

**POKAGON BAND OF POTAWATOMI INDIANS
YOUTH COUNCIL CODE**

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CHAPTER 1

General

Section 1.01 Short Title

This Code shall be known and may be cited as the “Youth Council Code.”

Section 1.02 Authority

The Tribal Council enacts this Code pursuant to the legislative powers of the Tribal Council as enumerated in Article IX, subsections 2(a), (i) and (k) of the Constitution and the duties of the Tribal Council stated in Article IX, subsections 1(a), (c), (d) and (h) of the Constitution.

Section 1.03 Purpose

The purpose of this Code is to establish the Youth Council as a unified body to replace the existing Senior Youth Council and Junior Youth Council and to set forth the duties, obligations, membership and organization of the Youth Council.

Section 1.04 Immunities

The Youth Council is an instrumentality of the Band government and shall be clothed with all the rights, privileges and immunities of the Band, including but not limited to the sovereign immunity of the Band from suit absent express consent from Tribal Council. The Youth Council Officers shall be deemed officers of the Band government and shall be immune from suit to the maximum extent permitted by law with respect to officers of the Band.

Section 1.05 Effective Date

This Code shall be effective on the date of enactment by the Tribal Council.

Section 1.06 Definitions

The following terms, whenever used or referred to in this Code shall have the following respective meanings:

(a) “Advisors” means an employee within the Department of Education, as and when designated by the Director of the Department of Education and an employee within the Department of Language and Culture, as and when designated by the Director of the Department of Language and Culture.

(b) “Applicant” means a person who applies to become a Youth Council Member through an Application.

(c) “Application” means the application form available through the Department of Language and Culture to become a Youth Council Member.

(d) “Band” means the Pokagon Band of Potawatomi Indians.

(e) “By-Laws” means the By-Laws of the Youth Council.

(f) “Chairperson” means the Youth Council Chairperson position.

(g) “Citizen” means a duly enrolled member of the Band.

(h) “Code” means this Youth Council Code.

(i) “Committee Procedures Handbook” means the Band’s Committee Procedures Handbook.

(j) “Constitution” means the Band’s Constitution.

(k) “Department of Language and Culture” means the Band’s Department of Language and Culture.

(l) “Department of Education” means the Band’s Department of Education.

(m) “Member-at-Large” means the two (2) Youth Council Officer positions other than the Chairperson, Treasurer and Secretary.

(n) “Other Native American” means a person other than a Citizen, who is an enrolled member of any federally or state recognized Indian tribe.

(o) “Records” means all information, whether in written, electronic or other form, that is maintained by the Youth Council.

(p) “Review Body” means a three person panel consisting of either the Director of the Department of Language and Culture or the Director of the Department of Education, and one representative from the Board of Directors of the Pokagon Bode´wadmik Ogitchedaw, and one representative from the Band’s Traditions and Repatriations Committee.

(q) “Secretary” means the Youth Council Secretary position.

(r) “Tribal Council” means the Band’s governing body.

(s) “Tribal Council Procedures Act” means the Band’s Tribal Council Procedures Act.

(t) “Treasurer” means the Youth Council Treasurer position.

(u) “Youth Council” means the subordinate organization established by this Code with the limited duties and powers described herein.

(v) “Youth Council Member” means any Citizen or Other Native American who meets the requirements provided in this Code for membership in the Youth Council and whose name appears on the current Youth Council Membership List.

(w) “Youth Council Membership List” means the list of Youth Council Members.

(x) “Youth Council Officer” means any of the Chairperson, Treasurer, Secretary, and two (2) Member-at-Large positions.

CHAPTER 2 Youth Council Purpose and Duties

Section 2.01 Purpose

The Tribal Council establishes the Youth Council for the purpose of:

(a) Providing a representative voice for Citizen youth and Other Native American youth over whom the Band may exercise governmental responsibilities;

(b) Serving as a means of coordinating the actions of Citizen youth and Other Native American youth mobilizing them toward positive goals;

(c) Promoting the development of future tribal leaders;

(d) Educating Citizen youth and Other Native American youth about tribal government;

(e) Coordinating community service projects;

(f) Providing opportunities for Citizen youth and Other Native American youth to interact for fun and fellowship; and

(g) Promoting and developing Potawatomi culture, language, pride, and identity.

