

**RINCON BAND OF LUISEÑO MISSION INDIANS
RINCON INDIAN RESERVATION, CALIFORNIA**



**RINCON COMMITTEE POLICY ORDINANCE
RINCON TRIBAL CODE § 2.600**

Adopted on June 5, 2012

COMMITTEE POLICY ORDINANCE

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§ 2.600 PURPOSE AND INTENT

Pursuant to the Articles of Association, various tribal ordinances and by appointment of the Tribal Council, certain committees are established to execute governmental functions, serve in an advisory capacity and volunteer for community events. This assists the Tribal Council in carrying out its responsibilities, provides quality services to the Band's membership, and develops, maintains, and protects the Band's assets and interests. The Tribal Council has identified the need to standardize the organization, internal management, and recordkeeping of the Band's committees. The purpose of this Ordinance is to describe the procedures and requirements that each committee must adhere to in order to achieve the Band's goals.

§ 2.601 APPLICABILITY AND INTERPRETATION

Except as otherwise provided in the Articles of Association, a committee-specific ordinance, resolution or policy, all committees of the Band shall be regulated by this Ordinance. In instances where a conflict or inconsistency exists between the provisions of this Ordinance and the Articles of Association, committee-specific ordinance, resolution or policy, then the Articles of Association or committee-specific ordinance, resolution or policy shall govern and control over any inconsistent or conflicting provision of this Ordinance.

§ 2.602 COMMITTEES DUTIES AND STANDARDS

The Tribal Council has authorized the following committees; Election Committee, Enrollment Committee, Donations/ Contributions Committee, Cemetery Committee, Cultural Committee, Grievance Committee, Education Committee, Investment Committee, Rincon Economic Development Corporation, First Nations Economic Development Corporation, Senior Committee, Youth Committee, and Regional Tribal Operations Committee. This Ordinance shall govern and control all committees authorized by the Tribal Council including but not limited to the above listed existing committees and all future committees, unless specifically excluded by this Ordinance.

§ 2.603 GENERAL COMMITTEE DUTIES

Each committee shall:

- (a) Act in an advisory capacity to the Tribal Council by identifying needs and making recommendations on matters within the committee's jurisdiction;
- (b) Conduct business in accordance with this Policy; and

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- (c) Undertake other duties and responsibilities, as developed and approved by the Tribal Council.

§ 2.604 **COMMITTEE RECOMMENDATIONS TO THE TRIBAL COUNCIL**

Committees may make recommendations to the Tribal Council in accordance with the following procedures:

- (a) A committee may present a recommendation to the Tribal Council in writing, or in person at a regular Tribal Council meeting during open session; provided, however, that if the subject matter of a recommendation is protected by confidentiality, the recommendation shall be presented during closed session.
- (b) The Tribal Council shall have the sole authority to approve or reject a committee recommendation. Committee recommendations that are rejected by the Tribal Council or for which no action was taken by the Tribal Council shall not be implemented.
- (c) A Band member may submit to a committee a recommendation on any matter within the committee's jurisdiction for possible recommendation to the Tribal Council. The committee receiving a recommendation from a Band Member must inform the Band member, in writing, whether the committee presented the recommendation to the Tribal Council, and the committee's reasons for the decision.

§ 2.605 **ETHICS**

Committee members shall be responsible for adhering to the following ethical requirements:

- (a) To exercise the authority delegated to the committee with wisdom, restraint, and the interests of peacemaking in mind;
- (b) To represent equally all Band members residing on and off the Rincon Indian Reservation, and not favor special interests on or off the Reservation;
- (c) To approach all committee and Band issues and matters with an open mind, in order to make informed decisions in the best interests of all;
- (d) To uphold the trust and confidence of the Tribal Council and the Band's members;

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- (e) To keep confidential all matters and information deemed to be confidential as set forth herein or pursuant to any other Band law or policy;
- (f) To focus individual and collective efforts on the Band's mission and objectives, not on personal goals; and
- (g) To use committee service for tribal interests and advantage, not for financial gain, political influence, or as a means to provide a personal advantage or an advantage to friends, family, or supporters.

