

PENOBSCOT INDIAN NATION

RULES OF ORDER OF COUNCIL

Oath of Office

You were presented to the people who chose you by their votes to be a member of the Tribal Council of the Penobscot Indian Nation, and thus you have been given their pledge of respect and loyalty, but a leader has a duty to his people also. Are you then willing to faithfully discharge to the best of your abilities duties incumbent upon you as a Tribal Council member of the Penobscot Indian Nation and to lead your people in accordance with the Ancient Customs, Traditions, Ordinances and Laws of the Penobscot Nation as well as applicable State or Federal Laws as have all your predecessors in ages past?

I, _____, now solemnly swear that I will faithfully discharge to the best of my abilities, duties incumbent upon me as a member of the Tribal Council of the Penobscot Indian Nation and will lead my people in accordance with the Ancient Customs, Traditions, Ordinances and Laws of the Penobscot Nation as well as applicable State or Federal Laws as have all my predecessors in ages past.

1. MEETINGS

A. Council meetings shall be opened by the Chief, Vice-Chief, or Chief, Vice Chief or Chairperson with a moment of silence for all deceased tribal members. Council members, on an alternating basis, shall read the following statement: *“All members of the Chief and Council have been duly elected to uphold the integrity of the Penobscot Nation and shall in good faith, truth, and honesty uphold their oath of office in carrying out their duties.”*

B. The Tribal Clerk, or his/her designee, shall conduct a roll call of the Council members at which time their excused or unexcused status will be entered as part of the official record. The excused or unexcused status will be based on Section 8 (1) hereof. If a Council member is going to be absent they shall notify the Tribal Clerk prior to the designated meeting time.

C. The Chief, Vice Chief or Chair shall state, *“All non-members must leave the Council chambers until such time as the Council agenda item is to be heard, you will be called.”*

D. All meetings shall commence at 4:30 p.m., unless otherwise determined by the Council.

E. All meetings shall not exceed 10:00 p.m., unless a motion is made prior to 9:30 p.m. for extending beyond 10:00 p.m. At 9:29, the Chief, Vice Chief or Chair will ask for a motion to go beyond 10:00 p.m.

F. A ten (10) minute break may be requested every hour by the Chief, Vice Chief or Chair or any Council member, as appropriate.

G. The Chief, Vice Chief or Chair shall be responsible for the orderly conduct of the meeting. The Chief, Vice Chief or Chair shall determine the priority of speakers, as appropriate, and people shall wait to be recognized and called upon by the Chief, Vice Chief or Chair before speaking.

H. A Council member may challenge a vote only if a conflict of interest is suspected. Conflict of interest is defined in Attached A hereto.

I. No member shall interrupt another member while speaking, except to call to order by objection or to correct a mistake.

J. No member shall request leave from the Council, unless a quorum remains upon his/her departure. A member may be excused if an emergency situation arises that directly effects that Council member.

K. Debate shall always be directly related to the question or issue before the Council. Before calling for a motion, the Chief, Vice Chief or Chair will ask if there are questions or concerns regarding the issue before the Council. Once there are no further questions or concerns, a motion will be called for by the Chief, Vice Chief or Chair. After any such motion, discussion or debate, if any, on such motion will occur. Once there is no further discussion or debate on the motion, the Chief, Vice Chief or Chair will call for a vote on the motion.

L. Once a motion has been made and seconded, no Council member shall leave the Council chambers until such motion is voted upon.

M. A time limit for debate or discussion shall be imposed by any Council member who has a majority consensus of the Council. This action can be called by any Council member at any time of debate.

N. No Council member shall change his/her vote once their vote is cast. Council members must vote on the order they are called on and cannot change their vote and the order is to be changed up from time to time.

O. The Chief, Vice Chief or Chair must recognize and call to a vote all duly made motions of the Council; provided, however, the Chief, Vice Chief or Chair can first ask the motion maker to reconsider such motion if the Chief, Vice Chief or Chair feels it is improper or inappropriate. The presiding officer of the Council

cannot control the flow of Council business; ~~he~~ they can only makes the initial decisions, and a majority of the Council always has the power to decide its own course of proceedings.

P. Calling of meetings shall be made by the Chief, Vice Chief or Chair. Council members can also request meetings to be called.

Q. Council members and tribal members will be notified 24 hours prior to a meeting being held.

R. Leadership retreat meetings are to be used for leadership development, information dissemination and discussion for topics not normally accommodated in the monthly meeting. These meetings are limited to Tribal government leaders and administration. In these sessions, motions will not be made since tribal membership is not present.

2. TEMPORARY CHAIRPERSON

A. During the Council meeting the Chief or Vice-Chief may select a temporary Chairperson from those Council members present for any purpose that a need arises.

B. The selection of a Chairperson will be by nomination and vote of Council. Seniority is a consideration for selection. The term of this position is to coincide with the balance of their term. They shall have the same duties as the Chief and Vice-Chief when they chair the meetings. The chairperson of the Council shall preside as chair of the Council meetings and as required, preside in the absence of Chief and Vice-Chief, during instances of conflict of interest for Chief and Vice-Chief and when the Chief and Vice-Chief fail to call for a meeting.

