



KAW NATION TRIBAL COUNCIL

RULES OF PROCEDURE

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KAW NATION TRIBAL COUNCIL

RULES OF PROCEDURE

Chapter 1 **PURPOSE**

The Tribal Council serves as the Legislative Branch of the Kaw Nation. The purpose of these Rules of Procedure is to establish a uniform process which will promote effective Tribal Council performance, facilitate orderly and productive meetings and establish clear expectations of members of the Tribal Council. These Rules of Procedure may be amended only by approval of the Tribal Council, followed by approval of the General Council.

Chapter 2 **DEFINITIONS OF TERMS USED IN THESE RULES OF PROCEDURE**

- A. **“Ab initio”** - shall mean from the beginning.
- B. **“Absences”** – shall mean the time interval during which somebody is away.
- C. **“Abstain”** - shall mean not voting on the matter before the Tribal Council.
- D. **“Acting Chair”** - shall mean the person serving in the capacity of the Chair in his or her absence.
- E. **“Acting Secretary”** - shall mean the person serving in the capacity of the Secretary in his or her absence.
- F. **“Comments from Tribal Citizens”**- shall be limited to a cumulative total of ten (10) minutes per meeting.
- G. **“Conflict of Interest”** – shall mean a situation in which a Member of the Tribal Council has a private or personal interest sufficient to influence the objective exercise of his or her official duties including, but not limited to, a situation in which the Member of the Tribal Council stands to gain financially, unless the benefit or loss is shared by other citizens.
- H. **“Correspondence”** - shall mean all correspondence issued by the Kaw Nation in its daily operations which does not involve decisions of the Tribal Council.
- I. **“Director”** – shall mean each employee of the Kaw Nation who is responsible for one of the Kaw Nation Departments depicted on the Kaw Nation Organizational Chart.
- J. **“Entities owned by the Kaw Nation”**- shall mean all entities, of whatever nature, in which the Kaw Nation owns a majority interest.
- K. **“Excused Absence”** - shall mean not being present for a meeting with the approval of a majority vote of the Tribal Council.

- L. **“Executive Session”** - shall mean a portion of a Tribal Council meeting or session in which only Tribal Council Members and their invited guests are in attendance. Executive Sessions are intended to permit Tribal Council Members and invited guests to engage in open and frank discussion regarding matters that require confidentiality, involve proprietary business matters, personnel or litigation and/or litigation strategy. While in Executive Session neither minutes nor official notes are to be taken. Communication made while in Executive Session will not be discussed outside of Executive Session. Resolutions, motions or other actions taken during Executive Session shall be disclosed following Executive Session and shall be recorded in the meeting minutes.
- M. **“General Council”** – shall consist of all Citizens of the Kaw Nation, not adjudged mentally incompetent by a court of competent jurisdiction, and who are eighteen (18) years of age or older.
- N. **“Germane”** – shall mean relevant to a subject under consideration.
- O. **“Governmental Boards”, “Governmental Commissions”, “Governmental Committees”** – shall mean a body of appointed members granted certain powers or the authority to carry out a particular task or duty as assigned by the Kaw Nation Tribal Council.
- P. **“Immediate Family”** – shall mean spouse, mother, father, grandmother, grandfather, brother(s), sister(s), aunt(s), uncle(s), son(s), daughter(s), niece(s), nephew(s), grandson(s), granddaughter(s), biological or adopted.
- Q. **“Legislation”** – shall mean the law or act which is proposed to the Tribal Council for approval.
- R. **“Legislative Branch”** – shall mean the elected law-making branch of the Kaw Nation government.
- S. **“Official correspondence”** - shall mean all correspondence involving decisions of the Tribal Council.
- T. **“Official Roll of the Citizens of the Kaw Nation”** – shall mean the roll of citizens of the Kaw Nation created pursuant to Article III of the Kaw Nation Constitution and the Kaw Nation Membership Ordinance.
- U. **“Official Tribal Record(s)”** shall mean any books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, electronic data, or other documentary materials regardless of physical or electronic form or characteristics which are prepared, owned, received, or retained by governmental entities of the Kaw Nation and where all the information in the original is reproducible. Unless otherwise provided by law, Official Tribal Record(s) shall not mean materials that are legally owned by an individual in his or her private capacity that may be present on tribal property whether used by any such individual in the performance of his or her duties; materials, including computer programs, to which access is limited by laws of copyright or patent unless the copyright or patent is owned by a Kaw Nation governmental entity; books and other materials that are catalogued, indexed, or inventoried, and contained in the collections of libraries or museums open to the public or which can be obtained via the internet; daily calendars and other personal notes prepared by the employee for the employee’s personal use or for the personal use of an employee for whom he or she is working; junk mail or commercial publications received by a governmental entity or an official or employee of a governmental entity; computer programs