§ 2.606 CONFLICTS OF INTERESTS

Committee members are expected to perform their duties and responsibilities free from the influence of conflicts of interest. All committee members shall exercise good faith and avoid participating in any committee activity where there exists an actual or perceived conflict of interest.

- (a) With respect to committee decisions, committee members who become aware of circumstances that pose an actual or potential conflict of interest must recuse themselves from the decision-making process and take no part in the discussion or the vote; provided, however, that a committee member with a conflict of interest may count toward a quorum.
- (b) If a committee member advises the Chair that he or she wishes to be recused from the decision-making process due to a conflict of interest, the Chair will honor the member's decision, and the recusal will be noted in the minutes.

§ 2.607 CONFIDENTIALITY

- (a) Committee members shall hold any and all information and documents obtained during the performance of official committee duties in the strictest confidence. This includes all personal information about Band members, their families, and their family ties, as well as any other information otherwise marked or known to be confidential.
- (b) Each committee member shall execute a Confidentiality Agreement (Attachment A). Committee members shall use confidential information for official use only. Use of confidential information for personal benefit or for political purposes is prohibited.

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- (c) The duty to maintain the confidentiality of information gained during committee service remains in effect after a committee member leaves office.
- (d) Any unauthorized release or carelessness in the handling of confidential information is considered a breach of the duty to maintain confidentiality. Any breach of the duty to maintain confidentiality could be grounds for removal from the committee and/or possible liability in any legal action arising from such breach.

§ 2.608 **COMMITTEE ELIGIBILITY**

Unless designated otherwise in the specific resolution governing the committee:

- (a) Each committee shall be composed of a minimum of three (3) members.
- (b) Committee members shall be at least twenty-one (21) years of age.
- (c) Staff members may serve on committees; provided, however, that a staff member shall not serve on a committee playing an advisory role to the program in which the staff member is employed.
- (d) Individuals must be in “good standing” with the Band as that standard is defined under Tribal law or policy.
- (e) No person having been convicted of a crime against a child shall serve on a committee that provides activities for children.
- (f) Committees may utilize the assistance of non-members of the Band, subject to Tribal Council approval. Non-members serving a committee in a resource capacity shall not have the right to vote on committee action.

§ 2.609 **NEW COMMITTEE MEMBERS**

Following the appointment of a new member to a committee, the new member shall complete an orientation and sign a confidentiality agreement (Attachment A).

§ 2.610 **COMMITTEE MEMBER TERMS**

Unless designated otherwise under Tribal law or policy applicable to the particular committee, members may serve for an unlimited period of years to the extent of and consistent with re-appointment by the Tribal Council.

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§ 2.611 RESIGNATION

Any committee member wishing to resign from office shall submit official notice of his or her intent to resign, in writing, to the Tribal Council, with a copy to the committee Chair; provided that if the Chair wishes to resign, he or she shall provide a copy of the notice to the Vice Chair, or designee.

§ 2.612 REMOVAL

- (a) A committee member may be removed from office for cause by majority vote of the Tribal Council. "Cause" may include but is not limited to:
- (1) Gross misconduct;
 - (2) Neglect of duty, including but not limited to unexcused absences from two (2) consecutive meetings;
 - (3) Inability to carry out committee duties due to an illness or injury;
 - (4) Conduct that discredits the committee, the Band, the Tribal Council, other Tribal officials or the Band's business enterprises because such conduct is disrespectful and damaging to the Band's public image, biased, prejudicial, or otherwise adversely affects the committee's ability to conduct business;
 - (5) Criminal activity related to Tribal or committee assets; or
 - (6) Conviction or discovery of a conviction for a felony or any crime against a child.
- (b) Any Band member or committee member may submit a written request to the Tribal Council asking that the Tribal Council remove a committee member for cause.
- (c) Notice of the proposed removal of a committee member shall be delivered to the committee member facing removal at least ten (10) days prior to the Tribal Council vote on the removal. The notice shall be in writing, state the reason for the proposed removal, and inform the committee member facing removal that he or she shall be given an opportunity for a hearing before the Tribal Council to show why he or she should not be removed.

