



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE SELECTION OF HO-CHUNK NATION PHARMACY BENEFIT MANAGER

RESOLUTION 05-06-14F

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 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 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(f) of the Constitution grants the Legislature the power to set salaries, terms and conditions of employment for all governmental personnel; 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

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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 forgoing list of powers; and

WHEREAS, the Nation maintains an insurance plan for the Nation's employees and the terms and conditions of that plan are set by the Legislature, but the Nation's Personnel Department-Insurance Division helps to maintain and administer such programs; and

WHEREAS, the Nation has used Clear Scripts as its outside Pharmacy Manager for more than a year, but recently re-bid the functions in order to improve the services; and

WHEREAS, the typical practice between the Department of Personnel, the Department of Personnel Insurance Staff, and the Legislature is that any recommended changes are considered by the Legislature, and if approved in concept, then prepared for contract review and signature as part of the Nation's standard administrative practice; and

WHEREAS, the Nation's Executive Director of Personnel and the Insurance Manager, in collaboration with staff from the Department of Health, recommended to the Legislative Finance Committee on April 30, 2014 that Serve You be selected as the new Pharmacy Benefit Manager for the Nation; and

WHEREAS, at the April 30, 2014 Finance Committee Meeting a motion was passed to terminate the Nation's contract with Clear Scripts and pursue an agreement with Serve You to become the Pharmacy Benefit Manager as of the new Plan Year, July 1, 2014; and

WHEREAS, the Ho-Chunk Nation Department of Personnel provided notice on May 1, 2014 to Clear Scripts that it is terminating the contract.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, approves Serve You as the new Pharmacy Benefit Manager and authorizes the staff of the Department of Personnel and Insurance Division to prepare the necessary documentation needed to confirm this selection, subject to the Nations standard contract review process and protocols for signature.

CERTIFICATION

I, the undersigned, as Tribal Secretary of the 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 hold 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 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