3. EXECUTIVE SESSION

The Chief and Council always retain the right to close its meetings to only its members. Executive sessions are closed meetings of and for the Chief and Council only, with the Tribal Clerk present for the taking of minutes. Any other person in attendance shall need a

majority consensus of Chief and Council. Executive sessions may be called to address issues of residency, personnel matters concerning individual employees, issues involving tribal members' confidential or personal information, matters concerning sensitive business or proprietary information of the Tribe, and votes to remove Council members as provided in Section 7(C) hereof.

And information that is discussed in executive session shall be kept strictly confidential by Chief and Council. Violation of this and any tribal law will be subjected to discipline under Section B.

Motions to be made will require that the council come out of executive session to re-open the meeting and voting to tribal members.

4. CONFIDENTIAL DOCUMENTS

Any documentation marked "Confidential", "Privileged" received by Council members pertaining to any issue shall be returned to the Tribal Clerk for disposition. Any information contained in such documents shall be kept strictly confidential by Chief and Council.

5. APPOINTMENTS

All appointments made by the Chief shall be with the advice and consent of Council. The Chief, Vice Chief or Chair shall call for a motion to accept the appointment, and upon a second, the motion will be voted upon. This vote shall constitute "advice and consent". When appointments are being made all applications are to be in front of council to show who was interested in the committee.

6. COUNCIL MEMBERS DECORUM/RESPONSIBILITIES

A. The integrity of the Council in rules of conduct and upholding the Oaths of Office warrants Council members to be outstanding representatives of the Penobscot Nation at all times.

B. Elected officials shall be proud to represent the Penobscot Nation and endeavor conscientiously to pursue the highest standards of conduct.

C. Elected officials are entrusted the security, safety, health, prosperity and general well being of those whom they serve; such trust is high in moral and ethical standards upholding the public's confidence, reducing any conflict with private interests and official duties.

D. No elected official shall exercise their position of trust to secure unwarranted privileges for themselves.

E. No elected official shall intimidate any employee or person in a personal or unruly manner.

F. Council member's authority is exercised during the meeting of Chief and Council. Any requests for action by Council members must be approved at a meeting of chief and Council.

7. COUNCIL MEETING ATTENDANCE/MEMBER REMOVAL

A. Council members may be excused from any Council meetings due to illness, travel, attending school, work, representing Penobscot Nation elsewhere; death in the family or other family emergencies.

B. Abusive or derogatory remarks or unwarranted personal attacks by any Council or Tribal member to any person shall be cause for removal, which shall be called for by the Chief, Vice Chief or Chair as provided herein and carried out by the Tribal police, if necessary.

C. Disruptive Council members shall be removed from the Council chambers upon majority vote of those members present in Executive Session. The Chief shall immediately call the Council into Executive Session for purposes of executing the removal vote. Disruptive Tribal members shall be asked to leave the Council chambers by the Chief, Vice Chief or Chair. If any person refuses to leave the Tribal police will be contacted to enforce such removal.

D. Tribal Council members in session shall from time to time need to operate as an ethics committee in and for itself; imposing certain disciplinary actions as loss of Council payments, loss of committee positions, loss of rights to speak, apologizing, etc. as needed and are enforceable.

8. RECORDING OF COUNCIL SESSIONS

A. The Tribal Clerk shall keep recorded tapes of the Council meetings for the purpose of preparing the minutes. Recorded minutes of the Council meetings may be viewed in the Tribal Clerk's office by the Chief, Vice-Chief and Tribal Council members, with the exception of executive session minutes. Any disciplinary actions concerning Council members shall be included in the recorded minutes.

B. Executive sessions of Council shall be taped for use by the Tribal Clerk in preparing the minutes. Executive minutes are only available by specific order of Chief and Council.

C. Under no circumstances are tapes or transcripts to be given or made available to any person, only the Chief and Council shall designate any other use, the Clerk is so advised.

9. COUNCIL RULE CHANGE

No rules of order of the Council shall be dispensed with unless a two-thirds (2/3) vote of the full Council shall consent.

PENOBSCOT TRIBAL COUNCIL

RECUSAL DUE TO CONFLICT OF INTEREST

- (1) For purposes of this section,
 - (a) "immediate family" means the following persons: a Mother, Father, Sibling, Husband, Wife or child, including adopted and "step" relatives.
 - (b) a matter "directly effecting" a person includes, but is not limited to, hiring terminating, or determining the salary of such person, or appointing such person to an office, committee or board.

- (2) No member of the Tribal Council shall participate in any action or decisions by the Tribal Council directly affecting (a) the Tribal Council member himself or herself, or (b) a member of his or her immediate family, or (c) any person, business or other entity (i) of which the Tribal Council member or a member of his or her immediate family is an employee, or (ii) in which the Tribal Council member or a member of his or her immediate family has a substantial ownership interest, or (iii) with which the Tribal Council member or a member of his or her immediate family has a substantial contractual relationship.