

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
TRIBAL COUNCIL**

AMENDED MEETING PROCEDURE POLICY

Table of Contents

I. Purpose3

II. Adoption; Amendment; Compliance; Severability3

III. Definitions3

IV. Tribal Council Meetings; Authority to Call; Notice Requirements5

V. Public Comment11

VI. Tribal Council Regular Meeting Agendas11

VII. Agenda for Regular Meetings Shall Be As Follows12

VIII. Tribal Council Meeting Minutes14

IX. Tribal Council Meeting Procedures17

X. Actions by the Tribal Council19

XI. Closed Sessions21

I. PURPOSE

The purpose of this Policy is to establish procedures governing the conduct of meetings of the Tribal Council.

III. DEFINITIONS

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

1. **Approved Minutes:** The official record of what is done at a Tribal Council meeting; including but not limited to the date and time the meeting occurred, the call to order, roll call, motions or proposed motions, seconds, etc.
2. **Call of Meeting:** 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. **Chairperson:** The individual elected to lead the Executive branch of the government.

Closed Session: The Tribal Council may meet in closed session only for reasons clearly expressed in the Open Meetings Statute. Closed sessions shall be limited to personnel under the authority of Tribal Council, litigation, confidential business or legal matters, or other matters that raise significant privacy or confidentiality concerns
4. **Constitution:** The Constitution of the Little Traverse Bay Bands of Odawa Indians.
5. **General Session:** An open session of Tribal Council which may occur within a Regular, Special or Emergency Meeting.
6. **Legal matter(s):** Matter(s) where the Tribe is, or may be, a party to a legal proceeding in a federal, state, or Tribal court or an administrative forum addressing a matter to which the attorney-client privilege attaches or a matter where the Tribe is considering acting in its legal capacity as a party. Legal matters may be discussed by the Tribal Council in closed session.
7. **Legislative Leader:** The Tribal Council Officer as identified in Article VII, § C (1) of the Constitution.
8. **Majority vote:** A vote of a majority of Tribal Council members present at a meeting where there is a quorum; unless otherwise specified by the Constitution or law.
9. **Meeting Notice:** The official posting of the date, time, and place for a meeting of the Tribal Council.
10. **Motion:** Is an official action of the Tribal Council that may be certified. A motion

consists of a proposal for action made by one (1) Tribal Council member and seconded by another Tribal Council member made during an open meeting as recorded in the draft and then approved meeting minutes.

11. Personnel Matter: Matters relating to personnel under the direct supervision Legislative Branch authority.

12. Quorum: "Five (5) Tribal Council members shall constitute a quorum." Constitution Article VII, § J (2).

13. Record: An official document or writing as part of a Tribal Council meeting and as recorded in the minutes.

14. Resolution: A law that proclaims or gives directive and is duly enacted pursuant to Constitutional Article VII, § D (1).

15. Roll Call Vote: Calling each Tribal Council member by name requesting their Roll call vote or abstention. The Roll call vote shall be made according to last name in alphabetical order and concluding with a Roll call vote by the Treasurer, Secretary and Legislative Leader.

16. Secretary: Article VII, § C (2) of the Constitution enumerates all of the duties that the Secretary is charged.

17. Statute: A law duly enacted pursuant to Constitution Article VII, § D (1).

18. Treasurer: Article VII, § C (3) of the Constitution enumerates all of the duties that the Treasurer is charged.

19. Tribal Citizen: An individual who meets the requirements for eligibility in Article V of the Constitution.

20. Tribal Council: The legislative body described in Article VII, § A of the Constitution.

21. Tribal Council member: A person elected to the Tribal Council pursuant to the process described in Article XII of the Constitution.

22. Tribal Council Officers: The Legislative Leader, Secretary and Treasurer as set out in the Constitution Article VII, § B.

23. Tribe: Little Traverse Bay Bands of Odawa Indians.

27. Work sessions:

a. Regular work sessions: shall be authorized by motion passed at a properly scheduled meeting or Phone poll of the Tribal Council held prior to the date of such work

session. Work sessions shall be posted.

b. Special work sessions: Special work sessions require a motion of Tribal Council that states who is authorized to attend and the purpose for the Special work session. The Special work session shall be posted.

