



**Little River Band of Ottawa Indians**

375 River Street  
Manistee, MI 49660  
(231) 723-8288

**Resolution # 04-0922-379**

*Re-Authorization and Approval of Amendments to the Tribal Council Meeting Procedures Ordinance, # 04-100-02*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council adopted the Tribal Council Meeting Procedures Ordinance on January 10, 2001, to provide standards and guidance for the conduct of meetings and other processes of the Tribal Council; and

WHEREAS, the ordinance was amended on May 19, 2004 in regards to approval and content of the minutes of the Tribal Council meetings; and

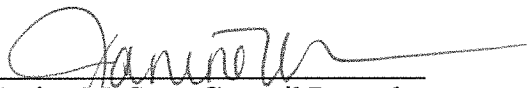
WHEREAS, since 2001, the Tribal Council has reviewed the actions and motions during Tribal Council meetings and has determined that clarification of some motions and actions are necessary in light of the application of those motions and actions in prior meetings; and


WHEREAS, the Speaker has requested clarification of motions to table, postpone and reconsideration; the effect of items not acted upon during a meeting; as well as the ability to have discussion after certain types of motions; which has been reviewed by the Tribal Council;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby re-authorizes and adopts the amended Tribal Council Meeting Procedures Ordinance, #04-100-02.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on September 22, 2004, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.

  
\_\_\_\_\_  
Janine M. Sam, Council Recorder

  
\_\_\_\_\_  
Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court

**TRIBAL COUNCIL MEETING PROCEDURES ORDINANCE**  
Ordinance # 04-100-02

**Section 1 Article I. Authority and Purpose**

1.01. Authority for this Ordinance is Article IV, Section 6(e) and Section 7(g) of the Tribal Constitution, approved by a vote of the membership on May 27, 1998 and approved by the Assistant Secretary-Indian Affairs on July 10, 1998.

1.02. The purpose of this Ordinance is to establish procedures governing the conduct of meetings of the Tribal Council, to give definitions to terms used in the Tribal Constitution relating to the implementation of legislative powers vested with the Tribal Council, and to clarify those procedures for the Tribal membership in order to facilitate member participation in the legislative and policy-making process.

**Article II. Adoption; Amendment; Repeal; Severability**

2.01. *Adoption. This Ordinance is re-authorized and adopted by resolution # \_\_\_\_\_.*

*a. Original Adoption - January 10, 2001.*

*b. Amended - May 19, 2004*

2.02. *Amendment. This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.*

2.03. *Severability Clause. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.*

2.04. *Substantial Compliance. In cases of disputes as to compliance with these regulations this ordinance, substantial compliance, rather than complete compliance with these regulations this ordinance shall be deemed adequate.*

**Section 2 Article III. Definitions**

3.01. For purposes of this Ordinance, certain terms are defined in this Section. The word "shall" is always mandatory and not merely advisory.

3.02. "*Ad Hoc Committee*" means a committee authorized by the Tribal Council for a special or singular purpose that dissolves upon completion of the purpose for which it was established.

3.03. "*Call of Meeting*" means the action taken by the person or persons who is (are) properly authorized to bring an official meeting of the Tribal Council into existence.

3.04. "*Closed Session*" means that portion of a meeting, which is closed to the public to address personnel, business matters, or legal matters pursuant to Article IV, Section 6(d) of the Constitution.

3.05. "*Tribal Council*" means the nine (9) person body, elected from the three (3) Council Districts, which exercises the legislative powers of the Tribe.

3.06. "*Council Officers*" means the Council Speaker and the Council Recorder.

3.07. "*Directive*" means a request of the Tribal Council to the Tribal Ogema, or subdivision, to present a report on a matter before the Tribal Council.

3.08. "*Council Districts*" shall mean the three (3) Districts, consisting of the "At-Large District," the "Nine County District" and the "Tribal District," from which the nine (9) seats on the Tribal Council are elected.

