



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
AUTHORIZATION TO PLACE PROPOSED AMENDMENTS TO THE
HO-CHUNK TRIBAL AGING UNIT ADVISORY BOARD ESTABLISHMENT AND
ORGANIZATION ACT (1 HCC § 11)
OUT FOR FORTY-FIVE (45) DAY PUBLIC COMMENT**

RESOLUTION 09-22-20 F

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

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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 *Ho-Chunk Tribal Aging Unit Advisory Board Establishment and Organization Act* (1 HCC § 11) 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 *Ho-Chunk Tribal Aging Unit Advisory Board Establishment and Organization Act* (1 HCC § 11) 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.



Rep. Hinu Smith, Tribal Secretary

9/22/2020
Date

**HO-CHUNK NATION CODE (HCC)
TITLE 1 – ESTABLISHMENT ACTS
SECTION 11 – HO-CHUNK TRIBAL AGING UNIT ADVISORY
BOARD ESTABLISHMENT AND ORGANIZATION ACT**

ENACTED BY LEGISLATURE: APRIL 19, 2005

CITE AS: 1 HCC § 11

This Act supersedes the Ho-Chunk Nation Tribal Aging Unit Advisory Board Bylaws approved by Wisconsin Winnebago Business Committee Resolution 07-11-87B, amended by Legislative Resolutions 06-30-97, 11-09-99C, 05-08-12E, 10-22-13K, and most recently amended by Legislative Resolution 02-03-15A.

TABLE OF CONTENTS

1. Authority	1
2. Purpose	2
3. Establishment	2
4. Tribal Aging Unit Program	2
5. Purpose of the TAU Advisory Board	2
6. Powers and Duties	3
7. TAU Advisory Board	4
8. Order of Business	5
9. Compensation	5
10. Meetings	5
11. Annual Report to the Nation	5

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(f) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions.

c. 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.

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d. Wisconsin Statute, Section 46.82(4)(a) requires that a federally recognized American Indian tribe that has established a tribal aging unit shall appoint a governing and policy-making.

e. The Wisconsin Winnebago Business Committee established the Tribal Aging Unit (“TAU”) Advisory Board on July 11, 1987.

2. Purpose. The purpose of this Act is to establish the Ho-Chunk Tribal Aging Unit (TAU) Advisory Board (TAU Board) in accordance with Wisconsin Statute, Section 46.82(4)(a), which requires that the elected tribal governing body of a federally recognized American Indian Tribe, that has established a Tribal Aging Unit, shall also establish an advisory and policy development body.

3. Establishment. The Ho-Chunk Nation Legislature, in recognition of the importance of its Elders and pursuant to its powers, hereby establishes and organizes the Ho-Chunk Nation Tribal Aging Unit Advisory Board. The Board shall constitute the Nation’s Commission on Aging with the commensurate powers and duties as required by Wisconsin Statute, Section 46.82(4).

4. Tribal Aging Unit Program. The Nation’s Tribal Aging Unit (TAU) is organized under the Department of Social Services and functions pursuant to Wisconsin Statute, Section 46.82, which requires such an agency for an American Indian Tribe to administer programs for older individuals that are funded under 42 U.S.C. § 3001-3057n, 42 U.S.C. § 5001, and 42 U.S.C. § 5011(b).

a. Area. The Tribal Aging Unit (“TAU”) Program serves Tribal members living throughout the entire United States. However, the geographic area in which the TAU provides services to the Elders of the Nation consists of primarily 18 counties: Adams, Clark, Columbia, Crawford, Dane, Eau Claire, Jackson, Juneau, La Crosse, Marathon, Milwaukee, Monroe, Sauk, Shawano, Vernon, and Wood Counties in Wisconsin, Cook County in Illinois, and Houston County in Minnesota.

b. Location. The TAU program office is located at P.O. Box 430, Indian Mission, Black River Falls, WI 54615 and this office shall serve as a contact point for the TAU Board.

5. Purpose of the TAU Advisory Board. The TAU Board shall ensure that Tribal members, age sixty (60) and over, have the opportunity to realize their full potential and to actively participate in and have access to all areas of community life. It shall be the body within the Nation that represents the view, interests, and concerns of the Elders. It shall be responsible for identifying and promoting ways in which Elders can contribute to the community’s general welfare by:

a. Assisting the TAU program office with the planning, development, maintenance, and coordination of aging programs, which focus on providing the Elders with access to services, benefits, and opportunities available in the community, to ensure a coordinated and comprehensive effort.

b. Developing a mutually supportive relationship with the Area Agency on Aging.

c. Reviewing and making recommendations to the President and the Legislature on matters affecting the Nation's Elders.

6. Powers and Duties. The Board, pursuant to Wis. Stats. § 46.82(4)(d), shall plan and develop administrative and program policies in accordance with state law, Ho-Chunk Nation NPD funding and within the limits established by the Wisconsin Department of Health and Family Services for programs funded by the federal or state government for administration by the Tribal Aging Unit. As such the Board shall:

a. Promote the views, needs, and concerns of the Elders in tribal, county, state, and federal policies and decisions.

b. Provide information and personal support to individual Elders.

c. Promote opportunities for Elders to contribute to their own welfare and to the welfare of the total community.

d. Assist the TAU in the development and implementation of an annual comprehensive and coordinated Tribal Aging Plan including but not limited to Title III, Title V, Title VI, and Tribal NPD Funds for Elders.

e. Review and make recommendations on proposals relating to matters affecting programs and benefits addressing Elder needs and welfare prior to approval by the Legislature.

f. Assist the TAU in its efforts to organize and develop, modify, and expand available services and programs for Elders utilizing all resources.

g. Review reports the TAU is required to submit to funding agencies and such other reports as the TAU Board may deem appropriate

h. Advocate for and report to their respective area Elders.

i. Coordinate with the Legislature and the TAU Program for the use and expenditures of the Nation's charitable contributions, which are granted to Tribal Elders pursuant to the *Charitable Request Act* (4 HCC § 8).

