

ORDINANCE NO. 19

GOVERNMENTAL CONDUCT AND PROCEDURES ACT

STATEMENT OF PURPOSE. An Ordinance to regulate the activity of the Saginaw Chippewa Tribal Council, and appointed commission and boards.

BE IT ENACTED, by the Saginaw Chippewa Tribal Council as follows:

SECTION 1. Short Title. This Ordinance may be cited as the Governmental Conduct and Procedures Ordinance of the Saginaw Chippewa Indian Tribe of Michigan.

SECTION 2. Authority. The authority for the creation of this Ordinance is set out in Article VI Section 1(i) of the amended Tribal Constitution of November 4, 1986, which provides that the Tribal Council has the power to regulate Tribal Council procedures and conduct.

SECTION 3. Duties and Responsibilities of Tribal Council Members. The government of the Saginaw Chippewa Indian Tribal of Michigan has been constitutionally delegated to the Tribal Council, which shall have and maintain all these powers so delegated in order to exercise initiative and to act responsibly in the exercise of the following general duties and responsibilities:

- a. Acting in the best interest of the Tribe at all times.
- b. Representing the tribal members to the best of their ability at all times.
- c. Being responsive to tribal members and their needs
- d. Placing the interest of tribal members above any personal interests at all times.
- e. Accepting responsibility to serve on committees when requested to do so, and carry out the duties of a committee member to the best of their ability.
- f. Attending all meetings of the Council, unless absence is excused for good cause, so that tribal members are fully represented.
- g. Keeping tribal members informed of all Tribal Council activities which are not of a confidential nature.
- h. A general report (entitled State of the Tribe) shall be prepared at the end of each calendar year to inform Tribal Members of the annual activities of the Tribal Council and Executive Board.
- i. Furnishing written reports covering any trip made off the reservation as a representative of the Tribal Council.
- j. Actively taking an interest and requiring progress reports of all programs being operated on behalf of the Tribe.
- k. Avoidance of political interference with operations of Tribal programs.

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- l. Questioning any matter not understood, or which is not in the best interests of the majority of Tribal members.
- m. Fully participating in all Council and committee meetings, so that individual views as well as that of the Tribal membership are represented and made known as a matter of record on all major issues.
- n. Carrying out all other duties required of an elected official by the Tribal Constitution as well as delegated responsibilities which may be assigned by the Chief, to the best of their ability.

SECTION 4. Tribal Council Officers. The officers of the Saginaw Chippewa Tribal Council shall be the:

- a. Tribal Chief;
- b. Tribal Sub-Chief;
- c. Tribal Council Secretary;
- d. Tribal Council Treasurer;
- e. Tribal Council Sergeant-at-arms; and
- f. Tribal Council Chaplain

SECTION 5. Executive Council. The Executive Council shall be made up of the:

- a. Tribal Chief;
- b. Tribal Sub-Chief;
- c. Tribal Council Secretary; and
- d. Tribal Council Treasurer.

SECTION 6. Duties and Responsibilities of Council Officers. The duties and responsibilities of the Council officers shall be:

- a. Tribal Chief:
 - 1. To preside over meetings of the Tribal Council.
 - 2. To perform the usual duties of an presiding officer.
 - 3. To exercise any authority delegated by the Tribal Council.
 - 4. To countersign all checks drawn by the Treasurer.
 - 5. To act as an ex-officio member of all Tribal boards and committees.
 - 6. To vote at Tribal Council meetings only in case of a tie.
 - 7. To act as the chief executive officer of the Tribal government.
- b. Tribal Sub-Chief:
 - 1. To assist the Tribal Chief.
 - 2. To preside in absence of the Tribal Chief.
 - 3. When presiding the Tribal Sub-Chief shall have all the rights, privileges, duties and responsibilities of the Tribal Chief.

- c. Tribal Council Secretary:
 - 1. To conduct all correspondence of the Tribal Council.
 - 2. To keep an accurate record of all proceedings of Tribal Council meetings.
 - 3. To keep an accurate record of all proceedings of the Executive Council.
- d. Tribal Treasurer:
 - 1. To receive, receipt for, and safeguard all funds in the custody of the Tribal Council.
 - 2. To deposit all funds in such a depository as the Tribal Council shall direct.
 - 3. To make and preserve a faithful record of all funds.
 - 4. To report on all receipts and expenditures.
 - 5. To report the amount and nature of all funds.
 - 6. The Treasurer is forbidden to pay out or otherwise disburse any funds, except in accordance with a resolution duly passed by the Tribal Council.
 - 7. To give a bond satisfactory to the Tribal Council and to the Bureau of Indian Affairs when required for the handling of federal funds.
- e. Tribal Sergeant-at-Arms:
 - 1. To preserve order at Tribal Council meetings.
 - 2. To execute commands of the Tribal Council as necessary.
- f. Tribal Chaplain:
 - 1. To conduct religious exercises on behalf of the Tribal Council.

