



## **HO-CHUNK NATION LEGISLATURE**

*Governing Body of the Ho-Chunk Nation*

### **HO-CHUNK NATION LEGISLATURE REQUEST FOR ALLOCATION OF FUNDS TO PROCEED WITH THE FINANCING PORTION OF THE COMMUNITY REINVESTMENT PROJECT (PRE-CONSTRUCTION EXPENSES)**

#### **RESOLUTION 08-05-14N**

**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(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; 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

#### **Executive Offices**

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**WHEREAS,** the Nation will incur pre-construction costs in the areas of Architect/Engineering and Owner's Representative in the estimated cost of \$8,971,038 for FY2015; and

**WHEREAS,** that the Nation reasonably expects to incur pre-construction expenses, for Architect/Engineering and Owner's Representative at an estimated amount up to \$8,971,038 for FY 2015, in connection with the Community Reinvestment Project; and

**WHEREAS,** the Department of Treasury shall make payments for all invoices presented to the Nation from the Architect/Engineering and Owner's Representative may be paid via an electronic funds transfer at the discretion of the Treasurer; and

**WHEREAS,** the Department of Treasury has identified past-due fees, incurred in Fiscal Year 2014, related to financing for the Community Reinvestment Project, that have not yet been paid to the Nation's Financial Advisor (in the amount of \$45,000) and outside bond counsel (in the amount of \$92,000), which Treasury recommends addressing within this Resolution; and

**WHEREAS,** the Department of Treasury recommends that the amount approved in this Resolution for true increase be paid from the Nation's Long Term Portfolio Reserve, in order to safeguard the Nation's short term cash flow, and then replenished out of the proceeds of the final financing for the Project.

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, hereby authorizes the true increase of the \$8,971,038 requested by the Business Department, placed in the General Fund receivable line item (01.0001.120.0158), and the payment of the outstanding FY 2014 fees (noted above by the Treasury Department), for a total payment of \$9,108,038.00; provided, that said amount is to be paid out of the Nation's Cash Long Term Portfolio Reserve Account and that it will be reimbursed from loan proceeds for the Project; and

**BE IT FURTHER RESOLVED** that the Business Department shall work with the Owner's Representative and the Architects/Engineers to develop projects and project costs that will strive to eliminate change orders during the construction phase and in the event that a change order is requested due to unforeseen outside circumstances, i.e. regulation changes or product unavailability, instead of poor planning, said change orders must be approved by the Legislature.

## 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 8 constituting a quorum were present at a meeting duly called and convened and held that on the 5<sup>th</sup> day of August, 2014, adopted the foregoing resolution at said meeting by an affirmative vote of 5 members, 0 opposed, and 3 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

8.5.14  
Date

