



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

45-Day Public Review

**HO-CHUNK NATION LEGISLATURE
AUTHORIZATION TO PLACE THE
DEPARTMENT OF ADMINISTRATION
ESTABLISHMENT AND ORGANIZATION ACT OF 2001 (1 HCC § 2)
OUT FOR FORTY-FIVE DAY PUBLIC COMMENT**

RESOLUTION 09-18-18 B

- WHEREAS,** on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation (“Constitution”), formerly known as the Wisconsin Winnebago Nation; 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(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; 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,** the Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on June 23, 2015; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and
- WHEREAS,** Section 44, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period for consideration of proposed laws or amendments will typically be forty-five (45) days; and

Executive Offices

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WHEREAS, the Department of Administration has presented to the Administration Committee over several months proposed amendments to the *Department of Administration Establishment and Organization Act of 2001* (1 HCC § 2) in order to establish an Editorial Board for the Hocak Worak; and

WHEREAS, on September 6, 2018, the Administration Committee made a motion to refer the amendments to the *Department of Administration Establishment and Organization Act of 2001* (1 HCC § 2) to the Legislature in order for the amendments be placed out for 45 day public comment; and

WHEREAS, the Legislature wishes to place the proposed amendments to the *Department of Administration Establishment and Organization Act of 2001* (1 HCC § 2) out for 45 day public comment;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, hereby places the attached proposed amendments to the *Department of Administration Establishment and Organization Act of 2001* (1 HCC § 2) out for forty-five (45) day public comment, to run from the date the proposed ordinance is posted on the Nation's website.

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 **18th day of September, 2018**, 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.



Andrea Estebo, Tribal Secretary

09.18.2018
Date



**HO-CHUNK NATION CODE (HCC)
TITLE 1 – ESTABLISHMENT ACTS
SECTION 2 – DEPARTMENT OF ADMINISTRATION
ESTABLISHMENT AND ORGANIZATION ACT OF 2001**

ENACTED BY LEGISLATURE: MARCH 7, 2001

LAST AMENDED AND RESTATED: JUNE 5, 2017

CITE AS: 1 HCC § 2

This Act supersedes the Department of Administration Establishment and Organization Act of 1995 (HCNL 013-95) as enacted by the Legislature on 11/14/95 and amended on 5/6/97, 02/03/09 and 06/05/17.

1. Authority.

a. Article V, Section 2(a) of the Ho-Chunk Nation Constitution (“Constitution”) grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

b. 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.

c. Article V, Section 2(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature.

d. 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.

e. Article VI, Section 1(b) of the Constitution requires a Department of Administration.

f. Article VI, Section 2(b) of the Constitution grants the President the power to administer all Departments, boards, and committees created by the Legislature.

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2. **Purpose.** The Legislature establishes and organizes a Department of Administration as required by the Constitution of the Ho-Chunk Nation.

3. **Mission.** The Ho-Chunk Department of Administration shall provide the support services and staff necessary for effective operation of the Executive, Legislative, Judicial, and General Council branches of government. In doing so, the Department shall safeguard the interests of the Nation, enhance the sovereignty of the Nation, and exercise stewardship over those resources committed to it by the Nation and foreign jurisdictions.

4. **Functions.**

a. Provide for effective communication and dissemination of Tribal information to the Tribal population.

b. Centralize and store all governmental and business related documents using the most advanced technological means available.

c. Ensure the timely delivery and shipment of all internal and external correspondence.

d. Provide high-quality operational and strategic planning for the Nation.

e. Provide technical support for all areas of the Nation's operations.

f. Administer and maintain the Nation's fleet unit with complete accountability.

g. Maintain all facilities of the Nation in a safe and orderly manner.

5. **Internal Organization.**

a. The Department of Administration shall consist of an Executive Director and such divisions, branches, and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its annual goals and objectives.

b. The Department shall employ staff professionals, support personnel, and/or contract with professional service firms as the Executive Director shall determine consistent with the Nation's *Finance Manual*, other laws of the Nation, and the Legislative approved budgetary authority.

c. The Department shall maintain a current Organizational Chart. The Organizational Chart shall accompany its annual budget submission and any budget modifications during the fiscal year in accordance with the Nation's *Appropriations and Budget Process Act*.