3.09. "*Elders*" shall mean those members of the Tribe who are fifty-five (55) years of age or older.

3.10. "*Legal matters*" means all matters of the Tribe wherein the Tribe is, or may be, a party, either directly or indirectly, to a legal proceeding in federal, state, or Tribal court or an administrative forum addressing a matter to which the attorney-client privilege attaches; a matter wherein the Tribe is considering acting in its legal capacity as a party; e.g., purchase of land. Legal matters may be discussed by the Tribal Council in closed session pursuant to Article IV, Section 6(d) of the Tribal Constitution.

3.11. "*Legislative Matter*" means any action under consideration by the Tribal Council which involves the drafting, review or passage of an ordinance or the promulgation of policies or rules applicable to the Tribal government or any subdivision of the Tribal government.

3.12. "*Majority vote*" means a vote of a majority of the quorum, of the Tribal Council on a motion, ordinance, or resolution under consideration by the Tribal Council at an official meeting of the Tribal Council.

3.13 "*Meeting*" means a prearranged gathering of the Tribal Council, properly noticed and held in accordance with a properly executed resolution or call of meeting for the purpose of deliberating on public business of the Tribe.

3.14 "*Member*" shall mean a person who is duly enrolled in the Little River Band of Ottawa Indians.

3.15. "*Motion*" means a request and proposal for action, made by one (1) Tribal Councilor and seconded by another Tribal Councilor.

3.16. "*Nine County District*" shall mean the area consisting of Kent, Lake, Manistee, Mason, Muskegon, Newaygo, Oceana, Ottawa and Wexford Counties, in the State of Michigan.

3.17. "*Notice of Meeting*" means the official posting of the date, time, and place for a future meeting of the Tribal Council. A Notice of Meeting for any Special or Emergency Meeting shall also include the agenda for such Tribal Council meeting.

3.18. "*Ordinance*" means a Tribal law duly enacted by the Tribal Council.

3.19. "*Personnel Matter*" means those issues dealing with Tribal personnel that may be discussed in closed session pursuant to Article IV, Section 6(d) of the Constitution.

3.20. "*Quorum*" means the necessary minimum number of Tribal Councilors required to be present in order for official business to take place pursuant to Article IV, Section 6(f) of the Constitution.

3.21. "*Record*" means the approved Agenda for a Tribal Council meeting, the approved, written minutes summarizing the discussion/debate on matters considered at Tribal Council meetings, all documents submitted in connection with any agenda item considered by Tribal Council, as well as any resolution(s), ordinances approved by the Tribal Council.

3.22. "*Council Recorder*" means the Tribal Councilor nominated and appointed by fellow Tribal Councilors to maintain the minutes and records of the Tribal Council, publish the Notice of Meetings, and other duties pursuant to Article IV, Section 5(b) of the Constitution.

3.23. "*Registered Voters*" shall mean any Tribal member, who is at least 18 years old and eligible to vote in Tribal elections pursuant to any requirements prescribed by the Election Board.

3.24. "*Resolution*" means an official action of the Tribal Council, which is a document that can

stand alone as a representation of the Tribal Council's actions, and generally contains Whereas, Resolves and a certification.

3.25. "*Roll call*" means to call each Tribal Councilor by name requesting their vote off aye, nay, or abstain. The order of the roll call shall be randomly ordered before each vote, and random lists may be generated prior to any meeting.

3.26. "*Council Speaker*" means the Tribal Councilor nominated and appointed by fellow Tribal Councilors to preside at all meetings of the Tribal Council, performs the duties of the Ogema in the absence of the Ogema, and other duties pursuant to Article IV, Section 5(a) of the Constitution.

3.27. "*Tribal Ogema/Ogema-kwe*" means the chief executive officer of the Tribe elected by majority vote of the Registered Voters of the Tribe or appointed by the Tribal Council pursuant to Article X, Section 4(a) of the Constitution.

