution requiring that Resolutions by General Council be acted upon by the Legislative Branch and not referred to another department. Hazel Guerrero 3423 seconds the motion.

**GENERAL COUNCIL VOTES APPROVE RESOLUTION 9/16/17-H.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,053	544	290	1,887

**MOTION CARRIED.**

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Darrell Waukau 5847 motions to adjourn.  
Michelle DeCora 0469 seconds the motion.  
There was no discussion.

**GENERAL COUNCIL VOTES TO ADJOURN.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,093	706	85	1,884

**MOTION CARRIED.**

**MEETING ADJOURNS AT 3:14 p.m.**

Discussion and disapproval of the adjournment ensues. Regarding the motion to adjourn, it was not recorded that Mr. Waukau included his enrollment number when making the motion. He was asked by Chairman Cleveland to return and state his enrollment number. Mr. Waukau returned to the podium and stated his enrollment number. Hattie Walker 2408 stated that the Ho-Chunk General Council did not adopt Robert's Rules of Order so the Chairman can continue meeting.

**CHAIRMAN GERALD CLEVELAND 0336 CONTINUES THE MEETING. 3:25 p.m.**

Mike Mullens 3375 motions to call a Special Meeting to continue on. Bill Winneshiek seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE THE MOTION: To call a Special Meeting to continue on.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,198	470	86	1,754

**MOTION CARRIED.**

1. Gary Funmaker 3182 motions to approve Resolution 9/16/17-I: Resolution Regarding Pike Island LLC.  
Bill Winneshiek 2742 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-I.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
560	1,077	228	1,865

**MOTION DEFEATED.**

- ~~J. Tena Quackenbush 1888 motions to approve Resolution 9/16/17-J: Resolution to Madate Treatment to Tribal Members Addicted to Drugs and Alcohol if They Request it from the Ho-Chunk Nation.  
Lawrence Littlegeorge 1463 seconds the motion.~~

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-J.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,434	337	86	1,857

**MOTION CARRIED.**

- K. Hazel Guerrero 3423 motions to approve Resolution 9/16/17-K: Resolution to Obtain AODA Healing Center with EDMR Therapy.  
Teala Edwards 1961 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-K.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
865	770	194	1,829

**MOTION CARRIED.**

- L. Cecelia Krause 1447 motions to approve Resolution 9/16/17-L: Members receive a payout for members mileage and expenses to attend future General Council meetings.  
Tena Quackenbush 1888 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-L.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,086	777	77	1,940

**MOTION CARRIED.**

M. Toree Jones 1278 **RESCINDS** her Resolution 9/16/17-M: Setting policy regarding driver's license requirement in the Ho-Chunk Nation's Job Descriptions.  
Forest Funmaker seconds the rescinding of her resolution.

N. Hazel Guerrero 3423 motions to approve Resolution 9/16/17-N: A Resolution to opt out or accept lesser amount of the Christmas Bonus.  
Roxanna Metoxen 2703 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-N.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
<b>670</b>	<b>1,190</b>	<b>94</b>	<b>1,954</b>

**MOTION DEFEATED.**

O. Forest Funmaker 4594 motions to approve Resolution 9/16/17-O: To move Ho-Chunk Hocak Worak from the Executive Branch to the General Council Branch.  
Marlin WhiteEagle seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-O.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
<b>932</b>	<b>591</b>	<b>357</b>	<b>1,880</b>

**MOTION CARRIED.**

Joy Thompson motions to rescind Special meeting motion and to move forward under the Chairman's continuation of meeting.

John Contreras 3041 seconds the motion.

**NO VOTE RECORDED.**

Wendy Huling 1247 motions to rescind Special Meeting and adopt Resolutions I-O

Nikki Withers 5337 seconds the motion.

**NO VOTE RECORDED.**

P. Hazel Guerrero 3423 motions to approve Resolution 9/16/17-P: Anyone turning 18 receive their regular per-cap not Children's Trust Fund monies.  
Miranda Roberts 6101 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-P.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
344	1,188	149	1,681

**MOTION DEFEATED.**

**Q. Hazel Guerrero 3423 RESCINDS Resolution 9/16/17-Q: To Reaffirm the Employment Protections for Ho-Chunk Members.**  
Rochelle Decorah 0639 seconds to rescinding of Resolution 9/16/17-Q

**R. Hazel Guerrero 3423 motions to approve Resolution 9/16/17-R: A Resolution to Complete Cannabis Research.**

Chanelle Roth 4865 seconds the motion.

**GENERAL COUNCIL VOTES TO APPROVE RESOLUTION 9/16/17-R.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
518	1,108	99	1,725

**MOTION DEFEATED.**

Myrtle Long 1580 motions to adjourn.  
Karen Martin 2220 seconds the motion.

