



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
AUTHORIZATION TO DEDUCT AMOUNTS FROM
ANNUAL GAMING COMPACT PAYMENT IN 2014
FOR CONTRIBUTION TO SHAWANO COUNTY AND WITTENBERG-BIRNAMWOOD
HIGH SCHOOL FOOTBALL STADIUM RENOVATION PROJECT**

RESOLUTION 12-03-13C

- 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(i) of the Constitution authorizes the Legislature to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** the Nation entered into a Gaming Compact with the State of Wisconsin in 1992 and has amended said Compact at various times over the years, the most recent of which taking place in 2008 (known as the Third Amendment to the Gaming Compact); and
- WHEREAS,** under Paragraph 8 of the Third Amendment to the Gaming Compact, subsections XXXIV.C. 2 through 6 of the Compact were created under the heading of "Credits;" and

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

WHEREAS, subsection XXXIV.C. 2 of the “Credits” provisions allows the Nation to deduct certain amounts from its Annual Payment to the State of Wisconsin under the Compact for public works projects, with certain restrictions, beginning in May 2010; and

WHEREAS, in taking this deduction, subsection XXXIV.C.2 requires that the Nation consult with the State regarding which public works projects qualify for the deduction prior to initiating the projects (though the Nation does not need the prior consent of the State); and

WHEREAS, the Shawano County Tribal Affairs Committee made a request at the August 12, 2013 meeting of the Nation’s District 3 Wittenberg area tribal members for financial assistance in the amount of \$4,800.00 to the Wittenberg-Birnamwood high school stadium renovation project; and

WHEREAS, the project includes repairs to the stadium, retaining walls and landscaping, for the benefit of the students (some of which are tribal members), school and the public; and

WHEREAS, the District 3 Wittenberg tribal members adopted a motion at their August 12, 2013 meeting to approve Shawano County’s request in the amount of \$4,800.00; and

WHEREAS, the Legislature affirmed the Wittenberg area motion at Session on August 20, 2013, and agreed to draft a resolution to memorialize the contribution; and

WHEREAS, the Legislature finds that the contribution toward Shawano County and the Wittenberg-Birnamwood football stadium restoration project qualifies as a “Public Works Project” under Paragraph 8 (“Credits”), subsection XXXIV.C.2, of the Third Amendment to the Nation’s Gaming Compact with the State of Wisconsin, in that it will benefit both the Nation (and its members) and the local government and high school in Shawano County and Wittenberg-Birnamwood.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority and the terms of the Nation’s Gaming Compact, hereby authorizes a contribution to the Wittenberg-Birnamwood football stadium restoration project in the amount of \$4,800.00, and authorizes a Gaming Compact deduction of the contribution (\$4,800) from the Nation’s Annual Compact Payment to the State in 2014; and

BE IT FURTHER RESOLVED that the Nation, through its Legislature, President, Attorney General, Legislative Counsel, designated counsel and appropriate staff, will consult with the State of Wisconsin regarding the above public works project and the Nation’s intention to deduct the associated costs from the Tribe’s Annual Payment to the State.

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 **12** constituting a quorum were present at a meeting duly called and convened and held that on the **3rd day of December, 2013**, adopted the foregoing resolution at said meeting by an affirmative vote of **12 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.

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

12.3.13
Date

