

TRIBAL CODE

CHAPTER 96

OPEN MEETINGS ORDINANCE

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HISTORY NOTE:

Current Ordinance:

Resolution 2013-130, adopted June 3, 2013, adopts Tribal Code Chapter 96: Open Meetings Ordinance, effective immediately, and rescinds all earlier Open Meetings Ordinances.

Prior Ordinances:

Enacted on November 21, 2001, by Resolution 2001-169 adopting Tribal Code Chapter 96: Open Meetings Ordinance, effective immediately.

Amendments:

Resolution 2023-204, adopted June 20, 2023, amends Section 96.108 Orderly Meetings.

Resolution 2006-89, adopted July 11, 2006, amends §96.104 Open Meetings and § 96.105 Closed Sessions.

Tribal Code

CHAPTER 96:

Open Meetings Ordinance

96.101 Purpose and Authority.

The purpose of this Chapter is to give Tribal members the opportunity to attend and address meetings of the Board of Directors, to preserve confidentiality in certain areas of tribal government and business operations, and to protect the privacy of individuals. Authority for this Chapter is Article 1 of the Tribal By-laws.

96.102 Scope.

This Chapter shall govern meetings of the Board of Directors pursuant to Article 1 of the Tribal By-laws.

96.103 Definitions.

For purposes of this Chapter, certain terms are defined in this Section. When not inconsistent with the context, words used in this present tense include the future, words in the singular number, include the plural number, words in the plural include words in the singular, and words in the masculine gender include the feminine gender. The word shall is always mandatory and not merely directory.

(1) Board or Board of Directors shall mean the governing body of the Tribe as established by Article IV, Section 1 of the Constitution and Bylaws of the Sault Ste. Marie Tribe of Chippewa Indians.

(2) Board Workshop shall mean a meeting of the Board of Directors that is noticed as a Workshop and is held under relaxed parliamentary rules for the purpose of informal discussion of issues.

(3) Closed Session shall mean any portion of a meeting or workshop which is closed to Tribal members under Section 96-105 of this Chapter.

(4) Tribal Member shall mean a person enrolled in the Tribe as certified by the Tribal registrar.

(5) Regular Meeting shall mean a meeting held by the Board of Directors, pursuant to Article 1, Section 1 of the By-laws, for the purpose of considering and deciding matters

brought before the Board of Directors. All Regular Meetings shall be open to the Tribal members except for those portions that are closed pursuant to Section 96-105 of this Chapter.

(6) Special Meetings shall mean a meeting that is called by the Chairperson, or by a majority vote of the Board of Directors pursuant to Article 1, Section 2 of the By-laws..

(7) Tribe shall mean the Sault Ste. Marie Tribe of Chippewa Indians.

96.104 Open Meetings.

(1) Except to the extent that a Closed Session is authorized by Section 96-105 of this Chapter, all Regular Meetings, all Special Meetings, and all Board Workshops shall be open to Tribal Members.

(2) The Board shall make no binding decision, and take no votes except in open session at a Regular or Special Meeting and the Tribal Members in attendance shall be entitled to know the subject matter and outcome of each vote taken.

(3) No votes may be taken and no binding decisions may be made at a Board Workshop. The Board of Directors may, as a courtesy to Tribal Members, agree in advance to set aside specific portions of a Workshop for Closed Session matters in which case it shall provide advance notice of these closed sessions in the written notice of the Workshop; in the event that such notice is given, the Board shall limit its discussion to Closed Session items during these time periods and shall not discuss any matters required to be addressed in Open Session until the time noticed for the Open Session has arrived.

(4) The section does not preclude the Board, when acting in a Closed Session, from voting on and deciding purely procedural motions such as a motion to adjourn or recess the closed session, a motion to table an item, limit debate, call the question, and other similar procedural motions related to the orderly conduct of the meeting or workshop.

96.105 Closed Sessions of Board Meeting.

Portions of a Regular or Special Board meeting or Board Workshop may be closed to attendance by Tribal Members by affirmative vote of the Board, for any of the following purposes;

(1) To provide a Tribal Member or employee with the opportunity to discuss a personal or sensitive issue, concern or idea with the Board of Directors.

