



## Legislation Text

File #: 20-025, Version: 1

### **AN ACT TO ALLOW REMOTE ATTENDANCE OF MEMBERS OF THE CHEROKEE NATION TRIBAL COUNCIL FOR MEETINGS OF THE TRIBAL COUNCIL AND DECLARING AN EMERGENCY BE IT ENACTED BY THE CHEROKEE NATION:**

#### **Section 1. Title and Codification**

This Act shall be titled the "Cherokee Nation Tribal Council Remote Attendance Act in the Event of Extraordinary Circumstances of 2020" that amends the "Cherokee Nation Tribal Council Remote Attendance Act of 2007" and codified at Title 19, Sections 33.1 and 33.5 of the Cherokee Nation Code Annotated.

#### **Section 2. Purpose**

The purpose of this Act is to amend Title 19 of the Cherokee Nation Code Annotated to provide for attendance of Tribal Council Members by electronic inter-active devices and/or inter-active video conferencing equipment for sessions of the Cherokee Nation Tribal Council.

#### **Section 3. Legislative History**

Article VI Section 7 of the Cherokee Nation Constitution.

Article VI Section 10 of the Cherokee Nation Constitution.

Article VI Section 4 of the Cherokee Nation Constitution.

Legislative Act 25-01 "Freedom of Information and Rights to Privacy Act".

Legislative Act 42-07 "Cherokee Nation Tribal Council Remote Attendance Act of 2007".

#### **Section 4. Definitions**

#### **Section 5. Substantive Provisions**

##### **§ 33.1. Definitions**

- A. "Tribal Council Members" or "Members" means any duly elected or appointed members of the Cherokee Nation Tribal Council.
- B. "Attendance" means being physically present and voting or being present and voting through the aid of a device or technology which provides two-way transmission of both visual and audio communication.
- C. "Quorum of the Tribal Council" means twelve (12) members of the Tribal Council for regular and special sessions of the Tribal Council and a simple majority of Members for committees of the Tribal Council.
- D. "Official Cherokee Nation business" means work or duties performed directly related to and for the benefit of or on behalf of the Cherokee Nation.

- E. “Session” shall mean a regular Tribal Council meeting as set forth in Article VI Section 4 of the Cherokee Nation Constitution.

### § 33.5. Attendance by means of electronic interactive device

- A. At-Large Members of the Cherokee Nation Tribal Council may attend Tribal Council Committee meetings through the aid of a device which provides two-way transmission of both visual and audio communication, provided that there is otherwise a quorum physically present at the location of the meeting without counting the Members attending via electronic devices, and also provided that the physically absent Members are able to fully participate and vote through the aid of the interactive devices.
- B. Any Member of the Tribal Council who is unable to attend a meeting or session because he or she is conducting official Cherokee Nation business may attend Tribal Council Committee meetings through the aid of a device which provides two-way transmission of both visual and audio communication, provided that there is otherwise a quorum physically present at the location of the meeting without counting the Members attending via electronic devices, and also provided that the physically absent Members are able to fully participate and vote through the aid of the interactive devices. Further this privilege may be extended to any Member of the Cherokee Nation Tribal Council who is unable to attend committee meetings provided that two-thirds (2/3) of the committee approves the circumstances or reason for the Council person being unable to be physically present.
- C. Except as provided below, the provisions of the act do not apply to a Chairperson of a Committee.
- D. In the event of extraordinary circumstances beyond the control of the Tribal Council, including but not limited to a war, strike, riot, crime, plague, pandemic or an event described by the legal term act of God (tornado, flood, earthquake, volcanic eruption, etc.), that prevent or inhibit Tribal Council Members from being physically present at a session or meeting, any and/or all Tribal Council Members, including the Chairperson, may attend a session or meeting through the aid of a device or technology which provides two-way transmission of both visual and audio communication, and the Tribal Council may convene a session or meeting with the Tribal Council Members in attendance either physically and/or through the aid of a device which provides two-way transmission of both visual and audio communication. All events of extraordinary circumstances shall be described and approved by a two-thirds (2/3) vote of the Tribal Council following the roll call of such meeting.

### Section 6. Provisions as Cumulative

The provisions of this act shall supersede any law to the contrary and be cumulative to existing law.

### Section 7. Severability

The provisions of this act are severable and if any part or provision hereof shall be held void the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions of this act.

### Section 8. Effective Date/Emergency Declared

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.

### Section 9. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is

granted due to physical or mental incapacity of the participant to contribute.