The purpose of these Policies is to more clearly define the role, responsibility and conduct of the Ketchikan Indian Corporation (KIC) Tribal Council under the 1979 Constitution of the Ketchikan Indian Corporation.

SECTION 1. GOVERNING BODY; POWERS OF THE TRIBAL COUNCIL

1.01 GOVERNING BODY: The governing body of the Tribe shall be a Tribal Council (hereinafter Council) composed of the President and seven (7) members, for a total of eight (8) seats, elected by the adult members of the Tribe.

1.02 GENERAL POWERS: In addition to any specific powers stated in these Policies, the Council shall have all of the powers set forth in Article V of the KIC Constitution and such other powers as are not inconsistent with the Constitution.

SECTION 2. OFFICERS; TERM OF OFFICE

2.01 PRESIDENT: The President shall be elected by the Tribal Council following the Annual Election, and shall serve for one year (or such other term as may be provided in the Constitution) or until a successor is elected and qualifies.

2.02 COUNCIL MEMBERS: Council members shall be elected on the Annual Election date and shall serve for two years, or until their successors are elected and qualify.

2.03 ADDITIONAL OFFICERS: The Council shall organize itself within thirty (30) days after each annual election date by electing from among its members a Vice-President, and also by electing a Secretary, a Treasurer, and such other officers as it may deem necessary. The Secretary, Treasurer and other officers need not be members of the Council, but if they are not Council members shall not be entitled to vote on any matters coming before the Council.

SECTION 3. POWERS AND DUTIES OF OFFICERS

3.01 PRESIDENT: The President shall preside over all meetings of the Tribe and the Council and shall perform all such other duties and exercise all such other authority as may be delegated to the President by the Tribe or the Council. The President can act on behalf of the Tribe if so authorized by a majority vote of the Council.
3.01.01  The President may attend any meeting of a standing committee or special committee of the Council as an ex officio, non-voting member.

3.01.02  The President may appoint one or more members of the Council to a committee when there are not enough volunteers to fill vacant committee positions.

3.01.03  The President shall, in coordination with the Tribal Council Secretary and the Tribal Administrator, determine the agenda for Council and Tribal meetings.

3.02  VICE-PRESIDENT: In the President's absence or disability, the Vice-President shall preside over all meetings of the Tribe and the Council. The Vice-President shall also perform all such other duties and exercise all such other authority as may be delegated to the Vice-President by the Tribe or the Tribal Council.

3.03  TREASURER: The Treasurer, acting through the Tribal Council, is responsible for overseeing and safeguarding all Tribal funds and other financial assets, as well as all other funds for which the Council is responsible.

3.03.01  The Treasurer shall chair the Finance Committee and process its recommendations on financial activities to the Tribal Council. The Tribal Administrator will designate staff to provide administrative support for the day-to-day handling of Tribal funds and other financial assets, as well as other funds for which the Council is responsible.

3.03.02  The Treasurer, acting through the Finance Committee, shall inform the Tribal Council of the status of all the Tribe's financial assets and liabilities.

3.03.03  The Treasurer shall perform such other duties and authority as may be delegated to the Treasurer by the Tribal Council.

3.04  SECRETARY: The Secretary shall be responsible for overseeing the keeping and maintaining all records of the Council, the minutes of all Council meetings, all resolutions and ordinances adopted by the Council, the Corporate Charter, Constitution, MOUs and all official Council correspondence. The Secretary shall maintain the Tribal Council reference library. The Secretary, in coordination with the President, shall also be responsible for the preparation of agendas for all Council meetings and for seeing that notice is provided to Council members and the Tribal membership of any special meeting of the Council.

3.04.01  The Secretary shall ensure that the originals or copies of all minutes of Tribal Council meetings, agendas, resolutions and ordinances are made available for review by any member of the Tribe during normal business hours. The Tribal Administrator will designate staff to support the foregoing functions.
3.04.02 The Secretary shall perform such other duties and authority as may be delegated to the Secretary by the Tribal Council.

SECTION 4. POWERS AND DUTIES OF THE TRIBAL COUNCIL

4.01 GOVERNING ENTITY: As the governing body of the Tribe, the Council is responsible for protecting and promoting the rights, health, safety and well-being of the Tribe and its members. To enable it to fulfill that responsibility, the Council shall have all those powers enumerated in the Constitution of the Ketchikan Indian Corporation, dba Ketchikan Indian Community, as well as the powers set forth below.

4.02 ORDINANCES: The Council shall have the authority to enact such ordinances as the Council deems necessary or appropriate to protect and promote the rights, health, safety, and welfare of the Tribe and/or its members. All ordinances shall be consistent with the Constitution of the Ketchikan Indian Corporation dba Ketchikan Indian Community.

