



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE AMENDMENTS TO THE *CODE OF ETHICS ACT*

#### RESOLUTION 03-19-13H

- 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(g) of the Constitution authorizes the Legislature to set its own procedures, select its officers, and to enact laws governing attendance of its members, including penalties for absences; and
- WHEREAS,** Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; and
- WHEREAS,** Article V, Section 3 of the Constitution provides that the Legislature shall adopt Codes governing, among other things, Ethics, including conflicts of interest, nepotism, and the conduct of all elected and appointed officials and employees; 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 Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on June 9, 2009; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law, including a provision for the Legislature to place proposed amendments out for a public review and comment period; and
- WHEREAS,** the Legislature adopted the Ho-Chunk Nation Code of Ethics Act in 1999 and has reviewed, restated and amended the Act at various times up through November 2009; and

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**WHEREAS,** the Code of Ethics Act ("Code of Ethics") establishes standards for elected and appointed officials and certain employees of the Nation intended to be a guide to avoid conflicts of interest and to improve the level of public service of such officials and employees of the Nation; and

**WHEREAS,** over the past several years, the Legislature has amended the Code of Ethics in order to reconstitute the Ethics Review Board and encourage the Board's development; and

**WHEREAS,** the Legislature authorized the Ethics Review Board to retain counsel to assist with its development of procedures and to assist in carrying out the provisions of the Code of Ethics, including assistance with any potential amendments to the Code of Ethics; and

**WHEREAS,** by motion on August 7, 2012, the Legislature authorized placing the Code of Ethics out for forty-five (45) day public review and comment; and

**WHEREAS,** comments were submitted by tribal membership and provided to the Ethics Review Board and its counsel, and such comments were considered by the Board; and

**WHEREAS,** the Ethics Review Board met with Legislators and the President several times to discuss the comments submitted, along with an updated, proposed version of the Code of Ethics; and

**WHEREAS,** the Ethics Review Board met with the Legislature in Session on January 23, 2013 and recommends that the final draft Code of Ethics be approved as a set of amendments to the existing law;

**NOW, THEREFORE, BE IT RESOLVED,** that the Legislature concludes that the Code of Ethics Act, 2 HCC § 1, should be amended as presented by the Ethics Review Board to the Legislature on January 23, 2013;

**BE IT FURTHER RESOLVED** that the Legislature, pursuant to its Constitutional Authority, hereby adopts the amendments to the Code of Ethics, effective January 23, 2013.

**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 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