

**HO-CHUNK NATION CODE (HCC)
TITLE 1 – ESTABLISHMENT ACTS
SECTION 5 – DEPARTMENT OF HEALTH AND SOCIAL
SERVICES ESTABLISHMENT AND ORGANIZATION ACT OF
2001**

ENACTED BY LEGISLATURE: APRIL 18, 2001

LAST AMENDED AND RESTATED: MARCH 16, 2004

CITE AS: 1 HCC § 5

This Act supersedes the Department of Health Establishment and Organization Act of 1995 (HCNL 006-95) as enacted by the Legislature on 11/14/95 and the Department of Social Services Establishment and Organization Act of 1995 (HCNL 002-95) as enacted by the Legislature on 3/14/95.

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 Health and Social Services.

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 Health and Social Services as required by the Constitution of the Ho-Chunk Nation.

3. **Mission.** The Ho-Chunk Department of Health and Social Services shall promote the individual and collective health and social well-being of the members of the Nation in keeping with the Ho-Chunk philosophy of holistic wellness (an integrated state of total physical, mental, social, and spiritual well-being) and in keeping with the Nation's inherent cultural traditions, customs, and values. 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 Health and Social Services shall:

a. Provide a high level of health care essential to the improvement of the quality of life within the Nation.

b. Make resources available for Tribal members to make decisions and choices affecting their present and future health status.

c. Address the well-being and protection of Ho-Chunk children, families, communities, and the Nation.

d. Create innovative programs that are proactive in nature.

e. Provide for effective communication and dissemination of Tribal information to the Tribal population.

5. **Internal Organization.**

a. The Department of Health and Social Services 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 and 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 Legislature 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 Health and Social Services 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 healthcare and social services 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*.

(d) A Director shall not be an immediate relative, as defined in the Nation's employment law, of a Legislator, the President, or appointed staff of the President.

(e) Director vacancies shall be posted in the Hocak Worak before such vacancies are filled.

(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) members.

(a) A Director shall not be an employee of the Department of Health and Social Services.

(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 Health and Social Services.

(4) Terms. Directors shall serve two (2) 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 Bylaws.

(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 the 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 Bylaws of the Board to the Legislature for approval.

7. Annual Report to the Nation. The Department of Health and Social Services 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:

3/14/95 Department of Social Services Establishment and Organization Act of 1995 (HCNL 002-95) adopted by Legislature.

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- 11/14/95 Department of Health Establishment and Organization Act of 1995 (HCNL 006-95) adopted by Legislature.
- 2/16/99 Department of Veterans Affairs Establishment and Organization Act of 1999 adopted by Legislative Resolution 2/16/99B.
- 4/18/01 Department of Health and Social Services Establishment and Organization Act of 2001 enacted as 1 HCC § 5 by Legislative Resolution 4/18/01C.
- 6/26/01 Act amended effective July 1, 2001 by Legislative Resolution 6/26/01B to delete reference to the Department of Veterans Affairs Establishment and Organization Act enacted by Legislative Resolution 2/16/99B.
- 3/16/04 Amended and Restated by Legislative Resolution 3/16/04D 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.