

Chapter 22. Tribal Government Amended

Legislative History.

This chapter of the Fort McDermitt Law & Order Code was enacted by the Tribal Council on October 15, 1988, and required amendment to reflect the changes expected in the delegations of authority of the Tribal Council and of its employees, agents, servants, officer, etc.

Sec. 1. Legislative Intent.

The Constitution and Bylaws of the Fort McDermitt Tribe sets forth that regular Tribal Council meetings shall be established by ordinance. In addition, the Tribal Chairman has been delegated authority over the years without such authority being set out in writing in a single document, and this chapter is enacted so that: (1) the set date of Regular Tribal Council Meetings shall be known; (2) so that any rules of parliamentary procedure are clearly identified; and, (3) so that the duties of the Tribal Chairman, or the vice-Chairman in his absence, the Tribal Secretary and the Tribal Treasurer and the individual Councilmen are clearly set out in writing. This chapter will also contain other provisions as the Tribal Council deems necessary from time to time.

Sec. 2. Meetings of the Council; When held – How called – Quorum.

- (1) The tribal council may sit at such time and place as it may deem advisable, but the tribal council shall meet on the second Tuesday of each month for its Regular meeting and shall meet at any time upon the call of the Chairman.
- (2) The tribal council may sit at such other time and place other than the second Tuesday, as may deem advisable due to a funeral, conference, etc., and such notice shall be publicly posted advising both the Council and tribal membership.
- (3) Special Meetings. A call for a Special Meeting may be called by the Chairman or by a request signed by four members of the Council and convened as many times per month as necessary, so long as the notice requirements of the Constitution are met.
- (4) Quorum. At any regular or special meetings, or executive sessions of the Council, five members shall constitute a quorum and a majority of such quorum shall act in any manner falling within the jurisdiction of the Council, except for action requiring a two-thirds vote. The fifth member includes the presiding officer.

Sec. 3. Notice of Meetings – Agenda.

A written notice of all tribal council meetings, special and regular, in the manner of an agenda shall be posted at least twenty-four hours prior to the scheduled meeting time and date, in the tribal office and in at least two conspicuous places in the district in which the tribal office is located, however, the Council shall retain the right to amend its agenda without notice.

Sec. 4. Tribal Council Rules of Order.

The Tribal Council of the Fort McDermitt Paiute and Shoshone Tribe adopts the Robert's Rules of Order, as amended, and such rules shall apply to all tribal council meetings, regular, special and executive sessions.

Sec. 5. Tribal Chairman Delegation of Authority.

(1) The Tribal Chairman shall perform all the duties prescribed for that office by the Constitution and Bylaws of the Tribe under Article I – Duties of Officers, Section 1. *“It shall be the duty of the Chairman to preside at all meetings of the Council.”* In addition, the Tribal Chairman is delegated the authority to perform the following specific duties:

- (a) Preside at all regular and special Tribal Council or General Tribal Meetings, and Executive Sessions of the Council, but votes only in case of a tie.
- (b) Calls any special meetings of the Tribal Council or General Tribal Meetings and directs the Tribal Secretary to send out notices of both regular and special meetings.
- (c) Special meetings may be called at the initiative of the Chairman or when required to do so under Art. IV, Meetings and Procedures, Section 5 of the Bylaws.
- (d) Requires the Tribal Secretary to prepare, for the approval of the Chairman, the agenda, proposed resolutions and ordinances, for all meetings and shall be distributed before or at the meetings.
- (e) Directs the Tribal Secretary to distribute all draft minutes of all meetings and copies of approved resolutions and ordinances upon approval by the Tribal Council.
- (f) The Chairman, in the absence of a quorum, shall so declare and immediately reconvene those present as an Ad Hoc Committee to discuss matters on the agenda and make appropriate recommendations. The Chairman will present the recommendations to the Tribal Council or general Tribal membership, as appropriate, at the next meeting at which a quorum is present when official action can be taken.
- (g) The Chairman, by appropriate means, implements and enforces all legislative action and polices of the Tribal Council.
- (h) Provides direction and supervision over the Tribal Administrator (if not the Administrator) on the day-to-day operation of all tribal programs and activities according to the Tribal Operations Manual.
- (i) Requires the Tribal Administrator and Tribal Council Treasurer to submit written consolidated monthly reports on all tribal programs and activities to the Chairman prior to the distribution to the tribal council.
- (j) Enter into pre-contractual negotiations with other Tribes, Federal, State, and local agencies and private organizations or subordinate organizations of the Tribal Council. However, no agreement or contract shall be effective until approved by the Tribal council.
- (k) Signs all documents, contracts, ordinances and other actions upon approval of the Tribal Council.
- (l) The Chairman shall require written committee reports on a regular basis. Committee functions will be described when the committee is created or developed by the Committee for approval by the Tribal Council.
- (m) Acts for the Tribal Council in an emergency or disaster to protect the safety, health, welfare and property of the Tribe and its members and reports on emergency actions.
- (n) Keeps the Tribal Council, officers, Tribal committees, staff and the general tribal membership informed of local, regional and national activities which may affect the Tribe directly or indirectly.

