



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE

APPOINTMENT OF SHARON WHITEBEAR AS HO-CHUNK NATION GAMING COMMISSIONER RESOLUTION 10-08-13 N

- 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(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,** 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 Legislative 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

Resolution

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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 1st of the year of appointment.” and

WHEREAS, there is currently a vacant position for Gaming Commissioner, which was left open by the resignation of Daniel Blumer, who had been serving a term that was to last through June 30, 2014;

WHEREAS, the Nation’s Gaming Ordinance, Section 13f, states that “a vacancy on the Commission through ... resignation ..., 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, the Legislature posted the position of Gaming Commissioner, reviewed many applications, and has exercised its discretionary authority to appoint a qualified tribal member for the vacant Gaming Commissioner position;

NOW THEREFORE, BE IT RESOLVED, that the Legislature, pursuant to its discretionary authority under the Constitution and Gaming Ordinance, hereby appoints Sharon Whitebear to serve in the position of Ho-Chunk Nation Gaming Commissioner and fill the remainder of the term left vacant, with said term lasting through June 30, 2014;

BE IT FURTHER RESOLVED, that Commissioner Whitebear shall begin to serve her term as soon as possible, after further coordination with the Vice President.

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 11 constituting a quorum were present at a meeting duly called and convened on the 8th day of October, 2013, and that the foregoing resolution was adopted by an affirmative vote of 11 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.

Kathleen Lone Tree-Whiterabbit
Kathy Lone-Tree Whiterabbit, Tribal Secretary

10.8.13
Date