

**TRIBAL COUNCIL
POLICY AND
PROCEDURE
TRIBAL COUNCIL
MEETINGS,
COMMITTEE
MEETINGS,
WORK-SESSIONS
and HEARINGS
short-title:
TCP&P00003**

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I. PURPOSE

The purpose of this Policy is to establish standards to govern the conduct of Tribal Council Meetings, Tribal Council Committee Meetings, Special Meetings, Emergency Meetings, Regularly Scheduled Work-Sessions, Special Work-Sessions and Hearings, and to repeal the following policies: *Policy and Procedures for Rescheduling Tribal Council Meetings in the Event of an Emergency Closure*; *Little Traverse Bay Bands Of Odawa Indians Public Comment Policy*; *Little Traverse Bay Bands Of Odawa Indians Tribal Council and its Committees Public Hearing Policy for General Rules of Conduct*; *Tribal Council Meeting Procedure Policy*-as amended and approved June 25, 2020; *Tribal Council Meeting Policy and Procedures for Electronic Meetings Related to Open Meetings, Participation, Public Comments and Motions*; *Tribal Council Meeting Policy and Procedures for Recording, Storage and Posting*; and *Little Traverse Bay Bands Of Odawa Indians Tribal Council Standing Committees Meeting Policy and Procedures*.

II. DEFINITIONS

- A. **“Chairperson” or “Executive”** means the individual elected to lead the Executive branch of the government.
- B. **“Committees” or “Tribal Council Committees”** means the Standing Committees of Tribal Council and may include the Land and Reservation Committee, the Appropriation and Finance Committee, and other such committees as established by Tribal Council.
- C. **“Committee Chairperson”** means the Councilor that will chair the Committee meeting and is determined either by law or amongst the members of the Committee, as applicable. For the purpose of this policy, in the absence of the Committee Chairperson, the Committee Secretary shall facilitate the Committee meeting, work-session or hearing.
- D. **“Constitution”** means the Constitution of the Little Traverse Bay Bands of Odawa Indians, adopted February 1, 2005.
- E. **“Electronic Meeting” or “Online Meeting”** means a Tribal Council Meeting or Committee Meeting that is utilizing an online meeting platform, such as Zoom or Microsoft Teams.

F. “Emergency Meeting” means a meeting of Tribal Council wherein immediate official action of the Tribal Council is necessary to preserve or promote essential interests of the Tribe, and is either called by the Legislative Leader or three fourths (3/4) majority of the Tribal Council, and which the agenda is restricted to the urgent subject matter necessitating the meeting.

G. “Guest” means a person invited to attend a Tribal Council meeting, Committee meeting, work-session or hearing.

H. “Immediate Family” or “Family member” means a person who is related to a Tribal Citizen by one of the following relationships: wife, husband, son, daughter, mother, father, brother, sister, step-mother, step-father, step-brother, step-sister, father-in-law, mother-in-law, child, step-child, grandmother, grandfather, brother-in-law and sister-in-law.

I. “Legal matter(s)” means 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.

J. “Legislative Leader” means the Tribal Council Officer as identified in Article-VII, § C (1) of the Constitution, and for the purpose of this Policy, in the absence of the Legislative Leader, the Secretary shall facilitate the meeting, work-session or hearing, in the absence of the Legislative Leader and Secretary, the Treasurer shall facilitate the meeting, work-session or hearing, in accordance with the Constitution.

K. “Majority vote” means vote of a majority of Tribal Councilors present at a meeting where there is a quorum; unless otherwise specified by the Constitution or law.

L. “Meeting Notice” means the official posting of the date, time, and place for a meeting of the Tribal Council.

M. “Motion” means a proposal for action made by one (1) Tribal Councilor and seconded by another Tribal Councilor made during an open meeting, is an official action of the Tribal Council recorded, is in the Minutes and may be certified.

N. **“Personnel Matter”** means matters relating to personnel under the direct supervision Legislative Branch authority.

O. **“Public”** means Little Traverse Bay Bands of Odawa Indians Tribal Citizens and their immediate family members.

P. **“Quorum of Tribal Council”** means Five (5) Tribal Councilors present at a Tribal Council Meeting, and shall be necessary to transact official business of the Tribal Council, in accordance with Constitution Article VII, § J (2).

Q. **“Quorum of the Committee”** means two (2) Tribal Councilors present at a Committee meeting, and shall be necessary to transact official business of the Committee, in accordance with this policy and applicable law.,

R. **“Record”** means an official document or writing as part of a Tribal Council meeting and as recorded in the minutes.