- (o) Recommends to the Tribal Council changes in existing tribal policies for the consideration of the Tribal Council.
- (p) Supervises Tribal Staff who report directly to the Tribal Chairman.
- (q) Represents the Tribe in meetings with local, regional, State, Federal, and local agencies and reports to the Council on the results of such meetings.
- (r) Is responsible for the development of a strong public relations program for the Tribe.
- (s) Acts at all times in the best interests of the Tribe and in a manner in keeping with the highest traditions of the Office of the Chairman.
- (t) Re-delegates any authority delegated to the Chairman to subordinate Tribal Officials, committees and advisory boards, or staff with notice of such provide in writing to the Tribal Council filed with the Tribal Secretary.
- (u) Provides the leadership necessary to develop the Tribe to realize its maximum potential as a sovereign government and as a people, based upon the traditions and culture of the people.

(2) Other duties as assigned:

In addition, the tribal chairman may assume the duties of: TRIBAL ADMINISTRATOR/MANAGER; TRIBAL PLANNER; TECHNICAL WRITER; ECONOMIC DEVELOPMENT SPECIALIST; PERMIT & LEASE NEGOTIATOR; ISSUER OF PERMITS; FIRE MARSHALL; DEBT ADMINISTRATOR; GRANT and CONTRACT WRITER; and, GENERAL LEGAL COUNSEL.

As Tribal Administrator/Manager the tribal chairman shall ensure all tribal employees are in compliance with the Tribal Operations Manual.

As Tribal Planner the tribal chairman shall bring ideas and concepts to the tribal council for their consideration on the use of tribal property.

As Technical Writer the tribal chairman shall draft tribal laws for tribal council consideration.

As Economic Development Specialist the tribal chairman shall prepare for tribal council consideration plans for employing tribal members and creating viable economic development concepts within the exterior boundaries of all land owned by the Fort McDermitt Tribe or held in trust by the United States for the Tribe and its members, including Hog John Ranch, etc. (hereinafter known in this chapter as "Fort McDermitt Indian Country").

As Permit & Lease Negotiator the tribal chairman shall assume the primary role of negotiating all permits and leases of tribal lands in Fort McDermitt Indian Country, with assistance from the BIA if the tribal chairman so desires, subject to tribal council approval.

As Issuer of Permits or Licenses the tribal chairman shall be the only tribal official allowed to issue permits for: hunting and fishing, for the use or rental of tribal property, to non-Indians to cross to enter Fort McDermitt Indian Country to hunt adjacent property, and the like; and shall be the only tribal official delegated to administer the annual Fort McDermitt Bar Examination, except the Chairman may delegate this authority to the Chief Tribal Judge through a Delegation of Authority letter. The tribal chairman shall establish reasonable fees, subject to tribal council adjustment, for hunting and fishing and use the use and rental of tribal property. As regards to the use and rental of tribal property, the tribal chairman shall establish fees based on the

frequency of use, length of use, age of equipment, likely damage to tribal property, experience of the user, etc.

As Fire Marshall the tribal chairman shall establish a fire department for the protection of structures and other property and coordinate training of tribal members and the purchase of firefighting equipment.

As Debt Administrator the tribal chairman shall have the authority to order payment of necessary services for the benefit of the Tribe and the payment of debts owed by the Tribe, after due consideration for the effect of the payment on the tribal treasury, in an amount not to exceed \$1,000. All checks sought to be issued by the tribal chairman greater than \$1,000 must be approved by a majority of the Tribal Council.

As Grants and Contract Writer the tribal chairman shall be authorized to draft, complete, execute any and all grant and contract applications he believes will serve the best interests of the Tribe and its members provided that he shall bring the grant or contract documents before the Tribal Council for consideration and vote on the Tribal Council's support for such grant or contract services.