3.28. "*Tribal Councilor*" means a person elected to the Tribal Council by the voters of one of the Council Districts or a person nominated and appointed to fill a vacancy on the Tribal Council pursuant to Article X, Section 4(a) of the Constitution.

3.29. "*Waiver of Notice*" means the act of intentionally relinquishing or abandoning the notice requirement for purposes of a Special or Emergency Meeting defined in Article IV, Section 6(b)(2) and Section 6(c) of the Constitution. Tribal Council members waiving the notice requirement for any meeting must do so expressly on the record at the Tribal Council meeting to which such waiver applies.

### **Section 3 Article IV. Classification of Tribal Council Meetings**

4.01. *Regular Meetings*. Those meetings of the Tribal Council, held at least monthly, at which official business is transacted in accordance with Article IV, section 6(a) of the Constitution shall be identified as regular meetings.

4.02. *Emergency Meetings*. Meetings of the Tribal Council, called pursuant to Article IV, Section 6(c) of the Constitution, to take official action(s) deemed necessary for the preservation or protection of the health, welfare, peace, safety or property of the Tribe.

4.03. *Special Meetings*. Meetings of the Tribal Council, called pursuant to Article IV, Section 6(b) of the Constitution, for the purpose of transacting official business of the Tribe, which is not a regular or emergency meeting

4.04. *Work Sessions*. Meetings of the Tribal Council, called for the purpose of reviewing, discussing, and receiving public comment on a matter under consideration by the Tribal Council.

### **Section 4 Article V. Tribal Council Meetings: Authority to Call; Scheduling; Notice Requirements**

5.01. *Regular Council Meetings*.

a. *Set by Resolution*. The date, time and location for all regular meetings of the Tribal Council shall be set by resolution of the Tribal Council at the last regular meeting of each calendar year.

b. *Publication*. The schedule of regular meetings shall be published on a quarterly basis and shall be posted at Little River Band Community Center; Little River Tribal Office; Little River Band Health Center; and Little River Band Downtown Office Building.

c. *Change in Meeting Schedule.* No change may be made in the date or time for any regular meeting except by resolution of the Tribal Council. Notice of any changes in the meeting schedule shall be published and posted at Little River Band Community Center; Little River Tribal Office; Little River Band Health Center; and Little River Band Downtown Office Building. The Tribal Council may change the location for a regular meeting, if circumstances reasonably require, provided notice of the change is posted at the scheduled meeting location and at the tribal government offices. Notice of changes to meeting schedules must be made:

1. *Weekly meetings.* 24 hours prior to the weekly meeting.
2. *Monthly meeting.* 15 days prior to the monthly meeting.

5.02. *Special Council Meetings.*

a. *Authority to Call.* A special meeting of the Tribal Council may be called by the following persons:

1. the Tribal Ogema;
2. the Council Speaker;
3. Two (2) or more Council members;
4. Ten percent (10%) of the Elders;
5. Ten percent (10%) of the registered voters of the Tribe.

b. *Tribal Ogema, Council Speaker, Tribal Council: Written Request Required.* The Tribal Ogema, Council Speaker, or Tribal Councilors may call a special meeting by submitting a written request for a special meeting to the Council Recorder. Such request must be executed by the person(s) authorized to call a special meeting, include a description of item(s) to be considered at such special meeting, the action requested (i.e. approval by motion or resolution), together with the date and time such request was submitted to the Council Recorder.

c. *Elders or Registered Voters: Written Petition Required.* Elders and registered voters of the Tribe may call a special meeting by submitting a petition containing the signatures, names and addresses of the required number of persons. Such petition must include a description of the item(s) to be considered at such special meeting, the action requested, together with the date and time such petition was submitted to the Council Recorder. Upon receipt of a petition requesting a special meeting, the Council Recorder shall submit such petition to the Tribal Registrar to verify the validity of the signatures of the members signing the petition and that the requisite number of signatures are contained on that petition.

