



## 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 2012-2013  
FOR JUNEAU COUNTY SHERIFF'S DEPARTMENT**

### RESOLUTION 03-19-13F

- 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
- 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

#### **Executive Offices**

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**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 Ho-Chunk Nation and the Juneau County Sheriff's Department currently have a Law Enforcement Agreement; and

**WHEREAS,** the Juneau County Sheriff's Department patrols and serves Ho-Chunk communities within Juneau County; and

**WHEREAS,** the current police vehicle used by the Juneau County Sheriff's Department to patrol and serve the Ho-Chunk communities in Juneau County is rundown beyond repair; and

**WHEREAS,** the Nation assisted in the purchase of the current police vehicle used by the Juneau County Sheriff's Department to patrol Ho-Chunk communities within Juneau County; and

**WHEREAS,** the Legislature finds that the Juneau County Sheriff's Department serves both the Nation and State, including its political subdivisions and, therefore, Ho-Chunk Nation payments made toward such a project qualify for credit under Paragraph 8 of the Third Amendment to the Gaming Compact, subsection XXXIV.C. 2; and

**WHEREAS,** the Legislature finds that a contribution by the Nation to the Juneau County Sheriff's Department in the amount of \$25,359.00 for a new police vehicle for Fiscal Year 2012-2013 would be appropriate;

**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 Gaming Compact deduction of the amount of the Nation's contribution of \$25,359.00 to the Juneau County Sheriff's Department from the Nation's Annual Payment to the State for Fiscal Year 2012-2013;

**BE IT FURTHER RESOLVED** that the Nation, through its Legislature, President, Attorney General, Legislative Counsel, designated counsel and appropriate staff, may consult with the State of Wisconsin regarding the above county project 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 certifies that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 13 constituting a quorum were present at a meeting duly called and convened and held that on the 19<sup>th</sup> day of March, 2013, that the foregoing resolution was adopted at said meeting by an affirmative vote of 13 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.

*Hope B. Smith*  
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Hope B. Smith, Tribal Secretary

*March 19, 2013*  
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Date