that are developed or purchased by or for any Kaw Nation governmental entity for its own use; notes or internal memoranda prepared as part of the deliberative process by a member of the judiciary, or its employees, or any other body, board or agency charged with performing a quasi-judicial function; electronic mail; text messages by mobile telecommunication devices; personal financial information, credit reports, or other financial data obtained by or submitted to a Kaw Nation governmental entity for the purpose of evaluating credit worthiness, obtaining a license, permit or for the purpose of becoming qualified to contract with a Kaw Nation governmental entity; home addresses, home telephone numbers, email addresses, and personal tribal records, other than names of tribal members held by the Membership Committee; a medical record, including financial charges, of any person held by any tribal official or employee for any purpose; responses to surveys obtained by or received by a governmental entity if such response can be identified to a particular individual; any communication protected by attorney-client privilege.

- V. **“Ordinance”** – shall mean an authoritative regulation, decree or law approved by the Tribal Council.
- W. **“Quorum”** – shall mean that five (5) members of the Tribal Council shall constitute a quorum.
- X. **“Regulation”** – shall mean a rule, principle, or condition that governs procedure or behavior.
- Y. **“Resolution”** - shall mean a formal statement of a decision of the Tribal Council.
- Z. **“Robert’s Rules of Order”** – refers to the latest edition of the publication known as Robert’s Rules of Order and shall be used as a parliamentary guide.
- AA. **“Tribal Citizen”** – shall have the same meaning as provided for in the Constitution.
- BB. **“Tribal Council Member”** or **“Members”** – shall mean any one or all of the following persons elected pursuant to Article IX of the Kaw Nation Constitution and who has not resigned nor been removed from office: Chair, Vice-Chair, Secretary and four (4) Tribal Council Members.
- CC. **“Tribal Council”** - shall be composed of the following officers of the Kaw Nation: Chair, Vice-Chair, Secretary and four (4) Tribal Council Members.
- DD. **“Veto”** – shall mean the vested power or constitutional right of the Chair pursuant to Article V, Section 3 of the Kaw Nation Constitution to disapprove of legislation passed by the Tribal Council.

Chapter 3 TRAINING & ORIENTATION OF ELECTED OFFICIALS

- A. Following each election to the Tribal Council, the newly elected Members shall attend a training session on the Kaw Nation Constitution and the Kaw Nation Tribal Council Rules of Procedure to be arranged by the Kaw Nation Attorney General.
- B. Tribal Council Members shall have the opportunity to attend additional training available through outside vendors subject to availability of funds.

1. All materials received by members as a result of their attendance of these training sessions shall be the property of the Kaw Nation and copies of the materials shall be distributed to all members of the Tribal Council.

Chapter 4 DUTIES & RESPONSIBILITIES OF THE TRIBAL COUNCIL

A. Chair

1. The Chair shall perform all duties required by the Kaw Nation Constitution.
2. The Chair shall conduct the business and the day-to-day operations of the Kaw Nation.
3. The Chair or a designee shall approve all correspondence issued by the Kaw Nation.
4. The Chair or a designee shall sign all official correspondence of the Kaw Nation.
5. The Chair shall call for and preside over all meetings of the Tribal Council and General Council.
6. The Chair and the Tribal Council Secretary shall be responsible for preparing an agenda for all Tribal Council and General Council Meetings.
7. The Chair shall provide a courtesy notification, written or electronically, of events the Chair has been invited to attend on behalf of the Kaw Nation to all Tribal Council Members.
8. If the Chair has been asked to attend an event in the official capacity as Chair of the Kaw Nation and is unable to attend, the Chair shall first extend an offer to the Vice-Chair to attend the event. If the Vice-Chair is unable to attend, the Chair shall extend the offer to the Secretary and then the remaining members of the Tribal Council.
9. The Chair shall be responsible for sending out correspondence announcing the appointment of individuals to Kaw Nation Governmental Commissions, Governmental Boards, Governmental Committees, Judges and Justices of the Kaw Nation Courts which shall include the date appointed and the length of the term.
10. The Chair shall be responsible for sending out correspondence announcing the appointment of individuals to all Boards, Commissions and Committees for all entities owned by the Kaw Nation which shall include the date appointed and the length of the term.

