

POKAGON BAND OF POTAWATOMI INDIANS
TRIBAL CODE
Title IV
Chapter 2
SUBSTANCE ABUSE ADVISORY COMMITTEE ORDINANCE
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TRIBAL CODE
Title IV
SUBSTANCE ABUSE ADVISORY COMMITTEE ORDINANCE
(cite 4 P.B.T.C.)**

Enacted June 13, 1998

Section 2.1. Authority.

Be it ordained by the Tribal Council of the Pokagon Band of Potawatomi, in accordance with Article IV, Sec. 2 of the By-Laws, as amended May 09, 1998.

Section 2.2. Purpose

The purpose of this Ordinance is to establish a Substance Abuse Advisory Committee (“Advisory Committee”) responsible for assisting with developing fair, ethical and proper policies in delivering substance abuse services to the Pokagon Band members, their families and the Native American community.

Section 2.3. Governmental Instrumentality.

The Advisory Committee is an instrumentality of the Pokagon Band Tribal Council.

Section 2.4. The Substance Abuse Advisory Committee Duties.

The duties of the Advisory Committee shall include, but be not limited to, the following:

- A. Advise and review the development of the substance abuse program policies and procedures.
- B. Plan and evaluate staff development activities.
- C. Advise and review the development of program goals and objectives.
- D. Advise the alcohol substance abuse program coordinator on the selection of facilities.
- E. Advocate on behalf of the program, clients and community.
- F. Elicit the aid of community resources and funding opportunities to support program objectives.
- G. Problem solve between program and community.

- H. Assist Tribal Council in defining alcoholism/substance abuse problems within the community.

Section 2.5. Standard of Confidentiality.

In carrying out the duties and powers established by this Ordinance, the Advisory Committee and each Committee Member shall maintain the strictest of confidentiality standards. The Advisory Committee shall adopt the confidentiality standards and procedures followed by the Health Services Department for the Substance Abuse Program.

Section 2.6. Composition of the Advisory Committee.

The Tribal Council shall appoint a Substance Abuse Advisory Committee composed of seven (7) voting Committee Members and no more than two (2) non-voting advisors.

- A. Six (6) Advisory Committee Members shall be appointed from the Native American population to whom services are targeted.
- B. One (1) member of the Pokagon Band Health Board shall serve on the Substance Abuse Advisory Committee. The Health Board shall determine which member shall sit on the Advisory Committee.
- C. Ex-officio members shall include the substance abuse program coordinator and one member of the Pokagon Band Tribal Council as designated by the Tribal Council.
- D. The advisors shall be appointed from the community-at-large and may be a non-Member of the Band.
- E. Reappointment to the Committee is permitted.

Section 2.7. Terms of Appointment.

- A. The term of office shall be (3) years and staggered.
- B. To maintain a staggered system of terms, the initial appointments for the Committee Members appointed under Sec. 2.6(A) above, three (3) of the Committee Members shall each serve a three-year term and (3) Committee Members shall each serve a two-year term.
- C. The Tribal Council member and Health Board member appointed under Sec. 2.6 (B) and (C) above shall sit on the Advisory Committee for the length of his/her term.

- D. The advisors shall be appointed for a three-year term; provided that if two (2) advisors are appointed, then initially one advisor shall be appointed for a two-year term and the other shall be appointed for a three-year term.
- E. Each member of the Advisory Committee shall hold office until his/her successor has been duly appointed by the Tribal Council.

Section 2.8. Officers.

- A. The Advisory Committee Officers shall include, but be not limited to, a Chairperson, Vice-Chairperson, Secretary, and Treasurer. One or more other officer positions as the Tribal Council may deem necessary may be established by resolution of the Tribal Council.
- B. No non-voting member may serve as an Officer.
- C. The Council shall appoint a Chairperson for the Committee.
- D. The Committee Members shall elect any other necessary officers from among voting Advisory Committee Members.
- E. No two (2) Offices may be held by one and the same person.
- F. The term of each Officer position shall coincide with the term of appointment, as outlined in Sec. 2.7. above, of the Committee Member appointed or elected to the Officer position.

