



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
ACKNOWLEDGEMENT OF GENERAL COUNCIL
RESOLUTION 09-28-13-10 AND
RESCISSION OF LEGISLATIVE RESOLUTION 01-22-04B,
LEGISLATIVE RESOLUTION 12-17-03B AND LEGISLATIVE RESOLUTION 07-23-13A
REGARDING AT-WILL EMPLOYMENT**

RESOLUTION 11.05.13F

- 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(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 Legislature set various terms and conditions of employment with the Nation by adopting the Nation's Employment Relations Act ("ERA") on December 9, 2004 (effective on January 31, 2005); and
- WHEREAS,** the Legislature has also set a term and condition for "At-Will" employment for specific employees in Resolutions 12-17-03B and 1-22-04A; and
- WHEREAS,** the Nation's General Council met on September 28, 2013 at its Annual Meeting and adopted Resolution 9/28/13-10 entitled "Resolution to Amend the Ho-Chunk Nation Personnel Policies and Procedures and Hiring Practices of the Ho-Chunk Nation."; and
- WHEREAS,** General Council Resolution 9/28/13-10 essentially mandates, as General Council policy, that the designation of At-Will Employee be repealed for those employees not appointed by the President and approved by the Legislature; and

Executive Offices

W9814 Airport Road • P.O. Box 667 • Black River Falls, WI 54615
(715)294-9343 • Fax (715)284-3172

WHEREAS, Article IV, Section 3(a) of the Constitution states that “[t]he General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings.”; and

WHEREAS, the Legislature finds it appropriate to rescind its previous resolutions regarding At-Will employment in response to General Council Resolution 9/28/13-10 and in satisfaction of Article IV, Section 3(a) of the Constitution; and

NOW, THEREFORE, BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, hereby rescinds Legislative Resolution 12-17-03B and Legislative Resolution 1-22-04A.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies 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 **5th day of November, 2013**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **7 members, 1 opposed, and 1 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

11.5.13
Date