S. **“Recording”** means the audio and visual recording of an electronic Tribal Council meeting, Work- Session, Committee meeting, and other Tribal Council meetings.

T. **“Regularly Scheduled Work-Sessions”** mean an informal meeting of Tribal Council for the purpose of reviewing and discussing matters related to the exercise of powers delegated to the Tribal Council in Article VII, § A, B, C and D of the Constitution, and receiving and discussing public comment on Legislative matters. A quorum is not required, no official action shall be taken, nor shall an official record be taken.

U. **“Resolution”** means an Official action by the Tribe and carries the force of law, and is duly enacted pursuant to Constitutional Article VII, § D (1).

V. **“Roll Call Vote”** mean a vote by calling each Tribal Councilor 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.

W. **“Secretary”** means a Tribal Council Officer whose duties are in accordance with Tribal

Constitution, Article VII, § C (2) and by Statute.

X. “Special Council Meetings” means a meeting of the Tribal Council that is either called by the Legislative Leader; that is called by at least five (5) of nine (9) Tribal Councilors; or by request of the Executive; and which the agenda is restricted to the purpose for which the meeting was called.

Y. “Special Work-Sessions” means a Work-Session that require a motion of Tribal Council which states who is authorized to attend and the purpose for the Special Work-Session.

Z. “Statute” means a law duly enacted pursuant to Constitution Article VII, § D (1).

AA. “Treasurer” means a Tribal Council Officer who duties are in accordance with Tribal Constitution, Article VII, § C (3) and Statute.

BB. “Tribal Affiliation” means identifying by means of Tribal enrollment number, relationship to a Tribal Citizen, or employment or appointment status.

CC. “Tribal Council Meeting” means an open session of a Regularly Scheduled Tribal Council Meeting in which a quorum of Tribal Council is present, and business is transacted.

DD. “Tribal Citizen” means a person duly enrolled with the Tribe as a tribal member.

EE. “Tribal Council” means the legislative body described in Article VII, § A of the Constitution.

FF. “Tribal Councilor” means a person duly elected to the Tribal Council pursuant to the process described in Article XII of the Constitution.

GG. “Tribal Council Officers” means the Legislative Leader, Secretary and Treasurer as set out in the Constitution Article VII, § B.

HH. “Tribe” means the Little Traverse Bay Bands of Odawa Indians.

III. OPEN MEETINGS

- A. Pursuant to constitutional Article VII, J (8), all meetings of Tribal Council and its Committees, except phone conferences and closed sessions, are open to all Tribal Citizens. By majority vote, the Tribal Council or Committee may exclude anyone who is not within the definition of public from all or part of a meeting.
- B. Attendees of meetings held by Tribal Council and its Committees, shall identify themselves with their name and Tribal affiliation (Tribal Citizen with enrollment number, immediate family of a Tribal Citizen, employee or other appointed official on business) when entering a meeting, signing into an electronic meeting, or at the request of the Legislative Leader, Committee Chairperson, or Legislative staff.
- C. Three (3) attempts will be made to gather identifying information of attendees. Failure, or refusal, to provide identifying information will result in removal from the meeting by the Legislative Leader, Committee Chairperson, or Legislative staff.
- D. Non-citizens, who are not immediate family of a Tribal Citizen, employee or other appointed official on business, may attend open meetings by receiving sponsorship from a Tribal Councilor. The Tribal Councilor in receipt of a sponsorship request shall forward the request to Tribal Council or Committee members. If there is any objection to the sponsorship, the Legislative Leader or Chairperson shall ask for a majority vote to confirm admittance.
- E. Any representative from the media shall immediately present their media credentials to Tribal Council or the Committee upon entering any meeting, work-session, or hearing.
- F. **Notice of Recording.** The Legislative Leader, Committee Chairperson, or Legislative staff shall announce at the start of an online Tribal Council meeting, work sessions, committee meetings, and other Tribal Council meetings that the meeting is being recorded.

IV. TRIBAL COUNCIL MEETINGS

A. Council Meetings.

Those meetings of the Tribal Council, held in person or electronically, at least once a month, at which official business is transacted in accordance with Article VII, § J (4) of the Constitution. Council Meetings shall be open to Tribal Citizens, Tribal employees, appointed officials, and the public as defined by this policy. Any other person who does not meet one of these classifications may be excluded from the meeting by majority vote.

