

RESOLUTION NO. 110 -14
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

**A Resolution Adopting the Yavapai-Apache Nation
General and Special Event Committee Code**

WHEREAS: The Yavapai-Apache Tribal Council ("Council") is authorized to represent the Yavapai-Apache Nation ("Nation") and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation ("Constitution") as provided under Article V(a) of the Constitution; and

WHEREAS: The Council is authorized to appoint subordinate committees and to determine their compensation, tenure, duties, policies and procedures as provided by Article V(p) of the Constitution; and

WHEREAS: The Council, as the legislative body of the Nation, is authorized to enact laws, ordinances and resolutions incidental to the exercise of its legislative powers as provided by Article V(v) of the Constitution; and

WHEREAS: The Council wishes to adopt as a law of the Nation a General and Special Event Committee Code and thereby adopt a procedure under which the Tribal Council establishes general and special event committees and under which such committees shall be governed; and

WHEREAS: The Council has reviewed the proposed Yavapai-Apache Nation General and Special Event Committee Code attached to this Resolution as *Exhibit A* and incorporated herein by reference and deems it in the Nation's best interest to approve and adopt the Code as part of the laws of the Nation.

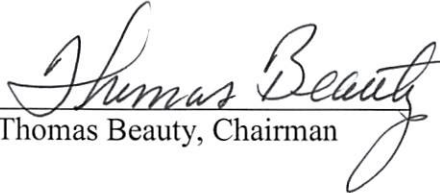
NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby approves the Yavapai-Apache Nation General and Special Event Committee Code attached to this Resolution as *Exhibit A* and incorporated herein by reference and adopts said Code as part of the laws of the Nation.

BE IT FURTHER RESOLVED that the Council hereby authorizes the Office of the Attorney General to update the Nations Code of laws to include the Yavapai-Apache Nation General and Special Event Committee Code.


BE IT FINALLY RESOLVED that the Chairman and Vice-Chairwoman, or either of them, are hereby authorized to take such further action as deemed necessary to carry out the purposes and intent of this Resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, with a quorum in attendance, presented for approval on June 12 2014, by a vote of 8 8 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.


Thomas Beauty, Chairman

ATTEST:


Karla Reimer, Council Secretary

Approved as to form:


Office of the Attorney General

EXHIBIT A

Yavapai-Apache Nation General and Special Event Committee Code
June 12, 2014

YAVAPAI-APACHE NATION
GENERAL AND SPECIAL EVENT COMMITTEE CODE

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**YAVAPAI-APACHE NATION
GENERAL AND SPECIAL EVENT COMMITTEE CODE**

(A) AUTHORITY AND PURPOSE.

- (1) This General and Special Event Committee Code (hereinafter "Code") is adopted by the Yavapai-Apache Tribal Council under authority set forth in the Constitution of the Yavapai-Apache Nation as follows: Article IV, Sections (p) and (v), respectively, provide that the Council is authorized "to appoint subordinate committees...and to prescribe their compensation, tenure, duties, policies and procedures;" and "to enact laws, ordinances and resolutions necessary or incidental to the exercise of its legislative powers". The Code may be cited as the "Yavapai-Apache Nation General and Special Event Committee Code" or "YAN Committee Code".
- (2) The purpose of this Code is to adopt a procedure under which the Tribal Council establishes General and Special Event committees and to regulate the activities of such committees. Each committee is established to advise and make recommendations regarding each specific committee purpose as defined by the Council in the resolution establishing the committee. The committee will act in an advisory capacity to the Tribal Council. All committees will be regulated by this Code and the relevant provisions of other Tribal codes and policies, except that where a committee is established by a specific resolution, ordinance, or code, the specific provisions of that ordinance, resolution or code will govern where those provisions differ from this Code.

(B) DEFINITIONS.