B. Vice-Chair

1. The Vice-Chair shall perform all duties required by the Kaw Nation Constitution.

C. Secretary

1. The Secretary shall perform all duties required by the Kaw Nation Constitution.
2. The Secretary or a designee, in the inability to perform or incapacity of the Secretary, shall prepare and maintain minutes of all meetings of the Tribal Council and General Council.
3. The Secretary, in collaboration with the Chair, shall be responsible for the preparation of agendas for all meetings of the Tribal Council and General Council.

4. The Secretary shall be responsible for posting the notice for all Tribal Council and General Council Meetings no less than five (5) days prior to the meeting.
 - (a) Notice shall be posted at Kaw Nation Headquarters in Kaw City, Kanza Health Clinic in Newkirk, and Kaw Housing Authority office in Newkirk.
 - (b) Notice shall be mailed to Tribal Council Members no less than five (5) calendar days prior to meeting, in addition to an electronic version.
 5. The Secretary shall perform the duties in an office at the Kaw Nation Headquarters during regular business hours.
- D. Tribal Council Members
1. The Tribal Council shall serve as the legislative body of the Kaw Nation and shall have the authority to act in and on all matters and subjects upon which the Kaw Nation is empowered to act, now or in the future, including but not limited to, the items identified in Article V Section 2 of the Kaw Nation Constitution.
- E. Standard of Conduct for Tribal Council Members
1. Tribal Council Members shall attend all meetings of the Tribal Council and the General Council unless excused by a majority vote of the Tribal Council. The following are excusable absences that do not require a majority vote of the Tribal Council:
 - (a) Any event where the Tribal Council Member is on official business of the Kaw Nation;
 - (b) Any military or jury duty;
 - (c) Illnesses that require hospitalization or where the Member is under the written advice of a physician not to attend a meeting;
 - (d) Hospitalization of an immediate family member;
 - (e) Funeral of an immediate family member.
 2. Absence without proper excuse for three (3) consecutive meetings of the Tribal Council or General Council is grounds for impeachment subject to Article XI Section 3.A.1 of the Constitution.
 3. Tribal Council Members shall conduct themselves professionally and ethically in all matters in accordance with the Tribal Official and Employee Ethics Ordinance and shall serve as positive role models. Members of the Tribal Council are always representatives of the Kaw Nation and should conduct themselves respectfully at all times (members are reminded that social networking sites are public and shall be maintained in a professional manner).
 4. Tribal Council Members shall not violate any Tribal or federal law, ordinance, resolution or regulation.
 5. Tribal Council Members shall not engage in the unauthorized disclosure, concealment, removal, mutilation or destruction of Tribal records, nor the copying of Tribal records for improper purposes.
 6. Individual Tribal Council Members shall not send correspondence or represent themselves as the official voice of the Kaw Nation without the written approval of the Chair or in accordance with a vote of the Tribal Council.
 7. Tribal Council Members shall disclose all gifts valued over \$150.00 received from vendors or potential vendors of the Kaw Nation or any business owned by the Kaw

Nation. The disclosure shall be in writing and shall be made to the Secretary within fifteen (15) days of the receipt of the gift. The disclosure shall include a description of the gift, its estimated value and the name of the vendor who presented the gift. Gifts received by the Secretary shall be disclosed to the Chair. Disclosure to Tribal Citizens shall be governed by the Freedom of Information Act.

8. Tribal Council Members shall be subject to periodic random drug and alcohol testing. The testing shall be conducted in the same manner as provided in Kaw Nation Personnel Policies for Government Employees, currently found in Section X and Section XI or as they may from time to time be amended. All notifications required therein shall be made to the Chair. Notification requirements applying to the Chair shall be made to the Attorney General.
 9. Tribal Council Members shall keep all information discussed in Executive Sessions of Tribal Council Meetings confidential.
 10. Abuse of power, such as using one's position to coerce, threaten, intimidate, or improperly influence a tribal citizen or tribal employee to provide personal, financial or political benefit to oneself or immediate family, or using someone they have business or financial ties to, or for any other purpose, or using one's official title in Tribal government to conduct personal business shall be prohibited.
 11. Tribal Council Members shall not misappropriate or misuse tribal funds or property.
 12. Tribal Council Members shall not disclose confidential information which he/she has acquired by reason of their position on Tribal Council.
 13. Tribal Council Members shall recuse themselves from all matters in which they have a conflict of interest.
 14. Tribal Council Members are expected to keep the workplace free from tensions involving matters which do not relate to the Kaw Nation's business. An atmosphere of tension caused by racial, sexual, ethnic or religious remarks, animosity, unwelcome sexual advances, or requests for sexual favors or other unwelcome conduct will not be tolerated.
 15. Tribal Council Members, excluding the Chair, shall not freely contact the Tribal Council Attorney for any matter which may or does require the cost to be incurred by the Kaw Nation without a majority vote of the Tribal Council or approval of the Chair.
- F. Expenses for approved travel and per diem for the attendance of Tribal Council Members at training sessions, seminars, orientations, symposiums or other official tribal business or functions, shall be paid as provided by the Kaw Nation Travel Policy in effect at the time the expense is incurred.

