

**HO-CHUNK NATION CODE (HCC)
TITLE 1 – ESTABLISHMENT ACTS
SECTION 7 – DEPARTMENT OF HOUSING ESTABLISHMENT
AND ORGANIZATION ACT OF 2001**

ENACTED BY LEGISLATURE: APRIL 18, 2001

LAST AMENDED AND RESTATED: APRIL 22, 2014

CITE AS: 1 HCC § 7

This Act supersedes the Department of Housing Establishment and Organization Act of 1995 (HCNL 012-95) as enacted by the Legislature on 12/19/95 and further amended on 02/03/09 and 04/22/14.

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 Housing.
- 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.

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

Mission. *The Ho-Chunk Nation Department of Housing shall provide centralized leadership to develop housing opportunities using funds allocated for this purpose strategically and efficiently, improving the use of socio-economic resources, and by creating unified goals and objectives stimulating durable housing options which benefit Ho-Chunk members by improving access to safe and affordable housing. Develop housing opportunities creating self-sufficiency/sustainability.*

3. **Definitions.** The following terms shall have the meaning indicated.
 - a. “Advisory Board” - An official representative body established by the Legislature and administered by the President to provide a department or program counseling and advice.
 - b. “Chairperson” - The person who leads a meeting, organization, committee, or event.
 - c. “Compensation” – An amount of money to pay for work done.
 - d. “Director” - Person entrusted with carrying out the direction of an organization or committee.
 - e. “Financial Literacy” - the set of skills and knowledge that allows an individual to make informed and effective decisions with all of their financial resources.
 - f. “Quorum” - a fixed minimum percentage or number of members of a legislative assembly, committee, or other organization who must be present before the members can conduct valid business
 - g. “Term” - the length of time that a person holds an appointment or office.
 - h. “Vacancies” - an office, position, or tenancy that is unfilled or unoccupied.
 - i. “Vice Chairperson” - The person who performs the responsibilities of the Chairperson in the event that the chairperson is absent or unable to perform their duties
4. **Functions.** The Department of Housing shall provide communication and dissemination of resource housing information to the Ho-Chunk members.
 - a. Educate the Ho-Chunk tribal members on financial literacy.
 - b. Providing and/or assisting with residential resources to the Ho-Chunk tribal members

5. **Internal Organization.**

- a. The Department of Housing shall consist of an Executive Director and such divisions, branches, and offices necessary for the execution of its mission, performance of the mandated functions, and achievement of goals and objectives for submission in the Nation’s Annual Report.

- 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 (5 HCC §5)*, other laws of the Nation, and the legislatively approved budgetary authority.
- c. The Department shall maintain a current fiscal year 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 (2 HCC § 4)*.

6. **Executive Director.**

a. Executive Director.

- (1) The Executive Director shall be appointed by the President of the Ho-Chunk Nation and confirmed by the Ho-Chunk Nation Legislature (*Confirmation Process of Executive Directors Act (2 HCC §9)*).
- (2) The Executive Director shall be exempt and paid within the standards of compensation established by the Legislature. Compensation shall be commensurate with his or her skills, education, experience, and responsibilities.
- (3) The Executive Director shall be responsible for operating within the annually appropriated budget for the Department.

7. **Board of Directors.**

a. Board of Directors. The Constitution of the Ho-Chunk Nation under

- (i) Article V, Legislature, Section 1. Composition of the Legislature. (c) To constitute a Board of Directors for each Department..., and
 - (ii) Article VI, Executive, Section 1. Composition of the Executive Branch. (d) To administer all Departments, boards, and committee created by the Legislature.
- (1) Role. The Board of Directors shall serve in an advisory capacity.
- (a) The Board shall not be a policy making body.

