

RESOLUTION NO. 158 -11
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

A Resolution Adopting Title 4B, the Yavapai-Apache Nation Duties of Tribal Council 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; and

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

WHEREAS: The Council has the authority pursuant to Article V(d) of the Nation’s Constitution to regulate its own procedures; and also has the authority to exercise those powers and duties vested in the Tribal Council through its inherent sovereignty as provided by Article V(w) of the Nation’s Constitution; and

WHEREAS: The Council finds it in the best interest of the Nation to specifically set forth the powers and duties of the Tribal Council through the enactment of Title 4B, the Yavapai-Apache Nation Duties of Tribal Council Code, attached as Exhibit A.

NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby enacts the attached Yavapai-Apache Nation Duties of Tribal Council Code as Title 4B of the Yavapai-Apache Nation Tribal Code.


BE IT FURTHER RESOLVED that the originals of this Code shall be filed with the Secretary of the Tribe, the Treasurer of the Tribe, the Clerk of the Court, and the Attorney General.

BE IT FINALLY RESOLVED that the Chairman, and Vice-Chairman, or either of them, are hereby authorized and approved 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, presented for approval on September 15 2011, by a vote of

in favor, opposed and abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.

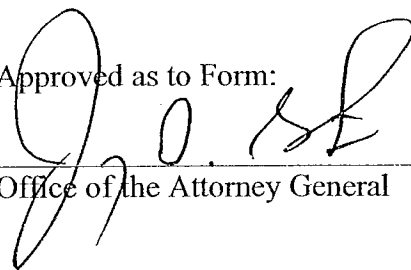


David Kwail, Chairman

ATTEST:



Karla Reimer, Council Secretary

Approved as to Form:


Office of the Attorney General

Exhibit A

TITLE 4B
YAVAPAI-APACHE NATION
DUTIES OF TRIBAL COUNCIL CODE

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SECTION 101. PURPOSE

The purpose of this Title 4B, the Yavapai-Apache Nation (“Nation”) Duties of Tribal Council Code, is to set forth the responsibilities and obligations of the Yavapai-Apache Tribal Council (“Council”) pursuant to the authority vested in the Council under the Nation’s Constitution.

SECTION 102. AUTHORITY

- A. Article III, Section 1, of the Nation’s Constitution (“Constitution”) divides the Nation’s government into three (3) separate and independent branches: the Legislative (i.e., the Council), the Judiciary, and the Executive Department. No person or group of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except as the Constitution may otherwise expressly direct or permit.
- B. Article V of the Constitution sets forth the powers and responsibilities of the Tribal Council.
- C. Article V(d) of the Constitution states that the Council shall have the power to regulate its own procedures.
- D.. Article VII, Section 1, of the Constitution states that the Executive Department shall consist of the Chairperson, Vice Chairperson, Secretary and Treasurer of the Council; the Chairperson is in charge of the Executive Department and the Executive Department shall oversee, and is responsible for, the administration of tribal business.
- E. Article VII, Section 2(a), of the Constitution states that the Chairperson makes all decisions regarding personnel within the Executive Department with the condition that any decision affecting departmental directors requires the concurrence of the Council.
- F. Article VII, Section 2(b), of the Constitution provides that in addition to overseeing the administration of tribal business, the Executive Department shall exercise those authorities delegated to it by the Council.
- G. Article X of the Constitution grants the Council the power to establish by ordinance (i.e., “code”) the duties of the Chairperson, Vice Chairperson, Secretary and Treasurer.

SECTION 103. SCOPE

This Code sets forth the duties of the Council and individual members of the Council in their capacities as members of the Council. The duties of the Secretary and the Treasurer in relation to the Council are also set forth herein.

SECTION 201. DEFINITIONS

A. **“Chairperson”** means that individual elected by the voters of the Nation as provided by Article VIII, Section 10, of the Nation’s Constitution to fill the role as Chairperson of the Nation.