4.02.01 RATIFICATION OF CERTAIN ORDINANCES: Any ordinance that extends the powers of the Council beyond those powers set forth in the Constitution shall not become effective until it is ratified by a majority of the qualified voting members of the Tribe voting in a duly called election.

4.03 REGULATIONS AND POLICIES: The Council may adopt such regulations or policies as it deems necessary or appropriate to carry out or enforce any ordinance or the KIC Constitution.

4.03.01 Proposed regulations or policies shall be prepared by the appropriate committee, staff, legal counsel or consultants.

4.04 PRESERVATION OF TRIBAL MEMBERS' RIGHTS: No ordinance or regulation enacted or adopted by the Council shall restrict or abridge in any way the rights of Tribal members guaranteed under the Constitution of the Ketchikan Indian Corporation or the Indian Civil Rights Act of 1968.

4.05 LEGAL COUNSEL: The Council shall have the authority to select and contract with legal counsel without seeking the approval of the Secretary of the Interior, and to determine the types of matters that may be referred to counsel and to negotiate the fees that counsel will be paid for such services. The President, or the Tribal Administrator, or any other individual authorized by the Tribal Council are the authorized contacts.

4.05.01 The Council is authorized to confer with and seek advice from legal counsel as necessary and appropriate. In addition, the Council may designate other person(s) authorized to seek legal advice or assistance from legal counsel, and the circumstances under which such advice or assistance may be sought. No person shall seek legal
advice or assistance on behalf of the Tribe except consistent with such authorization.

4.06 AUDITOR: The Council shall have the authority to select and contract with an auditing firm to audit the books and records of the Tribe and any entity operated by, or under the authority of, the Tribe, and to negotiate the fees that the auditor may charge.

4.07 OTHER SERVICES: The Council shall have the authority to select and contract for the services of such other professionals as the Council may deem necessary or appropriate to assist the Council in performing its duties, on such terms and conditions as the Council deems appropriate.

4.08 DELEGATION OF AUTHORITY: The Council may delegate to officers and/or staff the authority to act on behalf of the Council in certain types of matters necessary for the day-to-day functioning of the Tribe; provided, however, that the Council may not delegate the authority to encumber and property belonging to the Tribe or to waive the Tribe's sovereign immunity.

4.08.01 No waiver of the Tribe's sovereign immunity may be made orally, and no written waiver of the Tribe's sovereign immunity shall be effective unless the document containing that waiver has been explicitly authorized by vote of the Council.

4.09 AUTHORITY OF COUNCIL MEMBERS TO SPEAK ON BEHALF OF KIC: The Tribal Council takes action as a body. No individual Council member can act as an individual to represent the Council or KIC in any capacity unless that Council member has been given the authority to act on behalf of the Council and is acting within the scope of that authority.

4.09.01 The Council may, by majority vote, designate any person(s) as the Tribe's official representative(s) for any specified purpose(s), such as communicating with the media on behalf of the Tribe or attending meetings with representatives of other tribes, state or federal agencies, or other entities or organizations of any kind.

4.09.02 No person designated as the Tribe's representative or agent for a specified purpose shall have the authority to hold himself or herself out as the Tribe's representative for any purpose other than as designated by the Council.

4.09.03 Except with the express prior authorization of the Council, no person designated as the Tribe's representative shall have the authority to commit the Council or the Tribe to any position or course of action.

4.09.04 Unless designated by the Council to speak or act on its behalf, no member of the Council shall have the authority to hold himself or herself out as the Tribe's or the Council's representative, nor shall
any such member of the Council have the authority to speak for the Council or the Tribe or to bind the Council to any particular course of action.

4.10 INTERFERING WITH KIC PROGRAMS OR EMPLOYEES: Council members shall not interfere or attempt to interfere with KIC programs or business and shall not threaten or intimidate KIC employees or contractors.

4.10.01 Any Council member who attempts to individually interfere with the management or operation of KIC administration or any KIC program or business or who attempts to direct any KIC employee is acting beyond the scope of his/her authority as a Council member, unless he/she has been instructed to take such action by the Council.

4.10.02 Council members shall not threaten individual employees with termination or disciplinary action or require employees to carry out personal requests for them unrelated to KIC business.

4.10.03 If an employee or former employee brings an issue to a Tribal Council member, that Tribal Council member shall direct the employee or former employee to go through the administrative process for complaints. The Tribal Council member shall not raise the issue at a Tribal Council meeting.