IV. TRIBAL COUNCIL MEETINGS; AUTHORITY TO CALL; NOTICE REQUIREMENTS

1. Regular Council Meetings. Those meetings of the Tribal Council, held twice monthly, at which official business is transacted in accordance with Article VII, § J (4) of the Constitution.

a. Set by Motion. The date and location for all Regular Meetings of the Tribal Council shall be set by Motion by the last Regular Meeting of each calendar year.

b. Publication and Notice. The schedule of Regular Meetings shall be published by the Tribal Council office on a quarterly basis and shall be posted at the Tribal Government Complex, on the Tribal government website, at other Tribal government offices, and in the Tribal newspaper.

i. Sufficiency of Notice. Notice shall be considered given upon the passage of a Motion establishing the date and location for all Regular Meetings.

c. Change in Meeting Schedule. No change may be made in the date or time for any Regular Meeting except by motion of the Tribal Council. Notice of any changes in the meeting schedule shall be published in the locations set out in Section IV, § 1(b) of this Policy. 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 Complex. Notice of changes to meeting schedules must be made fifteen (15) days prior to the meeting.

2. Special Council Meetings. Meetings of the Tribal Council, called pursuant to Article VII, § J (5) of the Constitution. The business conducted at Special Meetings shall be restricted to the purpose for which the meeting was called.

a. Authority to Call. A Special Meeting of the Tribal Council may be called by the following persons:

i. Legislative Leader.

ii. A majority of the Tribal Council, which means at least five (5) of nine (9) Tribal Council members.

iii. By request from the Executive.

b. A Call for a Special Meeting. A Call for a Special Meeting must be signed by the person(s) authorized to call a meeting, and shall state the purpose(s) of the Special Meeting, together with the date and time of request with written notice to all Tribal Council members.

c. Executive; Written Request Required. The Executive may request a Special Meeting. A request for a Special Meeting shall state the purpose of the Special Meeting, the action requested, together with the date and time the request was submitted to the Legislative Leader.

i. Upon the receipt for a request for a Special Meeting, the Legislative Leader or Legislative Leader's designee shall conduct a phone poll of Tribal Council whether to grant the Executive's request for a Special Meeting.

ii. A request for a Special Meeting shall be granted if a majority of the Tribal Council, which means at least the majority of Tribal Council members, votes in favor of granting the request for a Special Meeting.

d. Scheduling. The date, time, place, for all Special Meeting of the Tribal Council shall be scheduled by the Legislative Leader or Legislative Leader's designee following the receipt of a request for a Special Meeting.

e. Notice. The Legislative Leader, or the Legislative Leader's designee, shall provide notice of Special Meeting. Notice of the meeting shall include the time, date, and location of the meeting and shall include the purpose(s) for which the Special Meeting has been called.

i. Notice to Tribal Council. Notice of a Special Meeting shall be given to all Tribal Council members at least five (5) days in advance of the Special Meeting. Notice shall be given through verbal and written means. Written means includes electronic mail, electronic facsimile or standard mail.

ii. Notice to Executive. When a Special Meeting is called pursuant to a request of the Executive the Legislative Leader, or the Legislative Leader's designee, shall provide notice to the Tribal Council and the Executive at least five (5) days in advance of the Special Meetings. Notice shall be given through verbal and written means. Written means includes electronic mail, electronic facsimile or standard mail.

iii. Sufficiency of Notice. Notice of a Special Meeting shall be considered given when:

A. A Tribal Council member is contacted directly via telephone and informed of the meeting verbally; or

1. In the event three (3) successive attempts at reaching a Tribal Council member are unsuccessful and three messages are left containing all the elements required by Section IV § (2)(e) of this Policy notice shall be considered given.

B. A letter is sent via certified U.S. mail containing all the elements required by Section IV(2)(e) of this Policy to an address provided by a Tribal Council; or

C. An electronic mail containing all the elements required by Section IV § (2)(e) of this Policy is sent to an email address provided by a Tribal Council member; or

D. An electronic facsimile containing all the elements required by Section IV § (2) (e) of this Policy is sent to a fax number provided by a Tribal Council member.

f. Publication. The date, time, and place for each Special Meeting, together with a description of the purpose of the Special Meeting shall be posted at the Tribal Government Complex and when possible in the Odawa Register or other similar Tribal publication. Agenda items shall be described with sufficient specificity so as to provide Tribal Citizens with reasonable notice of the purpose of the Special Meeting.