6. **Executive Director and Board of Directors.**

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a. **Executive Director.**

(1) The Executive Director shall be appointed by the President and confirmed by the Legislature.

(2) The Executive Director shall be a full-time employee and paid compensation commensurate with his or her skills, education, experience, and responsibilities and within the standards of compensation established by the Legislature.

(3) The Executive Director shall be responsible for operating within the annually appropriated budget for the Department.

(4) The Executive Director shall serve as an ex officio member of the Department of Administration Board of Directors.

b. **Board of Directors.** The President shall establish a Board of Directors for the Department of Administration subject to confirmation by the Legislature pursuant to paragraph 1 c.

(1) **Role.** The Board of Directors shall serve in an advisory capacity on matters referred by the Executive Director.

(a) The Board shall not be a policy making body.

(b) The Board shall be involved in the Department's strategic planning.

(c) The Board shall be consulted during the development of the Department's annual goals and objectives required pursuant to the *Appropriations and Budget Process Act*.

(2) **Qualifications.** Directors shall have the requisite skills, knowledge, and education to provide professional and expert advice and recommendations to the Executive Director.

(3) **Membership.** The Board of Directors shall be comprised of five (5) members.

(a) A Director shall not be an employee of the Department of Administration.

(b) A Director shall not be a member of more than two (2) department Boards of Directors.

(c) A Director shall not be appointed nor serve as a member of a subordinate advisory board within the Department of Administration.

(d) Whether a Director can be an immediate family member of a Legislator, the President, or the appointed staff of the President shall be controlled by the *Open Meetings Act* (2 HCC § 2).

(e) Director vacancies shall be posted pursuant to the requirements of the *Legislative Organization Act* (2 HCC § 13).

(4) Terms. Directors shall serve two (2) year terms and may serve for more than one (1) term. The terms shall be alternated so that two (2) Directors are appointed or reappointed after the first year and every two (2) years thereafter and three (3) Directors are appointed/reappointed in the alternate years.

(5) Compensation. Directors shall be compensated for attendance at Board Meetings at a rate established by the Legislature. A Director must be present for a majority of the Meeting to receive compensation.

(6) Board Meetings.

(a) The Board of Directors shall meet at least twice a year and for special meetings as required and subject to the Board's By-Laws.

(b) Board Meetings shall be subject to the Nation's *Open Meetings Act*.

(c) Quorum. Quorum for the Board of Directors shall be three (3) of the five (5) Directors. Quorum must be attained and maintained to conduct business and for Directors to be eligible for compensation.

(d) Minutes. The Board shall publish Meeting Minutes for each Board Meeting. Minutes shall be submitted to the Office of the President and the Legislature. A copy of the Meeting Minutes must be attached to the compensation pay vouchers.

(7) Every twelve (12) months the Board shall elect a Chairperson.

(8) The Directors shall be subject to the Nation's law regarding nepotism and conflicts of interest.

(9) Within sixty (60) days of the enactment of this Act, the Board of Directors shall submit the By-Laws of the Board to the Legislature for approval.

6. Hocak Worak Newsletter Editorial Board.

a. Purpose and Justification. Per the Legislative Finance Committee budget review process of April 19, 2018, an Editorial Board for the Newsletter Division of the Department of Administration was created for fiscal year 2018-2019. The purpose of the Board is to meet on a bi-monthly basis to coincide with issues of the newsletter and decide content for each edition.

b. Composition. There will be five (5) Board members that will be made up of adult members of the Ho-Chunk Nation from local and outlying areas of Jackson County. Stipends shall be awarded in accordance with the Finance Manual (5 HCC § 5).

c. Editorial Board Vacancies. The Newsletter Editor shall fill the initial Board's vacancies by appointment with final approval by the Executive Director of Administration. The Editorial Board and Newsletter Editor shall fill subsequent vacancies. Announcements of a vacancy or vacancies must be made in the Hocak Worak Newsletter for at least 60 days. The Editorial Board and Newsletter Editor shall screen applications. The vacancy shall be filled by a majority vote of the Editorial Board and Newsletter Editor.

d. Editorial Board Member Roles and Responsibilities. The Editorial Board provides input on content for each edition of the Hocak Worak Newsletter. Board members must commit to approximately two (2) hours Thursday afternoons prior to set Newsletter deadlines.

e. Editorial Board Member Qualifications. Board members are required to meet or exceed the following qualifications:

- (1) Enrolled member of the Ho-Chunk Nation
- (2) Eighteen (18) years old or older
- (3) High School Diploma or equivalent
- (4) Valid Driver's License and Proof of Insurance
- (5) Not an employee of the Department of Administration
- (6) Commit to attending regularly scheduled meetings
- (7) Compose and submit a well written statement describing qualifications and interests in becoming an Editorial Board member

f. Editorial Board Positions.