4.11 DUTY TO MAINTAIN CONFIDENTIALITY: Council members must not disclose or reveal confidential information of KIC, its programs, enterprises or subsidiaries. Council members shall sign a confidentiality agreement. The confidentiality agreement shall include those items listed in 4.11.01.

4.11.01 Confidential information includes but is not limited to:

(a) Information concerning employees of KIC, its programs, enterprises and subsidiaries including, but not limited to, pay, employment status, disciplinary actions and employee health information;

(b) Information concerning individuals seeking employment with or employed by KIC, its programs, enterprises and subsidiaries;

(c) Financial information and business or trade secrets concerning KIC, its programs, enterprises and subsidiaries;

(d) Legal matters, including legal strategy, advice given by KIC's legal counsel, potential litigation, and legal matters discussed in Executive Session;
(e) KIC's negotiating position or strategy in financial transactions, leases and purchases, including dealings with lenders or potential grant or funding sources; or

(f) The content of any meeting of the Tribal Council held in Executive Session unless the Tribal Council member has prior authorization from the Tribal Council to discuss such matters.

4.11.02 A Council member may reveal confidential information only when compelled to do so by a subpoena or court order from a court of competent jurisdiction or when so authorized by a vote of the Council.

SECTION 5. QUORUM AND VOTING

5.01 QUORUM: A quorum shall consist of four Council members plus the President, or, in the absence of the President, five Council members including the Vice-President, each of whom must be, either physically or by teleconference, in attendance in order to establish the quorum.

5.02 VOTING: Each Council member shall have one (1) vote; provided, however, that the President shall only be entitled to vote in certain specified circumstances, as listed below:

5.02.01 President may vote in Council meetings only in case of a tie or when the vote is by ballot or on sanctions or on a no confidence vote or a vote on KIC fiscal or proprietary matters.

In the event of a tie on a "ballot" vote, with the President participating in the vote, the motion fails.

5.03 CHANGING THE SIZE OF THE QUORUM: In the event that the Tribal membership votes to change the size of the Council, the quorum shall be adjusted accordingly to require the attendance of no less than 50% of the Council members plus the President, or, in the President's absence, the Vice-President.

5.04 CONFLICT OF INTEREST: A Council member shall not vote on a matter in which he/she has a conflict of interest.

5.04.01 A Council member is deemed to have a conflict of interest when, as a result of the action of the Council on any economic enterprise, program, personnel matter, project, contract or other matter under consideration, the Council member or any member of his/her immediate family: Has any financial interest in, or receives or has expectations of receiving compensation from such economic enterprise, program, project, contract or other matter under consideration by the Tribe that is different or greater than that of any
other member of the Tribe; or (b) will be affected monetarily (by either a gain or loss) beyond that of other Tribal members by the contemplated action.

5.04.02 For purposes of these conflict of interest provisions, a member of an immediate family includes: husband, wife, father, mother, sister, brother, son, daughter, aunt, uncle, niece, nephew, grandparent, grandchild, and live-in companion.

5.04.03 Excluded from this provision are salaries, honorariums, reimbursements, expenses, or other items of value normally provided to a Council member as compensation for performing his/her duties.

5.04.04 No Council member shall use his or her office for purposes which give the appearance of being motivated by personal gain or interest, direct or indirect, personally or through a member of his/her immediate family or an individual living in the same household.

5.04.05 No Council member may vote on or participate in the consideration of any matter in which he or she has a conflict of interest, including a matter involving a member of his/her immediate family.

5.04.06 Each Council member must disclose any known possible conflict of interest in any matter that comes up for consideration, detailing the nature of the possible conflict to the Tribal Council. If it is determined by either the member himself/herself or by the Council that a Council member has a conflict of interest that Council member must refrain from participating in the discussion, consideration, and decision-making on the specific matter in which the Council member has the conflict.

5.04.07 Procedure When a Potential Conflict Arises: Whenever anyone believes or has cause to believe that a pending action or issue could involve a conflict of interest for himself/herself or another Council member, he or she shall notify the Council of the potential conflict and provide such detail as is necessary. Tribal members and other persons may also bring potential conflicts of interest to the attention of the Council.

5.04.07.01 When a potential conflict of interest is brought to the Tribal Council, the Tribal Council member with the conflict must either:

(a) Refrain from participating in the matter; or

(b) Ask the Tribal Council to determine if an actual conflict exists.
5.04.07.02 In making its determination as to whether an actual conflict of interest exists, the Council may consult with the Tribe's legal counsel.

5.04.07.03 The Council member with the potential conflict cannot participate in any votes on the issue of whether he/she has a conflict, but can provide information as to the nature of the business, employment or personal relationship that gives rise to the potential conflict of interest.

