

**PASSED**  
9/27/07 Rules Committee

# **RULES OF PROCEDURE GOVERNING THE CHEROKEE NATION TRIBAL COUNCIL**

## **I. SUPREMACY OF THE CHEROKEE NATION CONSTITUTION AND TRIBAL STATUTES**

- A. The Cherokee Nation Constitution of 1999 and the laws of the Cherokee Nation are hereby acknowledged to be supreme to these Rules of Procedure. The Tribal Council shall abide by the Constitution and tribal laws while conducting official business.
- B. The Council shall have the power to establish laws, which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of the Constitution.
- C. The Council shall provide by law for annual expenditure of funds, and the source from which funds are to be derived to defray the estimated expenses of the Executive, Council, Cabinet and Departments of Government of the Cherokee Nation for each fiscal year. The budget shall not exceed estimated revenues.

## **II. RULES OF PROCEDURE**

### **A. Adoption of Tribal Council Rules of Procedure**

The Cherokee Nation Tribal Council shall establish its rules for its credentials, decorum, and procedure.

### **B. Amendments to Rules of Procedure**

These Rules of Procedure may be amended by majority vote of the Tribal Council at any official Regular meeting only, with a quorum present. Pursuant to Article VI Cherokee Constitution Section 4, no business shall be conducted by the Council unless two-thirds (2/3) of the members thereof regularly elected and qualified shall be in attendance, which member shall constitute a quorum. Twelve (12) Councilors shall constitute two-thirds (2/3) need to reach a quorum.

Councilors offering amendments shall present them in writing before the Rules Committee for consideration

### **C. Suspension of Rules of Procedure**

The suspension of any of these Rules of Procedure shall require a two-thirds (2/3) vote of the Tribal Council and shall specify which rule is to be temporarily suspended for the particular meeting.

D. Interpretation of Rules of Procedure

When a question of procedure is raised by a Councilor and the Chair determines that these Rules of Procedure are not conclusive, the Constitution and the laws of the Cherokee Nation shall prevail. Pursuant to Title 19, Section 35, reference may be made to Robert's Rules of Order in determining proper procedural methods, in so far as such methods do not conflict with the Constitution or other statutes of the Cherokee Nation.

E. Appeal

If there remains a disagreement over the Chair's ruling, then a motion to appeal the chair's ruling is in order. This shall be done in accordance of Robert's Rules of Order.

F. Tribal Council Officers

1. The following officers of the Tribal Council shall be established under these Rules of Procedure to continue in office from the time of their election until removal, resignation, and expiration of term of office, disability or death:

A. Speaker of the Council

In accordance with Article VI Section 2 of the Cherokee Constitution the Council shall elect from its membership a Speaker who shall be third in line of succession to serve as Principal Chief in case of death or removal. The Speaker of the Council shall preside over Council meetings.

B. Deputy Speaker

The Council shall elect a Deputy Speaker who shall perform the duties of Speaker in the absence thereof.

C. Secretary of Council

The Secretary shall be selected from the Council's membership. The Secretary shall initially be elected at the first regular meeting after the inauguration of the Council's four (4) year term and shall serve an initial term of one (1) year. The Secretary shall then be elected by the Council in the October meeting and every year thereafter.

1. The Secretary or his/her delegated deputy shall attend all meeting of the Council.
2. The Secretary shall maintain the records and journals of the Council.

#### D. Sergeant at Arms

1. The Sergeant at Arms shall be responsible for the following duties:
  - a. Carries out orders of chair/body
  - b. Maintains decorum during Council proceedings as prescribed by the Council
  - c. Authority to serve subpoenas properly issued by the Council
2. The Sergeant at Arms shall be the Marshal of the Cherokee Nation, or designee.
3. The Sergeant at Arms shall not have the authority to compel attendance of Councilors for the purpose of a quorum.

### III. TRIBAL COUNCIL MEMBERS DUTIES AND RESPONSIBILITIES

#### A. OVERALL DUTIES & RESPONSIBILITIES OF TRIBAL COUNCILORS

1. Every member shall vote either yes, no or abstain, on each question put, unless the member has a direct personal or pecuniary interest in such question at which point they shall abstain.
- b. Every member is eligible to introduce and/or sponsor any legislative action.