B. Regularly Scheduled Tribal Council Meetings.

Meeting schedules shall be set by Motion by the last Regularly Scheduled Tribal Council Meeting of each calendar year and shall include the date, time and location.

C. Special Council Meetings.

Special Meetings of the Tribal Council, may be called by the Legislative Leader; at least five (5) of nine (9) Tribal Councilors; or by request from the Executive; shall include the purpose(s) of the Special Meeting, the date, time and location of the requested Special meeting, Special Meetings shall be restricted to the purpose for which the meeting was called. Special Meeting notice requirements are found below, in Article IV, § E of this document.

1. If the Legislative Leader is calling for a Special Meeting, the Legislative Leader shall provide the purpose(s) date, time and location of the Special Meeting.
2. If a majority of Tribal Council is requesting a Special Meeting, a phone poll will be conducted that authorizes Special Meeting and shall include the purpose(s), date, time and location of the Special Meeting. If a majority of Tribal Council votes in favor, the Special Meeting shall be held.
3. If the Executive is requesting a Special Meeting, the Legislative Leader shall authorize a phone poll of Tribal Council to authorize a Special Meeting that shall include the purpose(s), date, time and location of the Special Meeting. If a majority of Tribal Council votes in favor, the Special Meeting shall be held.

D. Emergency Meetings.

Emergency Meetings of the Tribal Council may be 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, and may be called by the Legislative Leader or by a Tribal Councilor with written support of at least 3/4 majority of Tribal Councilors. Emergency Meeting notice requirements are found below, in Article IV, § E of this document.

1. A call or request for an Emergency Meeting shall indicate why an Emergency Meeting is necessary.
2. If the Legislative Leader is requesting an Emergency Meeting, the Legislative Leader, shall provide the purpose(s), date, time and location of the Emergency Meeting.
3. If 3/4 majority of Tribal Councilors are requesting an Emergency Meeting, the Legislative Leader, or Legislative staff, 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.

E. Notice of Special or Emergency Meetings.

1. Notice of a Special Meeting shall be given to all Tribal Councilors, and the Tribal Chairperson, by Legislative staff.
2. Notice of a Special Meeting shall be posted at least five (5) days in advance of the Special Meeting by Legislative staff.
3. Notice of Emergency Meetings shall be provided immediately by Legislative staff.
4. Notice may be given by means of text, phone call, electronic mail, electronic facsimile or standard mail.
5. **Sufficiency of Notice.** Notice of a Special Meeting shall be considered given when:
 - a. A Tribal Councilor is contacted directly via telephone, text, or electronic mail and informed of the meeting verbally or in writing.
 - b. Each Tribal Councilor must be provided with the date, time, location, and

purpose of the Special Meeting.

c. The Legislative Office shall make at least three (3) attempts at providing notice to a Tribal Councilor. If a Tribal Councilor has not responded after four (4) hours of the first attempt the Legislative Office shall try at least two (2) more times at one (1) hour intervals to reach the Tribal Councilor. In the event three (3) successive attempts at reaching a Tribal Councilor are unsuccessful, notice shall be considered given.

d. Posting. Legislative staff shall have the date, time, place, and a description of the purpose of the Special Meeting, posted to the Tribal Website.

F. Records.

The Tribal Council shall keep records of Special and Emergency meetings at the Legislative offices. Records shall include the date, time, location, reason for the meeting, and the action(s) taken. The records shall be available to the Tribal Citizens to the same extent as Regularly Scheduled Tribal Council Meeting minutes. Rules regarding closed sessions and closed sessions minutes apply. The Legislative staff shall be responsible for recording and keeping of online Tribal Council Special and Emergency meetings.

V. COMMITTEE MEETINGS

A. Committee Meeting.

Those meetings of the Committee, at which official business is transacted.

B. Regularly Scheduled Committee Meetings.

Committee Meeting schedules shall be set by Motion by the last Regularly Scheduled Committee Meeting of each calendar year and shall include the date, time and location.

C. Special Committee Meetings.

Special Committee Meetings may be called, in accordance with this Policy, by the Committee Chairperson, and shall include the purpose(s) of the Special Meeting, the date, time and location

of the Special meeting, and shall be in writing to all Committee members. Special Meetings shall be restricted to the purpose for which the meeting was called. The notice requirements in Article IV, § E above apply to Special Committee Meetings.

D. Emergency Committee Meetings.

Emergency Meetings may be called, in accordance with this Policy, by the Committee Chairperson to take official action(s) deemed necessary for the preservation or promotion of essential interests of the Tribe. The notice requirements in Article IV, § E above apply to Emergency Committee Meetings.