5.04.07.04 If the Council determines there is a conflict, the Council member with the conflict must then refrain from participating in the matter.

SECTION 6. MEETINGS AND TELEPHONE POLL VOTES

6.01 REGULAR MEETINGS: The Council shall have at least one regular meeting each month. The regular monthly meeting shall take place on the third Monday of each month, beginning at 5:30 p.m., in the Tribal Council chambers of the Ketchikan Indian Corporation, dba Ketchikan Indian Community, 2960 Tongass Avenue, Ketchikan.

6.01.01 The Council may vote to change the day of the month upon which regular meetings are to be held, or the place where meetings are held, or the time at which regular meetings are to begin.

6.01.02 If a Tribal Council member or President is on travel status for KIC Business during the regular monthly meeting they shall still receive the regular monthly stipend.

6.02 SPECIAL MEETINGS: The President may call a special meeting when the President determines that such a meeting is necessary or would be in the best interests of the Tribe. In addition, the President shall call a special meeting upon receipt of a written request from three (3) Council members stating the specific purpose for which the meeting is being requested.

6.02.01 NOTICE OF SPECIAL MEETING: The President shall promptly notify appropriate designated staff after calling a special meeting, and staff shall provide as much advance notice of the meeting to all Council members as possible. The Secretary shall also provide advance notice of the special meeting to the Tribal membership, through posting of written notice(s) and through any other means that the Secretary, in his/her discretion, deems appropriate to notify the membership of the special meeting.

6.02.02 PURPOSE OF SPECIAL MEETING: A special meeting shall be called for the purpose of dealing only with the topic(s) identified in
the notice of special meeting, and except upon two-thirds (2/3) vote of the Council members present, no other topic(s) may be considered at a special meeting.

6.03 PUBLIC NOTICE OF MEETINGS: Two days public notice shall be given for all meetings required to be open to KIC membership. The Tribal Council Executive Secretary shall be responsible for publication meeting notices for Tribal Council meetings. In addition, public notice of meetings shall be posted on KIC’s website, on designated bulletin boards, at 2960 Tongass Avenue, 429 Deermount, 615 Stedman, 201 Deermount, and 306 Main Street. Such public notice shall include the date, time, and place of the meeting, and the general subject matter of the meeting.

6.04 AGENDA: Because preparation enables Council meetings to be more productive, all requests to have an item included on the agenda for the next regular meeting must be made to the Tribal Council Secretary at least three (3) working days before the meeting. At the direction of the Secretary, after consultation with the President, a printed agenda shall be made public at least two (2) working days before a regular meeting and, except in circumstances when it is not reasonably possible, at least two (2) working days before a special meeting.

6.04.01 The Secretary shall coordinate through the President to include on the agenda those matters required by the By-Laws, and any item requested by any member of the Council. The inclusion on the agenda of representatives of federal, state, or local agencies must be approved in advance by the President.

6.04.02 Time for “Persons to be Heard” shall be on the printed agenda for each regularly scheduled meeting. Any Tribal member who is not a member of the Council may address the Council as part of that agenda item, subject to a time limit of five (5) minutes which may be extended by vote of the Council; provided, however, that the President may preclude a member from being heard on topics that the member previously has raised before the Council, or on a topic on which the Council already has made a decision or on any Tribal program issue. Any Tribal member who addresses the Council must abide by the section of this Policy governing decorum.

6.04.03 Except as listed on the agenda or with the approval of a majority of the Council members present, no person other than a member of the Council may address the Council during a meeting; provided, however, that the President may recognize a Tribal employee in order to obtain the answer to a question or other information, and the President may recognize legal counsel or another professional services to the Tribe on a matter within that professional’s area of expertise.
6.04.04 Any addition or change to the printed agenda for a regular meeting must be approved by a majority of the Council members present at the meeting. Any addition to the printed agenda for a special meeting must be approved by not less than two-thirds (2/3) of the Council members present but shall be limited to those matters specified in the request for the special meeting.

6.05 TELEPHONE POLE VOTES: If a decision of the Tribal Council is necessary outside of duly-noticed and convened meetings of the Tribal Council, it shall be subject to the following procedures:

(a) The motion to be voted upon by use of a telephone poll will be clearly written on a form provided by the Tribal Council Executive Secretary or Tribal Administrator or his/her designee;

(b) The motion will be signed by the Tribal Council member making the motion and the Tribal Council member seconding the motion;

(c) In all cases, every attempt will be made to provide back-up information by fax, email or hand delivery, to not only support the motion but also to demonstrate the reason and need to have the vote taken outside of a duly-noticed convened meeting of the Tribal Council, and the exact same information (additional information may not be added after the vote unless the vote is to be properly reconsidered) will be provided in the next Tribal Council packet;

(d) The telephone poll vote will be authorized by signature of the KIC President or in the absence of the President, the Vice-President.

