



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE

AUTHORIZATION TO PURSUE ASSISTANT PAYMENT REIMBURSEMENT RATES UNDER THE FOSTERING CONNECTIONS ACT, PUBLIC LAW 110-351, AND FEDERAL MEDICAL ASSISTANCE PERCENTAGE RATES

RESOLUTION 03-09-11 D

- 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(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(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** Article V, Section 2(j) of the Constitution grants the Legislature the power to authorize and appropriate funds to employ legal counsel in accordance with applicable law; and
- WHEREAS,** Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; 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,** a representative from the Wisconsin Department of Health and Human Services previously presented information to the Legislature regarding Federal Medical Assistance Percentage ("FMAP") rates as federal assistance reimbursements to Indian tribes that participate in certain child welfare programs authorized under Title IV-E of the federal Social Security Act; and

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WHEREAS, under federal law, the Fostering Connections to Success and Increasing Adoptions Act of 2008 authorizes Indian tribes and tribal organizations to receive funding directly for Foster Care, Adoption Assistance, and Kinship Guardianship Assistance Programs under Title IV-E of the Social Security Act; and

WHEREAS, under federal law, tribes may also receive Title IV-E funds through agreements with the States within which they are located, by submitting a letter of intent to the U.S. Department of Health and Human Services ("HHS"); and

WHEREAS, establishing a basis on which to receive federal funds, by collaboration with a State, is based on the calculation of a Federal Medical Assistance Percentage, which is the match rate originally developed for States in the U.S. Medicaid program (and which is calculated annually for each State by HHS according to a formula specified in Section 1905(b) of the Social Security Act, 42 U.S.C. 1396d(b)); and

WHEREAS, according to HHS, approximately 90 Indian tribes currently operate programs under Title IV-E agreements with various States and 86 tribes have submitted letters of intent to the Administration for Children and Families indicating an interest in operating Title IV-E programs; and

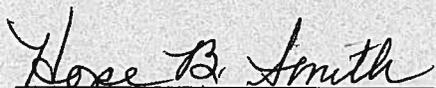
WHEREAS, the Ho-Chunk Nation Legislature deems it appropriate to explore the potential for the Nation to participate in the Title IV-E federal assistance program under the Fostering Connections to Success and Increasing Adoptions Act, as provided by federal law and regulation;

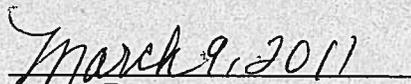
NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, authorizes the Nation, through Legislators and designated staff from the Nation's Departments of Health and Social Services, and any other appropriate staff, to pursue any necessary advantages for the Nation through the above Title IV-E and FMAP programs, either independently or through agreement with the State of Wisconsin; and

BE IT FURTHER RESOLVED that in pursuit of these objectives, the Nation may use the services of Whyte Hirschboeck Dudek to arrange necessary meetings and coordinate with the Nation's legal counsel, tribal officials and staff.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 12 constituting a quorum were present at a meeting duly called and convened and held that on the 9th day of March, 2011, that the foregoing resolution was adopted at said meeting by an affirmative vote of 11 members, 0 opposed, and 1 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.


Hope B. Smith, Tribal Secretary


Date