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- (d) The decision of the Tribal Council regarding the removal of a committee member is final.

§ 2.613 VACANCIES

Committee vacancies may arise when a committee member is not re-elected, re-appointed or resigns for any reason.

- (a) Except for committees established by election of the General Membership of the Band, vacancies shall be filled by recommendation of the committee, subject to appointment by the Tribal Council.
- (1) Within thirty (30) days after a vacancy arises, the committee shall consult and confer with Human Resources Department to publicly post notice of the vacancy at a prominent location on the Reservation, in tribal member media and correspondence, and on the internet. The notice of the vacancy shall include the committee name, a brief description of the subject matter under the committee's jurisdiction, a description of the application process, and contact information for the committee. The public notice shall remain posted for at least ten (10) days.
 - (2) Upon the expiration of the notice period, the committee shall review all applications, and arrange for at least three (3) qualified applicants to be interviewed by the committee at the next committee meeting.
 - (3) After interviewing at least three (3) qualified applicants, the committee shall make a written recommendation to the Tribal Council for appointment of a new committee member.
 - (4) The Tribal Council may make an appointment to the committee based upon the recommendation of the committee. The Tribal Council may appoint committee members by resolution or letter.
- (b) Where a successor is appointed to fill a vacancy that arises due to the removal or resignation of a committee member, the successor shall serve for the remainder of the vacated term.

§ 2.614 RETURN OF PROPERTY

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At the end of a committee member's term of office, or upon the resignation or removal of a committee member, the committee member shall deliver all papers, records, books, and other items in the committee member's possession that relate to the committee to the Chair.

- (a) It shall be the duty of the committee Chair, or other designated committee officer, to manage the committee property and ensure that each member who resigns or is removed returns all committee property.

§ 2.615 ELECTION OF OFFICERS

Each committee shall elect from within its own membership a Chair and a Vice-Chair and such other officers as may be required by the Tribal Council or otherwise needed to fulfill the committee's duties.

- (a) Officers shall be elected annually, or as otherwise needed.
- (b) A committee member may nominate any fellow member for office. Such nomination must be seconded by another committee member or the nomination will be deemed withdrawn.
- (c) Officers shall be elected by a majority vote of the members of the committee. All committee members must be present to conduct the vote to elect officers. The vote to elect officers shall be conducted by secret ballot. All committee members, including the acting Chair, may vote for all officer positions, including any position that he or she is nominated for.

§ 2.616 OFFICER DUTIES

- (a) The Chair, or designee, of a committee shall:
 - (1) Provide all committee members with written notice (Attachment B) of each committee meeting at least five (5) days prior to the meeting. Notice shall include the date, time, location, and purpose of the meeting;
 - (2) Post notice of committee meetings in a conspicuous place at the Tribal Headquarters.
 - (3) Prepare written meeting agendas (Attachment C), which shall include all matters of business to be addressed at each meeting;
 - (4) Distribute an agenda to each Committee member at or before each

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Committee meeting;

- (5) Preside over all committee meetings, in accordance with Robert's Rules of Order where applicable and consistent with this Policy, and any special rules of order adopted by the Tribal Council;
- (6) Submit reports to the Tribal Council and the General Membership as provided herein;
- (7) Draft updates on committee business for publication in the Tribal newsletter;
- (8) Act as the representative of the committee in communications with individuals, groups, and organizations and answer all correspondence on behalf of the committee;
- (9) Notify the Tribal Council of any committee recommendations, including recommendations for the appointment or removal of a member;
- (10) Where Tribal Council action is requested by the committee, submit a Request for Tribal Council Action form (Attachment D) to the Tribal Council;
- (11) Develop and submit to the Tribal Council an Annual Plan of Activities specifying the committee's proposed activities for the coming year. The Annual Plan shall be submitted to the Tribal Council in December of each year; and
- (12) Undertake other duties and responsibilities, as developed and approved by the committee or Tribal Council.