(e) The Tribal Administrator or designee will review the completed form containing the motion for completeness and input, if any, and authorize the Tribal Council Executive Secretary to proceed with the polling;

(f) The Tribal Council Executive Secretary will proceed with the telephone poll vote with all due diligence and will not reveal the way any Tribal Council member has voted until the final tally is completed and the results have been reported to the President or Vice-President and the Tribal Administrator.

(g) Such polling may be done by telephone, by email or in person, and the Tribal Council Executive Secretary shall keep an authenticated record of attempted contact of all Tribal Council members including the method and time of contact;

(h) After the results have been reported to the President or Vice-President and Tribal Administrator, all members of the Tribal Council will be notified immediately by email or by telephone of the outcome on the telephone poll.
6.05.01 Ratification of Telephone Poll Vote. In any case, the Tribal Council can transact business only on a regular or properly called meeting of which every Tribal Council member has been notified and at which a quorum is present. The personal approval of a proposed action obtained separately by telephone or individual interview, even from every member of the Tribal Council, is not the approval of the Tribal Council, since the members were not present in one room where they could mutually debate the matter. If action on such a basis is necessary in an emergency, it must be ratified at the next Regular Tribal Council meeting in order to become an official act of the Tribal Council. The motion to ratify is used to confirm or make valid an action already taken that cannot become legally valid until approved by the Tribal Council.

6.05.02 Restrictions and Limitations. Telephone poll votes must be unanimous to be successful. The motion submitted for a telephone poll vote may not be any motion that:

(a) Is not an emergency and can be acted upon during a regular or properly called meeting held within a reasonable time;

(b) Involves the expenditure of funds that are not budgeted or that exceed $5,000 even if budgeted;

(c) Is a matter which, due to its significant or complex nature, requires more extensive member notice and allows for debate;

(d) Requires a resolution, except for Requests for Proposals or recurring grant applications;

(e) Is a resolution, except for Requests for Proposals or recurring grant applications;

(f) Awards a contract;

(g) Any motion that causes something to be done that is impossible to undo.

SECTION 7. CONDUCT OF MEETINGS

7.01 ORDER OF BUSINESS: The meeting shall be conducted in accordance with the printed agenda, except to the extent that the printed agenda is amended by vote of two-thirds (2/3) of the Council members present once a quorum is established.

7.01.01 Upon determining that a quorum is present, the President shall call each Council meeting to order at the appointed time or as soon
thereafter as possible, and shall ensure that there is a quorum present at all times when the Council takes an official action.

7.02 Decorum: The President shall be responsible for maintaining order at all times during a meeting of the Council or Tribe; provided, however, that the President may not prevent a motion from being considered or Council member from speaking unless the President determines that the motion or Council member is out of order.

7.02.01 Before addressing the Council, a Council member must first be recognized by the President.

7.02.02 All Council members’ questions and remarks shall be addressed to the President. The President may request that a response to a question be given by another Council member, staff, counsel, or other professional as the President may deem appropriate.

7.02.03 Council members shall confine their remarks to the pending topic or question, and shall refrain from personal attacks or demeaning remarks concerning any other Council member or the President.

7.02.04 The President shall "call to order" any Council member who speaks out of order, fails to address questions or remarks to the President, fails to confine remarks to the pending topic or question, or who personally attacks or makes demeaning remarks about any other Council member, tribal member, or the President.

7.02.05 Upon a majority vote of the Council, any Council member who has been called to order more than two times during a meeting may be directed to leave the Council table and either leaves the room or sits in the audience and may be prohibited from speaking for the remainder of that meeting.

7.02.06 Any Council member who has been directed to leave the Council table and who refuses to do so or who continues to disrupt the meeting may, by majority vote of the Council, be denied all or a portion of his or her Stipend for that meeting and may be excluded from the meeting.

7.03 VOTING: When discussion has been completed or at the expiration of the time made available for discussion, the President shall state the question for the record and call for the vote.

7.03.01 The Council may, by majority vote, require a ballot vote to be taken. When the Council policies require a vote to be taken by ballot, this requirement cannot be suspended, even by a unanimous vote of the Council.
7.03.02 The President shall state the question for the record and call for the vote. After the vote, the President shall announce the outcome of the vote for the record.