Section 2.9. Duties of Officers.

A. **Chairperson.** The Chairperson of the Advisory Committee shall:

- (i) Preside at all meetings of the Advisory Committee.
- (ii) Submit at each meeting such recommendations and information as he/she may consider proper concerning the affairs and policies of the Advisory Committee. The Chairperson shall submit such recommendations and information when called for by the Advisory Committee.
- (iii) Shall perform all other duties as may be required by the Advisory Committee.

B. **Vice Chairperson.** The Vice-Chairperson shall:

- (i) Have such powers and perform such duties as may be assigned to him/her from time to time by the Chairperson or by the Tribal Council.

- (ii) Preside at all duly called meetings in the absence of the Chairperson.

C. Secretary. The Secretary of the Advisory Committee shall:

- (i) Cause to be recorded all acts and votes of the Advisory Committee.
- (ii) Cause to be maintained minutes of all meetings of the Advisory Committee.
- (iii) Cause to be given notice of all meetings of the Advisory Committee.
- (iv) Be custodian of and properly keep all the record books of the Advisory Committee.
- (v) Preside at all duly called meetings in the absence of both the Chairperson and the Vice-Chairperson
- (vi) The Secretary shall perform such other duties as may be prescribed by the Tribal Council or by the Chairperson.

D. Treasurer. The Treasurer of the Advisory Committee shall:

- (i) Cause to be kept full and accurate accounts of receipts and disbursements in books belonging to the Advisory Committee.
- (ii) Pay out and disburse the funds of the Advisory Committee as may be ordered by the Advisory Committee, in accordance with tribal policies and procedures.
- (iii) Render to the Advisory Committee, at each regular meeting or whenever it may require it, an account of all transactions and the financial condition of the Advisory Committee.
- (iv) Render to the Tribal Council Treasurer a monthly accounting, or whenever Tribal Council may require it, of the Committee's checking account, in accordance with Band policies.

Any accounting made shall be presented in such a manner as not to breach the confidentiality standards mentioned in Sec. 2.5 of this Ordinance.

E. Other Officers. All other Officers, as may from time to time be appointed by the Tribal Council according to Section 2.8(A) of this Ordinance, shall perform such duties and exercise such authority as the Advisory Committee may prescribe.

- F. **Additional Duties.** The Officers of the Advisory Committee shall perform such other duties and functions as may from time to time be required by the Advisory Committee or by Tribal Council.

Section 2.10. Prohibited Activities.

Advisory Committee Members, voting and non-voting, shall not commit any of the following acts:

- A. Acting in an administrative or supervisory capacity with respect to any Department's personnel or program(s), excepting those Members employed in an administrative or supervisory role.
- B. Influencing application of established operating policies and procedures in order to cause benefit to any person, program, or agency who would otherwise not be benefited; or
- C. Participating in any action which would constitute a conflict-of-interest under tribal law and policies.

Section 2.11. Removals, Resignations, and Vacancies.

A. **Removal.** Upon a majority vote of the Committee, the Committee may request the Tribal Council to remove, or the Tribal Council on its own action may remove, a Member for cause, which includes, but is not limited to:

- (i) Engaging in a prohibited activity as defined under Section 2.10 above or failure to meet other requirements of this Ordinance;
- (ii) The unexcused failure to attend three (3) consecutive meetings. To be "excused" a Member must notify the Chairperson or presiding Officer in advance of the meeting, unless the Chairperson or presiding Officer deems the situation an emergency. The Chairperson or presiding Officer conducting the meeting shall be the person responsible for authorizing the absence as "excused" or "unexcused." The reason for the absence shall be placed in the Committee minutes.
- (iii) Commission of an act or omission of an act which is contrary to the best interest of the Advisory Committee, or which is contrary to stated goals or objectives which have been established by the Tribal Council.

B. Resignation.

Any Member may resign at any time by giving a written notice to the Chairperson or to the Secretary of the Advisory Committee, such resignation to take effect at the time specified therein. Unless otherwise specified in the resignation, acceptance of such resignation shall not be necessary to make it effective.