If the Tribal Chairman shall possess a law degree from a law school accredited by the American Association of Law Schools, American Bar Association, and the State Bar of Nevada, and shall have had experience in representing persons before tribal, state, and federal courts and/or federal or state agencies, the Tribal Chairman may also assume the duties of General Legal Counsel and shall investigate and bring to the attention of the Tribal Council any and all incidents, in his legal opinion, which constitute as a breach of trust responsibility by the federal government or other legal actions the Tribal Council or tribe may have against the federal government, any federal agency, entity, or private person or corporation.

Sec. 6. Vice-Chairman Delegation of Authority.

(1) The Tribal Vice-Chairman shall perform all the duties prescribed for that office by the Constitution and Bylaws of the Tribe under Article I – Duties of Officers, Section 2. *“In the absence of the regular Chairman, the Vice-Chairman shall preside and he shall have all the powers, privileges, and duties of the regular Chairman.”* In addition, the Tribal Vice-Chairman is delegated the authority to perform the following specific duties:

- (a) Acts for the Chairman in his absence or whenever delegated to do so in writing by the Tribal Council.
- (b) Assist the Chairman by performing those duties and functions delegated by the Chairman whether by a temporary or permanent delegation of authority in writing by the Tribal Council.
- (c) Is responsible to implement or carry-out in a proper and respectful manner, any powers delegated directly to the Vice-Chairman in writing by the Tribal Council.
- (d) Assist the Chairman in the Administration of Tribal Affairs as may be assigned in writing by the Tribal Council.
- (e) Keeps the Chairman advised on matters which may have an effect on the Tribal administration, the Tribal Council or Tribal members.

- (f) Assists the Tribal Chairman by meeting with the Tribal member, non-members, tribal staff, and representatives of other agencies when referred by the Chairman.
- (g) Represents the Chairman at meetings, conferences and functions of any kind when requested to do so in writing by the Chairman and reports on such activities to the Chairman.
- (h) Presides over appeals to the Tribal Council whenever the Chairman is disqualified by reason of relationship, personal interest or other valid cause.
- (i) Cooperate with the Tribal Chairman in providing leadership necessary to develop the Tribe to realize its maximum potential as a sovereign government and as people.
- (j) Performs such other duties as may be assigned by the Tribal Chairman.

Sec. 7. Tribal Secretary Delegation of Authority.

(1) The Tribal Secretary, under the general supervision of the Tribal Council and the immediate supervision of the Chairman, shall be responsible for the duties of that office as contained in the Constitution and Bylaws of the Tribe under Article I – Duties of Officers, Section 3. *“It shall be the duty of the Secretary to keep a true and accurate record of all matters affecting the records to render a proper accounting of such records and statistics at all meetings of the Council and to keep an accurate record of all Council proceedings, including the minutes of each special or regular meeting. Such records shall be in triplicate, the original copy to be filed at the Fort McDermitt Tribal Office, one copy to be presented to the Superintendent, and one copy to be sent to the Commissioner of Indian Affairs.”* In addition, the Secretary shall perform the following specific duties:

- (a) The Secretary shall be responsible for the preparation of the agenda, proposed resolutions and ordinances, subject to review by the Chairman, for all Tribal Council and general Tribal meetings.
- (b) The Secretary shall be responsible for the preparation of all minutes of Tribal Council and general Tribal meetings, and also for the distribution of minutes, approved resolutions and ordinances after approval by the Chairman.
- (c) In coordination with Administrative Secretary, the Tribal Secretary shall be responsible for the maintenance of all official Tribal Council correspondence.
- (d) The Tribal Secretary shall be responsible, in cooperation with the Administrative Secretary, for the development of a system for handling correspondence and official documents of the Tribal Council, subject to approval by the Chairman.
- (e) The Tribal Secretary is responsible for sending out all notices of Tribal Council meetings and general tribal meetings.
- (f) When so authorized, the Tribal Secretary attends national and regional meetings as a representative of the Tribe and also attends local meetings of the Tribal membership.
- (g) If required by the Constitution and Bylaws or approved administrative procedures, the Secretary signs off on requisitions and/or other official tribal documents.
- (h) The Tribal Secretary consults and cooperates with the Administrative Secretary on a regular basis in order to maintain and support administrative stability, including the consolidation of program progress reports for the benefit of the Tribal Council.
- (i) The Tribal Secretary shall, upon his removal, resignation, or change in secretary due to tribal council elections, shall return all Tribal documents, complete and sign all approved

resolutions and minutes, return all tribal property in his care and custody before final payment is authorized and released.

