

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS



WAGANAKISING ODAWAK

TRIBAL COUNCIL MEETING PROCEDURES POLICY

Tribal Council Meeting Procedures Policy Approved by Tribal Resolution 042907-01

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I. PURPOSE

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

II. ADOPTION; AMENDMENT; COMPLIANCE; SEVERABILITY

1. **Adoption.** This Policy is adopted by Tribal Council Resolution # 012206-XX.
2. **Amendment.** This Policy may be amended by subsequent Tribal Council Resolution in accordance with WOS 2005-015, § X.
3. **Substantial Compliance.** In cases of disputes as to compliance with this Policy, substantial compliance rather than complete compliance with this Policy shall be deemed adequate.
4. **Severability Clause.** If any provision of this Policy or its application to any person or circumstance is held invalid by the Tribal Constitution, the invalidity does not affect other provisions or application of this Policy which can be given effect without the invalid provision or application, and to this end the provisions of this Policy are severable.

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. **Ad Hoc Committee:** 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.
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. Article VIII, § C enumerates all of the duties with which the Chairperson is charged.
4. **Citizen:** An individual who meets the requirements for eligibility in Article V of the Constitution.
5. **Closed Session:** Any portion of a meeting which is closed to the public to address personnel, business, or legal matters pursuant to Article VII, § J (9) of the Constitution.
6. **Constitution:** The constitution of the Little Traverse Bay Bands of Odawa Indians.
7. **Council Officers:** The Legislative Leader, Secretary and Treasurer as set out in the Constitution article VII, § B.
8. **General Session:** A prearranged gathering of the Tribal Council which conforms to article VII, § J.
9. **Legal matter(s):** Matter(s) where the Tribe is, or may be, a party to a legal proceeding in a

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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 pursuant to article VII, § J (9) (a) of the Constitution.

10. **Legislative Leader:** The Tribal Council Officer charged with presiding over meetings. Article VII, § C (1) of the Constitution enumerates all of the duties that the Legislative Leader is charged with.
11. **Legislative Matter:** Any action by the Tribal Council which involves drafting, review or consideration, pursuant to the powers enumerated in article VII, § D of the Constitution.
12. **LTBBOI:** The Little Traverse Bay Bands of Odawa Indians.
13. **Majority vote:** A vote of a majority of Tribal Councilors present at meeting where there is a quorum; unless otherwise specified by the Constitution or law.
14. **Draft Meeting Minutes:** The “unofficial” meeting minutes.
15. **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.
16. **Motion:** A proposal for action made by one (1) Tribal Councilor and seconded by another Tribal Councilor.
17. **Notice of Meeting:** The official posting of the date, time, and place for a meeting of the Tribal Council.
18. **Personnel Matter:** Matters relating to personnel and their employment within the Tribal Government or Tribal enterprises that may be discussed in closed session pursuant to Constitution article VII, § J(9) (a).
19. **Quorum:** “Five (5) Tribal Council members shall constitute a quorum.” Constitution article VII, § J (2).
20. **Record:** An official document or writing, including but not limited to the approved Agenda for a Tribal Council meeting, the approved minutes of a Tribal Council meeting, as well as any resolution(s), statutes or motions proposed or enacted by the Tribal Council, or any documents, reports, etc. accepted by the Tribal Council and recorded in the minutes.
21. **Registered Voter:** Any Tribal citizen, who is at least 18 years old and eligible to vote in Tribal elections pursuant to the requirements set out in article XII, § D of the Constitution.
22. **Resolution:** A document that can stand alone as a representation of the Tribal Council’s actions, and generally contains Whereas, Resolves and a Certification.
23. **Roll Call:** Calling each Tribal Councilor by name requesting their vote or abstention. The roll call shall be made according to last name in alphabetical order and concluding with a vote by the Treasurer, Secretary and Legislative Leader.
24. **Secretary:** The Tribal Council Officer charged with keeping the minutes of Tribal Council meetings. Article VII, § C (2) of the Constitution enumerates all of the duties that the Secretary is charged.
25. **Statute:** A law duly enacted by the Tribal Council pursuant to Constitution article VII, § D.
26. **Treasurer:** The Tribal Council Officer charged with submitting an annual report to the Tribal Citizenship at its annual meeting. Article VII, § C (3) enumerates all of the duties that the Treasurer is charged.
27. **Tribal Council:** The legislative body described in Article VII, § A of the Constitution.

28. **Tribal Councilor:** A person elected to the Tribal Council pursuant to the process described in article XII of the Constitution.
29. **Tribe:** The Little Traverse Bay Bands of Odawa Indians.