3. Emergency Meetings. Meetings of the Tribal Council, called pursuant to Article VII, § J (6) of the Constitution, to take official action(s) deemed necessary for the preservation or promotion of essential interests of the Tribe.

a. Authority to Call. Emergency Meetings of the Tribal Council may be called by the following persons:

i. Legislative Leader.

ii. A $\frac{3}{4}$ majority of the Tribal Council.

A. A request for an Emergency Meeting may be presented by one (1) Tribal Council member with written support of at least $\frac{3}{4}$ majority of Tribal Council members.

B. When a request for an Emergency Meeting is made by a $\frac{3}{4}$ majority of Tribal Council, the Legislative Leader, or the Legislative Leader's designee, shall contact each Tribal Council member listed as supporting the Call for an Emergency Meeting to verify that they are in fact in support of calling an Emergency Meeting.

b. Procedure. The Legislative Leader or $\frac{3}{4}$ majority of Tribal Council may call

Emergency Meetings by:

- i. Submitting a written request for an Emergency Meeting to the Legislative Leader. The request for an Emergency Meeting shall indicate why an Emergency Meeting is necessary.
 - ii. Submitting a verbal request for an Emergency Meeting to the Legislative Leader and within a reasonable time thereafter submitting a written statement to the Legislative Leader indicating why an Emergency Meeting is necessary.
- c. Scheduling.** An Emergency Meeting of the Tribal Council shall be scheduled by the Legislative Leader upon receipt of Call for an Emergency Meeting which complies with Section IV, § 4(b)(i) or (ii) of this Policy. The Legislative Leader, or the Legislative Leader's designee, must schedule an Emergency Meeting as soon as is reasonably possible but in no case more than twenty-four (24) hours from the time a request for an Emergency Meeting is received.
- d. Notice.** Advance notice of Emergency Meetings shall be given to Tribal Council members to the greatest extent feasible. Notice of the meeting shall include the time, date, and location of the meeting and shall include the purpose(s) for which the Emergency Meeting has been called.
- i. **Sufficiency of Notice.** Notice of an Emergency Meeting shall be considered given when:
 - A. A Tribal Council member is contacted directly via telephone and informed of the meeting verbally; or
 1. In the event three (3) successive attempts at reaching a Tribal Council member are unsuccessful and three messages are left containing all the elements required by Section IV (2)(e) of this Policy notice shall be considered given.
 - B. An electronic mail containing all the elements required by Section IV(2)(e) of this Policy is sent to an email address provided by a Tribal Council member; or
 - C. An electronic facsimile containing all the elements required by Section IV (2)(e) of this Policy is sent to a fax number provided by a Tribal Council member.
- e. Location.** To the greatest extent possible, Emergency Meetings shall be held at the Tribal Administration building, however, "Emergency Meetings may be conducted by phone conference or with the aid of other communication technology as may be available and in common use." Constitution Article VII, § J (6).

f. Publication. A statement regarding the date, time, and purpose of an Emergency Meeting shall be entered into the minutes of the next regularly scheduled Tribal Council meeting.

4. Work Sessions. Meetings of the Tribal Council for the purpose of reviewing and discussing matters related to the exercise of powers delegated to the Tribal Council in Article VII, § D of the Constitution, and receiving and discussing public comment on Legislative matters under consideration by the Tribal Council. No official action shall be taken nor shall no official record be taken.

a. Regular work sessions: shall be authorized by motion passed at a properly scheduled Constitutional meeting or Phone poll of the Tribal Council held prior to the date of such work session. Work sessions shall be posted.

b. Special work sessions: Special work sessions require a motion of Tribal Council that states who is authorized to attend and the purpose for the Special work session. The Special work session shall be posted.

i. Set by Motion. The date, time and location for work sessions requested by the Tribal Council shall be set by a motion of the Tribal Council members at a meeting where there is quorum.

c. Emergency meetings in Work sessions: Emergency meetings in Work sessions may be called pursuant to Section IV, § 3 of this Policy, and may also be for purposes of Closed session pursuant to Section VI & X of this Policy.