C. Vacancy.

- (i) In filling a vacancy, the Tribal Council shall appoint a successor for the length of the unexpired term.
- (ii) A replacement Officer shall fill the appropriate term until its expiration and shall subsequently be eligible for re-election in accordance with this Ordinance.
- (iii) Upon termination or resignation of the Substance Abuse Coordinator from his/her position, he/she shall automatically and immediately vacate his/her advisory seat on the committee.

Section 2.12. Meetings.

Unless closed under Subsection E below, all Advisory Committee meetings are open to the service membership.

- A. **Annual Meeting.** The advisory Committee shall determine the time and place of the Annual Meeting of the Advisory Committee. Such Annual Meeting shall not coincide with any Regular Meeting of the Advisory Committee. The Secretary shall give notice to all Committee Members and to the Band membership no later than fifteen (15) calendar days before the scheduled Annual Meeting.
- B. **Regular Meeting.** Regular Meetings of the Advisory Committee shall be held at least quarterly. The Advisory Committee shall provide by resolution the time and place for the holding of Regular Meetings for consideration of such business as may properly come before the meeting without any other notice than such resolution.
- C. **Special Meetings.**
 - (i) The Chairperson may call Special Meetings of the Advisory Committee. Notice of such Special Meetings shall specify the time, the place and the purpose of such meeting.
 - (ii) The Chairperson, or in his/her absence any other officer, shall call a Special Meeting at the written request of any two (2) Members. Such request shall state the purpose(s) of the proposed meeting.
 - (iii) At least five (5) business days notice of the place, day and hour, and purpose of any Special Meeting shall be given by written or printed notice served upon each Member; *provided* that such notice may be waived if all Members are present and all Officers consent to the calling of a Special Meeting.

- (a) Service of notice may be made personally, by telefax, or by mailing such notice, postage prepaid, plainly addressed to the Member at his/her last known mailing address. Notice by mail shall be deemed to be given at the time when the same is deposited in the United States mail, with postage fully paid, plainly addressed to the Member.
- (b) Notice of the time and place of any Special Meeting of the Committee may be waived by telefax or any other writing either before or after such meeting has been held. If all Committee Members waive notice of the meeting, no notice of the same shall be required.
- (c) Attendance of a Committee Member at a Special Meeting shall constitute waiver of notice of such meeting except when the Committee Member attends the Special Meeting for the express purpose of objecting to the transaction of business at such meeting.
- (iv) Action taken at a Special Meeting shall be restricted to the purpose(s) stated in the notice of the meeting unless all Members are present at the meeting and all Members agree to take action on matters not given in the notice.

D. Emergency Meetings.

- (i) The Committee Chairperson may, when she deems its expedient, and shall, upon the written request of two (2) Committee members, call an emergency meeting of the Committee for the purpose of transacting any business designated in the call.
- (ii) The Members may participate in an emergency meeting by means of conference telephone or similar communication equipment by means of which all persons participating in the meeting can hear each other. Participation in a meeting according to this Subsection shall constitute presence in person at such meeting.
- (iii) At such emergency meeting no business shall be considered other than as designated in the notice, and no action may be taken without the concurrence of a majority or a quorum.

E. Closed Meetings/Confidential Matters.

- (i) The Advisory Committee may meet in closed session to discuss any matter which raises significant privacy or confidentiality concerns. The guidelines for matters subject to closed session shall be defined by relevant Pokagon Band law or regulations.

- (ii) The Advisory Committee may, in its discretion, determine not to keep a record of all or any part of its discussion in closed session; *provided* that the general reason for such determination shall be recorded and a record shall be kept of any action taken in closed session. Such record may be withheld from inspection by tribal members pending the final disposition of the matter concerned.

