



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE APPROVAL OF OFFICE OF GENERAL COUNCIL ESTABLISHMENT & ORGANIZATION ACT

RESOLUTION 01-19-17P

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(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(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, Article IV, Section 3(g) of the Constitution indicates that the General Council Agency was delegated authority to select, hire, manage and supervise General Council Branch personnel to accomplish the tasks mandated by the General Council; *however*, the General Council Agency was dissolved by the General Council on September 17, 2016 by General Council Resolution 9-17-2016-01; and

WHEREAS, Article IV, Section 3(a) of the Constitution requires the Legislature to take action on resolutions adopted by the General Council, including the adoption of laws, codes, ordinances, resolutions and statutes; and

Executive Offices

W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

WHEREAS, the Legislature took action on General Council Resolution 9-17-2016-01 by adoption of Resolution 10-04-16I (establishing a General Council Legislative Workgroup) and Resolution 10-18-16 (approving of other aspects of the General Council Resolution); and

WHEREAS, the General Council Legislative Workgroup (including the Attorney General and President) has met to discuss the creation of a legal structure for the Office of General Council, along with necessary organization and authority for the office; and

WHEREAS, the Legislature initially adopted Resolution 10-21-16A and adopted the Establishment Act for the Office of General Council; and

WHEREAS, after further review, the Legislature rescinded Resolution 10-21-16A, and determined to place the Establishment Act for the Office of General Council out for public review and comment; and

WHEREAS, the Establishment Act for the Office of General Council was placed out for public review and comment by Resolution 11-07-16P; and

WHEREAS, since the comment period has now expired, the Legislature finds it appropriate to adopt the Establishment Act for the Office of General Council, as revised through the comments received and legal guidance provided by the Nation's counsel;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, and General Council Resolution 9-17-2016-01, adopts the attached *Office of General Council Establishment and Organization Act*, which shall be codified in Title 1 of the Nation's Code as 1 HCC § 18.

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 9 constituting a quorum were present at a meeting duly called and convened and held that on the 19th day of January, 2017, adopted the foregoing resolution at said meeting by an affirmative vote of 9 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

1.19.17
Date



**HO-CHUNK NATION CODE (HCC)
TITLE 1 – ESTABLISHMENT ACTS
SECTION 18 – OFFICE OF THE GENERAL COUNCIL
ESTABLISHMENT AND ORGANIZATION ACT**

ENACTED BY LEGISLATURE: JANUARY 19, 2017

CITE AS: 1 HCC § 18

This Act establishes the Office of the General Council by law in observance and furtherance of General Council Resolution 9-17-2016-01.

1. Authority.

- a. Article V, Section 2(a) of the Constitution of the Ho-Chunk Nation (“Constitution”) grants the Legislature the power to make laws, including codes, acts, resolutions, and statutes.
- b. Article V, Section 2(d) of the Constitution of the Ho-Chunk Nation (“Nation”) empowers the Legislature to authorize expenditures by law.
- c. Article V, Section 2(f) allows the Legislature to set the salaries, terms and conditions of employment for all governmental personnel.
- d. 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.
- e. Article IV, Section 3(g) of the Constitution indicates that the General Council Agency was delegated authority to select, hire, manage and supervise General Council Branch personnel to accomplish the tasks mandated by the General Council; *however*, the General Council Agency was dissolved by the General Council on September 17, 2016 by General Council Resolution 9-17-2016-01.
- f. Article IV, Section 3(a) of the Constitution requires the Legislature to take action on resolutions adopted by the General Council, including the adoption of laws, codes, ordinances, resolutions and statutes.

- 2. History.** This Act recognizes the Office of General Council as an Independent Agency created to serve the General Council of the Ho-Chunk Nation.

3. **Purpose.** This Code establishes the Office of General Council under Ho-Chunk law and provides organization for the Office, while addressing necessary authorities and reporting structure.
4. **Mission and Functions.** The Office of General Council shall provide such support and advocacy as are required by the job descriptions for the Office, duly approved by the Legislature of the Nation, and as may be further required by the General Council of the Nation.
5. **Internal Organization and Authority.**
 - a. Consistent with General Council Resolution 9-17-2016-01, the Office of General Council shall consist of the following positions:
 - i. General Council Advocate;
 - ii. General Council Deputy Advocate; and
 - iii. General Council Secretary.
 - b. The General Council Advocate will oversee the Office of General Council and will supervise the other positions, as described in any legislatively approved job descriptions. Further, the General Council Advocate will have the authority to hire additional staff pursuant to the Nation's Employment Relations Act (including limited term employees); provided, however, that such hiring shall be consistent with the approved budget of the Office of General Council and any contract authority that is either reserved to the Legislature or delegated to the Office of General Council.
 - c. The General Council Advocate will have signature authority similar to that of an Executive Director of a Department of the Nation, including such authority for budget and Treasury matters, payroll and personnel matters, and administrative office functions, consistent with the approved job description for the position and the budget of the Office of General Council.
 - d. The General Council Advocate will have the right to prepare and present the annual budget to the Legislature in accordance with the Appropriations and Budget Process Act ("Budget Act") of the Ho-Chunk Nation, including the right of the Advocate to request budget modifications from the Legislature, consistent with the Budget Act.
 - e. The Office of General Council may adopt such internal operating procedures as deemed necessary, consistent with this Act, all laws of the Nation, and any legislatively approved job descriptions and budget; provided, however, that such internal procedures must be approved by the General Council Advocate and are subject to further action of the General Council.

- f. The Office of General Council shall maintain adequate and complete records of its activity, including, but not limited to, meeting minutes, reports by the Office, planning documentation for General Council meetings, General Council meeting minutes and resolutions, and vouchers and checks. The Office of General Council shall provide copies of all General Council meeting minutes and resolutions to the Ho-Chunk Nation Records Division. The Office of General Council shall adopt procedures to allow tribal members to request information related to the General Council.
- g. The Office of General Council will coordinate with tribal membership at least three (3) months prior to the Nation's Annual General Council meeting regarding all meeting specifications, including, but not limited to, venue and RFPs. One tribal member per District of the Nation will represent and assist in the coordination of such Annual General Council meetings.

6. Reporting.

- a. The Office of General Council shall report to the Legislature and/or any delegated Legislative Committee, on a quarterly basis as to its activities and planning. Further, the Office of General Council shall develop a method of reporting to tribal membership on the activity and planning of the Office, and report the same.
- b. The Office of the President may administratively oversee time and attendance approval relative to the General Council Advocate.
- c. The Office of General Council shall provide a report to the General Council at its Annual Meeting (or such other meetings as directed by the General Council) as to its activities and annual budget.

Legislative History:

- 11.07.16 Legislature places proposed Establishment Act out for forty-five (45) day public review and comment.
- 01.19.17 Legislature adopts Resolution 01.19.17P the Office of General Council Establishment & Organization Act, after discussion in Open Session of the Draft out placed out for public review and comments submitted.