SECTION 7. Meetings of Tribal Council.

- a. The Tribal Council shall have regular Tribal Council meetings each month of the year, with the day of the month and the time to be set a majority of the Tribal Council or by a date otherwise determined by the Tribal Chief [This subsection was amended on July 11, 1990 pursuant to Tribal Resolution 90-090.
- b. Special meetings may be called by the Tribal Chief or by a majority of the Tribal Council.
- c. The Tribal Council shall have the power only to transact business if at least seven members (quorum) are in attendance at a regular or special meeting.
- d. Frequent and continued unexcused absences from Tribal Council meetings by any Tribal Council member, may constitute neglect of duty pursuant to Article IV Section 14(a) of the Tribal Constitution.
- e. The official records of Tribal Council and Executive Board

meetings shall be embodied in the approved Tribal Council and Executive Board minutes. Tribal Council and Executive Board minutes should be prepared and presented for approval within one month of the meeting.

- f. Approved Tribal Council and Executive Board minutes shall be posted and made available for review by Tribal members.

SECTION 8. Council Members Compensation and Benefits.

- a. Tribal Council members shall be compensated as follows:
 - 1. One Hundred Dollars (\$100) for attendance at regular meetings.
 - 2. Fifty Dollars (\$50) for attendance at special meetings.
 - 3. Ten Dollars (\$10) for attendance at a Executive Board meeting during a month.
- b. Unless compensation is fixed as defined in this section, compensation shall be available to a Council member only if the Council member is in attendance within the first 15 minutes of the meeting, inclement weather excluded. Compensation will be reduced or disallowed if the member fails to stay at the meeting until adjournment, unless such absence is caused by that member's other duties or employment.
- c. Compensation may be fixed from time to time by a 3/4 vote of the Council. "Fixed" shall mean full-time employment status with the same health care benefits available to employees under the Tribal Personnel Policies or shall mean any other fixed wage determined by the Tribal Council not otherwise in conflict with the provisions of this Ordinance or the Tribal Constitution.
- d. Council members having to travel over 20 miles to attend a Council meeting or committee meetings shall be reimbursed pursuant to the Tribal travel policies and procedures. A Council Member whose compensation is fixed shall not be eligible for reimbursement for travel or mileage expenses for travel to and from the Council Member's residence and Tribal Council offices.
- e. Council members will be reimbursed for all travel made in behalf of the Tribe pursuant to the tribal travel policies and procedures.
- f. Council members employed by non-tribally run businesses shall be reimbursed for days taken off on behalf of the Tribe on the basis their regular pay scale. To obtain reimbursement Council members must provide verification from their employers of the amount of the wages lost and non payment thereof.

SECTION 9. Council Development. The Tribal Council members have a duty and obligation to pursue their education and enhance their knowledge, in order to be a responsible member of government. In keeping with this, all Council members shall endeavor

to continue their education and attend special Council sessions designated for that purpose.

SECTION 10. Council Conduct and Discipline.

- a. Misconduct of Tribal Council members may lead to their removal from office for any of the following reasons:
 1. Neglect of duty;
 2. Misconduct in office;
 3. An offense involving dishonesty; and
 4. If found guilty of any offense against the Tribal Code involving moral turpitude.
- b. A Tribal Council member may be censured by the Tribal Council for neglect of duty or other misconduct in as outlined in subsection (a) above. Such censure shall be recorded in the minutes of the meeting the censure is taken, and be taken only by a two thirds vote of the Council.
- c. In the event that a Council member is found to be in violation of subsection (a) above, the Tribal Council may elect by a two thirds vote to place that member on probation for such neglect or misconduct for a term specified by the Tribal Council. Such Probation will be allowed on a one time basis only and such probation shall be recorded in the minutes of the meeting in which the member is placed on probation.
- d. Tribal Council members may be removed from office by the following methods:
 1. A vote of two thirds of the members of the Tribal Council members voting.
 2. Through a special election held upon receipt of a petition of 30% of the eligible voters within the voting district of the Tribal Council members concerned pursuant to Article IV Section 14(a) of the Amended Tribal Constitution.
- e. In the event that removal action is commenced under subsections (a) or (d) of this Section, the Tribal Council member accused of misconduct shall have at least twenty (20) days notice by the Tribal Council Chief or Secretary prior to their meeting in order to have the opportunity to be heard and present evidence at that meeting, or in the alternative the Council member may to tender a written resignation.
- f. Removal or resignation of a Tribal Council member must be recorded in the minutes of the meeting in which the Council member was removed or resignation was received and accepted.

Ordinance No. 19 was enacted on February 11, 1988; Section 7(a) amended by Resolution 90-090 on July 11, 1990; Section 8(a) amended by Resolution _____ on March 22, 1994; Section 8(c) amended by Resolution 04-038 on December 22, 2003; Section 8(b) and 8(d) amended by Resolution 10-048 on January 6, 2010.

January 6, 2010.