



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE RESCISSION AND RESTATEMENT OF *RESOLUTION 12-21-21N* ESTABLISHMENT OF HELP PROGRAM

RESOLUTION 02-23-22 B

- 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(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; and
- WHEREAS,** Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk 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 including but not limited to the foregoing list of powers; and

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- WHEREAS,** the Legislature adopted a General Welfare Exclusion Ordinance by Resolution 4-28-20C, memorializing the procedures to be used by the Nation to determine what services or programs are needed to promote public health, safety and other basic needs/services for the promotion of the general welfare of the Nation and its members, and to ensure compliance with the General Welfare doctrine and U.S. Internal Revenue Code Section 139E; and
- WHEREAS,** since February and March of 2020, the United States Center for Disease Control and Prevention (“CDC”) has been responding to an outbreak of respiratory disease caused by a novel coronavirus (“COVID-19”) which has now spread throughout the United States and Indian Country as a world-wide pandemic; and
- WHEREAS,** on January 31, 2020, United States Department of Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States in response to the presence of COVID-19 within the United States; and
- WHEREAS,** on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and
- WHEREAS,** on March 13, 2020 President Donald Trump issued a proclamation declaring that the COVID-19 outbreak in the United States constitutes a national emergency, and March 12, 2020, Wisconsin Governor Tony Evers declared a public health emergency, and on March 24, 2020, Governor Tony Evers issued Emergency Order #12, titled Safer at Home Order; and
- WHEREAS,** through the adoption of Resolution 3-12-20A and Executive Administrative Order March 13, 2020-1, the Legislature and President of the Nation declared a state of emergency concerning the tribal and national response to the coronavirus (known as COVID-19), and set in place measures to protect the Nation, its Members and employees, including travel restrictions and adherence to certain federal recommendations and guidance to protect against the spread of such virus; and
- WHEREAS,** multiple cases of COVID-19 have been confirmed in Wisconsin and the Ho-Chunk Nation Department of Health has determined that the community spread of COVID-19 is occurring within the state and near Ho-Chunk communities; and
- WHEREAS,** on March 31, 2020, the Legislature adopted Resolution 3-31-20D along with the President issuing an Administrative Order (Mar. 31, 2020-1), putting in place a Safer At Home requirement and social distancing restrictions in response to COVID-19; and
- WHEREAS,** in light of the continuing pandemic and COVID-19 public health dangers to the Ho-Chunk Nation, its Members and employees, the Legislature adopted Resolution 4-28-20B continuing the Declaration of Emergency based on Resolution 3-12-20A, affirming the importance of critical measures, and putting additional steps in place to protect the Nation and its Members; and
- WHEREAS,** the United States Congress enacted the American Rescue Plan Act (ARPA) which President Biden signed into law on March 11, 2021, in response to the economic crisis that has resulted from the COVID-19 pandemic, which includes funding for tribal governments; and

- WHEREAS,** the Nation received funds from the United States Treasury Department under the American Rescue Plan Act; and
- WHEREAS,** the United States Treasury Department issued a guidance document on April 22, 2020 outlining the appropriate use of Title V funds received by recipients for expenses associated with the provision of economic support in connection with the COVID-19 public health emergency such as expenditures to tribal members for financial assistance; and
- WHEREAS,** the Legislature recognizes that tribal members and their families are facing financial challenges during the national public health emergency, where numerous businesses were closed (including the Nation's gaming operations), and that they may require financial assistance due to economic displacement or disruption; and
- WHEREAS,** on August 17, 2021, the Legislature passed a motion to approve the Legislative ARPA Proposal to use of ARPA funds for the H.E.L.P Program in the form of monthly payments to tribal members in the amount of \$700.00 for adults from January 2022 through June 2022; and
- WHEREAS,** the H.E.L.P Program had been stalled as a result of the Ho-Chunk Nation Trial Court Case CV 21-13; and
- WHEREAS,** on December 17, 2021, the Legislature passed a motion to approve the Legislative ARPA Proposal, to use of ARPA funds for the HELP Program in the form of monthly payments to tribal members in the amount of \$700.00 for adults from January 2022 through June 2022, as part of a stipulation to the Ho-Chunk Nation Trial Court Case CV 21-13; and
- WHEREAS,** the Legislature found it appropriate to memorialize the program and action authorized on December 17, 2021, through a formal resolution in order to assist the Nation's Treasury Department; and
- WHEREAS,** in response to the current declaration of emergency, the COVID-19 public health crisis and resulting economic displacement and disruption, the Legislature found it appropriate to provide the H.E.L.P Program for Ho-Chunk Nation tribal members, based on the Ho-Chunk Nation General Welfare Exclusion Ordinance and the allowances of the federal General Welfare doctrine, utilizing ARPA funding the Nation received from the federal government; and
- WHEREAS,** the Legislature adopted Resolution 12-21-21N, approving the H.E.L.P. payments as a Program under the Nation's General Welfare Exclusion Ordinance (4 HCC §17), listing out the eligibility criteria and assistance amounts; and
- WHEREAS,** now, the Legislature wishes to clarify its intent regarding the H.E.L.P Program guidelines in regards to garnishment of the H.E.L.P Program for child support obligations in congruence with the General Welfare Exclusion Ordinance; and

WHEREAS, the Legislature is dedicated to the well-being of children, and recognizes that approximately 1,000 children of tribal members have been affected by the lack of per capita and tribal payments that care authorized to be garnished; further, the Legislature is dedicated to the protection of this most vulnerable population, as such the Legislature determines that the H.E.L.P Program payments must be garnished in accordance with the amendments made to the General Welfare Exclusion Ordinance; and

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its authority under the Constitution and tribal law, hereby rescinds and restates Resolution 12-21-21N, and re-establishes the following H.E.L.P Program under the Nation's General Welfare Exclusion Ordinance utilizing ARPA funding:

1. Eligibility. Adult (age 18 and over) Members of the Ho-Chunk Nation as of the 1st of each month from January 2022 through June 2022 shall be eligible for the HELP Program;
2. Assistance. \$700 will be provided to adult Ho-Chunk Nation tribal members to be paid out by the 1st of each month from January 2022 through June 2022;
3. H.E.L.P Program payments are not considered income, but can be garnished to meet child support obligations pursuant to the General Welfare Exclusion Ordinance, and it is the intent of the Legislature to allow such garnishment.

BE IT FURTHER RESOLVED that, subject to budget availability, the Legislature is authorized to declare program assistance under the Ho-Chunk Nation General Welfare Exclusion Ordinance when, in its discretion, the Nation or its members suffer economic displacement or disruption because of a public health emergency, whether or not there has been such a declaration by state, local, or federal authority; the amount and extent of such program financial assistance shall be determined by resolution of the Legislature when the Ho-Chunk Nation Legislature and President have declared an emergency;

BE IT FURTHER RESOLVED that the H.E.L.P Program described herein shall be funded through the ARPA funding that the Nation has received from the federal government during the COVID-19 pandemic, in a manner that is administratively feasible for the Nation's government, and within its discretion to structure assistance in response to the COVID-19 public health emergency.

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 **23rd day of February, 2022**, adopted the foregoing resolution at said meeting by an affirmative vote of **5 members, 5 opposed, and 2 abstaining**, with the President voting **in favor** to break the tie, 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.


Rep. Stephanie Begay, Tribal Secretary

02.23.22
Date