



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZATION OF GAMING COMPACT CREDIT AND FUNDING CONTRIBUTION TOWARD HO-CHUNK NATION, WITTENBERG EARLY CHILDHOOD EDUCATION CENTER

RESOLUTION 04-07-15M

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(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, 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 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 and its members have an active presence in the Wittenberg, Wisconsin area and many young tribal member families reside in this area; and

WHEREAS, in order to better serve the Nation, and improve the health and welfare of the Nation’s families, the Nation is planning for the development of an Early Childhood Education Center in the Wittenberg area, which is intended to be funded through grant funds from an Indian Country Development Block Grant (“ICDBG”) for 2015; and

WHEREAS, the Early Childhood Education Center would serve the larger area of Wittenberg and Shawano County, specifically non-tribal member families and support local social service agencies; and

WHEREAS, the Early Childhood Education Center would also provide Head Start services for youth and families of tribal and non-tribal members; and

WHEREAS, the Legislature finds that the Ho-Chunk Nation Wittenberg Area Early Childhood Education Center would benefit the families and students in the area (both Ho-Chunk and non-tribal members alike) and, thus, the City of Wittenberg and Shawano County; and

WHEREAS, by developing the Early Childhood Education Center in Wittenberg, the Legislature finds that funds invested in the planning will benefit both the Nation and State, including its political subdivisions and, therefore, the Nation’s payments made toward such a project would qualify for a Public Works credit under Paragraph 8 of the Third Amendment to the Gaming Compact, subsection XXXIV.C.2; and

WHEREAS, the Nation's Administration Department is in the planning and development stage for the Ho-Chunk Wittenberg Early Childhood Education Center, and has initial expenses in the amount of \$100,000 for architectural fees for the facility in Wittenberg, Wisconsin.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority and the terms of the Nation's Gaming Compact, hereby authorizes an expense in the amount of \$100,000 for architectural planning fees toward the Ho-Chunk Wittenberg Early Childhood Education Center, and authorizes a Gaming Compact deduction of the expense/investment (\$100,000) 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 **10** constituting a quorum were present at a meeting duly called and convened and held that on the **7th day of April, 2015**, adopted the foregoing resolution at said meeting by an affirmative vote of **9** members, **1** 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.

Kathleen Lone Tree-Whiterabbit
Kathleen Lone Tree-Whiterabbit, Tribal Secretary

4.7.15
Date