Section 2.02 Duties

(a) The Youth Council shall have the power and duty to carry out the aims and purposes of this Code, subject to the limitations on such powers stated herein and as otherwise provided in Band law.

(b) The Youth Council shall create and maintain records and accounts of its proceedings and transactions, in fulfillment of the requirements of this Code and other applicable Band law and policy.

**CHAPTER 3
Youth Council
Advisors and Assistance**

Section 3.01 Advisors

(a) The Advisors shall:

- (1) Help facilitate Youth Council meetings;
- (2) Offer guidance to the Youth Council;
- (3) Chaperone functions and events of the Youth Council; and
- (4) Assist Youth Council Members and the Youth Council in fulfilling its responsibilities.

(b) At least one of the Advisors shall be present at all Youth Council meetings and functions or events.

Section 3.02 Assistance

In addition to the Advisors, additional staff of the Department of Language and Culture and the Department of Education, as and when designated by the Director of the Department of Language and Culture or the Director of the Department of Education, shall assist the Youth Council in performing its duties.

**CHAPTER 4
Youth Council
Eligibility and Application**

Section 4.01 Eligibility

(a) Membership in the Youth Council as a Youth Council Member shall be open to any Citizen or Other Native American who is 12-24 years of age.

Section 4.02 Application

(a) Any Citizen or Other Native American who seeks to become a Youth Council Member shall complete, sign and submit an Application to the Department of Language and Culture.

(b) The Application shall be obtained from the Department of Language and Culture or Department of Education upon request.

(c) The completed Application shall be submitted to the Department of Language and Culture by hand delivery, private courier, U.S. mail, electronic mail, or facsimile.

(d) The Application, at a minimum, shall include the following:

(1) The Applicant's name;

(2) The Applicant's address;

(3) The Applicant's telephone number;

(4) The Applicant's tribal enrollment number;

(5) The Applicant's date of birth;

(6) The Applicant's signature and, if the Applicant is less than 18 years of age, the signature of the Applicant's parent, guardian or custodian.

(7) The date of signature.

Section 4.03 Processing

(a) Upon receipt of an Application, the Department of Language and Culture shall immediately date and time stamp the Application.

(b) An Advisor shall review each Application to ensure that it is complete and, if not complete, shall inform the Applicant of what is required to complete the Application.

(c) An Advisor shall verify the Applicant's enrollment with the Band or enrollment with another federally or state recognized Indian tribe, as applicable.

(d) If, after review and verification of an Application, an Advisor determines that the Applicant is eligible to become a Youth Council Member, then the Advisor shall approve the Application.

(e) If, after review and verification of an Application, an Advisor determines that the Applicant is not eligible to become a Youth Council Member, then the Advisor shall deny the Application.

(f) All decisions of the Advisor regarding the approval or denial of an Application shall be final, subject to appeal in accordance with this Section 4.04 below.

(g) The Advisor shall notify the Applicant of the decision to approve or deny an Application by U.S. mail. If the Application is denied, then the notice shall:

(1) State the specific reason(s) the Applicant is not eligible to become a Youth Council Member;

(2) State that the Applicant may re-apply to become a Youth Council Member or appeal the decision denying membership; and

(3) Describe the appeal procedure, as set forth in this Section 4.04 below.

(h) The Advisor shall ensure that the requirements of this Section 4.03 are completed within fifteen (15) business days of its receipt of a completed Application.

Section 4.04 Appeal

(a) If an Application to become a Youth Council Member is denied, then the Applicant may appeal such decision to the Review Body.

(b) The appeal shall be in writing signed by the Applicant and shall be sent by U.S. mail to the Director of Language and Culture within sixty (60) days of the date of the notice under Section 4.03(g) above.

