



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE APPROVING BMO HARRIS BANK CONTRACT FOR BANKING SERVICES

RESOLUTION 05-20-13K

- 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(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(f) of the Constitution grants the Legislature the power to set the 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
- WHEREAS,** the Ho-Chunk Nation respects the duty to ensure that the banking institution that houses the Nations accounts can meet the needs of the Nation including but limited to, services offered, proximity of bank locations to the Nation's branch offices and enterprises, insurance coverage and comparable service fees; and
- WHEREAS,** the Legislature passed a motion on January 30, 2013 to have a Request for Proposals (RFP) issued for banking services; and

Executive Offices

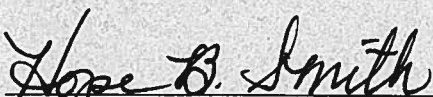
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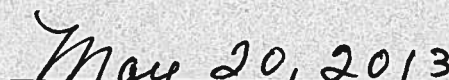
- WHEREAS,** the Ho-Chunk Nation Department of Treasury received five (5) proposals in response to the RFP and all five (5) banks presented their proposal at a Special Finance Meeting on March 4, 2013; and
- WHEREAS,** the Ho-Chunk Nation Legislature passed a motion at a Special Finance Meeting on March 4, 2013 to have the Department of Treasury and the Legislative Financial Examiner meet and make a recommendation as to which bank proposal should be accepted and have the recommendation presented at the Legislative Session on March 19, 2013; and
- WHEREAS,** the Ho-Chunk Nation Department of Treasury and the Legislative Financial Examiner made a recommendation at the March 19, 2013 Legislative Session that either BMO Harris Bank or PNC Bank would meet the banking needs of the Nation; and
- WHEREAS,** the Ho-Chunk Nation Legislature passed resolution 03-19-13G Accepting BMO Harris Bank as Vender of Banking Services; and
- WHEREAS,** in order for BMO Harris Bank to provide such banking services the Ho-Chunk Nation is required to execute several contract documents including but not limited to: a Global Treasury Management Services Master Agreement, a Commercial Account Signature Record and Designation of Check Signers, and a Certificate of Account Resolutions; and
- WHEREAS,** the Global Treasury Management Services Master Agreement contains a limited waiver of sovereign immunity, in that the Nation agrees to waive its sovereign immunity with respect to fees and/or charges for services and limited indemnification of BMO Harris Bank.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, approves the BMO Harris Bank contract documents, including the limited waiver of sovereign immunity in the Global Treasury Management Services Master Agreement.

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 **9** constituting a quorum were present at a meeting duly called and convened and held that on the **20th day of May, 2013**, adopted the foregoing resolution at said meeting by an affirmative vote of **9 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, Tribal Secretary


Date