



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO DEDUCT AMOUNTS FROM ANNUAL GAMING COMPACT PAYMENT IN FISCAL YEAR 2012-13 FOR LA CROSSE CITY VISION FOUNDATION SAFE CAM PROJECT

RESOLUTION 03-06-13A

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

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

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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 Nation’s Legislature was approached by the City of La Crosse with a request for contribution to the La Crosse City Vision Foundation Safe Cam Project, which is intended to install video camera surveillance on the streets of downtown La Crosse in order to enhance public safety and security; and

WHEREAS, the City of La Crosse has requested a \$100,000 contribution to the Safe Cam Project; and

WHEREAS, many members of the Ho-Chunk Nation reside in the City of La Crosse, and the Nation maintains a District II Area Meeting Office close to the downtown area as well; and

WHEREAS, the Legislature finds that assistance to the City for its Safe Cam Project will help the City, its residents, visitors, members of the Nation, and the interests of the Nation; and

WHEREAS, by assisting the City, the Legislature finds that the Safe Cam Project is intended to benefit both the Nation and State, including its political subdivisions and, therefore, the Nation’s payments made toward such a project would qualify for 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 City of La Crosse for its Safe Cam Project in the amount of \$100,000, and authorizes a Gaming Compact deduction of the contribution (\$100,000) from the Nation’s Annual Compact Payment to the State;

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 public works projects and the Nation's intention to deduct the associated costs from the Tribe's Annual Payment to the State.

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 **11** constituting a quorum were present at a meeting duly called and convened and held that on the **6th day of March, 2013**, adopted the foregoing resolution at said meeting by an affirmative vote of **8 members, 3 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.

Hope B. Smith
Hope B. Smith, Tribal Secretary

March 6, 2013
Date