(c) The appeal shall include a statement explaining why the decision denying the Application to become a Youth Council Member was in error. A copy of the notice described in Section 4.03(g) above shall be enclosed with the appeal, along with copies of any documents that the Applicant believes to support the appeal.

(d) The Director of Language and Culture shall provide the Review Body with administrative assistance to coordinate the appeal process and facilitate a prompt decision.

(e) There shall be no hearing before the Review Board. The decision of the Review Body shall be final and not subject to appeal.

CHAPTER 5 Youth Council Membership

Section 5.01 Youth Council Membership List

(a) An Advisor shall maintain, and make available to the Youth Council Officers, the Youth Council Membership List.

(b) An Advisor shall add to the Youth Council Membership List the name of every person approved to become a Youth Council Member.

(c) An Advisor shall cause the Youth Council Membership List to be reviewed annually for Youth Council Members who are scheduled to be outside of the age requirements for the Youth Council.

(d) After each annual review, an Advisor shall cause a notice to be sent to each Youth Council Member who is outside of the age requirements for the Youth Council, stating that the Youth Council Member:

(1) No longer is eligible for the Youth Council because the Youth Council Member no longer meets the age requirements; and

(2) Has fifteen (15) calendar days to appeal the decision to the Youth Council.

(e) If the Youth Council Member fails to appeal within the required time, then an Advisor shall remove the Youth Council Member's name from the Youth Council Membership List.

(f) If an Advisor otherwise becomes aware of any person identified on the Youth Council Membership List that does not otherwise meet the eligibility requirements to be a Youth Council Member, the Advisor shall provide written notice of such to the Youth Council Member explaining why the Youth Council Member no longer meets the eligibility requirements and has fifteen (15) calendar days to appeal the decision to the Youth Council. Any failure to appeal within such timeframe shall result in the removal of such person's name from the Youth Council Membership List.

(g) Any decision by the Youth Council pursuant to this Chapter 5 shall be final and not subject to appeal.

Section 5.02 Relinquishment of Membership

(a) A Youth Council Member may relinquish the Youth Council Member's membership in the Youth Council at any time by providing a signed written notice to an Advisor.

(b) The relinquishment shall take effect at the time specified in the notice or, if no time is specified, then the relinquishment shall take effect immediately.

CHAPTER 6 Youth Council Officers Composition and Appointment

Section 6.01 Positions

(a) The Youth Council shall have five (5) Youth Council Officers, consisting of a Chairperson, Secretary, Treasurer, and two (2) Member-at-Large positions.

(b) A person shall not hold more than one (1) Youth Council Officer position at the same time.

(c) Other Native Americans shall not hold more than two (2) Youth Council Officer positions at the same time.

Section 6.02 Appointment

(a) The Tribal Council shall appoint all persons to serve as Youth Council Officers.

(b) In the initial appointments to the Youth Council Officer positions, the Tribal Council shall grant preference to eligible persons who are serving on the effective date of this Code as elected Senior Youth Council Officers or Junior Youth Council Officers.

Section 6.03 Eligibility

To be eligible for appointment and to serve as the Chairperson, Secretary, Treasurer, or Member-at-Large, a Citizen or Other Native American shall:

(a) Be a Youth Council Member;

(b) Be 12-24 years of age; and

(c) During the prior twelve-month period have attended at least 2/3 (two-thirds) of the Youth Council meetings, and have participated in at least one Youth Council cultural activity.

CHAPTER 7 Youth Council Officers Duties and Compensation

Section 7.01 Duties

(a) The Chairperson shall:

(1) Represent the Youth Council Members;

(2) Manage the affairs of the Youth Council;

(3) Preside at all meetings of the Youth Council;

(4) Provide guidance to the Youth Council;

(5) Chaperone Youth Council events and functions;

(6) Submit at each meeting such recommendations and information as the Chairperson may consider proper concerning the affairs and policies of the Youth Council or as called for by the Youth Council;

(7) Cause to be given any reports requested by the Tribal Council; and

(8) Perform all other duties as may be directed by the Youth Council or the Tribal Council.