- (b) The Board of Directors, in an advisory capacity, may recommend actions based on the mission and foresight to the Executive Director which will assist with achieving the goals and objectives of the Department.
 - (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 HCC § 4)*.
- (2) **Qualifications.** Directors shall possess leadership skills and communicate as a Board committed to the mission of the Department.
- a. A Director must be an enrolled Ho-Chunk Nation tribal member 25 years of age or older.
 - b. A FBI background check is required for all Board of Director nominees as per Resolution 04-08-13K.
 - c. A Director must not have a conviction of, or entry of a plea of guilty or no contest to, any of the following, in any jurisdiction within the past ten (10) years:
 - i. A felony.
 - ii. Any crime of dishonesty, including, but not limited to, fraud, misrepresentation, theft or deception in any form.
- (4) **Appointment.** A Director shall be appointed pursuant to *Legislative Organization Act (2 HCC §11)*.
- a. A Director shall not be appointed or serve as a member of a subordinate advisory board within the Department of Housing.
 - b. A Director shall not be appointed or serve as a Commissioner of the Ho-Chunk Housing and Community Development Agency.
 - c. 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 § 13)*.
- (5) **Membership.** The Board of Directors shall be comprised of five (5) members. One (1) Director for each Legislative District.
- a. A Director shall not be an employee of the Department of Housing.

- b. A Director shall not be a board member of more than two (2) departments within the Executive Branch of the Ho-Chunk Nation government.
- (6) Term. 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 or reappointed in the alternate years.
- (7) Vacancies. Director vacancies shall be posted pursuant to the requirements of the *Legislative Organization Act (2 HCC §11)*.
- (8) Compensation. Directors shall be compensated for attendance at board meetings at a rate established by the Legislature in accordance with the *Finance Manual (5 HCC §5)* .
- (a) A copy of the meeting minutes must be attached to compensation pay vouchers.
 - (b) Stipends will not be released to any board member until the minutes have been submitted to the Executive Director and a copy to the Office of the President.
- (9) Board Meetings.
- (a) The Board of Directors shall meet at least twice a year and for special meetings upon notification by the Executive Director and subject to the Board bylaws.
 - (b) Board meetings shall be subject to the Nation's *Open Meetings Act (2 HCC § 13)*.
 - (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. For the purposes of obtaining quorum, a Board member may attend via live/visual means.
 - i. Chairperson or Vice-Chairperson must be present for establishment of a quorum.

(d) Minutes. The Board shall submit the minutes to the Executive Director and Office of the President no later than 5 business days from the date of the board meeting.

(e) The Directors shall be subject to the Nation's law regarding nepotism and conflicts of interest in accordance with the *Code of Ethics Act (2 HCC § 1)*.

(10) Officers. Every twelve (12) months the Board shall elect the following officers:

(a) Chairperson.

(b) Vice-Chairperson

(c) Recording Secretary

(11) Within sixty (60) days of the enactment of this Act, the Board of Directors shall submit the bylaws of the Board to the Legislature for approval.

7. **Annual Report to the Nation.** The Department of Housing shall submit through the President to the Legislature a final written annual report within thirty (30) days of the end of each fiscal year. The Department of Housing will report on the measurable activities of the Department's 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.

Legislative History:

3/15/95 Presented to the Legislature by the President and referred to the Environment, Lands, Housing and Building Development Committee.

12/19/95 Adopted by Legislature.

4/18/01 Enacted as 1 HCC § 6 by Ho-Chunk Nation Legislative Resolution 4/18/01E

3/16/04 Amended and Restated by Legislative Resolution 3/16/04F reducing quorum for the Board of Directors from 4 to 3 and requiring Director vacancies to be posted in the Hocak Worak prior to filling.

5/4/04 Amended and Restated by Legislative Resolution 4/4/04C deleting reference to the Ho-Chunk Housing Authority and Tribal Ordinance 7A.

10/21/08 Legislature places out proposed Amendments for forty-five day public comment solely surrounding issue of immediate family of Legislators, President, and Appointed Presidential staff serving on the Board of Directors and posting of vacancies on Board.

- 2/03/09 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.
- 10/24/13 The Legislative Housing Committee passed a motion on October 24, 2013 to refer the amendments to the Department of Housing Establishment and Organization Act to the full Legislature to be placed out for forty-five (45) day public comment.
- 11/19/13 The Legislature passed Resolution 11-19-13A to place the proposed Amendments to the Department of Housing Establishment and Organization Act out for 45-day comment.
- 4/22/14 The Legislature passed Resolution 04-22-14A adopting Amendments to the Department of Housing Establishment and Organization Act.