(b) The Vice-Chair, or designee, shall:

- (1) Preside over all committee meetings in the Chair's absence;
- (2) Take attendance at committee meetings;
- (3) Keep minutes of all committee meetings (Attachment E);
- (4) Distribute meeting minutes to committee members for review and approval;

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- (5) Provide a copy of approved committee meeting minutes to the Tribal Council Liaison for distribution to the Tribal Council;
- (6) Maintain copies of approved meeting minutes as provided herein;
- (7) Coordinate recording and transcription of meeting minutes, where applicable;
- (8) Compose all resolutions and recommendations agreed upon by the committee;
- (9) Maintain all official records of the committee;
- (10) Carry out the committee's additional financial responsibilities, including maintaining an accurate financial statement, conducting all banking activities, and providing the Tribal Council with a quarterly financial report; and
- (11) Undertake any other duties and responsibilities, as developed and approved by the committee or Tribal Council.

§ 2.617 COMMITTEE MEETINGS

- (a) Each Committee shall hold a minimum of four (4) regular quarterly meetings each year unless the Tribal Council has determined that a particular committee need not meet this minimum. Predetermined future meetings must be made a part of the Annual Plan defined in Section 2.616(a)(11) of this Ordinance. Additional meetings may also be scheduled as needed.
- (b) A quorum consisting of a majority of the committee's members shall be required to conduct business.
- (c) Committee members shall attend all committee meetings unless they give written or verbal notice to the Chair prior to the meeting; provided, however, that no notice is necessary if the absence is caused by injury to the committee member or sickness, injury, or death of a member of the committee member's family.

§ 2.618 MEETING MINUTES; RECORDINGS AND TRANSCRIPTS

Minutes of all meetings committee meetings shall be taken and retained in accordance with the following requirements:

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- (a)** The Vice-Chair, or designee, shall record the minutes of each committee meeting (Attachment D). In the absence of the Vice-Chair, any member of the committee may record the minutes.
- (b)** Committee meeting minutes shall provide a written record of:
- (1) The name of the committee;
 - (2) The date, time, and location of the meeting;
 - (3) The names of the committee members in attendance and those who were absent;
 - (4) Whether a quorum was achieved;
 - (5) A list of any guests in attendance;
 - (6) The times of commencement and termination of the meeting;
 - (7) The highlights of all discussions; and
 - (8) All actions taken during the meeting, including motions made, who proposed and seconded the motions, whether motions passed, failed, or were tabled, and the margin for each vote. The minutes need not specify how each committee member voted.
 - (9) Any items identified and reserved for future discussion and/or follow up.
- (c)** The Vice-Chair, or designee, shall distribute meeting minutes to all committee members for review within ten (10) days following the committee meeting. Approval of the minutes should be included as the first item on the agenda of the next meeting of the Committee.
- (d)** Following approval of the meeting minutes by a majority of the Committee, the Vice-Chair, or designee shall provide a copy of minutes to the Tribal Council Liaison for distribution to the Tribal Council.
- (e)** The Vice-Chair, or designee, shall ensure that approved minutes are kept on file for a period of three (3) years, or for such other period as specified in the Band's records retention policy, whichever is longer. Backup copies of all committee

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documents shall be stored electronically in the Band's current electronic storage program.

- (f) Committee meeting minutes shall be made available to Band members for review, upon request, for a reasonable purpose at a reasonable time.
- (g) Committee meetings may be recorded and meeting minutes transcribed, if funding permits, at the election of the Committee or the Tribal Council.
 - (1) Where meetings are recorded and minutes transcribed, the committee Vice-Chair, or designee, shall coordinate the recording transcription, and shall maintain copies of all recordings and transcripts.
 - (2) Transcripts of committee meetings shall be made at the request and expense of any Band member; provided, however, that any portion of a transcript or the minutes involving confidential information shall be redacted.