(b) The Secretary shall:

(1) Represent the Youth Council Members;

(2) Cause to be given notice of all meetings of the Youth Council;

(3) Cause to be created and maintained minutes of all meetings of the Youth Council;

(4) Cause to be created records of all decisions, acts and votes of the Youth Council;

(5) Submit to the Tribal Council Secretary a copy of all Youth Council minutes;

(6) Be custodian of and properly keep all the records of the Youth Council, including meeting attendance, except that an Advisor shall maintain the Youth Council Membership List;

(7) Provide guidance to the Youth Council;

(8) Chaperone Youth Council events and functions; and

(9) Perform such other duties as may be directed by the Youth Council or the Tribal Council.

(c) The Treasurer shall:

(1) Cause to be kept full and accurate accounts of receipts and disbursements in books belonging to the Youth Council;

(2) Pay out and disburse the funds of the Youth Council as may be ordered by the Youth Council, in accordance with applicable Band government policies and procedures;

(3) Render to the Youth Council, at each regular meeting or as otherwise required, a financial statement with an account of all transactions and of the financial condition

of the Youth Council, *provided* that one (1) of the Advisors shall co-sign all properly reconciled financial statements before they are submitted to the Youth Council;

(4) Develop an annual Youth Council budget to submit to the Band's Finance Board in accordance with the Band's budgeting policies and procedures;

(5) Preside at all duly called meetings of the Youth Council in the absence of the Chairperson;

(6) Provide guidance to the Youth Council;

(7) Chaperone Youth Council events and functions; and

(8) Perform such other duties as may be directed by the Youth Council or the Tribal Council.

(d) Members-at-Large shall:

(1) Represent the Youth Council; and

(2) Perform such other duties and functions as directed by the Youth Council or the Tribal Council.

Section 7.02 Compensation

(a) All Youth Council Officers shall be compensated for service at rates established by the Tribal Council pursuant to the Committee Procedures Handbook.

(b) All Youth Council Officers shall be entitled to reimbursement for actual, reasonable and necessary expenses incurred in the discharge of their duties, provided that the request for reimbursement is approved by an Advisor and that reimbursement is made in accordance with the Band's Travel Policy. Requests for reimbursement made more than ninety (90) days after the expense is incurred, shall also be subject to the approval of the Band's Finance Director.

CHAPTER 8 Youth Council Officers Term and Vacancy

Section 8.01 Term

(a) Each Youth Council Officer shall serve a one (1) year term of office.

(b) Each Youth Council Officer shall hold office until:

(1) The Youth Council Officer's successor has been sworn in by the Tribal Council Chairperson;

(2) The Youth Council Officer's resignation, removal, or death; or

(3) The Youth Council Officer fails to meet any of the qualifications set out in this Code, including the age requirements for the Youth Council.

(c) There shall be no limit to the number of terms a Youth Council Member may serve as Youth Council Officer, subject to meeting all qualifications and requirements of this Code.

Section 8.02 Removal

(a) The Youth Council, on a vote of three (3) of the Youth Council Officers, may request that the Tribal Council remove a Youth Council Officer, or the Tribal Council on its own initiative, may remove an Officer.

(b) Notwithstanding any other provision of Band law or the Committee Procedures Handbook, all Youth Council Officers shall serve at the pleasure of the Tribal Council.

Section 8.03 Resignation

A Youth Council Officer may resign at any time by giving a written notice to the Chairperson or Secretary, with a copy to an Advisor, which shall take effect at the time specified in the written notice. If no time is specified, the resignation shall take effect immediately. Unless otherwise specified in the written notice, acceptance of such resignation shall not be necessary to make it effective.

Section 8.04 Vacancy

(a) The Tribal Council shall fill any vacant Youth Council Officer position pursuant to the Tribal Council Procedures Act.

