HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
AUTHORIZATION TO PLACE PROPOSED AMENDMENTS TO THE
DEPARTMENT OF HOUSING
***ESTABLISHMENT AND ORGANIZATION ACT OF 2001* (1 HCC § 7)**
OUT FOR FORTY-FIVE (45) DAY PUBLIC COMMENT

RESOLUTION 09-22-20 E

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 organized pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, the Legislature of the Ho-Chunk Nation ("Legislature") is the duly constituted governing body of the Nation pursuant to the Constitution of the Ho-Chunk Nation ("Constitution"); and

WHEREAS, Article V, Section 2(a) of the Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes; and

WHEREAS, Article V, Section 2(d) of the Constitution grants the Legislature to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and

WHEREAS, Article V, Section 2(f) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; 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 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

Executive Offices
W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

WHEREAS, the Mission Statement of the Nation's Department of Health is to provide a high-level of health care essential to the improvement of the quality of life within the Ho-Chunk Nation; 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

WHEREAS, at the September 10, 2020 Administration Committee a motion was passed to update the Establishment Acts in light of the redistricting that took place in 2018 and refer them to the full Legislature; and

WHEREAS, the Legislature wishes to place the purposed amendments to the *Department of Housing Establishment and Organization Act of 2001* (1 HCC § 7) to reflect the redistricting that occurred in 2018;

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, hereby places the attached proposed *Department of Housing Establishment and Organization Act of 2001* (1 HCC § 7) 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 Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members**, of whom **11** constituting a quorum were present at a meeting duly called and convened and held on the **22nd September, 2020,** that the foregoing resolution was duly adopted by an affirmed vote of **11 members, 0 opposed, and 0 abstaining**, pursuant to the authority of Article V, Section 2 (a) and (x) of the Ho-Chunk Nation Constitution approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

Hinu Smith

Rep. Hinu Smith, Tribal Secretary

9/22/2020

Date

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: JUNE 5, 2017

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 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 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.

3. **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.*

4. **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 four~~ive~~ (4~~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 two~~hree~~ (2~~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 four~~ive~~ (4~~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.

8. **Strategic Planning and Reporting.**

(a) The Executive Director of the Department of Housing 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:

03.15.95	Presented to the Legislature by the President and referred to the Environment, Lands, Housing and Building Development Committee.
12.19.95	Adopted by Legislature.
04.18.01	Enacted as 1 HCC § 6 by Ho-Chunk Nation Legislative Resolution 4/18/01E
03.16.04	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.
05.04.04	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.
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.