#### B. CONDUCT

A Councilor must conduct himself/herself in such a manner so as to bring honor and dignity to the position for which the Cherokee citizens have elected him/her.

A Councilor is out of order when:

1. Openly addresses another Councilor without being recognized by the Speaker of the Council;
2. Fails to confine their remarks to the merits of the motion;
3. Engages in disruptive activity;
4. Speaks in a malicious and abusive manner;

5. Conducts himself/herself in a less than respectful manner;
6. Knowingly makes false or untrue statements or comments during Council proceedings.

Upon motion of another Councilor, a fellow Councilor can be held out of order by a two-thirds (2/3) vote of the body present and voting. Punishment for being held out of order may include, losing the floor, being officially censored or being removed from the Council Chambers. However, no Councilor shall be removed from the Council Chamber without unanimous vote of Councilors voting to do so, absent the offending party.

C. VOTING

No Councilor shall cast a vote on any legislation unless he/she is seated in Council Chambers during the vote call.

IV. MEETINGS

A. REGULAR MEETINGS

The Council shall meet in regular session once a month at the seat of government of the Cherokee Nation at Tahlequah at a time designated by the Council.

B. QUORUM

Pursuant to Article VI Cherokee Constitution Section 4, no business shall be conducted by the Council unless two-thirds (2/3) of members thereof regularly elected and qualified shall be in attendance, which number shall constitute a quorum. Twelve (12) Councilors shall constitute two-thirds (2/3) needed to reach a quorum.

C. SPECIAL MEETINGS

Special meetings of the Council may be called: (A) by the Principal Chief, (B) by the Deputy Principal Chief when he has the full powers of the Principal Chief as elsewhere defined, (C) upon written request of fifty-one percent (51%) of the members of the Council, or (D) upon the written request of ten percent (10%) of the registered voters of the Cherokee Nation. The purposes of said meeting shall be stated in a notice published not less than ten (10) days prior to the meeting, and the Council may not consider any other subject not within such purposes. No special meetings may convene until thirty (30) days have elapsed after the adjournment of a prior session or meeting, unless called pursuant to (A) and (B) above.

D. PUBLIC MEETING

All meetings of the Council and of its committees shall be open to the public except: (A) When the discussion shall concern employment, retention or discharge of personnel; (B) When the question or the moral turpitude of any member of the Tribe is discussed; or (C) When the decorum of the audience shall prejudice orderly administration of business. In the event that consideration of a subject shall take place in Executive Session, the vote shall take place in an open meeting.

E. MOTIONS

1. All business should be brought before the Tribal Council by motion by a Councilor. Before a Councilor can make a motion it is necessary that he/she "obtain the floor."
2. In order to obtain the floor, a Councilor must be recognized by the Chair.
3. The Councilor who obtains the floor shall then state his/her motion.
4. Each motion shall have a second and the Chair shall identify the Councilor making the second.
5. Debate on procedural motions may be limited by the time specified by the Council upon a two-third (2/3) vote to do so.
6. Robert's Rules of Order shall decide all further questions concerning motions.

F. VOTING PROCEDURES

1. All votes taken upon motions to adopt legislation shall be conducted by roll call vote.
2. The names of Councilors voting shall be called in alternating alphabetical order and entered in the permanent journal.
3. Voting on Resolutions and other matters may be conducted by other means unless requested by any member of the Council.
4. Other voting procedures shall follow Robert's Rules of Order.

