



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATIVE BACKGROUND CHECKS FOR APPOINTED HO-CHUNK NATION PUBLIC BOARD/COMMISSION/COMMITTEE MEMBERS AND LEGISLATIVELY APPOINTED EMPLOYEES

RESOLUTION 04-08-13K

- WHEREAS,** on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation (“Constitution”), formerly known as the Wisconsin Winnebago Nation; 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 VI, Section 2(d) of the Constitution grants the President the power “To administer all Departments, boards, and committees created by the Legislature;
- 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,** Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity and such other services as May 3, 2011 contribute to the social advancement of the members of the Ho-Chunk Nation; and

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WHEREAS, the Ho-Chunk Nation Legislature has created board, committees and commissions that require background checks before a delegate can officially be appointed to such boards, committees or commissions; and

WHEREAS, the Ho-Chunk Nation Constitution also gives the Ho-Chunk Nation Legislature the power, Article V, Section 2(c) "to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature;

WHEREAS, the Ho-Chunk Nation Legislature adopted the Code of Ethics Act by Resolution 03-19-13H which requires in Section 11(a)(5) that "Upon a District nominating an individual to serve on the Ethics Review Board and prior to the Legislature voting on whether to confirm that individual, a satisfactory background investigation shall be conducted by the Compliance Division within the Ho-Chunk Nation Department of Justice."; and

WHEREAS, the Ho-Chunk Nation Legislature adopted the Trust and Investment Committee Establishment and Organization Act of 2011 by Resolution 8-23-11F which requires in Section 5(c) that "all potential Committee members shall undergo a credit check and a criminal background check prior to the appointment or election"; and

WHEREAS, the Ho-Chunk Nation Legislature adopted the Law Enforcement Commission Establishment and Organization Act by Resolution 1-08-08B, which requires in Section 7 (b)(2)(d), when listing Commissioner qualifications that "A satisfactory background investigation shall be required."; and

WHEREAS, the Ho-Chunk Nation Legislature adopted the Ho-Chunk Nation Gaming Ordinance by Resolution 1-28-08D, which requires in Section 13(b)(6) that within the qualifications to be a Gaming Commission each potential Commissioner shall "submit to and successfully comply with criminal and civil background investigations and meet the Nation's suitability standards which will be at least as stringent as the standards established for key employees and primary management officials."; and

WHEREAS, the Ho-Chunk Nation Legislature adopted the Process of Confirmation of Executive Directors for the Ho-Chunk Nation Act (Amended and Restated) by Resolution 5-04-10C, which requires in Section 6, that "the Legislature shall designate the Compliance Division to conduct a background investigation on each Interim Director whose nomination has been accepted."; and

WHEREAS, the Ho-Chunk Nation has not adopted standard procedures for the conducting of background checks for any of the employees, boards, committees or commissions for which the Legislature is required to confirm the nominations; and

WHEREAS, a procedure for background checks should include timelines and responsibilities to ensure the most efficient processing of paperwork so as to provide minimum interruption in board, committee or commission responsibilities; and

WHEREAS, the procedure should also include individual responsibilities involving the party responsible for notifying Executive Director Nominees, Gaming Commission applicants and district appointed delegates to the boards and commissions listed above.

NOW THEREFORE BE IT RESOLVED, all background checks for any Executive Director nominee, selected Gaming Commission applicants and board, commission and committee nominated delegates shall be fingerprinted FBI background checks. After two (2) fingerprint attempts to obtain FBI results nominees shall have a "name only" FBI background check requested.

BE IT FURTHER RESOLVED, that the Legislature shall designate an employee within the Legislative branch to provide all nominees with the Compliance Department's "Authorization to Conduct FBI and State Criminal Background Investigation Form", (except that the Office of the President shall submit a completed Consent to Background Check form for Executive Director Nominees to the Legislature). The form shall be completed and signed by the nominee and Vice President (or designee) or President (for Executive Director Candidates) before turning the form in to the Compliance Department so they can start the process. Nominees should be notified that they must report to the Compliance Department to get fingerprinted or arrange for fingerprinting at one of the Compliance Departments within the Nation's gaming facilities. This shall be done as soon as practicable after the Legislature ratifies the nomination or adopts a resolution for the nomination.

BE IT FURTHER RESOLVED, any delegate to a board, committee or commission that is required to have a background check shall have another complete FBI background check if they are re-nominated to any subsequent terms. The same shall apply to Executive Director Nominees and selected Gaming Commission applicants.

BE IT FURTHER RESOLVED, as soon as the Compliance Department receives the completed FBI background check results the results shall be forwarded to the Vice President (or designee).

BE IT FURTHER RESOLVED, in order to provide a smooth transition for boards, commissions and committees, the nomination or re-nomination of a delegate should occur at least sixty (60) days prior to the end of the term being filled. This should help to ensure that there are very few vacancies on boards, committees or commissions due to the wait time for the completion of background checks.

CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation Legislature, 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 on the **8th day of April, 2013**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **9 members, 1 opposed, and 0 abstaining**, pursuant to the authority of 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 said 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, Legislative Secretary

April 8, 2013
Date