VI. TRIBAL COUNCIL WORK-SESSIONS

A. Regularly Scheduled Work-Sessions.

Work-Sessions shall be set by Motion by the last Regularly Scheduled Tribal Council Meeting of each calendar year and shall include the date, time and location.

B. Special Work-Sessions or Emergency Work-Sessions.

Special Work-Sessions and Emergency Work-Sessions require a motion of Tribal Council that sets the date, time and location of Special or Emergency Work-Sessions, and states the purpose for the Special Work-Session or Emergency Work-Session. Notice of a Special or Emergency Work-Session shall be posted in accordance with Article VI, § C below.

1. If the Legislative Leader is calling a Special or Emergency Work-Session, then the Legislative Leader, shall provide the purpose (s), date, time and location of the Special or Emergency Work-Session to all Tribal Councilors and the Tribal Chairperson.
2. If a majority of Tribal Council is requesting a Special or Emergency Work-Session, then a phone poll will be conducted that authorizes Special or Emergency Work-Session and shall include the purpose (s), date, time and location. If a majority of Tribal Council votes in favor, the Special or Emergency Work-Session shall be held.

C. Notice of Special or Emergency Work-Sessions.

1. Notice of a Special Work-Session shall be given to all Tribal Councilors and the Tribal Chairperson, by Legislative staff.
2. Notice of a Special Work-Session shall be posted at least five (5) days in advance of the Special Work-Session.
3. Notice of Emergency Work-Session shall be provided immediately by Legislative staff.
4. Notice may be given by means of text, phone call, electronic mail, electronic facsimile or standard mail.
5. **Sufficiency of Notice.** Notice of a Special or Emergency Work-Session shall be considered given when:
 - a. A Tribal Councilor is contacted directly via telephone, text, phone call, electronic mail and informed of the meeting verbally or in writing.
 - b. Each Tribal Councilor must be provided with the date, time, and location of the Special or Emergency Work-Session.
 - c. The Legislative Office shall make at least three (3) attempts at providing notice to a Tribal Councilor. If a Tribal Councilor has not responded after four (4) hours of the first attempt the Legislative Office shall try at least two (2) more times at one (1) hour intervals to reach the Tribal Councilor. In the event three (3) successive attempts at reaching a Tribal Councilor are unsuccessful, notice shall be considered given.
 - d. The date, time, and place for each Special or Emergency Work-Session, together with a description of the purpose of the Special Work-Session shall be posted to the Tribal Website.

D. Posting. Legislative staff shall have the date, time, place, and a description of the purpose of the Special Meeting, posted to the Tribal Website.

VII. TRIBAL COUNCIL AND COMMITTEE PUBLIC HEARINGS

A. Public Hearings.

Public hearings are held to gather testimony or comment for a specific purpose and in a respectful manner.

B. Notice of Hearing.

All public hearings shall be posted at least five (5) days in advance of the hearing.

C. Hearing Requirements.

1. Public hearings may be called by the Legislative Leader or a Committee Chairperson.
2. A quorum of Tribal Councilors or Committee Members is not needed to hold a public hearing.
3. The Legislative Leader, Committee Chairperson, or their designee, for the purposes of this Policy, will be referred to as the “Presiding Councilor” and shall preside of the hearing.
4. The hearing shall be called to order, and presided over by the Presiding Councilor.
5. All public hearings shall be open to the public, and invited guests.
6. All public hearing shall be recorded.

D. Testimony

1. Testimony may be limited to the public and invitees. All others who would like to give testimony may request permission to do so. A request for permission to give testimony shall be made in writing, to the Presiding Councilor and may be granted at the

discretion of the Presiding Councilor.

2. The Presiding Councilor shall require each individual that provides oral testimony to announce their name, enrollment number or tribal affiliation, or status as invited guest.
3. Each person that testifies shall receive recognition by name from the Presiding Councilor in order to begin their testimony.
4. Government employees and officials, invited guests, and Tribal Councilors that provide testimony, may be called to give testimony ahead of members of the public, by the Presiding Councilor.
5. Each individual's opening testimony shall be limited in duration to five (5) minutes.
6. The Tribal Councilors or Committee members may ask questions by direct inquiry of the person testifying.
7. The Presiding Councilor may decide a testimony to be irrelevant, incompetent, repetitious, or discourteous to Tribal Council, other persons testifying, or any attendee, and may limit such testimony.
8. Tribal Councilors or the Committee members will not answer questions from persons providing testimony unless otherwise allowed by the Presiding Councilor.
9. Persons under the age of eighteen (18) shall only testify with the presence of and permission from a parent or legal guardian.
10. Written testimony shall be accepted by the Tribal Council Legislative Office, Administrative Complex, 7500 Odawa Circle, Harbor Springs, MI 49740, any time prior to the hearing and within fifteen (15) days after the completion of the hearing. Written testimony must include a signature, date, and tribal affiliation. Written testimony received prior to or during a hearing shall not be read aloud at the hearing.