§ 2.619 VOTING

Whenever possible, committee voting shall be by consensus; provided, however, that if a consensus cannot be reached, majority vote shall prevail. Committee members must be present to vote. The Chair may vote.

§ 2.620 REPORTING REQUIREMENTS

Each Committee shall comply with the following minimum reporting requirements:

- (a) Monthly reports shall be submitted to the Tribal Council. The report shall summarize committee's activities, any problems or issues that have arisen within or in relation to the committee, and other relevant information. In the particular months during which a committee meeting is held, the required monthly reporting shall be no later than 15 days following a committee meeting;
- (b) Quarterly reports following each committee meeting on the committee's activities shall be submitted to the General membership.
- (c) Each committee shall develop an Annual Plan of Activities specifying the committee's proposed activities for the coming year. The committee shall submit the Annual Plan to the Tribal Council in December of each year.

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- (d) The Vice-Chair, or designee, of each committee shall provide the Tribal Council with a quarterly narrative or financial report as necessary and appropriate for that particular committee.

§ 2.621 COMMITTEE RECORDS

The Vice-Chair, or designee, of each Committee shall be responsible for compiling and maintaining complete records of all committee action, including but not limited to meeting minutes, records of recommendations, and financial records.

§ 2.622 FINANCIAL ACCOUNTABILITY

- (a) All committees dealing with finances must document all financial transactions, including but not limited to requests, donations, purchases, and travel vouchers. The Vice-Chair, or designee, shall be primarily responsible for the financial accountability of the committee.
- (b) Decisions on committee purchases require the prior approval of the committee. All financial transactions exceeding \$250 shall require the prior approval of the Tribal Council; provided, however, that the Tribal Council may waive such approval in writing.
- (c) Committees are prohibited from making donations of any kind from committee funds.
- (d) Any donations made to a committee shall be delivered to the Vice-Chair, or designee, for immediate banking. The Vice-Chair, or designee, shall issue a receipt for each donation received.

§ 2.623 COMPENSATION

Committee members may receive compensation for committee service, at the discretion of the Tribal Council. The Tribal Council shall authorize such compensation by resolution.

§ 2.624 REIMBURSEMENT

- (a) Committee members shall receive reimbursement for expenses consistent with Tribal accounting policies.
- (b) Committee members may be required to attend off-Reservation trainings. If such

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training is required, the cost of the training shall be paid for by the Band. Additional training-related expenses (food, lodging, gas, etc.) shall be paid in accordance with Tribal accounting policies.

§ 2.625 LIMITATION OF LIABILITY

No individual Committee member shall be held liable for any official action taken by a duly authorized committee. All committees shall be considered agencies of the Band, and committee members shall be considered to be officers or agents of the Band.

§ 2.626 SEVERABILITY

If any provision in this Ordinance is held invalid or unenforceable, it is the intent of the Tribal Council that the remaining provisions of this Ordinance shall continue in full force and effect.

§ 2.627 NO WAIVER OF SOVEREIGN IMMUNITY

All inherent sovereign rights of the Band as a federally recognized Indian tribe with respect to the existence and activities of any committee as authorized in this Ordinance are hereby expressly reserved, including sovereign immunity from suit. Nothing in this Ordinance nor any action of any committee shall be deemed or construed to be a waiver of the Band's sovereign immunity.

[ATTACHMENTS ON NEXT PAGES]

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ATTACHMENT B: SAMPLE COMMITTEE MEETING NOTICE

[BAND LETTERHEAD]

Date: [Date]
To: [Committee Name] Committee
From: [Name], Chair
Re: Committee Meeting

Please be informed that the next regular Committee meeting will be held on [date], at [time], at [location and address]. The following tentative agenda will be discussed:

1. Call to order and roll call
2. Approval of minutes and agenda
3. Announcements
4. Financial Report
5. Review of correspondence
6. Review of old business
7. New business:
 - a. [list item of new business]
 - b. [list item of new business]
8. Next meeting and adjourn

For further details, contact: [Name], Committee Chair, [phone], [email].