- (1) "Donation" means the voluntary transfer of funds or items of material value to a person or other entity for which no goods or services of substantially equal value are received in return.
- (2) "General Committee" means any committee established by the Tribal Council other than a Special Event Committee and may be either (a) Standing Committee established to fulfill a specific long-term function on behalf of the Tribal Council or (b) an Ad-hoc Committee established to fulfill a specific short-term function on behalf of the Tribal Council, which shall be dissolved upon completion of that function.
- (3) "Immediate Family Member" means the committee member's parent or grandparent (whether adoptive or step), sibling, child (whether adoptive, half or step), or spouse (as defined by the Nation's Employee Handbook).
- (4) "Nation" means the Yavapai-Apache Nation.
- (5) "Special Event Committee" means a committee established by the Tribal Council to plan, organize and conduct special events on behalf of the Nation as assigned by the

Tribal Council. Such committees are temporary and short-term in nature and are dissolved at the conclusion of the special event for which it was established.

(6) "Tribal Council" or "Council" means the Tribal Council of the Yavapai-Apache Nation.

(7) "Unexcused Absence" means an absence from any meeting of the committee for which no written excuse has been given to the Committee Chairperson and accepted by a majority vote of the relevant committee (excluding the member who has submitted the written excuse).

(C) ESTABLISHMENT, BYLAWS, MEMBERSHIP AND RESPONSIBILITIES.

(1) General. The Tribal Council may, by resolution, establish such standing, ad-hoc, and special event committees as the Council deems appropriate. All such committees shall be directly accountable to the Council. The Council reserves authority to deal directly with the committees as necessary and the Council may dissolve all such committees in its complete discretion.

(2) Committees. Standing and Ad Hoc Committees are established to assist the Tribal Council in carrying out its responsibilities, to provide quality services to the Tribal membership, and to develop, maintain, and protect the assets and interests of the Nation as assigned by the Council. In carrying out its responsibilities under this Code each committee shall:

(a) Act in an advisory capacity to the Tribal Council in recommending policies and procedures, identifying needs, developing priorities of the Nation, and carrying out such tasks as may be assigned by the Council (unless otherwise provided in a committee's approved bylaws, the advisory capacity of committees is limited to making recommendations, with final decision-making authority remaining with the Tribal Council);

(b) Report to the Tribal Council on committee activities, issues and other relevant information; and

(c) Undertake any other duties and responsibilities as assigned by the Tribal Council.

(3) Special Event Committees. Special Event Committees are established to plan, organize and conduct special events on behalf of the Nation. In carrying out its responsibilities under this Code each special event committee shall:

(a) Plan, organize and conduct special events authorized by the Tribal Council;

(b) Report to the Tribal Council on committee activities, issues and other relevant information; and

(c) Undertake any other duties and responsibilities as assigned by the Tribal Council.

(4) Bylaws. Unless otherwise provided in the resolution establishing the committee, all

committees established under this Code shall adopt bylaws consistent with this Code and approved by the Tribal Council.

(5) Committee Names. Each committee established under this Code shall be given a committee name by the Council in accordance with the Committee's assigned responsibilities.

(6) Committee Membership. All committees shall consist of the following membership:

(a) Each committee shall be composed of a minimum of five (5) and a maximum of seven (7) members appointed by the Tribal Council.

(b) Employees of the Nation may be appointed to committees.

(7) General. The following responsibilities apply to the membership of all committees:

(a) Individuals may serve as members on no more than one (1) committee at a time; however, membership on an ad-hoc committee or special event committee does not count towards this limitation. In no case shall any individual be appointed to more than two (2) committees at any given time.

(b) Immediate family members shall not serve on the same committee at the same time.

(c) Committees may utilize the assistance of non-committee member resource people. Individuals serving in a committee resource capacity shall not vote or be counted for purposes of determining a quorum.

(d) No person having been convicted of a felony within the last five (5) years shall serve on a committee and no person having been convicted of a crime against a child shall serve on a committee that provides activities for children regardless of the age of the conviction. This provision may be waived by the Tribal Council if the Tribal Council finds that mitigating factors justify the waiver.