**GENERAL COUNCIL VOTES TO ADJOURN.**

<b>YES OR ACCEPT</b>	<b>NO OR REJECT</b>	<b>ABSTAIN</b>	<b>TOTAL VOTES</b>
1,540	125	31	1,696

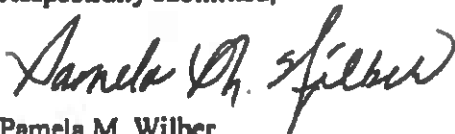
**MOTION CARRIED.**

**CHAIRMAN GERALD CLEVELAND ADJOURNS GENERAL COUNCIL AT 5:42 p.m.**

**ATTACHMENTS:**

**Resolutions 9/16/17-A through 9/16/17-R**

Respectfully submitted,



Pamela M. Wilber  
Recording Secretary  
(Tina Brown, Assistant Secretary)



# RESOLUTION 09-16-17 J

**HO-CHUNK NATION GENERAL COUNCIL  
RESOLUTION TO MANDATE TREATMENT TO  
TRIBAL MEMBERS ADDICTED TO DRUGS AND ALCOHOL  
IF THEY REQUEST IT FROM THE HO-CHUNK NATION**

**RESOLUTION 9-16-2017**   J  

WHEREAS, on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Nation; and

WHEREAS, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, pursuant to Article IV, Section 1 of the Constitution, the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and

WHEREAS, pursuant to Article IV, Section 1, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and

WHEREAS, pursuant to Article IV, Section 3 (a), the General Council retains the power to set policy for the Nation; and

WHEREAS, pursuant to Article IV, Section 3 (b), the General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council; and

WHEREAS, pursuant to Article IV, Section 3 (f), action by the General Council shall be binding; and

WHEREAS, pursuant to Article IV, Section 5, and Article VI Section 2 G), an Annual meeting has been duly called and notice duly given by the President; and

WHEREAS, pursuant to Article IV, Section 7, twenty (20) percent of the eligible voters of the Nation present in General Council shall constitute a quorum; and

WHEREAS, the Ho-Chunk Nation declared a State of Emergency regarding a drug and alcohol epidemic and there is a need for behavioral health and treatment programs for those tribal members who want to rehabilitate and recover from addiction; and

WHEREAS, addiction is a disease and should be treated as any other disease. As with other chronic health conditions, treatment is an ongoing process that is to be adjusted based on how the patient responds. Treatment plans need to be reviewed and modified to fit the patients changing needs. As with all other diseases an individual diagnosed with any substance disorder should not be refused treatment due to funding, or repeated requests for funding; and

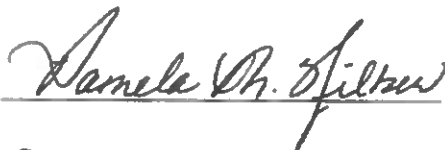
WHEREAS, because substance abuse is a disease and the relapse rate is so high, treatment is not always as simple as a one-time visit to treatment for recovery. When dealing with drug addiction and the high numbers of overdoses in our tribal communities, and overdoses resulting in death, funding needs to be provided for treatment: and

WHEREAS, patients typically require long-term or repeated episodes of care to achieve the ultimate goal of sustained abstinence and recovery of their lives and scientific research and clinical practice demonstrate the value of continuing care in treating addiction, with a variety of approaches having been tested and integrated in residential and community settings:

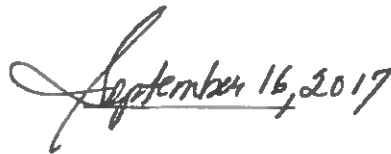
**NOW THEREFORE BE IT RESOLVED**, that the Ho-Chunk Nation General Council sets a binding policy recommendation that those tribal members who request help and who are most in need will be provided assistance and funding for recovery and treatment of alcohol and drug addiction beyond the current policy, regardless of how many relapses have occurred as a sober tribal member means a healthier contributing tribal member to our communities.

#### CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of 2190 members, of whom 1186 constituting a quorum were present at a meeting duly called and convened and held on the 16<sup>th</sup> day of September, 2017, that the foregoing resolution was adopted/defeated at said meeting by an affirmative vote of \_\_\_\_\_ voters, 1434 ayes, 337 nays, 86 abstaining, pursuant to the authority of Article IV, Section 3 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.



