

CHAPTER 50

STOCKBRIDGE-MUNSEE TRIBAL LAW PROCEDURES ORDINANCE

BE IT ENACTED, by the Stockbridge-Munsee Tribal Council in regular meeting assembled on November 21, 1939, pursuant to Section 11 (H), Article VII, of the Tribal Constitution that, the procedures of the Council, and of the committees and other offices of the Council, shall be regulated by the following provisions:

Section 50.1

Any general regulative act affecting the civil or property rights of the community proposed for enactment by the Council, shall first be the subject of a motion passed by the Council, whereupon such motion including a brief of the proposed resolution or ordinance shall be publicized by Councilmen themselves and by written notices posted in public places within the community for a period of not less than fourteen (14) days prior to the Council meeting at which final action on the given measure shall be taken.

Section 50.2

It shall be the right of any member of the Community to attend regular meetings of the Council and to be heard from the floor upon recognition by the Chairman; and it is further provided, that in the event the Chairman should deny the floor to any such member, the Council shall by a vote decide the question of allowing said member to be heard.

Section 50.3

The Council, by a majority vote, may summarily remove a member of any committee or other officer appointed by the committee for neglect of duty or malfeasance in office.

Section 50.4

The vote of the Council in the passing of motions, adoption of resolutions, and enactment of ordinances shall be taken in the following manner: Motions - by acclamation; Resolutions - by show of hands; Ordinance - by secret ballot; Provided, however, that the Chairman may require a vote by roll call in any case for the purposes of an accurate count or the record.

Section 50.5

It shall be the duty of the Tribal Council at semi-annual meetings with members of the Community to report on the progress of programs during the half year proceeding, and to present its definite program proposed for the ensuing half-year. Full opportunity shall be given to the members of the Community to discuss these two reports in order that the Council may be guided thereby.

Section 50.6

The Council shall regularly, following meetings, publish and distribute directives to Tribal department, the Mohican News and interested Tribal members upon request. Such publication may be in electronic format, in order that all members of the community may be informed on the nature of the tribal business transacted.

Section 50.7

All Council meetings and Semi-Annual meetings shall be held at the established headquarters of the Community. Council Members must be physically present at meeting(s) in order to participate. Absent Council Members may submit their comments in writing, but are not permitted to otherwise participate via telecommunications or other electronic mediums.

Section 50.8

It shall be the policy of the Council, pursuant to Article VII of the Tribal Constitution, to conduct all negotiations on behalf of the Community with outside persons or agencies, and accordingly the Council will not assume responsibility for any direct communications or negotiations between members of the Community and outside persons or agencies.

Section 50.9 Regular Council Meetings

(A) Regular Council meetings shall be held on the first and third Tuesday every month. Council may adopt ordinances, adopt resolutions, pass motions, or conduct any other Tribal business at regular meetings.

(B) If the Tribal president, and in the President's absence, the Vice President determines that it is in the best interest of the Community to reschedule the regular meeting, the rescheduled meeting time and place shall be posted at the time the decision to reschedule is made, and at least 24 hours prior to the rescheduled meeting. Rescheduled meetings shall take place within one week of the scheduled regular meeting.

(C) Determining that it is in the best interests of the Community to reschedule regular meetings generally include severe weather, expected lack of quorum, or the scheduled regular meeting falling on or near a holiday.

(D) Extensive agendas: In the event the number of agenda items is numerous, and the President reasonably estimates that the Tribal Council meeting will likely exceed four hours, then the following options are available to the President:

(1) Do nothing and have a meeting at its regularly scheduled time; or,

- (2) Review the agenda items and postpone some agenda items to the next meeting if the agenda item is not time sensitive. In no event, shall agenda items be postponed more than one time; or,
- (3) After consultation with the Vice President and the Treasurer, the President can allocate the agenda items between two agendas.
 - (a) The agenda items shall be allocated for the regular meeting and a special meeting.
 - (b) In determining which agenda items shall be included in the regular meeting and which agenda items will be included in the special meeting, the President shall consider the following general criteria.
 - i. Administrative issues: Executive session and items that are more administrative in nature such as applying for grants, departmental policies and procedures and reports, employment matters, legal issues, business issues, or other issues that are not time sensitive and can be scheduled for a special meeting. These items may involve Tribal staff and to a lesser degree, anticipated input from community members.
 - ii. Community issues: Items that are more Community oriented in nature such as forestry, land, roads, ordinances, or other items that are time sensitive. These items generally involve Community input and are not internal departmental issues.
 - (c) If two agendas are prepared, the Tribal Council shall proceed with the regular Tribal Council meeting and post for a Special Council meeting, pursuant to Section 50.10. The Special Council meeting must occur within three business days of the regular Council meeting, but can be scheduled during normal business hours.
 - (d) Notwithstanding any other provision or law, quorum for a Special Council meeting under this section is five Tribal Council members.

