

Rincon Indian Reservation

P. O. BOX 88 • VALLEY CENTER • CALIFORNIA 92082 • (619) 749-1051

ORDINANCE NO. 94-03

AN ORDINANCE OF THE BUSINESS COMMITTEE OF THE RINCON SAN LUISEÑO BAND OF MISSION INDIANS SETTING FORTH REGULATIONS, POLICIES AND PROCEDURES FOR APPOINTMENT AND REMOVAL OF DELEGATES

Section 11.0 TITLE

This title is adopted to implement and shall be known as the
"APPOINTMENT AND REMOVAL OF DELEGATES".

Section 11.1 PURPOSE AND AUTHORIZATION

The Rincon Business Committee is empowered, by Section 6(c) of the Articles of Association, as amended and approved August 21, 1969 to enact ordinances and hereby enacts this ordinance setting forth terms and regulations governing appointment and removal of delegates to committees, boards, special districts, non-profit corporations and other similar associations where Band interests are represented.

Section 11.2 GENERAL POLICY

The Business Committee desires to have the most complete information and advice from the broadest segment of the community prior to making decisions relating to: policies, ordinances and resolutions affecting Rincon Reservation. The Business Committee may, from time to time, establish task forces, boards, committees, corporations, standing committees, and any other form of advisory body. These advisory bodies, including standing committees, may be used to solicit input, discuss and advise the Business Committee as to action(s) which may be considered regarding certain issues.

It is the policy of the Business Committee that:

1. All advisory bodies, be they short-term, long-term, or permanent shall be staffed by the Tribal Administrator or designated representatives.

2. All appointed bodies shall provide advice to the Business Committee on a wide variety of issues or a specific issue as directed. Such information, advice, or discussion shall be forwarded from said advisory body in the form of a written report or position paper with particular findings and/or recommendations indicating whether or not a vote was taken and the results.
3. If the Business Committee determines that it is in its best interest, a joint meeting with an appointed committee, commission, or other advisory body will be held to insure that information or direction is provided in a clear, comprehensive manner.
4. All appointed delegates shall maintain the highest level of confidentiality regarding information gained in the course of representing Rincon on any advisory body, board, committee or group. Such confidential information shall only be discussed with members of the Business Committee and Tribal Administrator unless disclosure is authorized by Business Committee.

Section 11.3 APPOINTMENTS

Advisory bodies shall be formed by appointment of the Business Committee, and shall be responsible for adherence to the policies set forth within this ordinance, and any other applicable tribal regulations. Appointments to any advisory body, established from time to time or standing, shall be by majority vote of the with a quorum of no less than three (3) Council members present.

The Business Committee shall appoint, without further advise and consent, representatives to the following advisory bodies:

- a) San Luis Rey Indian Water Authority
- b) Indian Child Welfare Council
- c) Indian Health Council
- d) California Indian Manpower Consortium
- e) All Mission Indian Housing Authority
- f) Bureau of Indian Affairs Road Committee
- g) Planning Committee

Other advisory bodies may be formed and appointments made, from time to time. Such appointees and advisory bodies shall be made by the Business Committee without further advice and consent.

Section 11.4 QUALIFICATIONS

Appointees to any advisory body shall be enrolled tribal members 21 years of age except the Planning Committee which may include tribal members, non-tribal members and non-residents.

Section 11.5 TERMS OF OFFICE

The term of office for each appointee shall be two (2) years from date of appointment, or such term as specified, and at the discretion of the Business Committee.

Section 11.6 REMOVAL OF MEMBERS AND VACANCY

All appointees serve at the pleasure of the Business Committee. All decisions of the business Committee regarding appointments and terminations shall be final. Any appointee's term of representation may be terminated by majority vote of the Business Committee. Termination of appointments and appointees may be with or without cause, and the appropriate advisory body shall be notified in writing of removal. A vacancy shall be declared and appointment of dele-gate(s) shall be in accordance with Section 11.3 herein.

Section 11.7 COMPENSATION AND REIMBURSEMENT OF MEMBERS

All advisory body appointees serve as unpaid volunteers in their respective appointments. Travel, food, lodging and transportation expenses for attendance at conferences, seminars, training sessions, or other similar meetings may be reimbursed with prior written authorization and approval for attendance by Business Committee.

If an advisory board provides compensation, Rincon will not provide any further compensation for the following:

- a) per diem expense payment for food, travel, conferences, lodging and/or transportation, or
- b) stipend, honoraria, or other monies for serving in an advisory capacity.

Other advisory bodies may be formed and appointments made, from time to time. Such appointees and advisory bodies shall be made by the Business Committee without further advice and consent.

