



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
RESOLUTION APPROVING A BUDGET MODIFICATION
TO THE DEPARTMENT OF HOUSING FROM THE
RESTRICTED ACCOUNT FOR HO-CHUNK NATION
DISTRICT 3 HOUSING AND REIMBURSEMENT OF THAT
LINE ITEM**

RESOLUTION 07-09-13N

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(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 Ho-Chunk Nation Legislature adopted the Appropriation and Budget Process Act ("Budget Act") in the year 2000 as a way for the various Branches of the Ho-Chunk Nation Government to have guidance in preparing budgets and ensure fiscal responsibility and integrity within the Nation; and

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WHEREAS, the Nation's Budget Act contains provisions detailing the manner in which the Legislature shall carry out its Constitutional function to appropriate funds for the Nation, while also noting deadlines for the Executive, Judicial, General Council and Legislative Branches to submit annual Budgets; and

WHEREAS, the Nation's Appropriation and Budget Act contains a provision in Section 7 that deals with the unexpended funds of the Nation; and

WHEREAS, the Nation's Housing Department is in the process of completing construction on duplex housing units in the Wittenberg area; and

WHEREAS, the Treasurer has not provided the unexpended fund report required under Section 7(a) of the Budget and Appropriation Act and the timeline to provide such report has not elapsed, and therefore the use of the unexpended funds is not currently available for the Nation's use; and

WHEREAS, Legislative Resolution 05-20-13N establishes a Capital Project line item in a restricted use account for the planning, development, purchase and/or construction of housing for the District 3 where funds in the amount of \$2,000,000.00 is appropriated; and

WHEREAS, the Nation's Housing Department did not preserve or carry over the line item (s) totaling \$548,102.00 in their Fiscal Year 2012-13 budget prior to the end of the fiscal year; and

WHEREAS, the Nation finds it imperative that the construction continue; and

WHEREAS, the Legislature will provide a budget modification in the amount of \$548,102.00 from the District 3 Housing Restricted Account in order for the project to continue; and

WHEREAS, the Legislature will reimburse the District 3 Housing Restricted Account in the amount of \$548,102.00 when the Nation's unexpended Fiscal Year 2012-13 funds are considered within 120 days of the close of the 2012-13 fiscal year in accordance with the Section 7 of the Nation's Budget and Appropriation Act.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional Authority, will approve a budget modification in the amount of \$548,102.00 from the Restricted Account for Ho-Chunk Nation District 3 Housing to the Department of Housing and that such account will be reimbursed in that same amount when the Legislature considers the Nation's Unexpended Funds pursuant to the Nation's Appropriation and Budget Act.

CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members**, of whom **13** constituting a quorum were present at a meeting duly called and convened and held on the **9th day of July, 2013**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **13 members, 0 opposed, and 0 abstaining**, pursuant to the authority of 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 said 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

7.9.13
Date