B. **“Constitution”** or **“Nation’s Constitution”** means the Constitution of the Yavapai-Apache Nation adopted by the registered voters of the Yavapai-Apache Indian Community on March 7, 1992, in accordance with Section 16 of the Indian reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

C. **“Council”** or **“Tribal Council”** means the legislative body of the Yavapai-Apache Nation as set forth in Article IV of the Nation’s Constitution consisting of nine (9) members of the Nation inclusive of the Chairperson and Vice Chairperson.

D. **“Nation”** means the Yavapai-Apache Nation.

E. **“Secretary”** means that individual hired by the Council to perform various tasks for the Council including, but not limited to, keeping the minutes of Council meetings and preparing the agenda for Council meetings.

F. **“Treasurer”** means that individual hired by the Council to oversee the Finance Department of the Nation and appointed by the Council to oversee all of the financial interests of the Nation.

G. **“Vice Chairperson”** means that individual elected by the voters of the Nation as provided by Article VIII, Section 10 of the Nation’s Constitution to fill the role as Vice Chairperson of the Nation.

SECTION 301. DUTIES OF THE CHAIRPERSON

The duties of the Chairperson in his or her role as a member of the Council shall be:

1. To call, lead and facilitate Council regular and special meetings, membership and/or public meetings, work sessions and other meetings necessary to conduct the affairs of the Nation;
2. Consistent with the Constitution, to represent the Nation on both internal and external matters and in relation to internal and external individuals and entities;

3. To learn and understand the issues involving the Nation, taking a strong stance for the best interests of the Nation as needed and dictated by the circumstances presented;
4. To project oneself as a leader both internally and externally;
5. In coordination with the Vice Chairperson to set the goals and objectives of the Nation for Council consideration and approval within three (3) months of the Chairperson taking office; provided however, that within three (3) months after passage of this Code, the Chairperson shall set the goals and objectives of the Nation for Council consideration and approval;
6. To consistently inform (either verbally or in writing and either in open or executive session depending upon the circumstances) Council members (per monthly reports) of forthcoming issues, issues dealt with, and decisions made on behalf of the Nation and/or on behalf of the Executive Department that require Council participation; and
7. To coordinate with the Vice Chairperson on all Council decisions, delegated authorities, and assignments; and
8. Carrying out the directives of any and all Council decisions, delegated authorities, and initiatives properly made under the Constitution.

SECTION 401. DUTIES OF THE VICE CHAIRPERSON

The duties of the Vice Chairperson in his or her role as a member of the Council shall be:

1. In the absence of the Chairperson, performing the duties of the Chairperson;
2. In coordination with the Vice Chairperson to set the goals and objectives of the Nation for Council consideration and approval within three (3) months of the Chairperson taking office; provided however, that within three (3) months after passage of this Code, the Chairperson shall set the goals and objectives of the Nation for Council consideration and approval;
3. To learn and understand the issues involving the Nation, taking a strong stance for the best interests of the Nation as needed and dictated by the circumstances presented;
4. To project oneself as a leader both internally and externally;

5. Completing and following up on assignments given by the Council in coordination with the Chairperson;
6. Serving on assigned committees (e.g., water team) in representing the Council;
7. Informing and providing reports to the Council on the status of projects and committee actions;
8. Coordinating and shepherding to completion the priorities set forth by the Council; and
9. Performing any other constitutional assignments and authorities delegated by the Council to the Vice Chairperson.
10. Carrying out the directives of any and all Council decisions, delegated authorities, and initiatives properly made under the Constitution.

SECTION 501. DUTIES OF THE SECRETARY

The duties of the Secretary of the Council shall be:

1. To develop an annual general fund budget for the Council;
2. To serve as the manager for the Office of the Secretary (by paying bills, arranging travel, paying funeral expenses, providing clothing allowances, etc.)
3. To supervise such staff as the Office of the Secretary shall have from time to time;
4. To develop the agenda for Council meetings and disseminate materials pertaining to the agenda at least 3 days prior to the scheduled meeting;
5. To take minutes at all Council meetings and disseminate such minutes as required in a timely manner;
6. To maintain Council member schedules; and
7. To perform any other duties and assignments as required by the Council.

