



**HO-CHUNK NATION CODE (HCC)
TITLE 1 – ESTABLISHMENT ACTS
SECTION 5 – DEPARTMENT OF HEALTH
ACT OF 2009**

ENACTED BY LEGISLATURE: October 20th, 2009
(Effective Date: December 1, 2009)

LAST AMENDED AND RESTATED: JUNE 5, 2017

CITE AS: 1 HCC § 5

1. Authority.

a. Article 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.

b. 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.

c. 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.

d. 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.

e. 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.

f. Article VI, Section 1(b) of the Constitution requires a Department of Health.

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

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

3. Mission and Vision.

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Mission: The Ho-Chunk Department of Health shall promote a high-quality way of life with holistic health care to those we serve with an emphasis on the traditional Ho-Chunk way of life; and to empower each individual and family to make informed decisions regarding their present and future health. Vision: Building a strong mind, body, and spirit together. Waza yaagirawi (We Care.)

4. Functions. The Department of Health shall:

a. Provide a high level of social well-being and health care essential to the improvement of the quality of life within the Nation.

b. Make resources available for Tribal members to make decisions and choices affecting their present and future health status and economic and social stability.

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

d. Promote family unity and well-being through the protection of Ho-Chunk children, families, communities and the Nation.

e. Create innovative programs that are proactive in nature.

f. Collaborate with tribal, state and federal agencies.

g. In conjunction with the Indian Health Service Tribal Self-Governance Compact and Funding Agreement under Title V of the Indian Self-Determination and Education Assistance Act (“ISDEAA”) 25 U.S.C. § 5381 et seq., the Department of Health’s Network and Health Information Systems will be established solely under the Department of Health to meet the unique needs and standards required by the Department.

(1) The Tribal Self-Governance Program (“TSGP”) is a tribally driven congressional legislative option that authorizes federally recognized tribes and tribal organizations to negotiate with Indian Health Services, and assume full funding control over programs, services, functions, and activities (“PSFA’s”) or portions thereof that Indian Health Services would otherwise provide. The TSGP provides tribes with the flexibility to manage program funds to best fit the needs of their citizens and tribal communities.

5. Internal Organization.

a. The Department of Health 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.

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's Board of Directors.

b. Board of Directors. The President shall establish a Board of Directors for the Department of Health subject to confirmation by the Legislature pursuant to Section 1, subparagraph 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 healthcare 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*.

(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).

(2) Qualifications. Board of 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 Health.

(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 Health.

(4) Terms. Directors may serve up to two (2) consecutive terms. The terms shall be alternated so that two (2) Directors are appointed or re-appointed after the first year and every two (2) years thereafter and three (3) Directors are appointed/re-appointed 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 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.

7. Annual Report to the Nation. The Department of Health 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.

8. Strategic Planning and Reporting.

a. The Executive Director of the Department of Health 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:

03.14.95 Department of Social Services Establishment and Organization Act of 1995 (HCNL 002-95) adopted by Legislature.

- 11.14.95 Department of Health Establishment and Organization Act of 1995 (HCNL 006-95) adopted by Legislature.
- 02.16.99 Department of Veterans Affairs Establishment and Organization Act of 1999 adopted by Legislative Resolution 02/16/99B.
- 04.18.01 Department of Health and Social Services Establishment and Organization Act of 2001 enacted as 1 HCC § 5 by Legislative Resolution 4/18/01C.
- 06.26.01 Act amended effective July 1, 2001 by Legislative Resolution 6/26/01B to delete reference the Department of Veterans Affairs Establishment and Organization Act enacted by Legislative Resolution 2/16/99B
- 03.16.04 Amended and Restated by Legislative Resolution 3/16/04D 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 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 members of Legislators, President, and Appointed Presidential Staff to serve on the Board of Directors.
- 06.20.09 Amendment III adopted by Secretarial Election on May 6, 2009 which separates the Department of Health and the Department of Social Services. Becomes effective, thus implementing General Council Resolution.
- 08.06.09 Amendments to implement the separation of Health and Social Services into two different departments were introduced to the Administration Committee. Committee referred the Department of Health Establishment and Organization Act of 2009 to the full Legislature.
- 08.18.09 Legislature approves placing the code out for a forty-five day public comment period.
- 10.21.09 Legislature passes the code via Resolution 10-21-09A.
- 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.