d. Notice. The Legislative Leader, or the Legislative Leader's designee, shall provide notice to Tribal Council and the Executive of requested work sessions. Notice of the requested work session shall include the time, date, and location of the requested work session and shall include the purpose(s) for which the requested work session has been scheduled.

e. Publication. The schedule of work sessions shall be published by the Tribal Council staff on a regular basis and shall be posted at the Tribal Government Complex, on the Tribal government website, at other Tribal government offices, and in the Tribal newspaper.

f. Change in Meeting Schedule. Changes may be made in the date or time for any work session by motion of the Tribal Council. Notice of any changes in the meeting schedule shall be posted at the Tribal Government complex and published in the Odawa Trails or other Tribal publication when feasible.

V. PUBLIC COMMENT

Public Comment shall be held in compliance with the Open Discussion/Public Comment Policy LEG 100-00 Adopted by Tribal Council on November 20, 2005 and any amendments thereto.

VI. TRIBAL COUNCIL REGULAR MEETING AGENDAS

1. Setting the Agenda.

a. Agenda Requests. Any Tribal Council member, the Executive, or Tribal Citizen may submit an item to be placed on the Agenda. Agenda items should include the following supporting information:

- i. Item to be discussed;
- ii. Any supporting documents if applicable;

b. Submission of Agenda Request. Agenda items should be submitted to the Legislative Office in a timely manner prior to a regularly scheduled Tribal Council meeting.

c. Amendment of the Agenda. The Agenda may be amended according to the procedures set out in Section IX, § 4 (b) of this Policy.

d. Carry-over Agenda. Any item that is not acted on, or tabled prior to the conclusion of the meeting is designated as a carry over item and shall be placed on the next Regular scheduled meeting Agenda.

- i. Carry over items shall be placed on an Agenda based on the current status of the item. IE: this policy would either go under the "Action Items for Approval" section or the "Draft Work Products" section.

e. Exception for Closed Sessions, pursuant to Waganakising Odawak Statute 2000-14 Open Meetings, and Any Amendment Thereto.

- i. **Request for Closed Session:** A request for Closed Session may be made by any member of the Tribal Council.
- ii. **Vote to go into Closed Session.** Tribal Council by majority vote of a quorum, may go into, closed session.

2. Agenda for Special Meeting. The Agenda items for all Special Meetings shall be limited to those specific items included on the Special Meeting notice published in accordance with

Tribal Council Meeting Procedure Policy-as Amended and Approved 06/25/20

Section IV, § 2(e) of this Policy.

3. Agenda for Emergency Meetings. The Agenda items for all Emergency Meetings shall be limited to those specific items which necessitated an Emergency Meeting.

VII. AGENDAS FOR MEETINGS SHALL BE AS FOLLOWS

1. Regular Meeting

11:45 a.m. Public Comment & 3:00 p.m. Public Comment

General Session

- I.** Call to Order
 - a. Opening Ceremony
 - b. Roll Call
 - c. Adoption of Agenda
 - d. Approval of Minutes
 - e. Phone Polls
- II.** Tribal Elder's Comments
- III.** Receipt of the Tribal Chairperson's Report.
- IV.** Legislative Reports:
 - a. Legislative Leader Report
 - b. Secretary Report
 - c. Treasurer Report
 - d. Legislative Committee Reports
 - i. Appropriations and Finance Committee
 - ii. Land and Reservation Committee
 - iii. Legal and Legislative

- iv. Ethics Committee
 - e. Gaming Authority
 - f. Tribal Council Member Reports
 - g. Enjinaaknegeng
 - h. Legislative Services Attorney Report
- V. Action Items:
 - a. Roll call vote
 - b. Motions
- VI. Draft Work Products
- VII. Other Items of Business

Adjournment

2. Special Meeting:

General Session

- I. Call to Order
 - a. Roll Call
 - b. Adoption of Agenda
- II. Action Items for Approval
 - a. Roll call vote
 - b. Motions

Adjournment

3. Emergency Meeting:

General Session

- I. Call to Order

- a. Roll Call
- b. Adoption of Agenda

II. Action Items for Approval

- a. Roll call vote
- b. Motions

Adjournment

VIII. TRIBAL COUNCIL MEETING MINUTES

1. Purpose

The following provisions will be utilized when writing the minutes of the Tribal Council meetings. The minutes are to provide as much information as possible to the Tribal Citizens pertaining to the deliberative actions of the Tribal Council. Once approved, the minutes will be the official record of the Tribal Council meetings.