Chapter 5 MEETINGS

- A. All meetings of the Kaw Nation Tribal Council shall be held at a time and place required by the Kaw Nation Constitution. Notice of the meetings shall be posted as provided in the Constitution and as provided herein.

- B. A quorum of five (5) Tribal Council Members shall be maintained to conduct business.
- C. All matters shall be decided by majority vote of the Tribal Council Members present and voting.
- D. All meetings shall be conducted as provided by the Kaw Nation Constitution. To the extent they do not conflict with the Constitution and except as they have been modified by these Rules of Procedure, the latest edition of Robert's Rules of Order shall be used as a general parliamentary guide for all meetings.
- E. Open debate on issues before the Tribal Council is encouraged. However, non-germane personal reflections and/or personal attacks of any Tribal Council Member, General Council Member or guest shall not be tolerated. In the event the offending party continues the reflection and/or attack after having been warned by the Chair or Acting Chair, the offending party shall be removed from the meeting by a majority vote of the Tribal Council and escorted out by a Tribal Police Officer.
- F. There shall be an agenda for every meeting of the Tribal Council. The agenda shall be created by the Chair or Acting Chair and Tribal Council Secretary or Acting Secretary, and then posted by the Secretary or Acting Secretary as provided in Article VI of the Kaw Nation Constitution.
- G. The agenda for the regular monthly meetings may include, but shall not be limited to the following items:
 - 1. Call to Order
 - 2. Invocation
 - 3. Roll Call and Quorum
 - 4. Approval of Minutes
 - 5. Comments from Kaw Nation Tribal Citizens
 - 6. Reports from Directors
 - 7. Resolutions
 - 8. New Business
 - 9. Old Business
 - 10. Executive Session
 - 11. Adjourn
- H. The agenda for special meetings may include, but shall not be limited to the following items:
 - 1. Call to Order
 - 2. Invocation
 - 3. Roll Call and Quorum
 - 4. New Business
 - 5. Executive Session
 - 6. Adjourn
- I. Comments from Kaw Nation Tribal Citizens shall be germane to issues facing the Kaw Nation as a whole. Comments shall not contain personal reflections or personal attacks of any Tribal Council Member, General Council Member or guest. Kaw Nation Tribal Citizens desiring to address a meeting of the Tribal Council shall do so during time allotted for comments from Kaw Nation Tribal Citizens. Each Kaw Nation Tribal Citizen shall be

- limited to a cumulative total of ten (10) minutes to address the meeting after being recognized by the Tribal Chair or Acting Tribal Chair.
- J. All votes of the Tribal Council Members shall be listed in the minutes.
 - K. Only Tribal Council Members who are present when a matter is called for a vote shall be allowed to vote. There shall be no votes by proxy or any other electronic means.
 - L. All enactments of the Kaw Nation shall be certified by signature of the Chair and the Secretary or, in their absence, the Acting Chair and the Acting Secretary.
 - M. Items on the agenda which are tabled shall be carried over to the next meeting's agenda.
 - N. No Tribal Council member shall vote or participate on any matter coming before the Tribal Council in which the member has a personal interest or in which the member stands to gain or lose financially, unless the benefit or loss is shared by other Kaw Nation Citizens in similar circumstances.
 - O. The Tribal Secretary shall keep a record of all the proceedings of the Kaw Nation and maintain record books in which all ordinances, special rules of order, standing rules, minutes, committee reports, resolutions, commission reports, board reports, and amendments are entered.
 - P. When a motion fails to be seconded, the Chair shall declare: "The motion dies for lack of a second."
 - Q. Executive Session is reserved for items that raise significant privacy or confidential concerns, including but not limited to the following subjects: personnel matters, litigation, business matters, proprietary information, and legal matter or as determined by Tribal Council.
 - R. Tribal Council Members will receive a minimum of four (4) hours compensation per meeting.

