

**KENAITZE INDIAN TRIBE
ADMINISTRATIVE PROCEDURES ORDINANCE
REGULATING THE ENACTMENT OF TRIBAL ORDINANCES**

**ORDINANCE NO. 2017-02
ADOPTED June 16, 2017**

Section 1. Purpose

Purpose. The purpose of this Ordinance is to provide guidance and format to the development of ordinances of the Tribe, to manage the process of the development of ordinances of the Tribe, and to allow for the greatest amount of input from Tribal members.

Section 2. Ordinance Contents

A. Contents. Each ordinance must state clearly at the top: (1) the name of the ordinance; (2) the topic being regulated; (3) the ordinance number; (4) the date originally ratified; (5) if applicable, the date the ordinance was amended and restated.

B. Certification. Each ordinance shall conclude with the signature of the Chairperson and Council Secretary and a tally of Council votes. Each page of the ordinance shall be dated and embossed with the Tribal seal along with the initials of the Council Secretary.

The original ordinance shall be maintained in a fire-proof, locked file in the Tribal Government office with copies placed in a binder for viewing.

C. Other Helpful Contents. An ordinance should contain a statement of purpose, a statement of authority, and any relevant definitions. The ordinance should be organized from the general to the specific, and contain separate sections as necessary to clearly identify the subject and intent of the legislation.

D. A comprehensive index of all ordinances (Ordinance Log) shall be maintained by Tribal Government listing each ordinance with the date originally ratified by the Council and each date when the ordinance has been amended and restated.

Section 3. Ordinance Adoption and Amendment Procedure

A. Ordinance Development. A draft ordinance shall be developed by the Council. Prior to formal adoption, amendment or repeal of

ordinances, the Council shall present the draft ordinance for comment by the Tribal members in accordance with Section 4 below. When Council deems it appropriate or necessary, an Ordinance may be submitted to the full voting membership for ratification before it becomes effective.

- B. Final Review.** At the end of the comment period, the Council's Policy, Ordinance and Procedure Committee (POP Committee) shall review the annotated draft ordinance including all comments received at the next POP Committee meeting.

The POP Committee shall forward any recommended revisions, additions, or deletions resulting from those comments to the Council for approval.

- C. Adoption.** The Council shall adopt ordinances by a final vote taken only after the final review process described in Section 3.B has been completed.

Following a vote to adopt an ordinance, the Council shall post a notice of the decision to adopt the ordinance on the Tribe's internet site, in the Tribe's newsletter and physically at the Tribal Office Building on the bulletin board near the main reception area.

- D. Amendment.** The same process laid out for adoption of ordinances shall be followed for amendment of ordinances.

Following a vote to amend an ordinance, the Council shall post a notice of the decision to amend the ordinance on the Tribe's internet site, in the Tribe's newsletter and physically at the Tribal Office Building on the bulletin board near the main reception area.

- E. Repeal.** The same process laid out for adoption of ordinances shall be followed for repeal of ordinances

An ordinance shall be considered repealed on the date of the vote for repeal or on such other date specified by Council at the time of the vote.

Following a vote to repeal an ordinance, the Council shall post a notice of the decision to repeal the ordinance on the Tribe's internet site, in the Tribe's newsletter and physically at the Tribal Office Building on the bulletin board near the main reception area.

Section 4. Tribal Member Notice and Comment

- A. Posting Notice.** The Council shall present to the Tribal Government clerk a notice of request for comment by Tribal members, which shall be posted on the Tribe's internet site, in the Tribe's newsletter and physically at the Tribal Office Building.

The notice shall minimally include (1) contact information for submission of comments by e-mail or regular mail; (2) the final date that comments may be submitted; and (3) information indicating where a copy of the ordinance will be available to the Tribal member.

- B. Comment Period.** The comment period shall be no less than 30 days.
- C. Form of Comments.** Individuals may submit comments through written testimony via e-mail, regular mail or other method that can reasonably be received on or before the closure of the comment period.
- D. Comments Recorded.** The POP Committee shall forward all comments to the Council for its consideration. The Council shall have all relevant comments included in a draft of the ordinance. This annotated draft may include responses, corrections, explanations or other comments. The annotated draft shall be made available for copying by interested parties.

Section 5. Emergency Action

- A. Emergency defined.** It is within the Council's sole discretion to determine when an emergency exists such that it does not allow sufficient time for the normal ordinance development processes to be followed without causing or resulting in harm to the health, safety or welfare of the Tribe, its members or the community.
- B. Action justified.** No emergency action can take place without sufficient justification. Such justification shall be documented by the Council in writing, and shall clearly state the nature of the emergency, the potential harm that could be caused by a failure to act, and the manner in which adoption or amendment of an ordinance will avoid or lessen that potential harm.
- C. Action authorized.** In a case of emergency, the Council may take action to amend or adopt an ordinance for a six month period. Upon presentation of a request to amend or adopt an ordinance on an

emergency basis, the Council shall bring such matter forward at a regular, special or emergency meeting in a timely manner.

- D. Required Follow up.** During the six month period following the emergency action the Council shall review the action to determine the effect of the action, whether the action should be made permanent through the normal ordinance development processes, and to receive comments by affected persons.
- E. Extension.** The Council may extend an emergency action for an additional six months where it is in the best interests of the Tribe to do so. No emergency action shall be in place for longer than one year.

Section 6. Publication

The Council shall cause to be published, either in paper or electronic version or both, a collection of all ordinances and regulations of the Tribe which shall be made available to the Tribal membership upon request.

Section 7. Sovereign Immunity

Nothing in this Ordinance shall waive the sovereign immunity of the Tribe, Council members, Tribal employees, or any other tribal agents responsible for the implementation and enforcement of this Ordinance. Nothing in this Ordinance shall be construed as creating a private right of action.

Effective Date: This Ordinance adopted by the Council on June 16, 2017, shall become effective on June 16, 2017.

Certification:



Chairperson, KIT Tribal Council



Secretary, KIT Tribal Council