2. General Provisions

- a. The Secretary, or his/her designee, will be responsible for taking the minutes during regular, Special, and Emergency Meetings of the Tribal Council.
- b. The minutes shall reflect what was done, not what was said, at the meeting.
- c. The minutes shall not reflect the Secretary's opinion, favorable or otherwise, on any of the issues discussed.
- d. After approval, certification, and authenticating the minutes, the Secretary will keep a copy of the minutes in a binder and also forward a certified original to the Legislative Office for the Official Record.

3. Contents of the Minutes

- a. The heading will contain the name of the legislative body, date of the meeting, and address of the meeting location.
- b. The opening section will include:

- i. Notation on whether a closed session was held;
 - ii. Time the meeting was called to order;
 - iii. The name of the person conducting the opening ceremony;
 - iv. List of Tribal Council members present;
 - v. List of Tribal Council members absent;
 - vi. List of Legislative Office staff present;
 - vii. List of Executive Branch members present; and
 - viii. List of Guests present.
 - c. The body will contain a separate paragraph for each matter considered or discussed:
 - i. All motions put before the Tribal Council, stating verbatim the content of the motion that was put before the Tribal Council for consideration, and each paragraph will contain:
 - A. The name of the maker of the motion;
 - B. The name of the person seconding the motion;
 - C. The verbatim content of the motion;
 - D. Roll call votes shall contain the name and vote of each Tribal Council member; or
 - E. A vote by acclamation, shall list the result of the vote with a record of those by name who oppose, abstain or are absent; and
 - F. The result of the motion shall be a statement of the vote.
 - G. If a motion that is placed on the agenda fails to have a councilor make the motion or second the motion, then the motion fails. The minutes will reflect that the motion failed for lack of motion or lack of support.
 - ii. Topics of discussion that appear on the Agenda, and each paragraph will contain:

- A. The name of the Tribal Council member bringing forth a topic of discussion;
 - B. A brief description of the topic brought before the Tribal Council, but no attempt will be made to summarize the discussion;
 - C. The manner of disposition of the topic, i.e. topic to be further pursued at next work session, topic to be brought to the attention of the Executive, etc.
- iii. Tribal Elders Comment/Public Comment, and each paragraph will contain:
 - A. The name of the Tribal Elder or Tribal Citizen addressing the Tribal Council;
 - B. The subject matter brought by the Tribal Citizen, but no attempt will be made to summarize the comments; and
 - C. Tribal Council will take action in accordance with the Public Comment Policy.
 - iv. Notation of Closed Sessions, including its purpose;
 - A. The time entering Closed Session; and
 - B. The time returning to General Session.
 - v. Notation for the time of arrival to the meeting and final departure from the meeting of the Tribal Council members, but not for Tribal Council members leaving the assembly for short periods;
 - vi. Notation of recesses taken during the meeting; and
 - vii. The time of adjournment.
- d. The certification shall state that the minutes have been read and approved as written. The certification shall also include the signature of the Secretary, the date of certification, and the application of the Tribal Seal by the Secretary.

IX. TRIBAL COUNCIL MEETING PROCEDURES

1. Call to Order.

- a. The starting time of Regular Meetings of Tribal Council shall be set by motion at

the first regularly scheduled Tribal Council meeting of the calendar year. Thereafter the starting time of regular meetings may only be changed by motion.

b. The starting time of Special Meetings or Emergency Meetings of Tribal Council shall be set out in the notice given for such meetings.

c. The Legislative Leader, Secretary, or Treasurer, shall call Tribal Council meetings to order in accordance with enumerated powers as stated in the Constitution Article VII § C.

2. Opening Ceremony.

A Regular Tribal Council meeting may commence with an opening ceremony.

3. Roll Call.

a. The Secretary shall take a roll call of Tribal Council members after a meeting has been called to order.

b. Based on the results of the roll call the Secretary will announce whether or not there is quorum.