VIII. PUBLIC COMMENTS

- A. Tribal Council will entertain two (2) "Public Comment" periods during Regularly Scheduled Tribal Council Meetings.
- B. Committees will entertain at least one (1) "Public Comment" period during Regularly Scheduled Committee Meetings.
- C. Public Comment period shall be up to fifteen (15) minutes in duration.
- D. Public Comment will only be available to a Citizen and their immediate family members. Anyone else wanting to make a public comment shall request to be placed on the agenda; approval or denial shall be by motion.
- E. To receive Public Comment, the Legislative Leader or Committee Chairperson shall request the speaker give their full name and Tribal enrollment number or identify themselves as an immediate family member of a Tribal Citizen. Public comments will be received verbally or in writing. If participating electronically, the Tribal Citizen or immediate family member shall utilize "raise hand function" and may unmute their microphone when called upon by the meeting facilitator.
- F. Written public comments received through the Legislative Office may be read aloud by the facilitator during public comment period. Any comments not designated as "public comment", will not be read or entered into the official record as a "public comment".
- G. Each person shall be granted three (3) minutes for their public comment. An extension of up to two (2) minutes may be granted at the discretion of the facilitator.
- H. Elders speak first. Elders are recognized as Tribal Citizens who are fifty-five (55) years of age or older.
- I. Written public comment must be signed and dated. Written public comment will be available for public viewing at the Tribal Council's Legislative Office in the Government Building of the Little Traverse Bay Bands of Odawa Indians. A request for copies of the written public comment shall be processed as a "Request for Public Documents".

J. Tribal Council and Committees will not accept comments--verbal or written, nor discuss matters that relate to any one of the following:

1. Personnel matters.
2. Personal information affecting an individual's privacy, including personnel matters or medical conditions or similar matters that constitute a clearly unwarranted invasion of personal privacy unless it pertains to the Tribal Citizens who is raising the matter.
3. Matters covered by attorney client privilege.
4. Matters considered confidential by other Statutes.
5. Matters regarding confidential business or legal matters of the Tribe or a Tribal Citizen.
6. Matters that could impair a criminal investigation.

IX. SETTING THE AGENDA for TRIBAL COUNCIL AND COMMITTEE MEETINGS

A. Agenda Requests.

Any Tribal Councilor, the Executive, or Tribal Citizen may submit an item to be placed on an agenda. Agenda items should include the item(s) to be discussed and 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 or Committee Meeting.

C. Amendment of the Agenda.

Any amendment to the agenda after it has been adopted shall be by motion.

D. Recording.

The agenda shall include a statement that the Tribal Council or Committee Meeting or Work-Session will be recorded.

X. ORDER OF MEETING

A. Call to Order.

1. The starting time of Regularly Scheduled Tribal Council Meeting and Committee Meetings are set by Motion by the last Regularly Scheduled Meeting of each calendar year and may only be changed by motion.
2. The starting time of Special Meetings or Emergency Meetings shall be set out in the notice given for such meetings.
3. 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.
4. The Committee Chairperson shall call the Committee meeting to order.

B. Opening Ceremony.

A Regularly Scheduled Tribal Council Meeting may commence with an opening ceremony.

C. Roll Call.

1. Either the Legislative Leader or the Secretary shall take a roll call of Tribal Councilors after a Tribal Council meeting has been called to order. The Committee Chairperson shall take roll call of Committee members after the Committee meeting has

been called to order.

2. Based on the results of the roll call, the Legislative Leader or Secretary will announce whether or not a quorum is established for the Tribal Council meeting. Based on the results of the roll call, the Committee Chairperson will announce whether or not a quorum is established for the Committee meeting.

D. Adoption of Agenda.

1. **Regularly Scheduled Tribal Council Meeting:** The proposed agenda for a meeting shall be adopted by motion with a majority vote and shall be considered the official agenda of the meeting.

2. **Special Meeting:** The agenda for the meeting shall be adopted as presented and shall not be amendable.