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ATTACHMENT C: SAMPLE COMMITTEE MEETING AGENDA

[BAND LETTERHEAD]

**[COMMITTEE NAME]
MEETING AGENDA
[date] [time]
[location and address]**

1. Call to order and roll call – Chair
2. Approval of minutes and agenda – Chair
3. Announcements – Chair
4. Financial Report – Vice-Chair
5. Review of correspondence – Chair
6. Review of old business – Chair
7. New business – Chair
 - a. [describe]
 - b. [describe]
8. Next meeting and adjourn

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ATTACHMENT D: REQUEST FOR TRIBAL COUNCIL ACTION FORM

[BAND LETTERHEAD]

REQUEST FOR TRIBAL COUNCIL ACTION

Date: [insert date]
To: Tribal Council
From: [insert Committee name] Committee
Re: Request for Tribal Council Action: [describe]

The [insert Committee name] Committee has: [describe]

The [insert Committee name] Committee respectfully requests that the Tribal Council: [describe]

A draft Tribal Council Resolution: (*check one*) is is not enclosed.

Thank you for your assistance with this request. Please contact the following Committee member: _____ at the following number: _____ or email address: _____ if you have any questions about the Committee's request for Tribal Council action.

Sincerely,

[insert name]
Committee Chair

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ATTACHMENT E: SAMPLE COMMITTEE MEETING MINUTES

[BAND LETTERHEAD]

**[COMMITTEE NAME]
MEETING MINUTES**

[date]

[insert location and address]

Call to Order and Roll Call: [Name] (Chair) called the meeting to order at 5:05PM.

Committee members present: [Name] (Chair), [Name] (Vice Chair), [Name] (Member), [Name] (Member).

Committee members absent: [Name] (Member), excused.

A quorum was established.

The following guests attended the meeting: [names].

Approval of Minutes and Agenda:

1. Motion by [name] to approve the minutes from the [date] Committee meeting. Motion seconded by: [name]. Vote: motion passed 4-0-0. Resolved: The minutes of the [date] meeting are approved and entered into the committee's records.
2. Agenda was distributed and approved by consensus.

Announcements:

1. [Describe announcement #1 (for example, "[Name] reported that the Falmouth Institute is presenting an enrollment training on October 24 in Las Vegas, NV. The cost of the training is \$880. The Committee determined, by consensus, that the cost of the training is too high to permit Committee members to attend this year.")]
2. [Describe announcement #2 and any discussion or action]

Financial Report: [Describe]

Review of Correspondence: [Name] gave an update on the following correspondence:

1. [Brief description of correspondence #1 and any discussion]
2. [Brief description of correspondence #2 and any discussion]

Old Business:

1. [Brief description of discussion (for example, "[Name] provided an update on the Committee's article in the newsletter. He discussed proposed issues that could be addressed in the next newsletter.")] Motion by [name] to [describe motion]. Motion seconded by: [name]. Vote: Motion failed 1-2-1.

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2. [Brief description of discussion]. Motion by [name] to [describe motion]. Motion seconded by: [name]. Vote: Motion passed 3-1-0.

Meeting adjourned at [time]. The next Committee meeting is scheduled for [date], at [time] at [location].

Certification of Minutes:

As Vice-Chair, or designee, of the _____ Committee of the Rincon Band of Luiseño Indians, I certify that to the best of my knowledge and belief that the presented minutes for the committee meeting held on [date] are accurate and offer a representation of discussions as they occurred at the meeting.

Should anyone find any discrepancies or omissions or if there is a need to revise these minutes, please call me at [phone] or email me at [email].

Sincerely,

 [Name], Committee Vice-Chair (or designee)

 Date

MINUTES TRACKING:			
	<i>Date</i>	<i>By Whom</i>	<i>Notes</i>
Prepared:			
Distributed:			
Revised:			
Final Approval:			
To TC:			