d. *Scheduling.* The date, time, place, for all special meetings of the Tribal Council shall be scheduled by the Council Recorder following receipt of a written request or written petition. The agenda shall be forwarded as required in the Constitution.

e. *Publication.* The date, time and place for each special meeting, together with a description of each item of business to be transacted or discussed at such meeting shall be posted at Little River Band Community Center; Little River Tribal Office; Little River Band Health Center; and Little River Band Downtown Office Building. If more than one action is required in connection with a single topic requested for discussion and action at special session, the notice of meeting published shall specify each action as a separate item. Agenda

items shall be described with sufficient specificity so as to provide tribal members with reasonable notice of the issue and the form of action requested.

f. *Notice of Meeting.* The notice of meeting described in paragraph (b) shall be mailed to each Tribal Councilor at his/her designated mailing address and posted no less than seventy-two (72) hours before the date and time set for such meeting. Efforts shall also be made to provide each Tribal Councilor with any documentation pertaining to the business item(s) to be considered at any special meeting.

g. *Forms.* The Tribal Council shall develop such forms as may be necessary to implement this section and shall make such forms available to tribal members.

5.03. *Work Sessions; Scheduling.* Work sessions are scheduled by the Tribal Council on an as-needed basis to permit detailed discussion of ordinances, policies, or other matters under consideration and, if appropriate, to obtain public comment/input concerning such matters.

5.04. *Emergency Meetings.*

a. *Authority to Call.* An emergency meeting of the Tribal Council may be called by the following persons:

1. The Tribal Ogema; or
2. The Council Speaker.

b. *Procedure.* The Tribal Ogema or the Council Speaker may call an emergency meeting by submitting a written request for a emergency meeting to the Council Recorder. Such request must be executed by the person authorized to call a emergency meeting, include a description of item(s) to be considered at such emergency meeting, the need for emergency action, the action requested (i.e. approval by motion or resolution), together with the date and time such request was submitted to the Council Recorder.

c. *Scheduling.* An emergency meeting of the Tribal Council shall be scheduled by the Council Recorder upon receipt of a verified call of emergency meeting executed by the Council Speaker or by the Tribal Ogema.

d. *Notice.* The date, time, place and agenda for each emergency meeting shall be posted at Little River Band Community Center; Little River Tribal Office; Little River Band Health Center; and Little River Band Downtown Office Building. The record for each emergency meeting shall contain a statement from the Council Recorder of all efforts made to provide each Tribal Councilor with notice of such meeting.

## **Section 5 Article VI. Conduct of Tribal Council Meetings**

6.01. *Setting the Agenda for Regular Meetings.*

a. *Agenda Requests.* Any Tribal Councilor, the Tribal Ogema, or Tribal member may request consideration and action by the Tribal Council by completing an agenda request form and submitting such form to the Council Recorder. Agenda requests should include the following supporting information:

1. a description of the issue (including any supporting documentation);
2. whether any action (motion, resolution, ordinance) is requested;
3. the need for such action;
4. the Tribal Council's authority for such action;

5. whether the action requested is addressed by existing policies or ordinances;
6. how any decision would be implemented; and, the persons who would be responsible for implementing any decision.

b. *Agenda Request Forms.* The Tribal Council shall develop any forms necessary to implement this section and shall notify tribal members and employees of the availability of such forms and the procedures by which an item may be placed on the Tribal Council agenda for discussion and/or action.

c. *Submission in Advance of Meeting.* Agenda requests should be submitted sufficiently in advance of Tribal Council meeting dates to allow the Council Recorder to schedule the item on the agenda for a future meeting and to establish and post the proposed agenda for meetings.

d. *Agenda Subject to Change.* The meeting notice and proposed agenda posted shall include a statement that the agenda is not official until adopted by Tribal Council. The agenda, once approved by the Council Recorder, shall be posted to the Tribe's website as early as possible prior to the meeting, with the following language clearly identified on the posted agenda.