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

1. **Regular Council Meetings.** Those meetings of the Tribal Council, at which official business is transacted in accordance with article VII, § J (4) of the Constitution.
 - a. **Set by Resolution.** The date and location for all regular meetings of the Tribal Council shall be set by Resolution at the last Regular Meeting of each calendar year.
 - b. **Publication and Notice.** The schedule of Regular Meetings shall be published by the Tribal Council staff on a quarterly basis and shall be posted at the Tribal government offices, on the Tribal government website, and in the Tribal newspaper.
 - i. **Sufficiency of Notice.** Notice shall be considered given upon the passage of a Resolution establishing the date and location for all Regular Meetings.
 - c. **Change in Meeting Schedule.** Change may be made in the date or time for any Regular Meeting by Resolution of the Tribal Council. Notice of any changes in the meeting schedule shall be published in the locations set out in article V, § 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 offices. 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. **Legislative Leader, Tribal Council; Written Submission Required.** The Legislative Leader or Tribal Council majority may call a Special Meeting by submitting a written Call for a Special Meeting to the Secretary. A Call for a Special Meeting must be signed by the person(s) authorized to call a meeting, and shall state the purpose of the Special Meeting, together with the date and time such request was submitted to the Secretary.
 - 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

- 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.** An emergency meeting of the Tribal Council may be called by the following persons:
- i.** Legislative Leader.
 - ii.** A supermajority of the Tribal Council, which shall be seven (7) of nine (9) Tribal Council members.
 - A.** A Request for an Emergency Meeting may be presented by one (1) Tribal Council member with written support of at least six (6) other Tribal Council members.
 - B.** When a Request for an Emergency Meeting is made by a supermajority of Tribal Council, the Secretary, or the Secretary'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 supermajority of Tribal Council may call an Emergency Meeting by:
- i.** Submitting a written Request for an Emergency Meeting to the Secretary. 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 Secretary and within a reasonable time thereafter submitting a written statement to the Secretary indicating why an Emergency Meeting was necessary.
- c. Scheduling.** An Emergency Meeting of the Tribal Council shall be scheduled by the Secretary upon receipt of Call for an Emergency Meeting which complies with article V, § 4(b)(i) or (ii) of this Policy. The Secretary, or the Secretary'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 § V(2)(e) notice shall be considered given.
 - B.** An electronic mail containing all the elements required by § V(2)(e) is

- sent to an email address provided by a Tribal Council member; or
- C.** An electronic facsimile containing all the elements required by § V (2)(e) 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 government offices, 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 a matter under consideration by the Tribal Council.
- a. Set by Legislative Office Manager.** The schedule for work sessions shall be set by the Legislative Officer Manager.
- i. Requested by Tribal Council.** Work sessions may also be requested by a majority of the Tribal Council members at a meeting where there is a quorum.
- ii. 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.
- b. Notice.** The Legislative Office 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.
- c. 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 offices, on the Tribal government website, and in the Tribal newspaper.
- d. 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 offices and published in the Odawa Trails or other Tribal publication when feasible.

V. TRIBAL COUNCIL MEETING AGENDAS

1. Setting the Agenda.

- a. Agenda Requests.** Any Tribal Councilor, the Executive, or Tribal citizen may request consideration and action by the Tribal Council by completing an agenda request form and submitting such form to the Legislative Office. Agenda requests should include the following supporting information:
- i.** A description of the issue (including any supporting documentation);
- ii.** Whether any action (motion, resolution, statute, etc.) is requested;
- iii.** The need for such action;
- iv.** The Tribal Council’s authority for such action (i.e. Constitutional authority,