Secretary



Date

# RESOLUTION 09-16-17 K

HO-CHUNK NATION GENERAL COUNCIL

RESOLUTION TITLE: A Resolution To Obtain AODA Healing Center with EDMR Therapy

RESOLUTION: 09-16-2017- K

WHEREAS, on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Nation; and

WHEREAS, The Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, pursuant to Article IV, Section 1, of the Constitution, the people of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and

WHEREAS, pursuant to Article IV, Section 1, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and

WHEREAS, pursuant to Article IV, Section 3 (a), the General Council retains the power to set policy for the Nation; and

WHEREAS, pursuant to Article IV, Section 3 (f), action by the General Council shall be binding; and

WHEREAS, pursuant to Article IV Section 5, and Article VI Section 2 (j), an Annual meeting has been duly called and notice duly given by the Ho-Chunk Nation President; and

WHEREAS, pursuant to Article IV Section 7, twenty (20) percent of the eligible voters of the Ho-Chunk Nation present in General Council shall constitute a quorum; and

WHEREAS, pursuant to Article IV, Section 7, each action of the General Council shall require the presence of a quorum; and

WHEREAS, The Tribe is in need of a Healing Center for tribal members that require AODA services that focus on Ho-Chunk cultural and spiritual ways.

BE IT FURTHER RESOLVED, The Tribe will open a Healing Center for members that require AODA services with a focus on Ho-Chunk cultural and spiritual ways within thirty (30) of being passed.

CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council Agency, hereby certify that the General Council of the Ho-Chunk Nation, composed of 2190 members, of whom 166 constituting a quorum were present at a meeting duly called and convened and held on the 16 day of September, 2017, that the foregoing resolution was adopted at said meeting by an affirmative vote of 865 members, 770 opposed, and 194 abstaining, pursuant to the authority of Article IV, Section 3 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 certified copy of said resolution.

Amela Ph. Silber  
Secretary

September 16, 2017  
Date

# RESOLUTION 09-16-17 L

**HO-CHUNK NATION GENERAL COUNCIL**

**RESOLUTION TITLE: Members receive a payout for members  
mileage and expenses to attend future General Council meetings**

**RESOLUTION 9-16-2017-**

**L**

**WHEREAS, on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Nation; and**

**WHEREAS, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and**

**WHEREAS, pursuant to Article IV, Section 1 of the Constitution, the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and**

**WHEREAS, pursuant to Article IV, Section 1, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and**

**WHEREAS, pursuant to Article IV, Section 3 (a), the General Council retains the power to set policy for the Nation; and**

**WHEREAS, pursuant to Article IV, Section 3 (b), the General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council; and**

**WHEREAS, pursuant to Article IV, Section 3 (f), action by the General Council shall be binding; and**

**WHEREAS, pursuant to Article IV, Section 5, and Article VI Section 2 (j), an Annual meeting has been duly called and notice duly given by the President; and**

**WHEREAS, pursuant to Article IV, Section 7, twenty (20) percent of the eligible voters of the Nation were present in General Council shall constitute a quorum; and**

**WHEREAS, Article IV, Section 3(a) of the Constitution states the timeframe for enforcing resolutions approved at the annual General Council Meeting.**

**WHEREAS, on 09-27-14 resolution number 4 was presented and passed that General Council meeting pay out be amended to**

**CERTIFICATION**

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of 2190 members, of whom 1166 constituting a quorum were present at a meeting duly called and convened and held on the 16<sup>th</sup> day of September, 2017, that the foregoing resolution was adopted at said meeting by an affirmative vote of 1086 members, 777 opposed, and 77 abstaining, pursuant to the authority of Article IV, Section 3 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.

Samela Ph. Wilson  
Secretary

September 16, 2017  
Date



# RESOLUTION 09-16-17 O

**HO-CHUNK NATION GENERAL COUNCIL**  
**RESOLUTION TO MOVE HO-CHUNK *HOC AK WORAK* FROM THE**  
**EXECUTIVE BRANCH TO THE GENERAL COUNCIL BRANCH**

**RESOLUTION 9-16-2017-0**

**WHEREAS**, on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Nation; and

**WHEREAS**, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and

**WHEREAS**, pursuant to Article IV, Section 1 of the Constitution, the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and

**WHEREAS**, pursuant to Article IV, Section 1, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and

**WHEREAS**, pursuant to Article IV, Section 3 (a), the General Council retains the power to set policy for the Nation; and

**WHEREAS**, pursuant to Article IV, Section 3 (b), the General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council; and

**WHEREAS**, pursuant to Article IV, Section 3 (f), action by the General Council shall be binding; and

**WHEREAS**, pursuant to Article IV, Section 5, and Article VI Section 2 (g), an Annual meeting has been duly called and notice duly given by the President; and

**WHEREAS**, pursuant to Article IV, Section 7, twenty (20) percent of the eligible voters of the Nation were present in General Council shall constitute a quorum; and

**WHEREAS**, currently the Ho-Chunk *Hocak Warak* resides in the Executive Branch and this resolution is requesting it to be moved to the General Council Branch; and

**NOW THEREFORE BE IT RESOLVED**, the Ho-Chunk *Hocak Warak* moves to the General Council Branch.

**CERTIFICATION**

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of 2190 members, of whom 1186 constituting a quorum were present at a meeting duly called and convened and held on the 16<sup>th</sup> day of September, 2017, that the foregoing resolution was adopted at said meeting by an affirmative vote of 932 members, 591 opposed, and 357 abstaining, pursuant to the authority of Article IV, Section 3 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.