(2) To consider a complaint or allegation against a Board member, officer, employee, volunteer, contractor or agent of the Tribe;

(3) To consider any personnel matter involving an individual tribal employee;

(4) To consider any matter involving an individual Tribal Member's eligibility for any tribal program or service;

(5) To consider the acquisition or disposition of a business or real property;

(6) To consult with the Tribal Legal Department or other legal counsel regarding potential or current litigation; or any matter subject to attorney-client privilege;

(7) To consider the finance, operation or management of a business;

(8) To consider a matter which is required to be maintained as confidential pursuant to applicable law, including federal law or state law;

(9) To consider a matter, including, but not limited to, an enrollment matter, when the Board of Directors determines that the need for confidentiality outweighs the need for immediate public disclosure.

96.106 Tribal Member Participation.

(1) Any Tribal Member who wishes to address the Board at a Regular Meeting of the Board of Directors may do so by completing a request form and filing it with the Board Secretary at the beginning of the meeting. A Tribal Member who requests to do so will be permitted a reasonable opportunity to speak before the Board.

(2) Tribal Member participation is at the discretion of the Board, and may take place in closed session upon request of the member or at the discretion of the Chairperson. The Tribal Member must confine his or her comments to the issue identified in his request. Disrespectful or disruptive conduct will not be permitted. Tribal Members should be brief and should refrain from remarks which are repetitious of previous statements.

(3) Job related issues or grievances relating to individual tribal employees should be raised by the employee pursuant to established personnel and grievance policies and not as Tribal Member participation at Board of Directors meetings.

96.107 Minutes of Closed Sessions.

The Secretary shall maintain minutes of any Closed Session held during a Regular or Special Meeting in accordance with the ordinary practice. The minutes shall be included in the minutes of the Regular or Special Meeting of which the Closed Session was a part. In its discretion, the Board of Directors may redact or seal minutes of Closed Session to protect privacy, confidentiality or privilege if the circumstances warrant. Sealed minutes shall be official records of the Tribe but shall not be available for public inspection while sealed.

96.108 Orderly Meetings.

Anyone whose behavior is disruptive or disrespectful may be ordered removed from meeting or workshop by the Chairperson and may be barred from attendance at Board meetings by action of the Board of Directors.

(1) Any individual ordered removed from a regular meeting, special meeting, or workshop by the Chairman shall be deemed to be barred from attending regular meetings, special meetings, and workshops as follows:

- (a) 1st Offense; 30 days
- (b) 2nd Offense; 60 days
- (c) 3rd Offense; 90 days

(2) Any individual removed from a regular meeting, special meeting, or workshop by Law Enforcement under their general powers to keep the peace shall be deemed removed pursuant to Section 96.108 and will be barred from attending regular meetings, special meetings, and workshops as follows:

- (a) 1st Offense; 30 days
- (b) 2nd Offense; 60 days
- (c) 3rd Offense: 90 days

96.109 Non-member Attendance at Board Meeting.

Persons who are not Tribal Members may attend Board meetings at the discretion of the Chairperson or the Board.

96.110 Recordation of Board Meeting.

Audio or video recording or photography is permitted at Board of Directors meetings only with the prior permission of the Chairperson or the Board.

96.111 Release of Confidential Information.

(1) All information disclosed and all discussions held during a closed session shall be considered strictly confidential and shall not be disclosed or released to third parties or outside the normal course of business without the prior approval of the Chairperson, the Board of Directors, or the Legal Department.

(2) Unauthorized release by an employee of confidential information from a closed session, shall constitute grounds for disciplinary action under applicable personnel policies.

(3) Unauthorized release by the Chairperson or by a member of the Board of Directors of confidential information from a closed session shall constitute grounds for a resolution of censure by the Board of Directors. A resolution of censure may suspend or terminate any of the rights or privileges of the individual's office, including compensation and reimbursement of expenses except that a resolution of censure shall not suspend the right to be present and to participate in Board meetings. Adoption of a resolution of censure under this chapter shall require a positive majority vote of the Board of Directors.

(4) These provisions are supplemental to and not in derogation of any other sanctions available under law, including Article VI of the Tribal Constitution.