



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE QUICK PASSAGE PROCEDURE TO AMEND THE *FINANCE MANUAL* (5 HCC § 5)

RESOLUTION 04-08-13D

- 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(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(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; 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(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 August 5, 2008; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and
- WHEREAS,** Section 30 of the *Legislative Organization Act* provides Quick Passage Procedures; and

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WHEREAS, under certain limited circumstances, Section 30 provides “[t]he Legislature may vote to immediately pass Legislation.”; and

WHEREAS, Section 30 of the *Legislative Organization Act* in relevant parts provides:

(2) For the Legislation to be considered for Quick Passage the Legislature must conclude:
(a) The Legislation must take effect immediately to address a situation that:

1 Adversely affects the health, safety, welfare, or economic well-being of the Nation;

2 Adversely affects a person or multiple people for which Legislative relief is deemed appropriate and necessary by the Legislature;

3 Is internal to the operation of the Government; or

4 Impacts negotiations with a sovereign entity; and

(b) Adherence to the Normal Legislation Process outlined in Section 31 would result in a delay that would adversely impact the Nation, a Member of the Nation, or Members of the Nation; and

WHEREAS, Section 30 of the *Legislative Organization Act* provides “[f]or the Legislation to immediately become the law of the Nation it will require an affirmative vote of more than two-thirds (2/3) of Legislators present at the Legislative Session.”; and

WHEREAS, the Ho-Chunk Nation Legislature adopted the *Finance Manual* (5 HCC § 5) on April 15, 2003 and has amended the law several times since then; and

WHEREAS, the Finance Manual prescribes the internal accounting policies the Nation’s Departments and Branches of Government must use for various tribal government funds and assets; and

WHEREAS the Finance Manual establishes a policy for Travel expenses and advances, as well as a Stipend policy that would pertain to various Boards, Committees and Agencies of the Nation; and

WHEREAS, the General Council Agency submitted a request to the Legislature to consider amendments to the Finance Manual in March 2012, including an exemption from the Travel Advance reimbursable expense requirement for the General Council Agency (similar to the Traditional Court), and a request to amend the law to indicate the Stipend Policy would not apply to the General Council Agency; and

WHEREAS, the Legislature prepared a draft Finance Manual reflecting these potential amendments for 45 day public comment in May 2012, but also included a provision to increase the general stipend rate for meetings to \$125; and

WHEREAS, after the 45 day comment period expired, the Legislature voted to defeat the proposed amendments; and

WHEREAS, the General Council Agency has again asked the Legislature to consider their previously proposed two amendments to the Finance Manual, in light of the fact that a Special General Council meeting is set to take place on April 20, 2013 and the Agency would

like their Alternate Members to be able to attend meetings in preparation for said meeting; and

WHEREAS, the Legislature is separately considering an increase to the stipend rate of pay to \$125; and


WHEREAS, the Legislature finds that a Quick Passage amendment to the Finance Manual is appropriate because making allowances for the General Council Agency will permit them to plan and prepare for General Council meetings on a more efficient basis and will address a situation that is internal to the operation of the Nation's Government; and

WHEREAS, the Legislature finds that a Quick Passage amendment to the Finance Manual is appropriate increasing the Stipend rate will encourage broader participation by tribal membership on Boards, Committees, Commissions and Agencies internal to the Nation, and will address a situation that is internal to the operation of the Nation's Government;

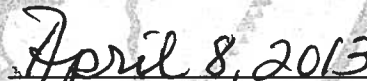
NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional Authority, using the Quick Passage procedures of the *Legislative Organization Act*, amends the *Finance Manual*, as set forth in the attached amending language (which previously went out for 45 day public comment); and

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 10 constituting a quorum were present at a meeting duly called and convened and held on the 8th day of April, 2013, and that the foregoing resolution was adopted at said meeting by an affirmative vote of 9 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.



Hope B. Smith, Tribal Secretary



Date



**HO-CHUNK NATION CODE (HCC)
TITLE 5 – BUSINESS AND FINANCE CODE
SECTION 5 – FINANCE MANUAL**

ENACTED BY LEGISLATURE: APRIL 15, 2003

LAST AMENDED AND RESTATED: April 19, 2011

CITE AS: 5 HCC § 5

This Manual supersedes the Finance Manual adopted by Wisconsin Winnebago Business Committee Policy #00101; Tribal Resolution 11/11/92D; 11/16/99A & B; 4/15/03A; 10/22/03A; 5/18/05C; 02-9-10 E; 12-21-10 B; 1-4-11 C; 02/08/11 D & E; and 04-19-11 G.

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Institute of Certified Public Accountants in which financial results of operations and activities based on the Nation's financial reports produced by Treasury.

a. An independent annual audit shall be conducted to be in compliance with federal and state requirements.

b. The Treasurer (or designee) at the direction of the Nation's Legislature shall prepare a Request for Proposal. The Request shall be communicated to at least three independent certified public accounting firms that meet all applicable federal, state and Nation requirements. Upon receipt of the proposals, the Treasurer shall forward the proposals to the Finance Committee of the Nation's Legislature. The Nation's Legislature shall select the Independent Certified Public Accounting Firm.

c. The Independent Certified Public Accounting Firm shall directly report the final audit results to the Nation's Legislature.

d. In order to effectively monitor and resolve audit findings, appropriate officials or directors shall provide written communication to the Nation's Legislature within sixty (60) days from date of notification. The written communication shall state whether (i) the finding has been corrected, the date of correction, and a description of how it was corrected; or (ii) the finding has not been corrected, the reasons for delay in correction, and an estimated date of correction.

27. Stipend Policy.

a. The daily stipend for members of the boards, committees, and commissions of the Ho-Chunk Nation will be commensurate with the scope and responsibilities of the services provided the Nation. Members shall also be provided travel reimbursement, as applicable. When required to attend District Meetings to report on the activities on their board, committee, or commission, members shall also be eligible for travel reimbursement.

b. Rate.

(1) The stipend rate for a regular monthly or quarterly one-day meeting shall be ~~\$100~~ \$125, plus mileage.

(2) The daily stipend rate for a special meeting (a meeting other than regular monthly or quarterly meeting) or for additional days to a one-day regular meeting shall be \$50, plus mileage.

c. An employee of the Nation serving on a board, committee, or commission during normal work hours may choose to receive a stipend or their regular compensation. If receiving a stipend, the employee must take annual leave or leave without pay.

d. The following criteria must be met prior to the payment of a stipend:

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