7.03.03 In the event that any Council member abstains from any vote, the President may, but is not required to, request that the abstaining member state for the record his/her reason(s) for abstaining.

7.04 OPEN SESSION: Except with respect to matters to be considered in executive session, all meetings of the Council shall be open to the membership of the Ketchikan Indian Corporation.

7.04.01 Because all business of the Council is required to be conducted in meetings open to the membership, Council members may not meet informally to decide upon matters that are likely to come before the Council. This prohibition shall not preclude Council members from discussing among themselves, or with an appropriate Tribal employee or professional retained by the Council, any matter pertinent to an issue that is likely to come before the Council, so long as any such discussion does not result in predetermining the outcome of a vote by the Council.

7.05 EXECUTIVE SESSION: The Council may at its discretion discuss matters concerning personnel issues, legal issues, issues relating to program clients or enrollment applications, or certain financial matters in an Executive Session.

7.05.01 Except upon a determination made by two-thirds vote of the Council members present that a decision temporarily must be kept confidential in order to protect the interests of the Tribe, no final or official action may be taken during an executive session. The minutes of a meeting shall reflect that an executive session was held, and whether any final or official action was taken during the executive session. Any such decision shall be made public as soon as confidentiality is no longer required.

7.05.02 All matters discussed during executive session are deemed to be confidential and are not to be made public or discussed outside executive session, except with a professional or Tribal employee who has a need to know the information discussed during executive session.

7.06 ROBERT'S RULES OF ORDER: Except for matters addressed elsewhere in this Ordinance, Council meetings shall be conducted in accordance with the most recent version of Robert's Rule of Order Newly Revised In Brief.

SECTION 8. COMMITTEES
Executive Committee | Our Way of Life Committee  
Governance Committee | Education Committee  
Policy and Personnel Committee | Grievance Committee  
Enrollment Committee | Veterans Committee  
Social Services Committee | Economic Development Committee  
Finance Committee | Housing Committee  
Election Board | Advisory Health Board  

8.01 STANDING COMMITTEES: The Council shall have the following standing committees:

8.01.01 The Council may, by two-thirds vote, abolish any standing committee that it determines is no longer needed, or establish a new standing committee that the Council deems necessary.

8.02 SPECIAL COMMITTEES: In addition to the standing committees, the Council may create a special committee to address a particular issue or topic.

8.03 COMMITTEE MEMBERSHIP: Each committee shall consist of at least two Council members, one of whom all be designated as the Chair based on a vote of the Council members on that committee.

8.03.01 Committee vacancies shall be filled on a voluntary basis. If less than two Council members volunteer to sit on a particular committee, the President shall appoint enough Council members to that committee to ensure that there are two Council members on the committee at all times.

8.03.02 Appropriate staff shall be assigned to provide assistance and subject matter expertise for each committee.

8.03.03 The Advisory Health Board shall consist of four (4) KIC members appointed (two (2) seats appointed annually), one (1) Medical Professional appointed by the Advisory Health Board for a 1-year term and one (1) Organized Village of Saxman representative. The Advisory Health Board elects its officers annually, the Chair has no voting authority (5+1). One Advisory Health Board member will be appointed to the following committees: Finance, Policy, Personnel & Grievance, Veterans, and Our Way of Life. The Advisory Health Board will follow the KIC Constitution, By-Laws, Ordinances and policies of the Tribal Council.

8.04 COMMITTEE DUTIES: The primary duty of each committee is to provide oversight, to make recommendations to the Council, and to act as a liaison between the Council and the staff responsible for the subject matter area encompassed by the committee.
8.04.01 Except when there is insufficient time, all matters relating to a particular subject area should be referred to the appropriate committee for its consideration before being presented to the full Council. The committee, through its Chair, shall present its findings and its recommendation(s) to the Council for the Council's action.

8.04.02 Except as specifically authorized by the Council, no Committee shall make any decisions that bind KIC or obligate it to any particular action or expenditure, but shall instead make recommendations to the Council on any issues that come before it that require Council action.

8.05 COMMITTEE MEETINGS: Each committee shall set its own schedule for regular meetings of that committee.

8.05.01 The Chair of a committee may call a special meeting of the committee if the Chair determines that such a meeting is necessary to address a matter within that committee's subject area. Before calling such a special meeting, the Chair, either personally or through staff, shall make a good faith effort to communicate with all other Council members on the committee to arrange the scheduling of the meeting so that a maximum number of members can be present.

8.05.02 Committee members are expected to attend all regularly scheduled committee meetings, and to make a good faith effort to be present at a special meeting.