Samela P. Zilker  
Secretary

September 16, 2017  
Date



**PROPOSED RESOLUTION—FY 2021–2022  
GENERAL COUNCIL BRANCH BUDGET  
WILL BE PRESENTED AT GC2020 DUE TO THE  
FOLLOWING:**

**GENERAL COUNCIL HCN TRIBAL MEMBER VIEWING ONLY!**

As provided under the Ho-Chunk Nation Budget and Appropriations Act 2 HCC, Section 4, financial information of the Nation shall be considered confidential and privileged. Only financial data as explicitly provided for by this Act, those financial reports expressly approved for released as a matter of law, including the Discovery Act, by Resolution, motion, or contract shall be released. Financial information of the Nation shall not be divulged to anyone other than persons who have the right to know, or are authorized to receive such information. General Council Budget information is confidential and may not be released or published in any form or manner without violating the Budget and Appropriation's Act. Information provided by the Office of the General Council may not be released to anyone for any reason.

## HO-CHUNK NATION GENERAL COUNCIL

### RESOLUTION TITLE: GENERAL COUNCIL FY 2021 BUDGET

### RESOLUTION 12 - 05 - 2020 \_\_\_\_\_

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- WHEREAS,** on November 1, 1994, the United States Secretary of Interior approved a new Constitution for the Ho-Chunk Nation (“Constitution”), formerly known as the Wisconsin Winnebago Nation; and
- WHEREAS,** the Ho-Chunk Nation (“Nation”) is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** pursuant to Article IV, Section 1 of the Constitution, the People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council; and
- WHEREAS,** pursuant to Article IV, Section 1, all eligible voters of the Ho-Chunk Nation are entitled to participate in General Council; and
- WHEREAS,** pursuant to Article IV, Section 3 (a) of the Constitution, the General Council retains the power to set policy for the Nation; and
- WHEREAS,** pursuant to Article IV, Section 3 (f) of the Constitution, Actions by the General Council shall be binding; and
- WHEREAS,** pursuant to Article IV, Section 5 of the Constitution, and Article IV, Section 2 (j) of the Constitution, an Annual meeting has been duly called and notice duly given by the President; and
- WHEREAS,** pursuant to Article IV, Section 7 of the Constitution, twenty (20) percent of eligible voters of the Nation present in General Council shall constitute a quorum; and
- WHEREAS,** pursuant to Article IV, Section 7 of the Constitution, each Action of the General Council shall require the presence of a quorum; and
- WHEREAS,** pursuant to the Appropriations and Budget Process Act, 2 HCC § 4 (5)(b)(4), “(t)he General Council Agency shall submit the proposed annual budget for the General Council and General Council Agency to the Finance Committee not later than the last business day in March of each year for the succeeding fiscal year,” and
- WHEREAS,** pursuant to the Appropriations and Budget Process Act, 2 HCC § 4 (4)(k), “General Council’ means those programs and department(s), including General

Council Agency and General Council, which are designated pursuant to Article IV of the Constitution of the Ho-Chunk Nation;” and

**WHEREAS,** pursuant to the policies of the General Council Agency “[t]he General Council Advocate will have the right to prepare and present the annual budget to the Legislature in accordance with the Appropriations and Budget Process Act (“Budget Act”) of the Ho-Chunk Nation, including the right of the Advocate to request budget modifications from the Legislature, consistent with the Budget Act.”

**NOW THEREFORE BE IT RESOLVED,** that the General Council by and through the Office of the General Council hereby requests the FY2022 General Council Branch Budget to be approved in the amount of no less than \$ \_\_\_\_\_ is explained in the proposed budget titled, “*General Council Budget Line Items Explanation;*” and

**BE IT FURTHER RESOLVED** that the General Council hereby approves the foregoing budget for the FY 2022 in the amount of no less than \$ \_\_\_\_\_ as explained in the proposed budget titled, “*General Council Budget Line Items Explanation.*”

#### CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation General Council, hereby certify that the General Council of the Ho-Chunk Nation, composed of \_\_\_\_\_ members, of whom \_\_\_\_\_ constituting a quorum were present at a meeting duly called and convened and held on the 5<sup>th</sup> day of December, 2020, that the foregoing resolution was adopted at said meeting by affirmative vote of \_\_\_\_\_ members, \_\_\_\_\_ opposed, and \_\_\_\_\_ abstaining, pursuant to the authority of Article IV, Section 3 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.

\_\_\_\_\_  
Tribal Secretary

\_\_\_\_\_  
Date