G. MEETING AGENDA

1. The agenda for each regular meeting of the Tribal Council shall be created by the chairpersons of the Standing Committees. All Chairs and/or Co-Chairs shall meet immediately following the regular monthly Executive and Finance Meeting to create the Regular Tribal Council agenda.
2. The Order of business of each regular meeting of the Council of the Cherokee Nation shall be as follows:

- i. Call to order
  - ii. Invocation
  - iii. Roll Call
  - iv. Approval of minutes of previous meeting
  - v. State of the Nation address
  - vi. Action of unfinished business
  - vii. Committee Reports
  - viii. New Business
  - ix. Other Reports
  - x. Adjournment
- c. The Agenda shall be posted for public inspection at least ten (10) days prior to a regularly scheduled meeting.
- i. At a minimum, this requires written posting outside the Council chambers.
  - ii. Agenda publication is encouraged throughout the Cherokee Nation by any and all available means.
  - iii. The Secretary of the Council or his/her designee shall post the Agenda. The Agenda shall not be changed or removed after it is posted.
- d. Citizens shall submit a written request to any Tribal Council Member briefly explaining their reasons for addressing the Council.
- i. The Tribal Council Member, if they desire, may forward the request to the Chairman of the Rules Committee for assignment to the appropriate Standing Committee.
  - ii. The Standing Committee shall review and/or make recommendations on the request.
  - iii. The Standing Committee may request, in writing, that the citizen be placed upon the agenda of the next scheduled Council Meeting.

V. **LEGISLATION**

A. Proposed Legislation initiated by members of the Tribal Council

1. All bills and resolutions shall have a sponsor listed.

The bill or resolution will be numbered and assigned to the Standing Committee with jurisdiction over the matter by the Speaker.

The assignment shall be in writing to the Committee Chairperson.

2. The sponsor of any legislation must attend the appropriate Committee during discussion taken on the sponsor's legislation. Sponsors and authors of legislation must be notified in writing by the Committee Chairperson of the date, time and location to attend the appropriate committee.
3. The sponsor of any legislation shall be notified, by the Committee Chairperson, in writing, of any action taken on the sponsor's legislation.
4. The Committee Chairperson shall place the numbered bill on the committee agenda for consideration within thirty (30) calendar days, after receipt of the assignment letter from the Chairman of the Rules Committee.

- B. Bills and Resolutions that are approved in Committee shall be submitted in the full Council for consideration at the next regular meeting. Scrivener's errors or any other errors shall be changed in Committee; however, no changes shall be made after committee. The legislation shall be presented to the Council in the form as passed by the Committee. Changes may be made by the Council in session after presentation of the legislation.

- D. The Chair should first recognize the sponsor of any proposed legislation. Upon receiving a second, debate on the proposed action shall be allowed. The maker of the motion should be allowed to speak first. Debate may be limited by a two-thirds (2/3) vote to do so by the Council.

The Chair may set time for debate and ask Councilors if they wish to speak in favor or against the legislation. The Chair shall then divide the debate time equally between the Councilors. Councilors may yield to questions or yield their time to another Councilor.

Persons other than the Council members should ONLY be allowed to speak when giving technical assistance. Such persons should NOT be allowed to debate the motions on the floor.

- E. Every enactment which shall have been approved by a majority of the members in attendance at the Council shall, before it becomes effective be

presented to the Principal Chief, if he approves, he shall sign it; if not, he shall return it with his objections to the Council, which shall enter the objections in the Journal and proceed to reconsider it. If, after such reconsideration, two-thirds (2/3) of the entire council shall agree to pass the enactment, it shall become fully effective and operational notwithstanding the objections of veto of the principal chief. In all such cases, yeas and nays shall determine the vote of the Council, and the names of the members voting shall be entered on the Council's Journal. If any enactment shall not be returned by the Principal Chief within five (5) days (Sundays and holidays excepted) after it shall have been presented to him, the same shall be law in like manner as if he had signed it, unless the Council shall, by its adjournment, prevent its return, in which case, it shall become a law without the approval of the Principal Chief. No enactment shall become law after the final adjournment of the Council, unless approved by the Principal Chief within fifteen (15) days after such adjournment.

- F. Legislation that is passed by a majority of the Tribal Council in session shall be assigned a statue designation by the Secretary of the Council and delivered to the office of the Principal Chief.
- G. All laws and resolutions passed shall be recorded and preserved by the Secretary of the Council who will assists the Code Committee in the codification of said legislation. The legislation passed shall be preserved on all available electronic media and published on the Internet via the Cherokee Nation official web site.
- H. All meetings of the Tribal Council and its Committees shall be recorded in accordance with the Records of Council and Committee Meetings Act 25 C.N.C.A. §30. The dissemination of those records will be in accordance with said Act.