"This agenda is subject change upon adoption or by amendment by vote of the Tribal Council after adoption."

e. *Additions to the Agenda.* No additional items may be added to the agenda, except by majority vote of the Tribal Council.

f. *Carry-over Agenda.* Any item placed on the Tribal Council agenda, which is not approved or disapproved, or removed by roll call vote, ~~may be carried over to the next Tribal Council meeting as "Old" business tabled by roll call vote, or postponed by roll call vote, is considered to be removed from that meeting's agenda.~~ ***At the conclusion of a meeting, any item not removed from the table is removed from the agenda. Removal from the agenda as a result of this subsection is not prohibited from being brought before the Tribal Council at a subsequent meeting, all such items must have a new agenda request and will be placed under new business.***

6.02. *Agenda for Special Meetings.* The agenda items for all special meetings shall be limited to those specific items included on the special meeting notice published in accordance with Section 5.02.

6.03. *Procedure for Taking Action on Agenda Items.*

a. Each item on the agenda will be introduced by the Council Speaker. The Council Speaker will summarize the item, as described on the agenda request, describe any supporting documentation submitted with the request, and the person/entity submitting the request.

b. Following introduction of the agenda item, the Council Speaker may ask the individual or a representative of the entity that submitted the request to provide a brief overview of the item.

c. At the conclusion of the presentation of the agenda item, the Council Speaker will open the item up for discussion or questions from the Tribal Councilors. Tribal Councilors wishing to ask questions during presentation of the item, must first be recognized by the Council Speaker. Tribal Councilors will be permitted to ask the presenter questions, state his/her position, or make other statements concerning the agenda item.



- d. After giving Tribal Councilors the opportunity to ask questions or make statements concerning the agenda item, the Council Speaker will open the matter to the floor for questions/discussions from tribal members or other individuals present.
- e. At the conclusion of public comment, the Council Speaker will again open the issue up for follow-up discussion from the Tribal Councilors. Efforts shall be made to limit such follow-up discussion to no more than five minutes.
- f. At the conclusion of any follow-up discussion by the Tribal Council, the Council Speaker will call for a motion on the item.
- g. The Tribal Councilor making the motion must specify the action to be taken (i.e. approval as presented; form of approval; approved with modification; tabled and referred for additional comment/review/action; tabled; disapproval) in the context of the motion.
- h. Once a motion has been made, the Council Speaker will ask if there is support for the motion on the floor. A motion must have support to be acted upon by Tribal Council.
- i. A Tribal Councilor may change the terms of the motion on the floor, which will be treated as a motion to amend the motion and support will be requested for the amendment.
- j. Upon receipt of support for the amendment, *and conclusion of any discussion on the amendment*, the Council Speaker will direct the Council Recorder to repeat the substance of the amendment and conduct a roll call vote of the Tribal Council.
- k. Upon conclusion of a vote an amendment, the Council Speaker shall question the Tribal Council on whether it wishes to continue discussion on the motion on the floor, or vote on the motion on the floor.
- l. *The Council Speaker will call for discussion on all motions and amendments to motions before the Tribal Council before a roll call vote is requested. Provided that, the Speaker shall not entertain discussion on motions to adjourn a meeting, or to adjourn to Closed or Open Session.*
- m. Upon conclusion of any discussion or a request to vote on the motion, the Council Speaker will direct the Council Recorder to repeat the motion and conduct a roll call vote of the Tribal Council.