(j) The Secretary performs such other duties as may be assigned by the Chairman.

Sec. 8. Tribal Treasurer Delegation of Authority.

(1) The Tribal treasurer, under the general supervision of the Tribal Council and the immediate supervision of the Tribal Chairman, shall perform all the duties prescribed for that office in the Constitution and Bylaws of the Tribe under Article I – Duties of Officers, Section 4:

- a. He shall accept, receipt for, preserve and safeguard all funds in the custody of the Council, whether same be tribal funds for which the Council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the Council, and he shall keep an accurate record, filing same in the office of the Fort McDermitt Tribal Council, and he shall report in writing all receipts and expenditures and accounts and the nature of all funds in his possession, or custody, once every 6 months to the Tribal Council.
- b. He shall not disburse any funds in his custody belonging to the Council except when authorized by a motion duly passed and properly recorded by the Council.
- c. The treasurer shall be required to furnish a bond satisfactory to the Council and to the Commissioner of Indian Affairs.
- d. The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Tribal Council or under the direction of the Commissioner of Indian Affairs.
- e. Until the Treasurer is bonded, the Council may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

(2) In addition, the Tribal Treasurer shall perform the following specific duties:

- a. Consults with the Tribal Administrator for the purpose of financial review of program operations to maintain and support administrative stability and financial integrity.
- b. Work cooperatively with the Tribal Finance Officer in order to assure efficient and proper fiscal management practices, including receipting and accountability for fund received by the Tribe.
- c. Meets with the Tribal Administrator and Finance Officer and supporting financial staff members, and Program Directors when necessary, to review and prepare recommendations on Tribal program operating budgets for action by the Tribal Council.
- d. Review requests for revision and modifications of approved Tribal program operating budgets, together with the Tribal Administrator and Finance Officer, and exercises approval and sign-off authority for submission to appropriate funding agencies.
- e. After approval by the Tribal Administrator and Finance Officer, may approve requisitions and other financial documents when required.
- f. Assists the Tribal Administrator and Finance Officer to provide or arrange for training sessions for financial staff and required attendance as a job requirement.

- g. Arranges with the Tribal Administrator and Finance Officer for an annual audit of all Tribal accounts and directs the Tribal Administrator or Finance Officer to take any corrective measures recommended by the audit.
- h. When so authorized, the Treasurer shall attend national and regional meetings as a representative of the Tribe and also attends local Tribal meetings of the Tribal membership when invited or at the direction of the Tribal Chairman.
- i. Approves hiring of financial office staff, after screening by the Finance Officer and favorable recommendation of the Tribal Administrator and acts as the final appeal on personnel grievances after hearing and decision of the Tribal Administrator, following the approved Personnel policies of the Tribe.
- j. Furnishes periodic reports to the Tribal Council through the Tribal Chairman, or upon request, on the management of the financial affairs of the Tribe, including but not limited to, status of all program operating funds.
- k. Provides monthly financial status reports to the Tribal Council.
- l. Prepare and conduct monthly reconciliations on all Tribal bank accounts.

Sec. 9. Tribal Councilman Delegation of Authority.

Under the general leadership and direction of the Chairman of the Tribal Council, the Tribal Councilman is required to exercise initiative and act responsibly in the exercise of his office at all times before the council table, during meeting and conference calls away from the reservation, and at time when such significance of conduct would cause adverse effect on the reputation of the Tribe or Tribal Council, and of the following specific duties and responsibilities the Councilman:

- (a) Must at all times act in the best interests of the Tribe, by representing the constituency which elected him to the best of his ability.
- (b) Must be responsive to the general Tribal members and reservation communities and their needs and put their interests above any personal interest of the councilman.
- (c) Should accept responsibility to serve on committees when requested to do so and carry out the duties of a committee member, or as an ex-officio to a committee when relevant, to the best of his ability.
- (d) Should attend faithfully all meetings of the Tribal Council, unless absence is excused for good cause, so that the Tribal members and the member's constituencies are fully represented.
- (e) Must report to the community all of the action taken and other important results of any council meeting and meeting or conference calls away from the reservation.
- (f) Must furnish a written report covering any trip taken off the reservation while representing the Tribal Council.
- (g) Should be interested and review all required progress reports of all programs, committees, associations, or groups being operated on the reservation for the tribal members, however, he must not engage in petty political interference with the operations of those individual group activities. Likewise, he has the right to question any matters not understood or with the councilman feels is not serving the best interest of the tribal member properly.