(e) An individual owing a debt to the Nation may not serve on a committee unless arrangements for repayment of the debt have been made.

(f) Committee members shall be at least eighteen (18) years of age unless a committee's bylaws provide otherwise.

(g) The Tribal Council shall appoint additional members to a committee in excess of the maximum allowed under this Code if the Tribal Council finds that the number of members is insufficient to carry out the committee's responsibilities.

(h) Committee members shall attend all committee meetings unless they give written or verbal notice to the committee chairperson at least three (3) days prior to the

meeting; provided, however, that no notice is necessary if injury or illness of the committee member or illness, injury, or death of an immediate family member or dependent caused the absence.

- (i) Committee members shall provide input and actively participate on all matters before the committee and support all committee decisions.
- (j) At the end of each committee member's term of office, upon resignation or removal of a member, or upon other vacancy by a member, the member shall deliver all papers, records, and books and other items in the member's possession that relate to the committee, to the member's successor, or to the committee Chairperson.
- (k) Committee member appointments shall be made for such term as defined by the Council in the resolution establishing the Committee.

(D) COMMITTEE VACANCIES.

- (1) Any vacancy in committee membership shall be filled by appointment of the Tribal Council for the duration of the unexpired term.
- (2) Committee vacancies shall exist upon expiration of a committee member's term, when a member resigns for any reason, is removed, or has unexcused absences from three (3) regular meetings. Removal for three (3) unexcused absences shall be automatic without any further action from the Tribal Council. The committee chairperson shall report all such removals to the Tribal Council and the Council shall then fill said vacancies.

(E) REMOVAL OF MEMBERS. All committee members serve at the pleasure of the Tribal Council and may be removed prior to the expiration of their term, with or without cause, by a majority vote of the Tribal Council.

(F) VOTING. Each committee member shall have one (1) vote on each matter. Committee members must be present to vote. Proxy voting shall not be permitted. Except as may otherwise be authorized under Section (M) (3) hereinbelow, no committee member may vote on any action directly involving a member of his or her immediate family.

(G) QUORUM. A simple majority of the committee members must be present to constitute a quorum. Committee action is valid only when a quorum exists. A committee member may take part in discussion and count toward a quorum regarding action involving a member of his or her immediate family but, except as may otherwise be authorized under Section (M) (3) hereinbelow, said committee member may not vote on the matter.

(H) APPOINTMENT OF OFFICERS. At its first meeting each committee shall elect as its officers a Chairperson, Vice-Chairperson, and Secretary. A committee may also elect a Treasurer to perform the financial duties of the Secretary and those financial duties set out under Section (M) hereinbelow, in lieu of the Secretary performing those duties. Committee

officers shall serve for the duration of their current terms on the committee.

(I) DUTIES OF OFFICERS.

(1) The Committee Chairperson shall:

- (a) Issue notice of meetings;
- (b) Preside at all meetings;
- (c) Make reports to the Tribal Council as provided in the committee's approved bylaws;
- (d) Make reports to the Council at such other times as may be required by the Council;
- (e) Act as the representative of the committee in communications with individuals, groups, and organizations; and
- (f) Develop and submit for Tribal Council approval an annual operating budget, or for such shorter period as the committee's work will otherwise require.

(2) The Committee Vice-Chairperson shall assist the Chairperson in the duties of the office and carry out the duties of the Chairperson in his/her absence.

(3) The Committee Secretary shall:

- (a) Take minutes of all regular and special meetings;
- (b) Maintain all official records of the committee;
- (c) Take attendance at meetings and record unexcused absences;
- (d) Provide copies of all meeting minutes to the Tribal Council within five (5) days of approval;
- (e) Keep an accurate financial statement;
- (f) Maintain all of the committee's additional financial responsibilities; and
- (g) Provide the Tribal Council and its Treasurer/Finance Director with financial reports, as requested.