4. Adoption of Agenda.

a. **Regular Meeting:** The proposed Agenda for the meeting shall be adopted by a majority vote by motion.

i. Upon adoption the Agenda shall be considered the official Agenda of the meeting.

b. **Special Meeting:** The Agenda for the meeting shall be adopted as presented.

i. The Agenda for Special Meetings and Emergency Meetings shall not be amendable.

c. **Emergency Meeting:** The Agenda for the meeting shall be adopted as presented.

i. The Agenda for Emergency Meetings shall not be amendable.

5. Approval of Minutes.

a. The minutes of the previous Regular, Special or Emergency meeting(s) shall be approved as presented or approved as corrected.

i. Tribal Council members may propose to correct the minutes by adding or

deleting material from the presented minutes.

b. The minutes of Closed Session shall be kept for Closed Sessions. Closed Session Minutes and the meeting record shall be disclosed to the public in accordance with Section XI § 4 (c) of this Policy.

6. **Action Items.**

a. Each Action Item and Draft Work Product on the Agenda for shall be introduced by the Legislative Leader.

b. The Legislative Leader shall then entertain discussion for action on items under consideration.

7. **Legislative Reports.**

a. **Legislative Leader:** Article VII, § C (2) of the Constitution enumerates all of the duties that Legislative Leader is charged.

b. **Secretary report.** The Secretary report should discuss any issues related to the performance of the Secretary's duties outlined in the Constitution and assigned by Tribal Council.

c. **Treasurer report.** The Treasurer report should discuss any issues related to the performance of the Treasurer's duties outlined in the Constitution and assigned by Tribal Council.

d. **Legislative Committee report.** Legislative Committee reports, if any, should discuss Committee activities, and recommendations to Tribal Council.

e. **Tribal Council member report.** Tribal Council member reports, if any, should discuss matters or issues relating to the functions delegated to the Tribal Council in the Constitution.

f. **Legislative Services Attorney Report:** The Legislative Services Attorney report if any shall discuss activities related to the position of the Legislative Services Attorney.

g. **Receipt of the Tribal Chairperson:** A report in accordance with Article VIII (c) of the Constitution.

h. **General Session:** Shall be open in accordance with the Open Meetings Act and shall follow the Agenda as adopted.

i. **Closed Session:** Shall be closed to all persons other than Tribal Council and those authorized by Tribal Council.

- i. Pursuant to Constitution Article VII, § J (9) the Tribal Council may meet in Closed Session.
- ii. A request for Closed Session must be made in accordance with the procedures set out for placing items on the Agenda in Section VI of this policy or by motion during General Session.
- iii. **Closed Session Minutes.** Minutes shall be kept for Closed Sessions. Closed Session minutes shall be disclosed to the public in accordance with Section XI § 4 (c) of this Policy.
- j. **Adjournment.** The Legislative Leader or designee may call for a motion to adjourn the meeting. The motion to adjourn must be approved by a majority vote of the Tribal Council members present at the meeting.

X. ACTION BY THE TRIBAL COUNCIL

1. Action by Roll Call Vote. In all cases where the Constitution specifies that Tribal Council action shall be taken through the enactment of law, the Tribal Council shall provide by Statute or Resolution the following through Roll call vote:

- a. When making laws necessary to exercise Tribal jurisdiction, including civil and criminal authority and the regulation of commerce.
- b. When providing jurisdiction of the Tribe over Indian Child Welfare and all other domestic relations matters.
- c. When governing issuance of LTBB charters of incorporation for economic or other purposes.
- d. When implementing the right to exclude persons from Tribal lands.
- e. When setting qualifications for Commissions, Boards and Committees appointments.
- f. When governing the encumbrance of lands or other intangible assets and the encumbrance and disposition of non-real estate tangible assets.
- g. When levying taxes and governing the collection of taxes and license fees.
- h. When providing for management of any and all economic affairs and enterprises of the Tribe.