- (h) Should participate fully in all council and committee meetings, of which he may be a member, so that his views as well as that of the constituency represented by him are made known as a matter of record on all major issues.
- (i) Should carry out all duties contained in the constitution and bylaws of the tribe as well as such other duties as may be assigned by the Chairman or the Tribal Council to the best of his ability.

Sec. 10. Tribal Council compensation.

When the Tribal Council is called to and convenes a tribal council meeting, they may be entitled to compensation subject to the availability of funding. The Tribal Council shall set its compensation rates in an approved budget.

Sec. 11. Tribal Council; Traditional Authority; Anglo Concept of "Separation of Powers".

The tribal council hereby declares its right, under tribal custom and tradition, to exercise its traditional authority in the areas termed by the Anglos as the executive, legislative and judicial branches of government and to set forth in writing, and in a clear and concise manner, that the tribal council does not accept or embrace the Anglo concept of "Separation of Powers".

This section shall not be interpreted as preventing the tribal council, from this date forward, and from time to time as deemed necessary by the tribal council, to require certain tribal officers, independent contractors and others to adhere to written or codified expressions by Anglos that embrace traditional expectations of behavior, e.g., requiring that all tribal court judges abide by the Judicial Code of Conduct drafted, and updated on a regular basis, by the American Bar Association (hereinafter "ABA") or requiring all attorneys and tribal court advocates adhere to the ethical rules codified in the ABA's Code of Professional Responsibility as updated on a regular basis. By the same measure, adoption of such Anglo written expressions shall not be interpreted as inferring that the tribal council embraces the Anglo doctrine of "separation of powers".

Sec. 12. Code of Ethics.

All elected and appointed officials and tribal employees shall adhere to the mandates of the Constitution and Bylaws of the Fort McDermitt Paiute and Shoshone Tribe and all laws and policies arising from that document. Elected and appointed officials and tribal employees shall use their authority only under the express mandates of their offices. Salary or expenses shall not be paid for work which violates this section.

Gross Neglect of Duty. The following as defined are evidences of gross neglect:

- a. Gross Incompetency is the inability or unwillingness to perform the duties of office.
- b. No elected official or appointed official or tribal employee shall engage in any activity which would hamper or be in conflict with efficient performance of duty or the interests of the Fort McDermitt Paiute and Shoshone Tribe.

Improper Conduct. The following shall be considered improper conduct, but not be limited to:

- a. Unauthorized use of the position or office to influence or cause the consideration of any business agreement or any other decision on behalf of the Fort McDermitt Paiute and Shoshone Tribe.

- b. Intimidation of fellow elected or appointed officials and tribal employees of the Fort McDermitt Paiute and Shoshone Tribe.
- c. Conversion of Fort McDermitt Tribal Property or monies without authorization, either through omission or misrepresentation (kickbacks, vote buying, etc.)
- d. Unauthorized personal use of Fort McDermitt Tribal Property, equipment, manpower or materials.

Violation of the Code of Ethics:

- a. Insubordination
- b. Dishonesty
- c. Contempt of Court (tribal or federal)
- d. Public Intoxication

Applicability of Removal from Office. Elected officials, after being given due process rights, and having been found guilty, constituting cause for removal as required by Article V – Vacancies and Removal from Office, may be expelled from office by a two-thirds vote of the Council members.

Sec. 13. Petitions – Initiative and Referendum.

- (1) All qualified voters of this tribe, may bring Petitions before the Tribal Council.

Requirements for Documents of Petition. Any person who submits an initiative or referendum petition, must ensure the petition contains:

- a. At the top of the document (Petition) it must contain the full text (wording) of the proposed measure; a statement for the purpose of the Petition and what is being initiated or the referenda item.
- b. The name of each person who signs the petition.
- c. The signature of the person signing the petition.
- d. The street address of the residence where the person signing the petition actually resides, unless a street address has not been assigned. If a street address is not assigned the document may contain the mailing address of the person signing the petition.
- e. The date of the signature, and
- f. Have attached to it, when filed, an Affidavit signed by the person who circulated the document in substantially the following form on a sheet of 8 ½ x 11 inch paper:

Fort McDermitt Indian Reservation)
)
Humboldt County, Nevada)

AFFIDAVIT

I, _____ being first duly sworn under penalty of perjury, depose and say:

I reside at _____;

I am 18 years of age or older;

I personally circulated this document;

I declare all signatures were affixed in my presence;

I believe that each person who signed was at the time of signing was an eligible voter of the Fort McDermitt Paiute and Shoshone Tribe during the last elections, and that the number of signatures affixed thereon is at least fifteen; and

That each person who signed had an opportunity, before signing, to read the full text of the ACT or RESOLUTION on which the initiative or referendum is demanded.