8.05.03 Any committee member who is absent without good cause from three (3) consecutive regularly scheduled committee meetings may be removed from the committee by the Chair. In the event the Chair is absent without good cause from three (3) consecutive regularly scheduled meetings, the President may remove the Chair from the committee.

8.05.04 If a Tribal Council member or President is on approved travel status for KIC business they will still receive a stipend, if the stipend is allowable by program regulations.

8.06 COMMITTEE VACANCIES: Any vacancy on a committee due to the resignation or removal of a committee member shall be announced by the President at the next Council meeting. If no Council member volunteers to fill the vacancy, the President may appoint a Council member to the committee.

SECTION 9. COUNCIL VACANCIES

9.01 RESIGNATION FROM THE COUNCIL: A Council member may resign at any time by providing to the Council a written resignation. The resignation shall be placed
on the agenda of the next regular monthly meeting of the Council, and shall become effective upon accepted by a majority vote of the Council at that meeting.

9.01.01   A Council member need not state in writing the reason(s) for his/her resignation.

9.01.02   A resignation shall be accepted by majority vote of the Council unless the Council first determines that the resignation is being made for an improper purpose.

9.01.03   Any member who is convicted of a felony or any offense involving dishonesty shall forfeit his/her Council position and that member shall be deemed to have resigned from the Council.

9.02   FAILURE TO ATTEND MEETINGS FOR THREE MONTHS:

Any member of the Council who is absent from regular meetings of the Council for a period of three months within a six month period may have his/her seat declared vacant by the Council and then filled as provided below.

9.02.01   Tribal Council members, including the President, may participate in regular meetings of the Council by teleconference due to special circumstances with prior approval of the President or designee. If no such prior approval is obtained, absence from a regular meeting of the Council will be considered unexcused unless the President determines it is excused for a reason that includes, but is not limited to: personal obligations with prior notification to a Council officer or Tribal Administrator, attendance is prevented by health conditions or personal responsibilities to protect the security, health, safety or wellbeing of others, or family emergencies.

9.03   FILLING A VACANCY: Whenever there is a vacancy on the Council, a replacement shall be selected by a majority vote at the next regular monthly meeting of the Council; provided, however, that the replacement shall serve only until the next Annual Election of the Ketchikan Indian Corporation dba Ketchikan Indian Community, regardless of how much time remained on the term of the Council member who was replaced. At the Annual meeting, a member shall be elected to fill the remainder of the unexpired term.

9.03.01   Whenever there is a vacancy on the Council, other than the President, the Council shall announce through the news media and such other means as the Council deems appropriate that a seat on the Council has become vacant, and the date and time of the meeting when the vacancy will be filled.

9.03.02   Any adult member of the Tribe who seeks to fill the vacancy shall be allowed to address the Council for up to ten (10) minutes at the meeting when the vacancy is to be filled.
9.03.03 After all Tribal members who are seeking to fill the vacancy have been heard, the members of the Council shall make nominations of persons who are qualified to serve as members of the Council under KIC's Constitution. A Tribal member need not be present at the meeting to be nominated.

9.03.04 After the nominations have been closed, the Council members shall vote by secret ballot.

9.03.05 In the event the Tribal member elected by the Council to fill the vacancy declines to position or is determined not to be qualified to sit on the Council, the process shall be repeated at the next regular meeting of the Council.

9.03.06 If the position of President becomes vacant, at the next regular monthly meeting that position shall be filled by the Vice-President. If the Vice-President declines, that position shall be filled from among the members of the Council, by a two-thirds vote of the remaining Council members.

SECTION 10. CODE OF CONDUCT FOR TRIBAL COUNCIL MEMBERS.

10.01 PURPOSE: This Code of Conduct is for the purpose of providing objective standards to guide the conduct of the Council in acting ethically and properly in all situations which may arise.

10.02 COUNCIL MEMBERS TO SET GOOD EXAMPLE: Council members must set good examples for Tribal members, employees and others associated with KIC both in their personal conduct and by obeying all Tribal and other applicable laws.

10.03 DRUG AND ALCOHOL USE: Council members must not be under the influence of alcohol or illegal drugs while attending official meetings or Tribally-related activities, or while conducting Tribal business.

10.04 HARASSMENT: KIC is committed to providing an environment that is free from all forms of harassment- including, but not limited to, sexual and gender harassment or harassment on the basis of religion, race, age, disability, national origin or tribal affiliation. No Council member shall harass another Council member, Tribal employee, guest of KIC, consultant, Tribal business patron, client or anyone else who does business with KIC on the basis of the individual's gender, age, religion, race, disability, national origin or Tribal affiliation. These policies do not affect the Tribe's exemption from Title VII of the Civil Rights Act of 1964 or other employment discrimination laws, nor do these policies affect the application of the Indian preference laws or KIC's Indian or tribal preference policies.