(b) The term of appointment to fill any vacancy in any Youth Council Officer position shall be for the balance of the unexpired one (1) year term.

CHAPTER 9 Meetings and Principal Office

Section 9.01 Regular Meetings

(a) Regular meetings of the Youth Council shall be held at least nine (9) times a year. The Youth Council shall provide by resolution the time and place for regular meetings. At regular meetings, the Youth Council may consider any and all business as may properly come before the Youth Council without further notice, provided that the Youth Council shall publish a schedule of its regular meetings.

(b) Regular meetings shall consist of an agenda to include, at a minimum, the following items:

- (1) Roll call and distribution of the attendance sheet;
- (2) Determination of quorum;
- (3) Approval of minutes;
- (4) Reports of officers;
- (5) Old business;
- (6) New business;
- (7) Announcements; and
- (8) Adjournment.

Section 9.02 Special Meetings

(a) The purpose of a special meeting is to conduct the business of the Youth Council when necessary or prudent to address any specific matter of the Youth Council between regular meetings.

(b) The Chairperson may call special meetings of the Youth Council.

(c) The Chairperson, or in the Chairman's absence, the Treasurer or Secretary, shall call a special meeting at the written request of any two (2) Youth Council Officers.

(d) At least three (3) business days' notice of the place, day and hour and specific purpose of any special meeting shall be given to each Youth Council Officer by any of the following methods:

(1) By courier service or U.S. mail, first class postage prepaid, addressed to the Youth Council Officer's mailing address of record;

(2) By hand delivering a copy of the notice to the Youth Council Officer;

(3) By reading or causing to be read, the notice over the telephone to the Youth Council Officer; or

(4) By transmitting the contents of the notice by facsimile or email to the Youth Council Officer.

(e) Notice by courier or U.S. mail shall be deemed to be given at the time when the same is delivered into the possession of the courier service or U.S. Postal Office.

(f) Action taken at a special meeting shall be restricted to the purpose(s) stated in the notice of the special meeting.

Section 9.03 Quorum

(a) A quorum of the Youth Council shall be a majority of the filled Youth Council Officer seats.

(b) If a quorum is not present at a meeting of the Youth Council, then the presiding Youth Council Officer shall adjourn the meeting. Any business that may have been transacted at the adjourned meeting may be transacted and the next scheduled meeting.

Section 9.04 Decisions

(a) All Youth Council Officers present at a meeting shall be entitled to a vote on all matters, subject to any limitations provided in this Code or other Band law.

(b) A majority vote shall decide any question brought before a duly called meeting, unless the question is one for which a different vote is required by this Code or other applicable Band law.

Section 9.05 Voting

Voting at all meetings shall be by voice, provided that any Youth Council Officer present may demand a roll call vote, and in such case, the vote of each Youth Council Officer shall be recorded by the Secretary.

Section 9.06 Attendance

(a) All Youth Council Officers should to the greatest extent possible, attend all meetings in person. However, Youth Council Officers may attend meetings via telephone, video conference or other electronic means, if available, provided that the Youth Council Officer must be able to hear and be heard clearly by the other Youth Council Officers in attendance.

(b) If a Youth Council Officer attends a meeting via telephone, video conference, or other electronic means, such person shall be counted as present for quorum and voting purposes. The Chairperson shall, from time to time or upon the request of another Youth Council Officer, during the meeting, confirm the Youth Council Officer is still in attendance. The meeting minutes shall reflect that the Youth Council Officer attended the meeting via telephone, video conference, or other electronic means.

Section 9.07 Parliamentary Procedure

Any question regarding the procedure for conducting business at a Youth Council meeting not addressed by this Code, other Band law, or other applicable Band policies or procedures, may be resolved by consulting the most recent addition of Roberts Rules of Order.