(J) MEETINGS.

(1) All committee meetings shall be open to the public; provided, however, the meetings

may be closed to the public when dealing with confidential material. The committee may invite guests to attend meetings.

- (2) The committee shall periodically publish its meeting schedule in the Tribal newspaper. All regular and special meetings require four (4) days written notice, which shall be given to each committee member and posted in a conspicuous place at the Tribal headquarters. Notice shall include the date, time, place, and purpose of the meeting
- (3) Regular meetings shall be held on a date set by the committee.
- (4) All regular and special committee meetings shall be held within the reservation property of the Nation unless the committee obtains prior approval of the Tribal Council to hold a meeting elsewhere.
- (5) Special meetings may be called by the committee Chairperson at his/her discretion, but the Chairperson is required to call a special meeting upon written request of three (3) or more members of the committee.

(K) COMPENSATION.

- (1) Committee members may be compensated for their services by a monthly stipend, but only if said stipend, at an approved rate, is provided for by the Tribal Council in the resolution establishing the committee. A stipend shall be paid to committee member's only upon the submission by the committee Chairperson of supporting documentation consisting of a Verification of Committee Meeting Attendance and Request For Payment of Stipend signed by at least two (2) of the Committee Officers (documenting the date of each Committee meeting and the attendance of each Committee member at the meeting), and submitted to the Nation's Finance Director in support of each stipend payment request. Committee stipends shall not be paid in excess of the committee's Council-approved budget or in excess of the amount of the monthly stipend approved by the Council.

(L) FINANCIAL ACCOUNTABILITY.

- (1) The Committee's initial budget shall be established by the Tribal Council in the resolution establishing the committee. All financial transactions undertaken by the committee shall be kept within the parameters of the committee's Council approved budget and such financial policies as the Council has adopted or may subsequently adopt.
- (2) Committees must document all of their financial transactions, including, but not limited to, donations received, tribal and other sponsorships, purchases, reimbursement for expenses, and travel vouchers. The Committee Secretary (or Treasurer if elected) shall be primarily responsible for the financial accountability and reporting of the committee.
- (3) Committee expenditures from its budget require prior approval of the committee and such approval shall be recorded in the meeting minutes.

- (4) Funds shall only be used for the purposes described in the Council-approved budget and as approved by the committee and recorded in the meeting minutes. There shall be no unauthorized use of funds. Any unauthorized use of funds shall be reported to the Tribal Council and all such funds shall be returned to the Nation within five (5) business days from notification of the unauthorized expenditure. Any committee member responsible for the unauthorized expenditure shall be removed from the committee by the Council.
- (5) Committees are prohibited from making donations of any kind from committee funds. Committees may accept sponsorships, donations, and engage in fundraising activities in accordance with any fund raising policy established by the Tribal Council. Such policy shall include provisions regarding approval of fundraising activities, accountability and maintenance of fund procedures.
- (6) All funds remaining in the committee budget at the completion of the committee's work as assigned by the Tribal Council shall be returned to the Nation's General Fund.

(M) ETHICAL BEHAVIOR REQUIRED.

- (1) Committee members are expected to comply with the ethical requirements set forth below in this Section (M) of this Code. Violations of these ethical requirements may be considered grounds for immediate removal from the committee(s) to which the committee member has been appointed. All Committee members shall:
 - (a) Comply with the provisions of this Code and generally avoid the appearance of impropriety.
 - (b) Not knowingly and willingly commit any act prohibited by law while acting in their official capacity
 - (c) Recognize that the authority of the Committee, as set forth in the Code, is delegated by the Tribal Council to the Committee as a whole, not to individual members of the Committee. As a result, the authority of the Committee may only be exercised by the Committee, acting through established procedures or as directed by the Tribal Council. Individual Committee members have no authority to exercise the powers delegated to the Committee, except when explicitly authorized to do so by the Committee or the Tribal Council.
 - (d) Not represent that he/she is acting on behalf of the Nation without specific authorization to do so.
 - (e) Not use a committee member's official title to conduct personal business.
 - (f) Not knowingly misrepresent the Nation or an official position the Nation has taken.
 - (g) Attend Committee meetings regularly and without unexcused absences.