SECTION 601. DUTIES OF THE TREASURER

The duties of the Treasurer of the Council shall be:

1. To serve as the Finance Director for the Finance Department and as the Chief Financial Officer for the Nation;
2. To prepare an annual budget for the entire Nation and to work in conjunction with all the Nation's subordinate economic organizations, committees and boards in the development of their annual budgets for presentation to and approval from the Council;
3. To advise the Council and the Executive Department as needed or requested on all Finance Department matters and financial issues of the Nation that come before the Council or the Executive Department;
4. To understand, implement and follow the financial policies of the Nation and to recommend changes thereof to the Council as needed;
5. To oversee minor trust accounts and financial investments of the Nation;
6. To secure loans for projects as directed by the Council;
7. To collect taxes for the Nation, have the Nation's annual financial audits conducted, to negotiate and secure an indirect cost rate for the Nation;
8. To advise the Council on any financial matters of the Nation and provide quarterly and annual financial updates to the Council;
9. To review and oversee the budgets and financial records of the Nation and the Nation's subordinate economic organizations in order to make recommendations to the Council as to appropriate actions or amendments that may need to be made by the Council to such budgets; and
10. To perform any other duties and assignments as required by the Council, the Executive Department, and or a job description.

SECTION 701. DUTIES OF COUNCIL MEMBERS

The duties of the Council and Council members shall be:

1. To uphold and abide by the Constitution of the Yavapai-Apache Nation;
2. To learn and understand the issues involving the Nation, taking a strong stance for the best interests of the Nation as needed and dictated by the circumstances presented;
3. To project oneself as a leader both internally and externally;
4. To make, uphold, abide by, and periodically (quarterly) review the laws, regulations, policies and procedures of the Nation;
5. To uphold and protect the sovereignty and jurisdiction of the Nation;
6. To judiciously exercise or delegate (if legally appropriate and properly warranted) those powers and authorities granted to the Council by the Constitution of the Nation;
7. Within reason, to listen to the people, to help the people (as circumstances and resources warrant), to be available to the people, to inform and educate the people (be transparent to the extent that confidentiality allows), and to promote and protect the health and future of the people;
8. To conduct quarterly Community meetings at locations designated by Council to identify and discuss important tribal matters;
9. To develop the Nation's economy thereby enhancing self-sufficiency for both the Nation and the people;
10. To be prepared for meetings and work sessions by receiving, reviewing, and understanding the applicable materials in advance;
11. To improve the efficiency and effectiveness in performing official duties and in conducting business and community meetings through technology, procedures, and decorum;
12. In coordination with the Chairperson and Vice Chairperson to set goals, objectives, visions and general plans (including long-term) (via a running list) for the Nation and have the Chairperson communicate such to all Executive Department personnel;

13. Following recommendations from the Executive Department and the subordinate economic organizations, to create and approve annual budgets for the Nation;
14. To receive and review quarterly budget updates on the Nation's programs and subordinate economic organizations;
15. To attend meetings, conferences, seminars, or other activities with verbal or written notice to the Chairperson, the Vice-Chairperson, and the Council, and to represent the Nation and the People therein;
16. To maintain the separation of powers between the three branches of the Nation's government as required by the Constitution and the Code of Ethics;
17. To refer as necessary, those comments and concerns regarding the daily operations of the Executive Department to the Chairperson and/or Vice Chairperson;
18. In conformity with the Constitution, to serve on such boards and committees as approved or directed by the Council and to give monthly reports to the Council on the activities thereof as well as on other business related activities conducted outside of Council meetings and work sessions.
19. To periodically set, review, and adjust salaries for Council members and for the Chairperson, the Vice-Chairperson, the Secretary, and the Treasurer.

SECTION 801. SEVERABILITY AND NON-LIABILITY

A. If any provision of this Code is held to be unconstitutional or otherwise invalid, the remainder of this Code shall not be affected thereby.

B. The Nation declares that there is no liability on the part of the Nation, its officials, officers, agents, or employees for, from, and against any damages, which may occur as a result of reliance upon or conformance with this Code. The Nation, by the adoption of this Code, does not waive its sovereign immunity in any respect.

SECTION 901. REPEAL OF PRIOR ORDINANCES/CODES/LAW

A. Ordinance No. _____ and Code No. _____ are hereby repealed in their entirety.