**Proposed legislation initiated by persons in the Executive Branches:**

- I. Proposed legislation shall be submitted to the Speaker of the Council with a cover letter from the Principal Chief and identifying a sponsor for the legislation, if not, legislation shall be returned.

Original Author(s) of proposed legislation shall be listed.

If a sponsor has not been obtained the legislation will be returned.

**Proposed legislation initiated by tribal citizens:**

- J. Proposed legislation may be initiated by a Tribal citizen.

The request may be mentioned verbally, but it must be submitted in writing by a Tribal Council Member and handled in the same manner prescribed above.



**VI. STANDING COMMITTEES: FUNCTIONS AND JURISDICTION**

**A. STANDING COMMITTEE OVERSIGHT RESPONSIBILITIES**

1. Tribal Councilors shall be a member of any Standing Committee that they believe will assist their constituents or Nation as a whole.
2. Committee Chairpersons and Co-Chairpersons shall be elected at the first meeting after inauguration the chairpersons of the Standing Committee and shall remain in office for the remainder of their term unless he/she resigns or is otherwise removed from office.
3. Each Standing Committee shall review and study, continuously, the application, administration, execution and effectiveness of those laws, in part or in whole, the subject matter of which falls under their jurisdiction. Each Standing Committee shall examine, review and study the organization and operation of the Nation, its tribal agencies, and entities to determine whether the intent in which such agencies and entities were established are being implemented and carried out. Each Standing Committee shall examine, review, and study whether such agencies and entities should be continued, curtailed, or eliminated.

**B. STANDING COMMITTEE LEGISLATIVE RESPONSIBILITIES**

1. Each bill, resolution or other matter which relates to subject matter under jurisdiction of the appropriate Standing Committee shall be referred, in writing, by the Speaker of the Council to such committees. Each of the Standing Committees shall have jurisdiction and related functions assigned to it as necessary to perform its duties accordingly. The Speaker of Council may refer the matter to more than one committee simultaneously for concurrent consideration.

**C. COMMITTEE POLICIES AND MISCELLANEOUS PROCEDURE MEETINGS**

1. Committees shall have the authority to meet and act at such times and places designated to hold such Committee Meetings as may be necessary. Provided that to change a time, date or place of a regularly scheduled meeting or a special meeting, the Chair must have the concurrence of a majority of the Committee members and every good faith effort must be used to contact each member.
2. Agendas for Standing Committees shall be created by the Committee Chairperson, The Committee Chairperson or his/her designee at the Tribal Council Chambers shall post the Agenda at least ten (10) days

prior to the scheduled meeting. Publication of Standing Committee Agendas should be encouraged through out the Cherokee Nation.

3. Persons seeking to place an item on the agenda of any standing committee, other than legislation, shall make a request in writing to the chairperson of said standing committee. The request shall be no later than ten (10) days before the scheduled committee meeting.
4. Committee meetings shall remain “open” to the public except as provided in the Cherokee Constitution. Visitors, guests and fellow Representatives may speak only if recognized by the Chair.
5. Every member of the Committee, in attendance, shall be eligible to vote on any measure or matter before the Committee and on any amendment or motion pertaining thereto.
6. In order to establish a quorum for Committee meetings, a simple majority of committee members shall be present.
7. All handouts and documents of any kind must be presented to the Chair or Co-Chair prior to their dissemination, if said material is to be considered confidential it shall so be marked as such.

#### **D. COMMUNITY SERVICES**

1. Jurisdiction:
  - a. Human Services Department
  - b. Community Development
  - c. Cherokee Nation Housing Authority

#### **E. RULES**

1. Jurisdiction:
  - a. Law and Justice
  - b. Election Services (Periodically)
  - c. Codification of Laws
  - d. All Intergovernmental and Intergovernmental Affairs.

2. Appointments and confirmation:

The executive branch shall submit the identities of potential appointees to committees, boards and other positions for Public Trust of the Cherokee Nation at least ten (10) days prior to the Rules Committee meeting, at which the Council will decide whether to pass the issue of confirmation on to the full Council.