- (h) Attend Committee meetings prepared to act on all matters of Committee business and to fully participate in the Committee's discussion of business.
 - (i) Not engage in activities or actions that discredit or bring disrespect to the Nation and at all times conduct themselves professionally while acting on behalf of the Yavapai-Apache Nation; including but not limited to while on authorized travel.
 - (j) Not, in their official capacity, make an entry in an account, record book, report or statement which in a material respect intentionally and knowingly falsifies and misleads.
 - (k) Not, in their official capacity, exercise their authority with the intent to obtain an unlawful, improper or unethical advantage for themselves or others.
 - (l) Not use the position of committee member to coerce, threaten, or intimidate a person or entity to provide a financial benefit or other personal gain to themselves or any other person with whom the committee member has family, business, or financial ties, or for any other purpose.
 - (m) Not use or convert the Nation's property, facilities, or resources for private or personal gain or benefit for themselves or others.
 - (n) Not use confidential information for private or personal gain or benefit for themselves or others.
 - (o) Not act in an official capacity while intoxicated or under the influence of illegal or incapacitating drugs.
 - (p) Not engage in any improper conduct or neglect of duty.
- (2) Confidential information. Committee members shall hold any confidential information revealed during the course of Committee business, or otherwise, in strict confidence. A Committee member may only discuss or disclose such information to persons already privy to the information or who are otherwise entitled to the information, and may only do this for purposes of conducting official Committee business. Committee members shall not use confidential information for their personal gain or benefit or for the gain or benefit of others. Committee members shall avoid using their personal email accounts to conduct Committee business and shall not transfer confidential information to personal email accounts.
- (3) Conflict of Interest.
- (a) When a matter before the Committee directly affects a Committee member's own interests (personal, business or otherwise), or the interests of his or her immediate family members, or otherwise affects the Committee member's ability to exercise independent judgment, that member has a "conflict of interest". Except as described below, a Committee member shall not act in an official capacity when he or she has a conflict of interest.

- (b) A Committee member must inform the Committee of any conflict of interest immediately upon becoming aware of the conflict.
- (c) After disclosing a conflict of interest, a Committee member may only continue to act in an official capacity if all the following are true:
 - i. the matter in which the member has a conflict of interest is a matter that affects a large number of people, including the membership of the Nation in general,
 - ii. the member and/or his or her affected immediate family members make up only a small portion of the larger group of people affected by the matter, and
 - iii. the other Committee members present unanimously assent to the member's continued participation.
- (d) In all other cases, immediately after disclosing the conflict, a Committee member shall recuse himself or herself from discussion of, and voting on, any matter concerning the conflict. "Recusal" means to leave the room. Committee members shall not discuss or vote on the matter in the presence of a member who has such an actual or apparent conflict of interest.
- (e) If it is apparent to a majority of the other Committee members present that a conflict of interest exists as defined in Section 5(a) above, but the Committee member with the conflict refuses to comply with these procedures, then the Chairperson of the Committee shall table the matter until such time as the member leaves the room or the dispute is otherwise resolved.

(N) SEVERABILITY. If a court of competent jurisdiction finds any provision of this Code to be invalid or illegal under applicable Federal or the laws of the Nation, such provision shall be severed from this Code and the remainder of this Ordinance shall remain in full force and effect.

(O) EFFECTIVE DATE. This Yavapai-Apache Nation General and Special Event Committee Code shall be effective as of the date of its adoption by the Tribal Council as specified in the Tribal Council Resolution adopting the Code.