- statutory authority, etc.);
 - v. Whether the action requested is addressed by existing Resolutions, Statutes, or policies;
 - vi. How any proposed action would be implemented; and the persons who would be responsible for implementing any proposed action.
- b. Agenda Request forms.** The Legislative Office shall develop any forms necessary to implement article VI, § 1 and shall notify Tribal citizens and Tribal government 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.
- i. Notice.** Notice of the availability of agenda request forms shall be posted at the Tribal government offices and published in the Odawa Trails or other Tribal publication, including the Tribal website.
- c. Submission of Agenda Request.** Agenda requests shall be submitted to the Legislative Office at least ten (10) days prior to a regularly scheduled Tribal Council meeting.
- d. Amendment of the Agenda.** The agenda may be amended according to the procedures set out in article VII, § 2 of this Policy.
- e. Carry-over Agenda.** Any item placed on the Tribal Council agenda which is not acted on, or tabled prior to the conclusion of the meeting shall be carried-over to the next meeting's agenda.
- f. Exceptions.**
- i. Closed Session:** A request for Closed Session may be made by any member of the Tribal Council, or by the Executive Branch. The general item, matter, or issue (i.e. legal matter, confidential business, personnel, etc.) that will be discussed in Closed Session shall be placed on the agenda.
- 2. Agenda for Regular Meetings.** The agenda items for all regular meetings shall be limited to those items placed on the proposed agenda; provided, however, that Tribal Council may amend the proposed agenda prior to adopting it.
- 3. 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 article V, § 2(e) of this Policy.
- 4. Agenda for Emergency Meetings.** The agenda items for all Emergency Meetings shall be limited to those specific items which necessitated an Emergency Meeting.

VI. TRIBAL COUNCIL GENERAL SESSION AGENDA

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

1. General Session:

- I. Call to Order
 - a. Opening Ceremony
 - b. Roll Call
 - c. Adoption of Agenda

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- d. Approval of Minutes
- e. Phone Polls
- II. Elder's Report
- III. Carry-over Agenda Items
- IV. Resolutions, Regulations, Policies
 - a. Tribal Resolutions
 - b. Tribal Council Resolutions
 - c. Tribal Codes of Regulation
 - d. Policies
- V. Proposed Legislation
- VI. Draft Statutes
- VII. Legislative Reports
 - a. Legislative Leader Report
 - i. Executive Report
 - b. Secretary Report
 - c. Treasurer Report
 - d. Legislative Committees Reports
 - e. Tribal Council Member Reports
 - f. Legislative Services Attorney Report
- VIII. Closed Session (as needed)
- IX. General Session Resumes
 - a. Other Items of Business
- X. Adjournment

2. Special Meetings:

- I. Call to Order
 - a. Roll Call
 - b. Adoption of Agenda
 - c. General Session
 - i. Discussion and action limited to purpose(s) for which the Special Meeting was called.
- II. Closed Session (as needed)
- III. General Session Resumes
- IV. Adjournment

VII. TRIBAL COUNCIL MEETING MINUTES

1. Purpose.

- a. 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 Tribal Council 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 Tribal Council 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 officials and staff present; and
 - viii. list of Guests present.
- c. The body of the minutes 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 person making 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 Councilor; 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.
 - ii. topics of discussion that appear on the agenda and each paragraph will contain:
 - a) the name of the Tribal Councilor 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.
 - iii. Tribal Elders Comment/Public Comment, and each paragraph will contain:
 - a) the name of the Tribal elder/citizen addressing the Tribal Council;

- b) the subject matter, 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) time entering Closed Session; and
 - b) time returning to Open Session.
 - v. notation for the time of arrival to the meeting and final departure from the meeting of the Tribal Councilors, but not for Tribal Councilors leaving the assembly for short periods;
 - vi. notation of recesses taken during the meeting; and, finally
 - vii. the time of adjournment.
- d. The certification, by signature of the Tribal Council Secretary, the date of certification, and the application of the Tribal Seal by the Tribal Council Secretary.

VIII. 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 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 shall call Tribal Council meetings to order.
- d. The starting time of Regular Meetings that is currently in effect at the time of adoption of this Policy shall remain in effect until they are changed in accordance with the procedures set out in this Policy.

2. Roll Call.

- a. The Secretary shall take 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 a quorum.

3. Adoption of Agenda.

- a. The proposed agenda for that meeting shall be adopted by a majority vote.
 - i. Upon adoption the proposed agenda shall be considered the official agenda of the meeting.
- b. The proposed agenda may be adopted as presented or adopted with amendment.
 - i. Tribal Council members may amend the proposed agenda by adding or removing items from the proposed agenda.
 - ii. An amendment to the proposed agenda must be approved by a majority of the Tribal Council present at the meeting.
 - iii. The agenda for Special Meetings and Emergency Meetings shall not be amendable.