(Signature of the person circulating petition)

Subscribed and sworn to or affirmed before me
this ____ day of _____, 20____.

NOTARY PUBLIC

(2) The Tribal Council shall not hear petitions brought before it requesting for the Exclusion of Persons from the Fort McDermitt Reservation. Such petitions shall be filed with the Paiute and Shoshone Tribal Court in accordance with an Exclusion Code of the Fort McDermitt Tribe.

Sec. 14. Character Investigations.

By the Chairman or Vice Chairman, and/or the Tribal Administrator. The Chairman or Vice-Chairman and/or the Tribal Administrator shall –

(a) Compile a list of all authorized positions within all tribal department or programs the duties and responsibilities of which involve regular contact with, or control over, Indian children.

- (b) Conduct an investigation of the character of each individual who is employed, or is being considered for employment, by the Fort McDermitt Tribe in a position listed pursuant to paragraph (a).
- (c) Prescribe by regulations or policy minimum standards of character that each such individuals must meet to be appointed to such positions.

Criminal Records. The minimum standards of character that are to be prescribed under this section shall ensure that none of the individuals appointed to positions described in subsection (1) of this section have been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense, or any of two or more misdemeanor offenses, under federal, state or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.

Investigations by the Fort McDermitt Tribe or Tribal Council. When the Fort McDermitt Tribe or the Tribal Council receives funds under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et. seq.] it shall –

- (a) Conduct an investigation of the character of each individual who is employed, or is being considered for employment with the Fort McDermitt Tribe by such department or program in a position that involves regular contact with, or control over, Indian children, and
- (b) Employ individuals in those positions only if the individuals meet standards of character, no less stringent than those prescribed under subsection (1) of this section, as the Fort McDermitt Tribe shall establish.

Sec. 15. Drug Free Workplace.

- (1) When the Fort McDermitt Tribe or the Tribal Council is granted a contract from a federal agency or receives funds to carry out a function for the federal agency, the tribe will certify that it will provide and maintain a drug-free workplace. The Fort McDermitt Tribe maintains a strong commitment to provide a safe and healthy environment for tribal employees and the public they serve. Consistent with this commitment, the Tribe, will implement this work rule for all employees to ensure a work environment free from the effects of alcohol and drug abuse through a “Zero Tolerance Policy”.
- (2) While the Fort McDermitt Tribe has no intention of intruding into the private lives of tribal employees, it does retain the right and responsibility to expect each employee to report for work and to perform his or her duties in a manner which does not jeopardize the health and safety of co-workers and the public. Work performance impaired by alcohol or drugs poses a threat to the well-being of employees and the public; including equipment and property of the Tribe. Some of the drugs which are illegal under federal, state and tribal laws including marijuana, heroin, hashish, cocaine, hallucinogens, and depressants and stimulants not prescribed for current treatment by a practitioner. Further, the Tribe recognizes that an employee’s consumption of alcohol and drugs, both on and off the job, can have a detrimental impact and nexus in the workplace and is not viewed by the public as representing the Paiute and Shoshone peoples.

Sec. 16. Severability.

Should any sections of this chapter be disapproved by the Secretary of the Interior or his representatives or should any section be found unconstitutional or in violation of federal law by the tribal court or any court of competent jurisdiction, such declaration shall not affect the remaining sections of this chapter.

Sec. 17. Definitions.

Child or Children means any person under the age of 18 years.

Finance Officer may mean the Chief or Director of the Finance Department, depending upon the table of organization for the department.

Gross Neglect of Duty means improper conduct, is any unlawful behavior by a tribal councilman or tribal officer in relation to the duties of his office, conduct that is willful in character. The term further embraces an act which the office holder had no right to perform, acts performed improperly and failure to act in the face of an affirmative duty to act.

Improper Conduct means, is a type of serious nonfeasance or failure to attend to one's duties as a tribal officer. Nonfeasance is the non-performance of some act which a councilman or tribal officer is obligated or has responsibility to perform; an omission to perform a required duty at all; or, total neglect of duty. It further means the total omission or failure of a tribal councilman or tribal officer to enter upon the performance of some distinct duty or undertaking which he has agreed with his oath to do.