



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE APPOINTMENT OF MARILYN LAMERE AS A HO-CHUNK NATION GAMING COMMISSIONER

#### RESOLUTION 09-25-12I

- 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(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(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; 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; and
- WHEREAS,** the Legislature has adopted an *Amended and Restated Gaming Ordinance* (5 HCC §1) (hereinafter "Gaming Ordinance") of the Ho-Chunk Nation, with the most recent amendment adopted by Resolution 1 - 28 - 08 D; and
- WHEREAS,** Section 13, subparagraph a. of the Gaming Ordinance establishes the Ho-Chunk Nation Gaming Commission "as an independent regulatory authority responsible for oversight, training, and enforcement of gaming regulatory matters under the Ho-Chunk Nation law."; and
- WHEREAS,** Section 13, subparagraph a. of the Gaming Ordinance provides that "[ t]he Commission will consist of five (5) members appointed by a majority vote of the Legislature acting at a duly convened meeting at which quorum is present."; and

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**WHEREAS,** Section 13, subparagraph c. of the Gaming Ordinance provides that “[t]he Commissioners will each serve for a term of four (4) years commencing on July 1<sup>st</sup> of the year of appointment.”; and

**WHEREAS,** Section 13, subparagraph f. provides “[a] vacancy on the Commission through death, resignation, incapacity, or removal from office will be filled by a majority vote of the Legislature at a duly convened meeting. The newly appointed Commissioner will complete the unexpired term of the Commissioner being replaced.”; and

**WHEREAS,** in *Resolution 11-3-10J*, the Legislature appointed Steve Garvin to serve in the position of Ho-Chunk Gaming Commissioner for a four-year term running from July 1, 2010 through June 30, 2014; and

**WHEREAS,** Steve Garvin resigned from his position as Gaming Commissioner; and

**WHEREAS,** the Legislature posted the Gaming Commissioner position and conducted interviews to fill the vacancy; and

**WHEREAS,** the Legislature has selected an individual to fill the vacancy and finish the remaining two year term of Steve Garvin;

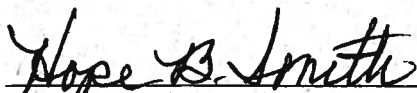
**NOW THEREFORE, BE IT RESOLVED,** that the Legislature, pursuant to its discretionary authority under the Constitution and Gaming Ordinance, hereby appoints Marilyn LaMere to serve in the position of Ho-Chunk Nation Gaming Commissioner to complete the term that began on July 1, 2010 and will end on June 30, 2014.


**BE IT FURTHER RESOLVED,** that Marilyn LaMere’s service as a Gaming Commissioner shall begin after she is sworn into office.

**BE IT FURTHER RESOLVED,** that the Vice President or designee shall contact Marilyn LaMere to arrange the swearing in ceremony as soon as possible.

#### CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation Legislature, 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 on the 25th day of September, 2012, adopted the foregoing resolution at said meeting by an affirmative vote of **8 members, 0 opposed, and 0 abstaining**, pursuant to the authority of Article V, Section 2(a) through (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.

  
\_\_\_\_\_  
Hope B. Smith, Tribal Secretary

  
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Date