

**HO-CHUNK NATION CODE (HCC)
TITLE 1 – ESTABLISHMENT ACTS
SECTION 6 – DEPARTMENT OF HERITAGE PRESERVATION
ESTABLISHMENT AND ORGANIZATION ACT OF 2001**

ENACTED BY LEGISLATURE: MARCH 7, 2001

LAST AMENDED AND RESTATED: FEBRUARY 3, 2009

CITE AS: 1 HCC § 6

This Act supersedes the Department of Heritage Preservation Organization Act of 1997 (HCNL 97-004) as enacted by Legislative Resolution 11-25-97C and amended by Legislative Resolution 12-9-97F and further amended on 02/03/09.

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 grants the Legislature the power to create Departments deemed necessary by the Legislature.

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 the Department of Heritage Preservation.

3. **Mission.** The Ho-Chunk Department of Heritage Preservation shall research, archive, protect, and conserve Tribal historical and cultural information. 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.** The Department of Heritage Preservation shall:

- a. Preserve and protect cultural, religious, and historical resources.
- b. Record, manage, and monitor all air, land, and water resources within the Nation's lands.
- c. Provide for effective communication and dissemination of Tribal information to the Tribal population.
- d. Represent the Nation regarding historical, cultural, and land issues on public boards, committees, and other forums within the scope of the Department's mission.

5. **Internal Organization.**

a. The Department of Heritage Preservation 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 Heritage Preservation subject to confirmation by the Legislature pursuant to paragraph 1c.

(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) Ho-Chunk Nation members selected by the Executive Director and approved by the President.

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

(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 Heritage Preservation.

(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 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 Heritage Preservation 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.

Legislative History:

8/6/97	Legislature posts for 30-day public review.
11/25/97	Adopted by Legislative Resolution 11-25-97C.
12/9/97	Amended by Legislative Resolution 12-9-97F.
10/14/95	Adopted by Legislature.
3/7/01	Enacted as 1 HCC § 6 by Legislative Resolution 3/7/01E.
3/16/04	Amended and Restated by Legislative Resolution 3/16/04E 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.

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- 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.
- 2/03/09 Resolution 02-03-09 F Amends and Restates Act to allow immediate family of Legislators, President, and Appointed Presidential staff to serve on the Board of Directors.