F. Quorum.

- (i) At all meetings of the Advisory Committee, five (5) of the voting Members shall constitute a quorum for the transaction of business. If a quorum is present at the beginning of a meeting, business may be conducted even though a Member absents himself/herself and less than a quorum is present; provided that no more than one (1) Member leaves the meeting.
- (ii) If a quorum is not present at a meeting of the Advisory Committee, the presiding Officer shall adjourn the meeting. At the rescheduled meeting, any business may be transacted which may have been transacted at the adjourned meeting.

G. Decision of Questions. When a meeting has been properly convened, a majority vote shall decide any question brought before such meeting, unless the question is one for which a different vote is required by express provision of this Ordinance or of Band law. In such a case, the express provision shall govern and control the decision of question.

H. Those Entitled to Vote and Conflict of Interest. With the exception of the non-voting Members as outlined in Sec. 2.6 above, all Members shall be entitled to a vote on all matters; provided, however, that any Member having an interest in a matter brought before the Advisory Committee shall disclose such interest at the commencement of the discussion and such Member may not vote on the matter.

I. Method of Voting. The voting at all meetings shall be in person and by voice; *provided*, however, any voting Member may demand a roll call vote, and in such case, the vote of each Member shall be recorded by the Secretary.

Section 2.13. Checking Account

In order to facilitate emergency care for its service population, the Substance Abuse Advisory Committee shall have the ability to write checks out of an account maintained by the Pokagon Band.

- A. Check signers must be voting Members of the Committee and shall be designated by the Committee.

- B. The status of such account and the expenditures made shall be reported monthly, or whenever Tribal Council may require, to the Tribal Council Treasurer. Any accounting made shall be presented in such a manner as not to breach the confidentiality standards mentioned in Sec. 2.5 of this Ordinance.

Section 2.14. Fundraising.

The activities of the Substance Abuse Advisory Committee and Program shall be consistent with those not-for-profit activities reflected in Michigan or federal law, and any fundraising activities sponsored by the Committee, in whole or in part, must have the prior approval of the Health Director and of Tribal Council.

Section 2.15. Guidelines and Administrative Policies.

- A. The Advisory Committee has the authority to issue any guidelines it deems necessary for carrying out the policies and procedures set forth in this Ordinance.
- B. In carrying out any administrative duties of the Advisory Committee, the Advisory Committee shall follow the administrative policies and procedures established by the Tribal Council for committees and programs, unless an exception is specified in this Ordinance, in Pokagon Band law or in applicable federal law.

Section 2.16. Records.

- A. The Advisory Committee shall keep complete and accurate records of its transactions and shall keep written minutes of the proceedings of all its meetings. These minutes shall include, but be not limited to, the following:
 - (i) Date;
 - (ii) Names of members attending, as well as those absent;
 - (iii) Topics to be discussed;
 - (iv) Recommendations made; and
 - (v) Follow-up.
- B. Advisory Committee records are exclusive property of the Pokagon Band and shall be kept on file at the designated office(s) of the Band. Any Pokagon Band member, or his/her designated representative, may inspect Committee records, except those classified as confidential, for any proper purpose during the Band's business hours.

Advisory Committee records include, but are not limited to, Committee minutes, financial statements, and training materials.
- C. The Advisory Committee records shall be subject to any Records Ordinance or Records Policies as the Tribal Council may publish; *provided* that such Ordinance or Policy does not require a breach of the confidentiality standards outline in Sec. 2.5 above.

Section 2.17. Parliamentary Procedure.

Any question regarding the conduct of any meeting shall be resolved by consulting Robert's Rules of Order except when in conflict with Pokagon Band law.

Section 2.18 Amendments.

The Tribal Council may amend this Ordinance by a 2/3rd vote at any duly called meeting of the Tribal Council.

Certificate of Enactment

The Foregoing Substance Abuse Advisory Committee Ordinance was duly enacted by the Pokagon Band Tribal Council at a Regular Meeting held on June 13, 1998, by a vote of 7for; 1against; and 1 abstentions, a quorum being present.

Tribal Council Chairperson

Tribal Council Secretary

LEGISLATIVE HISTORY

Enacted on June 13, 1998, Resolution No. 98-06-13-03

June 1998

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