Chapter 6 LEGISLATION & RESOLUTIONS

- A. When required by the Constitution or as otherwise provided by law, resolutions shall be used to grant authority to the Chair to sign contracts, grants or other documents on behalf of the Kaw Nation.
- B. Resolutions shall be used to create Governmental Commissions, Governmental Boards, and Governmental Committees of the Kaw Nation. Resolutions shall also be used to create Boards of Directors, Commissions and Committees for entities owned by the Kaw Nation.
- C. Resolutions shall be used for appointments to Governmental Commissions, Governmental Boards, Governmental Committees and the Courts of the Kaw Nation. Resolutions shall also be used for appointments to Boards of Directors, Commissions and Committees for entities owned by the Kaw Nation.
- D. Resolutions shall be used to pass legislation. When used to pass a new law or to amend an existing law, the full text of the new law or the amendment shall be attached to the Resolution as an exhibit.
- E. All proposed resolutions and exhibits shall be submitted to the Secretary of the Kaw Nation no less than five days prior to the meeting at which they are to be considered. Immediately thereafter, the Secretary shall provide copies of the proposed resolutions and exhibits to all Tribal Council Members.

- F. Legislation may be proposed by any member of the Kaw Nation Tribal Council or by any Director of any department. When the legislation is proposed by a Director, the legislation shall be directly related to the Director's department and shall be a grant or funding source requirement.
 - 1. All proposed legislation shall be in writing and received by the office of the Secretary of the Kaw Nation and distributed as provided in Paragraph E of this Chapter, no less than five (5) days prior to the meeting at which it is to be considered.
 - 2. All proposed legislation shall include the name of the Tribal Council Member or Director sponsoring the proposed legislation.
 - 3. All proposed legislation shall be germane to a single subject.
 - 4. No amendments shall be made to proposed legislation that is not germane to the subject of the original proposed legislation.
 - 5. All legislation or amendments thereof which are not germane to the subject of its title are void, ab initio.
 - 6. Legislation may be submitted to the General Council pursuant to Article XII, Section 3 of the Kaw Nation Constitution.
- G. Nothing in this Chapter shall limit the veto power of the Chair pursuant to Article V, Section 3 of the Kaw Nation Constitution.
 - 1. In the event of a veto by the Chair and no compromise between the Chair and the Tribal Council, the fate of the legislation shall be decided by the General Council at its next meeting.
 - 2. Copies of the proposed legislation, minutes of the Tribal Council Meeting and the veto message shall be made available to the General Council.
 - 3. Those in favor of and those opposed to the proposed legislation shall be allowed to explain their position to the General Council. The two sides shall have equal time available to present their position.
 - 4. Following presentation by both sides, the General Council shall vote on the passage of the legislation. A majority vote shall decide the issue.

Chapter 7 COMMITTEES & APPOINTMENTS

- A. The Tribal Council shall appoint, by majority vote, all members of the Kaw Nation Governmental Commissions, Governmental Boards, Governmental Committees and Kaw Nation owned entities.
 - 1. Appointees shall serve on no more than three (3) committees, boards or commissions concurrently.
- B. A majority of each Governmental Commission, Governmental Board, Governmental Committee and Kaw Nation owned entities must be Citizens of the Kaw Nation.
- C. All Governmental Commissions, Governmental Boards, Governmental Committees and Kaw Nation owned entities shall be accountable to the Tribal Council.

- D. The Tribal Council shall appoint, by majority vote, all members of the Boards of Directors, Commissions and Committees for entities owned by the Kaw Nation.
- E. A majority of each Board of Directors, Commission and Committee for entities owned by the Kaw Nation must be Citizens of the Kaw Nation.
- F. All Boards, Commissions and Committees for entities owned by the Kaw Nation shall be accountable to the Tribal Council.
- G. Compensation for all Governmental Commissions, Governmental Boards, Governmental Committees, and all Boards, Commissions and Committees for entities owned by the Kaw Nation shall be determined by the Tribal Council, grant stipulation or agreements with the federal government.
- H. Kaw Nation Tribal Citizens shall fill out a *Tribal Board/Committee Interest Card* to apply for the Tribal Board, Commission and Committee that they wish to serve on. *Tribal Board/Committee Interest Cards* will be maintained by the Tribal Council Secretary and reviewed by the Tribal Council for immediate needs and to fill future vacancies.