The Rules Committee shall be authorized to conduct appropriate background checks on potential appointees provided that said report shall not unduly violate the privacy of said individual.

**F. RESOURCES**

1. Jurisdiction:
  - a. Natural Resources
  - b. Real Estate Services
  - c. Roads & Transportation
  - d. Environmental Services

**G. EXECUTIVE AND FINANCE**

1. Jurisdiction:
  - a. Cherokee Nation Controller
  - b. Cherokee Nation Enterprises
  - c. Cherokee Nation Industries
  - d. All financial affairs of the Nation
  - e. Contractual Agreements
  - f. Tax Commission
  - g. Gaming Commission/operations
  - h. TERO-Human Resources

**H. EDUCATION**

1. Jurisdiction:
  - a. All Education Services of the Nation
  - b. Talking Leaves Job Corps
  - c. Sequoyah High School
  - d. All matters concerning the promotion and preservation....

**I. HEALTH**

1. Jurisdiction
  - a. W.W. Hastings Hospital
  - b. Claremore Indian Hospital
  - c. All Cherokee Nation Health Services

**VII. COUNCIL HEARINGS, INVESTIGATIONS AND SUBPOENAS**

**A. HEARINGS**

1. The Council, upon majority vote, shall have the authority to conduct hearing(s) concerning any and all matter(s), which are lawfully within the Council's constitutional or statutory oversight authority.
2. The hearing shall be called upon a majority vote of the Tribal Council at regular session. The agenda item calling for the hearing shall state the time and place at which the hearing is to be conducted. Further, the agenda shall state in detail the subject matter of the hearing.
3. The Tribal Council shall have authority to require the furnishings of such information, attendance of such witnesses and the production of such books, records, papers or other objects as may be necessary and proper for the purpose of the proceeding.

**B. INVESTIGATIONS**

1. The Council shall have the authority to conduct pre-hearing investigations for gathering evidence to determine which factual issues are relevant to the hearing(s).

**C. SUBPOENAS**

1. The Council shall have the authority during said hearing(s) and investigation(s) to take witness testimony and consider other evidence to determine issues of fact relevant to the hearing(s).
2. The Council may obtain witness testimony through issuance of a subpoena and may obtain documentary evidence by subpoena duces tecum. Said subpoena or subpoena duces tecum shall generally state what records, testimony or other information is sought.
3. A copy of the subpoena or subpoena deces tecum shall be served on the witness and/or record keeper in any manner prescribed for service of a subpoena in a civil action.
4. The witness and/or record keeper shall have fourteen (14) days after the subpoena was served in which to file a motion to quash a subpoena duces tecum on the grounds that the records sought are irrelevant, immaterial for the purpose or purposes for which the records are sought, is an undue infringement of personal rights under the Constitution or laws of the Cherokee Nation or any other valid legal reason.

**D. MANDATORY COMPLIANCE:**

1. In case of disobedience to any subpoena issued and served under this section or to the Cherokee Nation Tribal Council requirement for information, or of the refusal of any person to testify to any matter regarding which he may be interrogated lawfully in a proceeding

before the Tribal Council, the Tribal Council or its designated representative may apply to tribal court or to any judge thereof for an order to compel compliance with the subpoena or the furnishing of information or the giving of testimony. Forthwith the court or the judge shall cite the respondent to appear and shall hear the matter as expeditiously as possible.

2. If the disobedience or refusal is found to be unlawful, the court, or the judge, shall enter an order requiring compliance. Disobedience of such an order shall be punished as contempt of court in the same manner and by the same procedure as is provided for like conduct committed in the course of judicial proceedings.
3. The Tribal Council shall have the authority to freeze the funding authorities of any department or agency within the Cherokee Nation whose directors, employees, appointed or elected officials fail to comply with any subpoena issued and served under this section or fail to furnish information or refuse to testify to the Cherokee Nation Tribal Council as required herein.
4. The freezing of funding of any departments for violation of the Subpoena and Investigation Act shall be by specific Act of the Council after being placed on the agenda of a dully called regular meeting.