- (1) The Editorial Board shall elect amongst itself on an annual basis a Chair, Vice-Chair, and Secretary.
- (2) The Chair shall chair the meetings and provide leadership to the Editorial Board.

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- ~~(3) The Vice-Chair shall support the Chair and carry out all duties of the Chair in their absence.~~
- ~~(4) The Secretary shall take minutes of Editorial Board meetings and ensure that they are circulated to all Board members and the Newsletter Editor prior to the next meeting.~~

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~~7.8 Annual Report to the Nation.~~ The Department of Administration shall submit through the President to the Legislature a final written annual report within thirty (30) days of the end of each fiscal year. It will report on the activities of the Department, achievement of the goals and objectives for the previous fiscal year, and the impact, if any, of fiscal constraints on its current goals and objectives.

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89. Strategic Planning and Reporting.

(a) The Executive Director of the Department of Administration shall be responsible for creating a Departmental Strategic Plan. This strategic plan shall at a minimum consist of the Departmental Mission Statement, goals of the Department in support of that mission, the actions necessary to achieve those goals, and a timeline to regularly review and update the strategic plan as necessary. The plan will be presented to Legislature upon completion.

(b) On a semi-annual basis, with *(1) October for the first semi-annual review (October-November); and (2) March for the second semi-annual review (March-April)*, the Executive Director shall provide an update on progress made towards annual goals and objectives as defined in the Departmental Strategic Plan, as well as the goals and objectives stated in the annual budget request made in accordance with the Budget and Appropriations Act (2 HCC § 4).

(c) The Executive Director will conduct an annual review of the Departmental Strategic Plan, and make updates or revisions based on the department's achievement, or lack of progress, regarding the completion and fulfillment of the department's strategic goals and objectives for the previous fiscal year. The updated Departmental Strategic Plan shall be presented to the Legislative Development Committee, or any relevant committee as required by the Legislative Organization Act (2 HCC §11) and shall be submitted to that committee by January 1st of each year.

(d) Episodic Reviews of Departmental Strategic Plans, as requested by the Legislature, shall be presented to the Legislature upon completion.

Legislative History:

- 07.26.95 Presented to Legislature for adoption and tabled for final draft.
- 10.24.95 Legislature adopts Bill No. 013-95.
- 11.14.95 Legislature adopts Act No. 013-95.
- 07.30.96 Legislature amends affective Sections 3(a) and 5(a).
- 05.06.97 Legislature amends Sections 3(b), 5(a) and 5(b).
- 03.07.01 Enacted as 1 HCC § 2 by Legislative Resolution 03/07/01B.
- 03.16.04 Amended and restated by Legislative Resolution 03/16/04A reducing quorum for the Board of Directors from four (4) to three (3) and requiring Director Vacancies to be posted in the Hocak Worak prior to filling.
- 10.21.08 Legislature places out proposed Amendments for forty-five (45) day public comment solely surrounding issues of immediate family of Legislators, President, and Appointed Presidential Staff serving on the Board of Directors.
- 02.03.09 Resolution 02/03/09F amends and restates Act to allow immediate family of Legislators, President, and Appointed Presidential Staff to serve on the Board of Directors
- 02.07.17 Legislature adopts Resolution 02.07.17W placing all Establishment and Organization Acts out for Forty-Five Day Public Comment.
- 06.05.17 Legislature passed Resolution 06.05.17M which adopted proposed amendments to all Nation Establishment and Organization Acts, including 1 HCC § 19 and 1 HCC § 20, while excluding 1 HCC § 3, with amendments consisting of some general changes as suggested by public commentary, as well as the "Strategic Planning and Reporting" language, which was originally placed out for Forty-Five (45) Day Public Comment in Resolution 02.07.17W.