6.04. *Interpretation of Actions, Additional Direction.* The actions of the Tribal Council shall be interpreted in light of the processes set forth in this ordinance. In the event additional direction is necessary, the latest edition of Robert's Rules of Procedure recognized by the National Association of Parliamentarians shall govern that interpretation. *Provided that, the following specific rules of order shall supersede Robert's Rules of Procedure.*

*a. Reconsider. A motion to reconsider must be made within the same meeting as the reconsidered motion. If adopted, a motion to reconsider places the Tribal Council in the position as if no vote on the reconsidered motion had been taken and discussion may be had on the reconsidered motion. A motion to reconsider may be brought on a prior action only once during a meeting. A motion to reconsider contains two parts.*

*1. Calling the motion to the floor. The initial motion to reconsider, or calling the motion to the floor, does not require a second. The Speaker must recognize the motion has been brought forward by a Councilor on the prevailing side of the motion being called to the floor. A Councilor need not be recognized to reconsider, or call*

*a motion to the floor, but cannot interrupt another who has been recognized to speak. **The Speaker must identify when the motion to reconsider will be acted upon.***

*2. Voting to reconsider. At the time of voting to reconsider, a second to the motion to reconsider must be made. The Councilor seconding the motion need not have been on the prevailing side. The motion to reconsider is adopted by a simple majority of those present at the meeting.*

*b. Table. A motion to table, whether to a specific location on the agenda or otherwise, means to temporarily suspend consideration of, or action on, an agenda item with the intent of bringing the item back for consideration at a later part of the meeting. A motion and majority vote of the Tribal Council is needed to table an item. Unless tabled to a specific location on the agenda of the same date, a motion and majority vote of the Tribal Council is needed to remove an item from the table, at which time it is immediately under consideration. If a tabled agenda item is not removed from the table during the same meeting, the item is considered to be removed from that meeting's agenda and must be brought back with a new agenda request.*

*c. Postpone. A motion to postpone means to move an agenda item to a future meeting of the Tribal Council and is adopted by a majority vote.*

*1. If the approved motion to postpone does not specify a future meeting date or a condition which must be satisfied before the item can be considered, the item will automatically appear on the agenda of the next regularly scheduled Tribal Council meeting under "Old Business."*

*2. If the approved motion to postpone does specify a future meeting date or a condition which must be satisfied before item can be considered, it will appear under "Old Business" with a notation that no action is needed until the specified date, or the condition that must be met prior to consideration. Each postponed motion identified under this subsection must contain the word "**Reminder Postponed**" prior to the agenda item. No action need be taken on this item until the word "**Reminder Postponed**" is removed and the conditions have been met, or the date of the meeting to which the agenda item was postponed has been met.*

***d. Withdrawing Motions.** A Councilor who makes a motion may withdraw that motion prior to the Speaker re-stating, or asking the motion to be re-stated by the Recorder, and calling for a roll call vote.*

#### **6.05. Conduct of Tribal Members and Public.**

*a. Any Tribal member wishing to address the Tribal Council or any person presenting an agenda item, must be recognized by the Council Speaker before making any comments. Persons must identify themselves by name and state why they are giving testimony. Persons speaking without first being recognized shall be considered "out of order" and will be requested to be silent until recognized.*

*b. Tribal members and other members of the public in the audience may not engage in "side-bar" conversations during Tribal Council meetings, which have the effect of interrupting or disturbing a Tribal Council meeting. Persons engaging in such conversations may be considered "out of order" and will be asked to be silent.*

- c. Persons who continue to speak out of order after being asked to be silent may be removed from the Tribal Council meeting.
- d. Members recognized must address their comments to the Tribal Council and restrict their comments or questions to the agenda item on the floor. The Council Speaker shall refer unrelated comments/questions to the public comment portion of the agenda. Members should attempt to limit their questions and comments to two minutes.
- e. All comments or questions must be presented to the Tribal Council in a respectful manner, without shouting or engaging in personal attacks. Any person failing to present his/her comments in a respectful manner will be considered "out of order" and will be asked to be silent or be removed.

**Section 6 Article VII. Action by the Tribal Council**

7.01. *Action by Tribal Council.* In accordance with Article IV, Section 6(g) of the Constitution, the Tribal Council shall act only by ordinance, resolution or motion.