- c. Only items appearing on the official agenda shall be addressed during the meeting.
 - i. **Exceptions:** Items which are not on the official agenda that relate to an issue or matter which threatens or jeopardizes the health, safety, or general welfare of the Tribe or its citizens may be addressed during the meeting if:
 - a) A majority of the Tribal Council members present at the meeting determine that the proposed item meets the requirements of Article VII § (j)(i); and
 - b) A motion is passed which allows the item to be discussed.
- 4. Adoption of minutes.**
- a. The minutes of the previous regular meeting may be approved as presented or approved with amendment.
 - i. Tribal Council members may propose to amend the minutes by adding or deleting material from the presented minutes.
 - ii. An amendment to the presented minutes must be approved by a majority of the Tribal Council members present.
 - b. The minutes of the previous Regular Meeting of Tribal Council shall be approved by a vote of the Tribal Council members present.
 - i. Upon approval the presented minutes shall be considered the official minutes of the previous meeting.
- 5. Carry-over Agenda Items.**
- a. Any items which were not acted on or tabled from the previous meeting may be acted upon by the Tribal Council at the next regular scheduled meeting.
 - b. Items in the Carry-over Agenda may be tabled.
- 6. Resolutions, Regulations, Policies.**
- a. Each Tribal Resolution, Tribal Council Resolution, Tribal Code of Regulation, and Policies on the agenda for consideration shall be introduced by the Legislative Leader or shall be presented by a Tribal citizen, Tribal Council member, or Executive Branch who submitted the Resolution, Tribal Council Resolution, Tribal Code of Regulation, or Policy to the agenda.
 - b. The Legislative Leader shall then entertain discussion, and/or motions for action, on the agenda items under consideration.
- 7. Proposed Legislation.**
- a. Each piece of proposed legislation on the agenda for consideration shall be introduced by the Legislative Leader and shall be presented by the Tribal citizen, Tribal Council member, or Executive Branch who submitted the proposed legislation to the agenda.
 - b. The Legislative Leader shall then entertain discussion, and/or motions for action, on the agenda items under consideration.
- 8. Legislative Reports.**
- a. **Legislative Leader.**
 - i. The Legislative Leader report should discuss the compliance of the Executive Branch with Resolutions, Regulations, and Statutes that have been adopted, approved or enacted by the Tribal Council.
 - ii. The Legislative Leader report should also discuss any matter or issue relevant to the functions delegated to the Tribal Council in the Constitution.

- iv. **Resolutions; Motions; Other Actions.** Resolutions, motions, or other actions taken during a Closed Session shall be disclosed to the public in accordance with article X of this Policy.
- h. **Adjournment.**
 - i. 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.

IX. ACTION BY THE TRIBAL COUNCIL

1. **Action by Statute.** Under the following circumstances, the Tribal Council shall act by Statute:
 - a. When creating Commissions, Committees, or Board pursuant to Constitution article VII, § D (16).
 - b. When approving the sale or disposition of Tribally owned land pursuant to Constitution article VII, § D (13).
 - c. When levying taxes pursuant to Constitution article VII, § D (19).
 - d. When establishing lower courts pursuant to Constitution article VII, § D (21).
 - e. When approving a request by the Executive to create or dissolve an Executive division or department pursuant to Constitution article VII, § D (22).
 - f. When enacting a policy for waiving the Tribe's Sovereign Immunity pursuant to Constitution article XVIII § A.
 - g. In all cases where the Constitution specifies that Tribal Council action shall be taken pursuant to the creation or enactment of a law.
2. **Action by Resolution.** Under the following circumstances, the Tribal Council shall act by Resolution:
 - a. When approving or disapproving of policies, resolutions and regulations presented by the Executive in accordance with Constitution article VII, § D (2) and WOS 2005-015.
 - b. When adopting rules of conduct pursuant to Constitution article VII, § D (6).
 - c. When establishing rules and procedures allowing Tribal citizens to access government records pursuant to Constitution article VII, § D (7).
 - d. When purchasing, receiving by gift, or otherwise acquiring land, interests in land, personal property, or other intangible asset pursuant to Constitution article VII, § D(9).
 - e. When requesting that the government of the United States take land into trust for the benefit of the LTBB pursuant to Constitution article VII, § D(10).
 - f. When approving leases for lands owned by the Tribe or lands held in trust for the Tribe by the government of the United States pursuant to Constitution article VII, § D(12).
 - g. When employing legal counsel pursuant to Constitution article VII, § D (14).
 - h. When approving the filing of lawsuits in the name of the Tribe pursuant to Constitution article VII, § D (15).
 - i. When approving negotiations with other governments, businesses or individuals pursuant to Constitution article VII, § D (23).

X. 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.
- 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 Councilor may make a motion to move to 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 article 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 shall be kept of all Closed Sessions. These minutes 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 Legal Department may be authorized to access the minutes of closed sessions by a Tribal Resolution adopted 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 a super-majority seven (7) of nine (9) 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 a super-majority seven (7) of nine (9) 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 article X, § 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.