7. TAU Advisory Board.

a. Composition. The TAU Board shall consist of two (2) members from each of the elder meal sites and two (2) members ~~each~~ from District 4 ~~and District 5~~.

b. Selection/Appointment. The members of the TAU Board shall be selected by the Elders from each of their respective elder meal sites or Districts. Each elder meal site or District shall choose its member selection process.

c. Attendance. Each member will officially attend meetings when called by the Chairperson, or Vice Chairperson.

d. Quorum. 2/3 of the entire board shall constitute a quorum. A quorum is required to conduct business.

e. Officers. The TAU Board shall select from its members a Chairperson, and a Vice-Chairperson.

f. Voting. Each member shall have one (1) vote and the Chairperson shall vote only in the event of a tie.

g. Terms. Board members shall serve for a three (3) year term and may serve more than one (1) term.

h. Removal. A Board member may submit charges for the removal of a Board member in accordance with the Nation's *Code of Ethics Act* (2 HCC § 1).

i. Code of Ethics. The Board and its member's conduct and actions shall be subject to the *Code of Ethics Act*.

j. Ex Officio Member. To ensure coordinated and consistent services to Elders, the Director of the TAU Program shall serve as a non-voting member of the Board.

k. Delegates. The TAU Board shall appoint delegates to the following organizations listed hereafter. The duties of the delegates shall be to attend regular and special meetings of the respective organizations and to give regular written reports on the actions and activities of the organizations. Delegates shall receive compensation as provided in Section 9, below.

- (1) The Age Advantage Board of Directors and other meetings.
- (2) The Great Lakes Native American Elders Association (GLNAEA).
- (3) The Coalition of Wisconsin Aging Groups (CWAG).

8. Order of Business. Unless otherwise amended during the course of a meeting, all business conducted by the TAU Board shall be conducted according to the Ho-Chunk Nation Open Meetings Act (last amended November 2, 2004).

9. Compensation. Members of the TAU Board shall be paid stipends and reimbursement in accordance with Section 27 of the Nation's *Finance Manual* (5 HCC § 5). The Director, TAU Program is responsible for preparation and submission of payment vouchers.

10. Meetings. All Board Members are subject to the Nation's *Open Meetings Act* (2 HCC § 2) and the Board shall conduct its meetings in accordance with that Act.

a. Regular Meetings. Regular meetings of the TAU Board shall be held on the third Wednesday of each month. The time and place of such meetings shall be determined by the members. A change in the time and date of a specific meeting may be made upon the agreement of a majority of the members.

b. Special Meetings. Special meetings of the TAU Board may be called by the Chairperson or Vice Chairperson.

c. Minutes. Meeting minutes shall be prepared for each meeting by the TAU office staff. The minutes shall be submitted by the TAU Board Chair to the President, Legislature, and each elder meal site.

11. Annual Report to the Nation. The TAU Advisory Board shall submit through the President to the Legislature a final annual written report on the state of the Nation's Elders within thirty (30) days of the end of each fiscal year.

Legislative History:

- 07.11.87 Wisconsin Winnebago Business Committee establishes the TAU.
- 06.30.97 Legislature amends By-Laws.
- 11.09.99 Legislature amends By-Laws by increasing stipend from \$50/day to \$100/day for all meetings over four (4) hours in duration.
- 02.22.01 TAU Advisory Board recommends approval of revised By-Laws.
- 11.24.04 Draft Ho-Chunk Tribal Aging Unit Advisory Board Establishment and Organization Act submitted to the Office of the President as a Proposed Bill for Executive Review.
- 04.19.05 TAU Board presents a draft TAU Board Establishment and Organization Act to the Legislature.
- 04.19.05 Legislature adopts the Ho-Chunk Tribal Aging Unit Advisory Board Establishment and Organization Act as 1 HCC § 11 by Legislative Resolution 4/19/05C.
- 05.08.12 Legislature adopts Resolution 05/08/12E that adopts amendments to the Ho-Chunk Nation Tribal Aging Unit Advisory Board Establishment and Organization Act that amends provisions regarding: Powers and Duties, Board Composition, Quorum, Voting, and striking Bylaws and part of the Order of Business.
- 10.22.13 Legislature adopts Resolution 10/22/13K Quick Passage Amendment of Ho-Chunk Tribal Aging Unit Advisory Board Establishment and Organization Act to add District 4 board members.
- 02.03.15 Legislature adopts Resolution 02/03/15A Quick Passage Amendment of Ho-Chunk Tribal Aging Advisory Board Establishment and Organization Act (1 HCC § 11) to eliminate the TAU Advisory Board Secretary.
- 02.07.17 Legislature adopts Resolution 02.07.17W placing all Establishment and Organization Acts out for Forty-Five Day Public Comment.