Section 50.10 Special Council Meetings

(A) The Tribal President, and in the President's absence, the Vice President may call Special Council meetings from time to time. Council may adopt ordinances, adopt resolutions, pass motions, or conduct any other Tribal business at special meetings, provided that any applicable posting requirements have been met.

(B) If the Tribal President, and in the President's absence, the Vice President determines that it is in the best interest of the Community to hold a special meeting, the special meeting time and

place shall be posted at the time the decision is made and at least 48 hours prior to the special meeting.

(C) Determining that it is in the best interests of the Community to hold a special meeting usually include issues that are not of an emergency nature, involve a considerable amount of time, issues that pertain to one or a few departments, or other factors that generally would make the regular council meeting unnecessarily lengthy.

Section 50.11 Emergency Council Meetings

(A) The Tribal President, and in the President's absence, the Vice President may call Emergency Council meetings from time to time. Emergency Council meetings shall be considered a form of a Special Council meeting. Council may adopt resolutions, pass motions, or conduct other Tribal business at emergency meetings. Ordinances shall not be adopted at emergency meetings.

(B) If the Tribal President, and in the President's absence, the Vice President determines that it is in the best interest of the Community to hold an emergency meeting, the emergency meeting time and place shall be posted at the time the decision is made at least 24 hours prior to the emergency meeting.

(C) Determining that it is in the best interests of the Community to hold an emergency meeting usually will include issues that cannot wait until the regular council meeting, such as employment decisions, signing time sensitive contracts, political decisions at the state and federal levels, and other time sensitive issues.

(D) The 24-hour posting may be waived if the Tribal President, or in the President's absence, the Vice President determines that a substantial loss of funding or revenue will likely result if a contract or grant is not signed within 24 hours. The 24 hour posting may be waived if the Tribal President, or in the President's absence, the Vice President determines that a Community emergency requires immediate attention and that waiting 24 hours will likely result in harm to the Community.

INFORMAL HEARING PROCESS

- I. Designated Chairman of hearing opens hearing and asks those present to identify themselves.
- II. Party making complaint (complainant) states views or charges
- III. Party complained about (defendant) states view or answers charges
- IV. Questioning and/or discussion between parties and Tribal Council
- V. Defendant has right to ask questions of complainant and vice-versa

- VI. Closing statements asked for by Chairman
- VII. Chairman recesses hearing
- VIII. Tribal Council enters executive session for discussion purpose
- IX. Chairman re-opens hearing and decision is rendered
- X. Written decision by Tribal Council goes to both parties within 2 days
- XI. The Tribal Council's decision constitutes a final determination

LEGISLATIVE HISTORY

Procedures Ordinance approved by Tribal Council November 21, 1939.

Amended March 9, 1981, Resolution No. 0740 by adding hearing format.

Amended February 8, 1985, Resolution No.0917, by revising hearing format.

Amended September 7, 1993, Resolution No. 1401-93, changing posting period in Section 1 from 15 to 14 days, and delete phrase in Section 8 referring to Tomah Agency.

Amended September 7, 1999, Resolution No. 59-99, designating special (50.10) and emergency (50.11) meetings and amending regular meeting section (50.9).

Approval by BIA November 1, 1999.

Sections 50.7 amended to make clear that phone participation is not permitted and 50.11(D), which previously allowed for phone participation for emergency meetings, repealed, and Section 50.11(E) re-designated to Section 50.11(D) on October 1, 2002 by Tribal Council Resolution No. 056-02. Amendments approved by BIA on October 18, 2002.

On June 19, 2007, Tribal Council, by Resolution No. 046-07 amends Section 50.6 and 50.12 and creates section 50.9(D). BIA approved the amended ordinance, except for Section 50.12, on April 16, 2012. Section 50.12, regarding the need for BIA approval of future amendments, was deleted.