7.02. *Action by Ordinance.* Under the following circumstances, the Tribal Council will act by ordinance:

- a. When adopting or establishing rules governing the conduct of members of the Tribe or other persons within the territorial jurisdiction of the Tribe;
- b. When adopting procedures prescribing standards of conduct or performance applicable to the Tribal Ogema, or any subdivision of the Tribe; and
- c. When creating regulatory commissions or subordinate organizations, particularly when any powers of the Tribal Council are to be delegated to such organizations.

7.03. *Action by Resolution.* Under the following circumstances, resolutions are either required or appropriate:

- a. If the matter is one that the Constitution, any ordinance, charter or by-laws require a resolution;
- b. If the matter consists of amendments to an ordinance or the charter or by-laws of subordinate Tribal entities.
- c. If a certificate showing the authority granted by the Constitution or by any ordinance to the Tribal Council to perform a certain act is required to be filed or is likely to be required at some future date;
- d. If the matter regulates the management of the Tribe or a subdivision of the Tribe and is meant to be permanent until changed; and
- e. If the matter is one that is likely to be referred to from time to time.

7.04. *Form of Resolution.* Every formal resolution of the Tribal Council shall include the following information:

- a. A concise statement of the issue(s) presented and the relevant procedural history;
- b. A citation to the Constitutional and statutory authority for the action taken;
- c. A precise statement of the action taken by the Tribal Council, including any terms or conditions attached thereto; and
- d. If applicable, a clear directive or mandate identifying the person or entity responsible for implementing the action taken.

7.05. *Action by Motion.* All decisions, actions or directives of the Tribal Council, which are not memorialized by ordinance or resolution, shall be made by motion and roll call vote, in accordance with the procedure described in Section 6.03. Decisions, actions or directives of the Tribal Council should be clearly described in the minutes and, in most cases, be reduced to writing by the Council Recorder. The Council Recorder shall publish the record of decision or directive to the person(s) affected by such motion or to whom such motion is directed within five (5) business days of the date of the action.

### **Section 7 Article VIII. Closed Meeting Procedures**

8.01. *Closed Meetings Authorized.* The Tribal Council may, pursuant to Article IV, Section 6(d) of the Constitution, meet in closed session to address personnel matters, business matters or legal matters. All or part of a meeting may be held in closed session; provided that if only part of a meeting is to be held in closed session, the agenda for that meeting shall clearly identify the matters to be addressed in closed session.

8.02. *Purpose.* Closed sessions are intended to permit the Tribal Council to engage in open, frank discussion and debate regarding matters that may require confidentiality, involve proprietary business matters, negotiating positions or be covered by one or more legally recognized privileges.

8.03. *Procedures Applicable to Closed Meetings.*

a. All matters placed on the Tribal Council's agenda for consideration in closed session shall be reviewed by the Council Recorder to determine if the matter falls within the purposes for which closed session is authorized. The Council Recorder should consult with the Tribe's Legal Department if he/she is uncertain as to whether the matter can or should be considered in closed session.

b. If the Council Recorder, *or* any Tribal Councilor, ~~or the Tribe's Legal Department~~ expresses reservations about the appropriateness or need to consider a matter in closed session, the question may be discussed in connection with the Tribal Council's approval of the agenda. Tribal Councilors are required to preserve any confidences or proprietary/legal positions associated with the matter in the course of any discussion or debate.

c. The Tribal Council may only move into closed session following a motion and roll-call vote of the Tribal Council. Prior to calling for a motion to move into closed session, the Council Speaker shall provide a general description of the matters to be addressed in closed session, the person(s) required to be present during the discussion of each closed session agenda item, and the general reason for discussing such matters in closed session. The Council Speaker's description of the matter(s) shall be general enough to preserve any proprietary or privileged information.

