



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE ESTABLISHMENT OF RESTRICTED ACCOUNT FOR HO-CHUNK NATION DISTRICT 1 DEPARTMENT OF HOUSING RENTAL PROPERTIES

RESOLUTION 05-06-14A

- 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(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's Appropriations and Budget Process Act permits the creation and establishment of special restricted use accounts in the Nation's Treasury Department; and
- WHEREAS**, the Legislature has discussed the need to improve and expand housing for tribal members throughout the Nation; and

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WHEREAS, tribal members from District 1 are in need of expanded housing and rental opportunities to improve the health and welfare of the Nation; and

WHEREAS, the Ho-Chunk Nation Department of Housing has stated that its Rental Management Division would benefit from placing the rental income into their respective District's restricted accounts because this would allow the Department of Housing to utilize these funds for disbursement of costs related to utilities, real estate tax, insurance, repair/renovations, and purchasing of additional rental inventory and alleviate the conflict between the Nation's fiscal year and the construction season relating to rental property construction projects; and

WHEREAS, on March 20, 2014, after consideration and support from the Department of Housing, the Legislative Housing Committee referred resolutions to the full Legislature regarding the establishment of restricted accounts for each district's rental housing income; and

WHEREAS, on April 8, 2014 the full Legislature defeated Resolution 04-08-14C which would have established said restricted account for District 1 and requested that the Treasurer provide an opinion on it; and

WHEREAS, at the April 30, 2014 Legislative Finance Committee meeting the Treasurer provided her opinion regarding this matter and stated that setting up a separate restricted account for rental properties for each district is possible and beneficial for property management purposes; and

WHEREAS, on April 30, 2014, the Legislative Finance Committee passed a motion referring resolutions for each district regarding the establishment of said restricted accounts to the May 6, 2014 Legislative session; and

WHEREAS, the Legislature would like to set up a restricted account in order to provide a more sustainable rental housing program by depositing rental income and allowing withdrawals for the purchase or construction of rental properties, maintenance and utilities paid by the Department of Housing for said rental properties in District 1.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby authorizes the establishment of a restricted account to be utilized by the Department of Housing for the deposit of all District 1 Department of Housing rental revenues and withdrawals by the Department of Housing for the purchase or construction of rental properties and for the payment of maintenance and utilities paid by the Department of Housing for said rental properties in District 1; and

BE IT FURTHER RESOLVED that the Department of Housing is authorized to make deposits and withdrawals from said restricted account in accordance with the provisions outlined above; and

BE IT FURTHER RESOLVED that in order to provide for cleaner accounting and budgeting this resolution shall be effective July 1, 2014, with the start of the new fiscal year.

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 6th day of May, 2014, adopted the foregoing resolution at said meeting by an affirmative vote of 10 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.

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

5.6.14
Date