Section 11.4 QUALIFICATIONS

Appointees to any advisory body shall be enrolled 21 years of age tribal members ~~and residents of Rincon Reservation~~, except the Planning Committee which may include tribal members, non-tribal members and non-residents.

Section 11.5 TERMS OF OFFICE

The term of office for each appointee shall be two (2) years from date of appointment, or such term as specified, and at the discretion of the Business Committee.

Section 11.6 REMOVAL OF MEMBERS AND VACANCY

All appointees serve at the pleasure of the Business Committee. All decisions of the business Committee regarding appointments and terminations shall be final. Any appointee's term of representation may be terminated by majority vote of the Business Committee. Termination of appointments and appointees may be with or without cause, and the appropriate advisory body shall be notified in writing of removal. A vacancy shall be declared and appointment of dele-gate(s) shall be in accordance with Section 11.3 herein.

Section 11.7 COMPENSATION AND REIMBURSEMENT OF MEMBERS

All advisory body appointees serve as unpaid volunteers in their respective appointments. Travel, food, lodging and transportation expenses for attendance at conferences, seminars, training sessions, or other similar meetings may be reimbursed with prior written authorization and approval for attendance by Business Committee.

If an advisory board provides compensation, Rincon will not provide any further compensation for the following:

- a) per diem expense payment for food, travel, conferences, lodging and/or transportation, or
- b) stipend, honoraria, or other monies for serving in an advisory capacity.

Section 11.8 ABSENCE FROM MEETINGS

If any appointee shall be absent from three (3) consecutive, regular meetings of an advisory body, the office of said particular appointee shall be deemed to be vacant, and the term shall be terminated subject to vacancy replacement process set forth in Section 11.6.

Section 11.9 ELECTION OF ADVISORY BODY OFFICERS

An advisory body appointed may organize its members as officers. If an advisory body declares its intent to elect officers then said election shall take place at the first meeting of the advisory board. Terms of such officers shall be consistent with the terms of office of any particular appointee.

Section 12.0 AMENDMENT AND RESCISSION

This ordinance may be amended no more than once a year. Amendments, as allowed herein, shall be approved by majority vote of the General Membership. Public notice of intent to amend, modify or rescind this ordinance shall be given a minimum of fifteen (15) calendar days prior to General Membership Meeting and voting on said amendment, modification and/or rescission of this ordinance.

Section 12.1 REPORTS TO BUSINESS COMMITTEE

Each advisory body shall prepare and give a written report of its activities as determined and as frequently as required by Business Committee. Said reports shall be no less than twice a calendar year or as directed or requested by Business Committee.

Section 12.2 SEVERABILITY

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the implemented ordinance without the invalid provision, clause or application, and to this end the provision and clauses of this ordinance are declared to be severable.

Section 12.3 EFFECTIVE DATE

This ordinance shall take effect immediately when adopted by a majority vote of the Business Committee and shall rescind, supersede and replace in its entirety any previously adopted Tribal Ordinance governing the appointment and removal of delegates.

INTRODUCED, PASSED AND ADOPTED by the Business Committee of the Rincon San Luiseño Band of Mission Indians at its regular meeting held on the 14th day of April, 1994 by the following call vote:

Ayes: Council Members: Ruth Calac, Patty Duro, Richard Garcia, Gil Parada

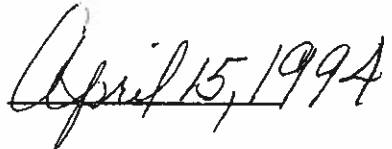
Noes: Council Members: None

Absent: Council Members: Robert G. Calac

ATTEST:


Merna Sass, Acting Recording Secretary

Date:



Section 12.3 EFFECTIVE DATE

This ordinance shall take effect immediately when adopted by a majority vote of the Business Committee and shall rescind, supersede and replace in its entirety any previously adopted Tribal Ordinance governing the appointment and removal of delegates.

INTRODUCED, PASSED AND ADOPTED by the Business Committee of the Rincon San Luiseño Band of Mission Indians at its regular meeting held on the 14th day of April, 1994 by the following call vote:

Ayes: Council Members: Ruth Calac, Patricia Duro, Richard Garcia, Gil Parada
Noes: Council Members: None
Absent: Council Members: Robert G. Calac

CORRECTION TO "SECTION 11.4 QUALIFICATIONS" INTRODUCED, PASSED AND ADOPTED by the Business Committee of the Rincon San Luiseño Band of Mission Indians at a special meeting held on August 11, 1994 by the following call vote:

Ayes: Council Members: Robert Calac, Ruth Calac, Patricia Duro, Richard Garcia, Gilbert Parada
Noes: Council Members: None
Absent: Council Members: None

ATTEST:


Darrell W Gentry, Acting Recording Secretary

Date: 8/11/94