d. A complete record of closed session business, including minutes of closed session discussion and debate, shall be maintained. Such minutes shall be filed in a sealed envelope unless all or a part of the record of such meeting is opened to the public by the Tribal Council or upon order of the Tribal Judiciary.

e. At the conclusion of each closed session, the Tribal Council will discuss whether any portion of the record (i.e. documents or written minutes) of such meeting can be open to the public. Except where the nature of the matter makes disclosure of the decision reached or

action recommended following discussion of an item in closed session (i.e. adopting litigation strategy or negotiating position), a record of the decision made or action taken by the Tribal Council should be reported in the minutes and made public. If time permits, action by the Tribal Council should be moved to open session or placed on the agenda for action in open session at a future meeting.

f. Upon the conclusion of any closed session, the Council Speaker shall ask for a motion to move into open session and request a roll call vote.

g. At least quarterly, the Tribal Council shall review the schedule and minutes from previous closed sessions to determine if all or a portion of such minutes should be opened to the public. The determination to open any portion of a closed session's minutes shall be published to the tribal membership.

**Section 8 Article IX. Hearings Before the Tribal Council**  
[RESERVED]

**Section 9 Article X. Records of Tribal Council Meetings**

10.01. *Records Maintained of Each Tribal Council Meeting.* The Council Recorder shall be responsible for maintaining a record of each Tribal Council meeting at the offices of the tribal government.

10.02. *Contents of Records to be Maintained.* The record for each meeting shall consist of the following materials:

- a. call of meeting, if applicable;
- b. notice of meeting, if applicable;
- c. published agenda for such meeting;
- d. final agenda for the meeting;
- e. a set of approved minutes for that meeting;
- f. a set of original executed resolutions and ordinances, if any, that were approved at the meeting;
- g. the materials submitted for review or action with respect to each item on the agenda.

The records of closed sessions of the Tribal Council shall be maintained in a separate, sealed file with the records for the meeting.

10.03. *Maintenance of Minute Book; Resolution Book; Laws and Policies.* The records of the Tribal Council shall also include a minute book, a resolution book and a compiled set of all laws, ordinances and policies approved by the Tribal Council.

10.04. *Content of Minutes.* Each vote of the Tribal Council shall be recorded in the minutes, which shall include the following *minimum* information:

- a. The substance of the agenda item under consideration;
- b. The vote of the Tribal Council, including the names of each Tribal Councilor supporting, opposing or abstaining; and
- c. If applicable, a reference to the existence of a formal resolution concerning the matter.

10.05. *Preparation of the Minutes.* The Tribal Council shall prepare the meeting minutes for adoption by the next scheduled meeting. Provided that, there shall be at least five business days

between meetings, and minutes may be delayed to the next regular meeting if less than five business days exist between regular meetings. Upon approval, the Tribal Council Recorder shall forward the minutes for posting on the Tribe's website.

10.06. *Minutes Constitute Official Record.* For purposes of official tribal action, only formally approved Tribal Council minutes shall be used to prove the truth of the matter asserted or to resolve the evidentiary issue in question.

10.07. *Access to Council Minutes and Records.* In accordance with Article III, Section 2 of the Tribal Constitution, the general presumption is that all regular, special and emergency meetings are required to be recorded, with published meeting. All Tribal Council meeting minutes and records, which are not closed shall be available for review during normal business hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday. Copies of meeting minutes and records shall be available upon request. Copies of approved meeting minutes will be provided to Tribal members without charge. All other persons, and tribal members requesting other records or documents (i.e. reports and supporting documents) pertaining to Tribal Council meetings, may be required to reimburse the Tribe for the reasonable amount for the cost of reproduction. Requests for copies of meeting minutes and records shall be made on a form prescribed by the Tribal Council and available at the tribal administrative office.

#### **Section 10. Severability**

~~10.01. If any section, subsection, paragraph, sentence or other portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of this remaining portions hereof.~~