3. **Emergency Meeting:** The agenda for the meeting shall be adopted as presented and shall not be amendable.

E. Approval of Minutes.

1. The minutes of the previous Regularly Scheduled Meeting, and Special or Emergency meeting(s) shall be approved as presented, or as corrected.

2. Tribal Councilors may propose to correct the minutes by adding or deleting material from the presented minutes.

3. If any discrepancies are found within the minutes, Legislative staff will review the meeting recordings and will verify for accuracy either the presented minutes or shall make a correct to the minutes.

4. 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 this Policy.

F. Action Items.

Each Action Item on the agenda shall be introduced by the Legislative Leader or Committee Chairperson, and the Legislative Leader or Committee Chairperson shall then entertain discussion for action on items under consideration.

G. General Session for Regularly Scheduled Tribal Council Meetings.

Shall be open in accordance with the Open Meetings Act and shall follow the agenda as adopted. General Session may contain reports, action items, and other matters for discussion, including but not limited to the following:

1. Legislative Leader Report.
2. Secretary Report.
3. Treasurer Report.
4. Committee Report(s).
5. Tribal Councilor Reports.
6. Legislative Staff Reports.
7. Receipt of the Tribal Chairperson's Executive Report.

H. General Session for Regularly Scheduled Committee Meetings.

Shall be open in accordance with the Open Meetings Act and shall follow the agenda as adopted. General Session may contain reports, action items, and other matters for discussion, including but not limited to the following:

1. General Session
2. Old Business

3. New business
4. General Discussions

I. Closed Session.

Tribal Council and Committees may meet in Closed Session. Closed session topics 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, and other matters as may be defined by relevant statute. Closed Session shall be closed to all persons other than Tribal Councilors, Committee Members and those authorized by Tribal Council or Committee. Motions for Closed Session shall include the reason necessitating the closed session.

1. Purpose. Closed Sessions are intended to permit the Tribal Council or its Committees 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.

2. 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 Councilor or Committee 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. A Tribal Councilor, Committee Member or the Executive may make an agenda request for a Closed Session.
- ii. Agenda requests shall indicate the purpose for a Closed Session.

3. Ending Closed Sessions. Any Tribal Councilor or Committee Member may move to end Closed Session. If the motion carries Closed Session will end and the meeting will move back into open session.

J. Adjournment.

The Legislative Leader or Committee Chairperson may call for a motion to adjourn the meeting. The motion to adjourn must be approved by a majority vote of the Tribal Councilors or Committee Members present at the meeting.

XI. ACTIONS BY THE TRIBAL COUNCIL

A. Action by Roll Call Vote.

Roll Call Votes will be utilized for nominations of Judges, Justices, Prosecutor and other Tribal Council deemed appointed positions. Additionally, Roll Call Votes will be used in all cases where the Constitution specifies that Tribal Council action shall be taken through the enactment of law. Tribal Council shall, whether by Statute or Resolution, do the following through Roll call vote:

1. When making laws necessary to exercise Tribal jurisdiction, including civil and criminal authority and the regulation of commerce.
2. When providing jurisdiction of the Tribe over Indian Child Welfare and all other domestic relations matters.
3. When governing issuance of LTBB charters of incorporation for economic or other purposes.
4. When implementing the right to exclude persons from Tribal lands.
5. When setting qualifications for Commissions, Boards and Committees appointments.

6. When governing the encumbrance of lands or other intangible assets and the encumbrance and disposition of non-real estate tangible assets.
7. When appropriating funds.
8. When levying taxes and governing the collection of taxes and license fees.
9. When providing for management of any and all economic affairs and enterprises of the Tribe.

B. Action by Motion.

Under the following circumstances, the Tribal Council shall act by Motion:

1. When approving Regulations.
2. When approving Policies and/or procedures.
3. When approving land use plans.
4. When approving leases.
5. When employing legal counsel.
6. When approving the filing of lawsuits in the name of the Tribe.
7. When establishing and maintaining government offices for the Tribe.
8. When approving creation or dissolution of Executive divisions or departments.
9. When approving negotiations.
10. When purchasing, receiving by gift, or acquiring: land, interests in land, personal property or other tangible assets on behalf of the Tribe.