Section 9.08 Principal Office

The principal office and place of business of the Youth Council shall be located on Band land, utilizing Band government administration buildings and meeting areas. The Youth Council may, upon approval of the Advisor, have such other offices and places of business, both within and without the State of Michigan, as the Youth Council Officers may from time to time determine or as the business of the Youth Council may from time to time require.

CHAPTER 10 Reports, Records and Bylaws

Section 10.01 Reports

(a) The Secretary shall provide the Tribal Council, on a monthly basis, copies of its approved meeting minutes.

(b) The Chairperson, or in the Chairperson's absence, another Youth Council Officer, shall, at least quarterly, report on the activities of the Youth Council at a regular meeting of the Tribal Council or as otherwise requested by the Tribal Council. The report shall include any recommendations the Youth Council may propose and describe how the Youth Council activities relate to its goals and objectives.

Section 10.02 Records

(a) All records of the Youth Council shall be the exclusive property of the Band and shall be kept on file at a single location in the government offices of the Band.

(b) All records of the Youth Council shall be subject to any records ordinance or policies established by Tribal Council.

Section 10.03 By-Laws

(a) The Youth Council shall have the power to make and alter by-laws not inconsistent with Band law, including this Code, and Band policies or procedures established by the Tribal Council.

(b) The by-laws shall be adopted or amended upon a two-thirds majority vote of the Youth Council Officers.

Section 10.04 Policies

In carrying out any of its administrative duties, the Youth Council shall follow all applicable administrative policies and procedures established by the Tribal Council unless an exception is specified in this Code or other Band law.

Section 10.05 Fiscal Year

The fiscal year of the Youth Council shall be the fiscal year of the Band.

CHAPTER 11 Participation and Conduct

Section 11.01 Participation

(a) To be eligible to attend functions or events paid for from Youth Council funds, a Youth Council Member must during the prior twelve-month period have attended at least 2/3 (two-thirds) of the Youth Council meetings, and must have participated in at least one Youth Council cultural activity.

(b) For those functions with space limitations, preference will be given to those Youth Council Members who have attended the greater number of Youth Council meetings within the last twelve (12) months.

(c) In those circumstances in which a tie among Youth Council Members exists for equal numbers of meetings attended, the Advisor shall determine by random drawing which of those Youth Council Members will attend the function or event.

Section 11.02 Conduct

(a) Youth Council Members shall at all times during meetings, events and functions conduct themselves in an appropriate manner and refrain from any misconduct, including without limitation, alcohol and illegal drug use, use of racial comments, use of profane, foul or disrespectful language, sexual harassment or sexual misbehavior.

(b) The Youth Council may take the following disciplinary action against a Youth Council Member for misconduct:

(1) For initial misconduct of a minor nature, the Youth Council may warn the Youth Council Member in writing that such behavior is inappropriate and that the Youth Council Member will be suspended from participation in the Youth Council if the misconduct continues; and

(2) For any further misconduct following a warning or for any initial misconduct that warrants more than a written warning, the Youth Council Member may be suspended from attending all functions or events paid for by Youth Council funds for a period of 6 - 18 months.

(c) A suspension under Section 11.02(b)(2) above may only be issued after an opportunity for a hearing before the Review Body. The Youth Council Member shall be provided written notice of the specific charges against the Youth Council Member at least ten (10) days prior to the hearing. At any such hearing, the Youth Council Member shall have the opportunity to be heard in person and to challenge information or testimony given against the Youth Council Member.

(d) In addition to any disciplinary action under subsection 11.02(b), an Advisor may immediately remove or otherwise limit a Youth Council Member from continued participation in a specific event or function to the extent the Advisor has a good faith belief that the misconduct of the Youth Council Member may jeopardize the health or safety of any person.

Section 11.03 Affiliation

Upon approval of the Advisors, the Youth Council may affiliate with national, state or local organizations that promote the purposes, goals and objectives of the Youth Council.

LEGISLATIVE HISTORY

Enacted on December 14, 2017 by Resolution 17-12-14-01; On January 28, 2020, by Res. No. 20-01-28-01, subsection 6.03 was amended.