



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

HO-CHUNK NATION LEGISLATURE
AUTHORIZATION OF GAMING COMPACT CREDIT AND FUNDING
CONTRIBUTION TO THE TOWN OF DELTON

RESOLUTION 02-03-15B

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

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

WHEREAS, Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and

WHEREAS, Article V, Section 2(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; and

WHEREAS, Article V, Section 2(d) of the Constitution grants the Legislature 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 authorizes the Legislature to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and

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WHEREAS, the Nation entered into a Gaming Compact with the State of Wisconsin in 1992 and has amended said Compact at various times over the years, the most recent of which taking place in 2008 (known as the Third Amendment to the Gaming Compact); and

WHEREAS, under Paragraph 8 of the Third Amendment to the Gaming Compact, subsections XXXIV.C. 2 through 6 of the Compact were created under the heading of “Credits;” and

WHEREAS, subsection XXXIV.C. 2 of the “Credits” provisions allows the Nation to deduct certain amounts from its Annual Payment to the State of Wisconsin under the Compact for public works projects, with certain restrictions, beginning in May 2010; and

WHEREAS, in taking this deduction, subsection XXXIV.C.2 requires that the Nation consult with the State regarding which public works projects qualify for the deduction prior to initiating the projects (though the Nation does not need the prior consent of the State); and

WHEREAS, the Town of Delton, Wisconsin, through its Chairman, requested a financial contribution from the Nation toward a truck that will be used to serve the Town for snow plowing of local roads and for road maintenance; and

WHEREAS, the Town of Delton encompasses territory, businesses and residents of the Nation in Baraboo, Wisconsin; and

WHEREAS, trucks such as that requested by the Town of Delton will benefit the Town, but also Ho-Chunk Gaming – Wisconsin Dells, the Nation’s Distribution Center, the Ho-Chunk House of Wellness, and individual tribal members; and

WHEREAS, by assisting the Town of Delton, the Legislature finds that a contribution toward a truck will benefit both the Nation and State, including its political subdivisions (Town of Delton) and, therefore, the Nation’s payments made toward such an item would qualify for a Public Works credit under Paragraph 8 of the Third Amendment to the Gaming Compact, subsection XXXIV.C.2; and

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority and the terms of the Nation's Gaming Compact, hereby authorizes a contribution to the Town of Delton to assist with the purchase of a truck in the amount of \$50,000, and authorizes a Gaming Compact deduction of the contribution (\$50,000) from the Nation's Annual Compact Payment to the State; and

BE IT FURTHER RESOLVED that the Nation, through its Legislature, President, Attorney General, Legislative Counsel, designated counsel and appropriate staff, will consult with the State of Wisconsin regarding the above credit.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 12 constituting a quorum were present at a meeting duly called and convened and held that on the 3rd day of February, 2015, adopted the foregoing resolution at said meeting by an affirmative vote of 11 members, 0 opposed, and 1 abstaining, pursuant to the Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

Kathyleen Lone Tree-Whiterabbit
Kathyleen Lone Tree-Whiterabbit, Tribal Secretary

2.3.15
Date