



## **HO-CHUNK NATION LEGISLATURE**

*Governing Body of the Ho-Chunk Nation*

### **HO-CHUNK NATION LEGISLATURE RESCISSION OF RESOLUTION 12-07-04B REGARDING STIPENDS FOR THE ETHICS REVIEW BOARD**

#### **RESOLUTION 9-25-12A**

- 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,** Article V, Section 3 of the Constitution requires that the Legislature adopt Codes governing, among other things, "Ethics, including conflicts of interest, nepotism, and the conduct of all elected and appointed officials and employees"; and
- WHEREAS,** the Legislature enacted the Nation's Code of Ethics Act originally by adoption of Resolution 10-16-01A, and has amended the Code of Ethics at various times; and
- WHEREAS,** the Code of Ethics establishes an Ethics Review Board, comprised of tribal members to hear, consider, and render decisions on complaints filed under the Code; and

#### **Executive Offices**

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**WHEREAS,** at one time under the Code of Ethics, the Ethics Review Board was comprised of outside professionals, such as tribal court judges and attorneys, who would perform the Board's functions; and

**WHEREAS,** by Resolution 12-07-04B, the Legislature set a specific stipend rate to compensate Ethics Review Board members appointed at that time (who then were tribal court judges and/or attorneys); and

**WHEREAS,** now that the Ethics Review Board is comprised of different personnel, and appointed in a different manner, the Legislature finds that the need for the stipend rate established in Resolution 12-07-04B is no longer necessary;

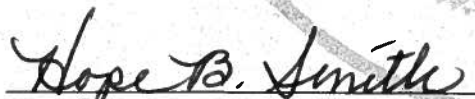
**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, hereby rescinds Resolution 12-07-04B; and


**BE IT FURTHER RESOLVED** that the rates for stipend and other Board member compensation for the Ethics Review Board shall be consistent with the Nation's Finance Manual (5 HCC §5); and

**BE IT FURTHER RESOLVED** that any administrative matters related to the Ethics Review Board may be addressed pursuant to Article VI, Section 2(d) of the Constitution, where the President administers all Departments, boards, and committees created 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 9 constituting a quorum were present at a meeting duly called and convened and held that on the 25th day of September, 2012, 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