



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE PASSAGE OF AMENDMENTS TO THE TRIBAL EMPLOYMENT RIGHTS ORDINANCE (6 HCC §3)

#### RESOLUTION 04-08-130

- 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(e) of the Constitution grants the Legislature the power to raise revenue, including the power to levy and collect taxes and license fees; 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 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; 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

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**WHEREAS,** the Tribal Employment Rights Ordinance was first adopted by the Wisconsin Winnebago Business Committee on August 17, 1985 and was first adopted by the Legislature on October 7, 1997, and amended most recently on July 5, 2011; and

**WHEREAS,** the Legislature's Development Subcommittee has been kept informed of the proposed amendments to the Tribal Employment Rights Ordinance by the Nation's TERO Commission during the drafting phase including most recently on January 24, 2013; and

**WHEREAS,** the Legislature enacted the *Legislative Organization Act* (2 HCC § 11) by Legislative Resolution 2/13/01D; and

**WHEREAS,** The *Legislative Organization Act* controls the process for amendments to laws of the Nation; and

**WHEREAS,** Section 31, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period will typically be forty-five days; and

**WHEREAS,** the Legislature passed Resolution 01-24-13B to placing the amendments to the Tribal Employment Rights Ordinance out for 45-day comment; and

**WHEREAS,** the legislative procedure for drafting legislation has been met and the Tribal Employment Rights Ordinance, as amended, is ready for passage;

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, adopts the attached Tribal Employment Rights Ordinance (6 HCC § 3), as amended with the following comments:

1. TERO Fees.

The Ho-Chunk Nation TERO Commission shall establish guidelines to determine the amounts for all fees. The Fees established for construction contracts shall be no more than four percent (4%) ~~three percent (3%)~~ of the total contracted work or sales. Fees shall be sent directly to the TERO office. Fees are to be made payable to "Ho-Chunk Nation TERO". The Fee Schedules shall be made available by the Ho-Chunk Nation, and explained to Contractors by TERO at Pre-Bid conferences, telephone contacts or through in-person meetings.

and

8.2.g. Construction Permit

Every employer that provides services in conjunction with or related to a construction contract, which has a value of five thousand dollars (\$5,000.00) ~~one thousand dollars (\$1,000.00)~~ or more shall obtain a Construction permit. No work may begin without an approved TERO Construction Permit being issued. TERO Construction Permits must be clearly displayed or readily available for inspection at all work sites governed by this Ordinance.

and

8. 3.1) Every vendor or service provider will be required to pay a TERO Fee of four percent (4%) ~~two percent (2%)~~ of the overall sales or contract.

**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 **11** constituting a quorum were present at a meeting duly called and convened and held on the **8<sup>th</sup> day of April, 2013**, adopted the foregoing resolution at said meeting by an affirmative vote of **11 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*  
Hope B. Smith, Tribal Secretary

*April 8, 2013*  
Date

