



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE RESCISSION AND RESTATEMENT OF RESOLUTION 4-28-20B CONTINUED DECLARATION OF STATE OF EMERGENCY FOR HO-CHUNK NATION IN RESPONSE TO COVID-19

RESOLUTION 02-14-23 E

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(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(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(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; 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

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- 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**, in February and March of 2020, the United States Center for Disease Control and Prevention (“CDC”) responded to an outbreak of respiratory disease caused by a novel coronavirus (“COVID-19”), and which had spread throughout Indian Country, the United States and the world, 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 the United States President 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**, on March 20, 2020, the President of the Nation issued Administrative Order Mar. 20, 2020-1, placing a moratorium on mass gatherings of 10 or more People; and
- WHEREAS**, on March 30, 2020, the Nation’s Health Department issued a Memo on “COVID-19 Update Confirmed Case in the Ho-Chunk Nation;” 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 was occurring within the state and near Ho-Chunk communities; and

WHEREAS, the Ho-Chunk Nation had identified a need to take additional steps to protect tribal members and to continue to disseminate all health communication strategies, continued care for the communities most vulnerable population, elders, pregnant women, people with asthma, heart disease, diabetes and any other medically fragile tribal members and the need to seek federal, state, and tribal financial assistance is necessary; and

WHEREAS, when the Legislature adopted Resolution 3-12-20A, it determined it was appropriate to treat the COVID-19 pandemic as a critical priority of the Nation, and devote the necessary attention and effort to prevent unnecessary transmission of the illness to Ho-Chunk employees and public officials, thereby adding a level of protection for Ho-Chunk communities and members; 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 deemed it appropriate to continue the Declaration of Emergency based on Resolution 3-12-20A, affirm the importance of critical measures, and put new steps in place, therefore the Legislature adopted Resolution 4-28-20B as a Phase II Continued Declaration of Emergency for the Nation; and

WHEREAS, since 2020, the United States has continued to keep a declaration of national emergency in place, in response to the COVID-19 pandemic, even as of February 18, 2022, whereby President Biden issued a notice continuing the federal declaration; and

WHEREAS, as of 2022, the emergency declaration for the State of Wisconsin's COVID-19 response expired; and

WHEREAS, President Biden announced on January 30, 2023 that the federal declaration of emergency related to COVID-19 would expire on May 11, 2023; and

WHEREAS, Ho-Chunk Nation President Marlon White Eagle rescinded his Administrative Order, dated March 13, 2020-1, which accompanied the Legislature's declaration of emergency for the Nation; and

WHEREAS, in light of the continued recovery of the Ho-Chunk Nation from the pandemic, improvement in tribal community health and vaccination from COVID-19, and its variants, and the upcoming expiration of the national declaration of emergency, the Legislature has reassessed its last Declaration of State of Emergency set forth in Resolution 4-28-20B; and

WHEREAS, the Legislature finds it appropriate to update the Nation's Declaration of State of Emergency, maintain limited aspects of the emergency, while continuing to assess the viability of any ongoing declaration of emergency; and

WHEREAS, the Legislature inquired with the Executive Director of the Ho-Chunk Nation Health Department at its February 7, 2023 legislative meeting about the continued need for a Declaration of Emergency, and the preparedness of the Nation for the federal emergency to expire, and the Director indicated an acceptance of the lifting of declarations of emergency;

NOW THEREFORE, BE IT RESOLVED that the Ho-Chunk Nation Legislature, pursuant to its Constitutional authority, hereby rescinds and restates Resolution 4-28-20B, thereby continuing the Declaration of State of Emergency within the Ho-Chunk Nation related to the COVID-19 pandemic, but on a limited basis; and

BE IT FURTHER RESOLVED that the Legislature affirms the mandate from Resolution 4-28-20B, requiring that the Nation to take active steps to prevent unnecessary transmission of COVID-19, including educating the Nation's membership and employees; and encouraging cross-branch communication to assist in the continuing and evolving emergency preparedness planning; and

BE IT FURTHER RESOLVED that all Nation employment-related travel resume on the basis as allowed under the Nation's laws, consistent with applicable funding, and based on required approvals in place; and

BE IT FURTHER RESOLVED that for any Continuity of Operation Plans (COOP) that have been put in place by any Branch of the Ho-Chunk Nation in response to COVID-19, the Nation's Declaration of Emergency in Resolution 4-28-20B, or any State of Emergency/Declaration of Emergency pursuant to Chapter IX of the Nation's Employment Relations Act, such Plans are to be shared among all Branches of the Nation's government; and


BE IT FURTHER RESOLVED that where Continuity of Operations Plans (COOP) are not provided to the Legislature, the Legislature reserves the authority to review and limit spending pursuant to such Plans, as an aspect of the Legislature's authority to authorize expenditures under Article V, Section 2(d) of the Constitution; and

BE IT FURTHER RESOLVED that the Legislature stresses the importance to all Ho-Chunk Members and communities to use caution and take reasonable measures to protect the health of tribal members, youth, elders, at gatherings; and

BE IT FURTHER RESOLVED that the Legislature continues the Nation's limited Declaration of State of Emergency, until such time as rescinded by the Legislature, in order to protect the Nation's membership, employees, and customers, while also ensuring that there is an appropriate transition that avoids uncertainty in the Nation's law.

CERTIFICATION

I, the undersigned, as Secretary of the Ho-Chunk Nation Legislature, 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 on the **14th day of February, 2023**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **11 members, 0 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.


Rep. Stephanie Begay, Tribal Secretary

02.14.23
Date