

NO ACTION

**HO-CHUNK NATION LEGISLATURE
AUTHORIZATION OF GAMING COMPACT CREDIT AND FUNDING FOR
HO-CHUNK LIVING-LEARNING COMMUNITY BUDGET REQUEST
ACADEMIC YEAR 2014-15 (Inaugural Year)**

RESOLUTION 04-22-140

- 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(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(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(r) of the Constitution authorizes the Legislature to protect and foster Ho-Chunk religious freedom, culture, language and traditions; and
- WHEREAS,** Article V, Section 2(s) of the Constitution authorizes the Legislature to promote public health, education, charity and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; 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
- 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, Educating the next generation to be linguistically, culturally, academically, and professionally prepared to meet the challenges of the 21st Century is one of the Ho-Chunk Nation’s highest priorities; and

WHEREAS, on September 23, 2013 Ho-Chunk President Jon Greendeer and Chancellor at UW-Eau Claire signed a Memorandum of Intent to pursue collaborative activities; and

WHEREAS, since October of 2012 the Priority Development Taskforce, comprised of Chancellor appointed representatives from marketing and communications, business services, facilities planning, student affairs, and all four colleges was charged with researching and recommending the “best and highest use” for the Priority; and

WHEREAS, in May 2013, after extensive data analysis, the taskforce unanimously recommended developing a Living-Learning Community (LLC) in partnership with the Ho-Chunk Nation as the number one priority; and

WHEREAS, since May 2013, a Ho-Chunk Implementation Team with representatives from the Ho-Chunk Nation, UW-Eau Claire, and Chippewa Valley Technical College (CVTC) was constituted to strategically plan steps toward implementing the Ho-Chunk LLC and A Priority Advisory Council was created to provide programmatic oversight; and

WHEREAS, the Legislature finds that assistance to the Living-Learning Community will benefit members of the Nation, the interests of the Nation and the State and local governments insofar as UW-Eau Claire is State-funded and provides benefits and advantages to the State and local community; and

WHEREAS, by assisting the Living-Learning Community, the Legislature finds that the payment is intended to benefit both the Nation and State, including its political subdivisions and, therefore, the Nation’s payments made toward such an item would qualify for a Public Works credit under Paragraph 8 of the Third Amendment to the Gaming Compact, subsection XXXIV.C.2; and

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority and the terms of the Nation’s Gaming Compact, hereby authorizes a contribution to the Living-Learning Community in the amount of \$211,575.00, and authorizes a Gaming Compact deduction of the contribution from the Nation’s Annual Compact Payment to the State; and

BE IT FURTHER RESOLVED, that the Ho-Chunk Nation Legislature will fund the Inaugural Budget request (see attached) in the amount of \$211,575.

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 __ constituting a quorum were present at a meeting duly called and convened and held that on the __ day of _____, **2014**, adopted the foregoing resolution at said meeting by an affirmative vote of __ **members**, __ **opposed**, and __ **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.

Kathy LoneTree-Whiterabbit, Tribal Secretary

Date