2. **Action by Motion.** Under the following circumstances, the Tribal Council shall act by Motion to:
- a. Approve Regulations.
 - b. Approve Policies and/or procedures.
 - c. Approve land use plans.
 - d. Approve leases.
 - e. Employ legal counsel.
 - f. Approve the filing of lawsuits in the name of the Tribe.
 - g. Establish and maintain government offices for the Tribe.
 - h. Appropriate funds.
 - i. Approve creation or dissolution of Executive divisions or departments.
 - j. Approve negotiations.
 - k. Purchase, receive by gift, or acquire land, interests in land, personal property or other tangible assets on behalf of the Tribe.
 - l. When requesting that the government of the United States take land into trust for the benefit of the Tribe.
 - m. When approving all sales, or dispositions of Tribal lands approved by a majority vote by referendum or an annual membership meeting quorum.
 - n. When establishing Commissions, Boards and Committees and approving appointments as presented by the Executive.
 - o. When establishing lower courts upon request from the judiciary.
 - p. When establishing rules to provide access by Tribal members to the records of the Tribe.
 - q. When adopting rules of conduct to govern all levels of Tribal government.

XI. CLOSED SESSIONS

1. **Closed Sessions Authorized.** Pursuant to Constitution Article VII, § J (9) the Tribal Council may meet in Closed Session to address personnel matters, confidential business matters, legal matters, other matters that raise significant confidentiality or privacy concerns, and other matters as may be defined by relevant statute. All or part of a meeting may be held in Closed Session including the reason necessitating the closed session.

2. **Purpose.** Closed Sessions are intended to permit the Tribal Council to engage in open and frank discussion regarding matters that require confidentiality, involve proprietary business matters, personnel, or litigation and litigation strategy and other matters as may be defined by relevant statute.

3. **Calling for Closed Session.** There are two methods for calling for Closed Session:

a. **Motion to Move to Closed Session.**

i. During the General Session a Tribal Council member may make a motion to move to Closed Session including the reason necessitating the closed session.

ii. If the motion to move to Closed Session passes the meeting shall immediately move to Closed Session and shall be conducted in accordance with the procedures in this Policy.

b. **Agenda Request.**

i. Pursuant to Section VI, § 1(f) of this Policy a Tribal Council member or the Executive may make an agenda request for a Closed Session.

ii. Agenda requests shall indicate the necessity for a Closed Session and shall indicate the item(s) to be discussed.

4. **Disclosure of Closed Session Minutes:**

a. Minutes and record of the session shall be kept of all Closed Sessions. These Minutes and record should reflect the items discussed and any action taken on an item.

b. Closed Session Minutes shall be placed in a sealed file marked "Confidential" and shall be maintained by the Legislative Office.

i. Access to Closed Session Minutes which are sealed shall be limited to sitting Tribal Council Members with the following exceptions:

A. The Executive may be authorized to have access to the minutes of closed sessions in which the Executive participated.

B. The Legal Department may be authorized to access the minutes of

a closed session by the Tribal Council. Access to closed session minutes shall be limited to consultative or guidance purposes, and shall be subject to the attorney/client privilege.

c. Minutes from a Closed Session shall be disclosed to the public two (2) years from the date the Closed Session was held; with the following exceptions:

i. Items relating to litigation or litigation strategy shall not be disclosed until the litigation has concluded.

ii. A determination that disclosure of an item may endanger the health or safety of any person. Such a determination must be made by 3/4 majority of the Tribal Council.

iii. A determination that disclosure of an item(s) relating to proprietary or confidential business information will cause substantial harm to the viability or integrity of the business to which the item relates. Such a determination must be made by 3/4 majority of the Tribal Council.

d. **Review.** Prior to Closed Session Minutes being disclosed, the Tribal Council shall review the Closed Session Minutes to determine whether any of the exceptions to disclosure listed in Section IX, § 4 (c) of this Policy apply.

i. Those items determined to be under an exception shall not be disclosed.

ii. Items which are not disclosed based on exception shall be reviewed on an annual basis thereafter to determine whether the exception is still valid.

e. Closed Session Minutes shall be disclosed in the same manner as the Minutes of a Regular meeting.

5. **Ending Closed Sessions.** Any Tribal Council member may move to end Closed Session. If the motion carries Closed Session will end and the meeting will move back into open session.

This Policy was approved by Tribal Council on: June 25, 2020


Secretary Julie Shananaquet

0625.2020
Date