11. When requesting that the government of the United States take land into trust for the benefit of the Tribe.
12. When approving all sales, or dispositions of Tribal lands approved by a majority vote by referendum, or an annual membership meeting quorum.
13. When establishing Commissions, Boards and Committees and approving appointments as presented by the Executive.
14. When establishing lower courts upon request from the judiciary.
15. When establishing rules to provide access by Tribal members to the records of the Tribe.
16. When adopting rules of conduct to govern all levels of Tribal government.
17. When acknowledging receipt of reports or other information.
18. All other matters, not requiring a Roll Call Vote.

XII. ACTIONS BY THE COMMITTEE

All official actions of the Committee shall be by motion.

XIII. MEETING MINUTES

A. Official Record.

Minutes provide as much information as possible to the Tribal Citizens pertaining to the deliberative actions of the Tribal Council or Committee. Once approved, the minutes will be the official record of the Tribal Council or Committee meeting. Minutes are the official record of what is done at a Tribal Council or Committee 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.

B. General Provisions.

1. The Tribal Council Secretary, Committee Secretary, and Legislative staff will be responsible for taking the minutes during Regularly Scheduled Meetings, Special, and Emergency Meetings. The Legislative staff shall be responsible for recording the online Tribal Council meetings.
2. The minutes shall reflect what was done, not what was said, at the meeting.
3. The minutes shall not reflect the Secretary's or staff's opinion, favorable or otherwise, on any of the issues discussed.
4. After approval, certification, and authenticating of the minutes, the Secretary will store a paper copy of the minutes in a binder under the control of the Secretary, and also forward a certified original to the Legislative Office for the Official Record.
5. The Legislative Office shall store all audio and visual recording of an online Tribal Council meeting, Work- Session, Committee meeting, and other Tribal Council meetings on the Tribal Council "P" drive.
6. Recording shall be accessible to Tribal Councilors, Committee Members and Legislative staff.
7. All audio and visual recording of an electronic Tribal Council meeting, Work-Session, Committee meeting, and other Tribal Council meetings will also be made available by posting to the "Citizens' Only Portal" on the Tribal website.

C. Contents of the Minutes.

1. The heading will contain the name of the legislative body holding the meeting, date of the meeting, and address of the meeting location.
2. The opening section will include:
 - a. Notation on whether a closed session was held;

- b.** Time the meeting was called to order;
- c.** The name of the person conducting the opening ceremony;
- d.** List of Tribal Councilors or Committee Members present;
- e.** List of Tribal Councilors or Committee Members absent;
- f.** List of Legislative Office staff present;
- g.** List of Executive Branch members present; and
- h.** List of Guests present.

3. The body of the minutes will contain a separate paragraph for each matter considered or discussed:

a. All motions put before the Tribal Council or Committee, stating verbatim the content of the motion that was put before the Tribal Council or Committee for consideration. Each paragraph will contain:

- i.** The name of the maker of the motion;
- ii.** The name of the person seconding the motion;
- iii.** The verbatim content of the motion;
- iv.** Roll call votes shall contain the name and vote of each Tribal Councilor or Committee Member; or
- v.** 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
- vi.** The result of the motion shall be a statement of the vote.
- vii.** If a motion that is placed on the agenda fails to have a Councilor or Committee Member 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.

b. Topics of discussion that appear on the agenda, and each paragraph will contain:

- i.** The name of the Tribal Councilor or Committee Member bringing forth a topic of discussion;
- ii.** A brief one sentence description of the topic brought before the Tribal Council or Committee, but no attempt will be made to

- summarize the discussion;
 - iii. 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.
- c.** Tribal Elders Comment/Public Comment, and each paragraph will contain:
- i. The name of the Tribal Elder or Tribal Citizen addressing the Tribal Council;
 - ii. The subject matter brought by the Tribal Citizen, but no attempt will be made to summarize the comments; and
 - iii. Tribal Council or Committee will act in accordance with Article VIII, § J of this Policy regarding “public comments”.
- d.** Notation of Closed Sessions, including its purpose;
- i. The time entering Closed Session; and
 - ii. The time returning to General Session.
- e.** Notation for the time of arrival to the meeting and final departure from the meeting, of the Tribal Councilors or Committee Members, but not for Tribal Councilors or Committee members leaving the assembly for short periods;
- i. Notation of recesses taken during the meeting; and
 - ii. The time of adjournment.
- 4.** 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.

XIV. DISCLOSURE OF CLOSED SESSION MINUTES

- A.** Minutes and recordings 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 with access to Closed Session Minutes, which are sealed, shall be limited to sitting Tribal Councilors with the following exceptions:

1. The Executive may be authorized to have access to the minutes of closed sessions in which the Executive participated.
2. 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:

1. Items relating to litigation or litigation strategy shall not be disclosed until the litigation has concluded.
2. 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.
3. 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 apply.

1. Those items determined to be under an exception shall not be disclosed.
2. 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

Regularly Scheduled Tribal Council Meeting.

XV. CHANGE IN MEETING SCHEDULE or CLOSURE

A. Change in Regularly Scheduled Tribal Council or Committee Meeting.

No change may be made in the date or time for any Regularly Scheduled Meeting except by motion. Notice of any changes in the meeting schedule shall be posted on the Tribal website. Notice of changes to the Meeting schedule must be made five (5) days prior to the meeting.

B. Changes in Regularly Scheduled Tribal Council Work-Session.

No change may be made in the date or time for any Regularly Scheduled Tribal Council Work-Session except by motion of the Tribal Council. Notice of any changes in the meeting schedule shall be posted on the Tribal website. Notice of changes to the Work-Session schedule must be made five (5) days prior to the meeting.

C. Canceling of Tribal Council or Committee Meeting or Work-Session.

Any cancelation of a Regularly Scheduled Meeting or Work-Session shall require an approved motion and shall be posted immediately to the Tribal website.

D. Emergency Closing.

1. At times, emergencies can disrupt business operations. In extreme cases, these circumstances may require the closing of the government offices or work facilities.
2. Emergencies may be related to severe weather, fires, or power failures, or other safety or welfare conditions.
3. Tribal Council and Committees delegates the authority to authorize emergency closures to any of the following individuals:
 - a. Safety Director
 - b. Facility Director

- c. Chief of Law Enforcement
- d. Chair/Vice Chair or Tribal Administrator
- e. Legislative Leader or Legislative Office Manager

4. Regularly Scheduled Tribal Council Meeting. In order to meet the Constitution requirement of Tribal Council holding at least one (1) meeting per month, if an emergency closure occurs and it is the only Regularly Scheduled Tribal Council Meeting scheduled for the month, and no other Tribal Council meeting was held during the month, then Tribal Council will meet on the next business day when the Tribal Government Center or other government office is open. Tribal Council may change the location and time of the meeting, provided that it is held on the next business day that the Tribal Government Center or other government offices are open.

XVI. MEETING, WORK-SESSION, AND HEARING CONDUCT

- A.** The Legislative Leader or Committee Chairperson will request that all participants in an electronic meeting place their microphone on "mute" unless they are speaking.
- B.** Any electronic recordings of Tribal Council or Committee meetings by individuals shall be prohibited.
- C.** The Legislative Leader or Committee Chairperson will take reasonable actions to ensure that the meeting, work-session or hearing is conducted orderly.
- D.** Disruption, display of unruly behavior, abusive language, or any personal attacks, in any form, will not be tolerated. The form of disruption, display of unruly behavior, abusive language, or any personal attacks may include, but is not limited to, verbal, written, electronic or visual such as a hand gestures, or photos.
- E.** In the instance of disruption, display of unruly behavior, abusive language, or any personal attacks in any form, the Legislative Leader or Committee Chairperson shall provide a warning to the person(s) to discontinue such behavior or they shall be removed from the meeting, work-session or hearing.

F. If a disruption, display of unruly behavior, abusive language, or personal attacks continue beyond a warning to discontinue such behavior, the Legislative Leader or Committee Chairperson may remove the person from the meeting, work-session or hearing without further warning.

G. If a Tribal Council or Committee Meeting becomes disrupted, the Legislative Leader or Committee Chairperson may request a motion to adjourn the meeting.

H. If a work-session or hearing becomes disrupted, the Legislative Leader or Committee Chairperson may adjourn the work-session or hearing.

I. Hearing Conduct

1. The Legislative Leader or Committee Chairperson or their designee (Presiding Councilor) shall preside over the hearing and will take reasonable actions to ensure that the hearing is conducted orderly.

2. The Legislative Leader or Committee Chairperson or their designee (Presiding Councilor) may terminate the testimony of an individual if he or she is considered disorderly, abusive, disruptive, or if testimony is disconnected from the purpose of the hearing.

3. The Legislative Leader or Committee Chairperson or their designee (Presiding Councilor) may prevent the encouragement of audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

XVII. EFFECTIVE DATE

This Policy and Procedure take effect immediately upon Tribal Council approval.

This Policy was approved by Tribal Council on February 9, 2023.

Marcella R. Reyes
Marcella Reyes, Tribal Council Secretary

02/13/2023
Date