10.05 APPROPRIATE BEHAVIOR/DECORUM: The Tribal Council shall conduct themselves in accordance with the highest level of traditional respect. KIC is committed to maintaining an environment in which Council members, Tribal
members, employees, patrons or others doing business with KIC can live, work, conduct business or visit KIC without fear of physical, mental or emotional harm.

10.05.01 Council members shall not engage in any conduct that is violent or intimidating or threatens violence or intimidation, nor engage in any other pattern of conduct that harasses or creates a hostile environment for other Council members, Tribal members, employees, patrons or persons doing business with the Tribe.

10.05.02 Statements by Council members acting within their authority and legitimately using or threatening to use disciplinary procedures or to enforce Tribal laws or policies are privileged and not subject to this policy.

10.05.03 Tribal Council Members shall display appropriate decorum and behavior at all meetings.

10.06 USE OF POSITION FOR PERSONAL GAIN: Council members may not use their positions for purposes of obtaining personal gain or which create the appearance of obtaining personal gain.

10.06.01 Employment with KIC. No Tribal Council member can be an employee of or seek employment with the Tribe or any of its programs, enterprises or subsidiaries during the Council member’s term of office on the Tribal Council. Any Council member seeking employment with KIC or any of its programs, enterprises or subsidiaries must submit his/her resignation as an Elected Tribal Official at least sixty (60) days before submitting an application for employment.

10.06.02 Council members must not be employees of, consultants to, or have a significant ownership interest in any entity doing business or proposing to do business with the Tribe, its programs enterprises or subsidiaries.

10.06.03 Gratuities and Gifts. Council members must not accept gifts, gratuities or other forms of personal compensation for themselves or members of their immediate families that a reasonable person would believe are given with the intention of influencing policies or other decisions.

10.06.03.01 Council members may receive items or services of monetary value from individuals or entities that do or propose to do business with or are employed by KIC or its enterprises or subsidiaries so long as the items or services are provided in the normal course of the individual or entity’s business to its clients generally.
10.06.03.02 No Council member shall solicit for him/herself or an immediate family member a gift, gratuity or other compensation of any kind from any individual or entity that does or proposes to do business with or is employed by KIC.

10.06.03.03 Council members must report to the Tribal Chairperson on a monthly basis all gifts, gratuities, outside compensation or free items or services received as a result of serving as a Council member.

10.06.04 USE OF TRIBAL ASSETS OR PROPERTY

10.06.04.01 Other than for use in official KIC business, no Council member shall use KIC facilities, equipment, or property that are not otherwise similarly available to all other Tribal members.

10.06.04.02 For purposes of this subsection, Tribal facilities, equipment and property include, for example: credit cards, rooms, vehicles, copiers, telephones, facsimile machines, computers, email and the like, except for equipment provided to Council members to enable them to perform their work on the Council.

SECTION 11. SANCTIONS FOR VIOLATION OF KIC POLICIES THAT APPLY TO COUNCIL MEMBERS.

11.01 Sanctions may be imposed by the Council if one or its members violates KIC policies, including these Tribal Council policies, but only after that member has been given written notice of the alleged violation, an opportunity to respond in writing, and a hearing before the Council with the opportunity to present witness to provide relevant information.

11.02 The following process must be followed, all of which shall be in Executive Session and shall not be made part of the Council records until a final decision is reached on the matter:

11.02.01 Any Council member who believes that another Council member has violated the policies of KIC may bring the matter before the full Council including a statement specifying which KIC policies have been violated. The Council should confer with KIC legal counsel before proceeding further with this process to determine whether the factual allegations serve as an appropriate basis for determining that there has been a violation of the KIC policies.
11.02.02 If the Council agrees by 2/3 vote that the Council member should be charged with a violation of KIC policies, the Council shall prepare a written statement setting forth the alleged violation and the sanctions proposed and serve that statement on the Council member who is alleged to have violated the policies.

11.02.03 After the Council member who is charged with a policy violation has been served with written notice detailing the charges, the facts supporting the charge, and the specific policy alleged to have been violated, the Council member shall have 10 days from the date of service to respond in writing to the charges and/or request a hearing before the Council, if the Council member desires to be heard. If a hearing is requested, the Council member may also request that witnesses appear on his/her behalf and shall state the names of any witnesses he/she intends to call to testify on his/her behalf. The Council member may be represented by legal counsel in this process at his/her own expense.

11.02.04 After hearing from the Council member charged with the policy violation as to whether the violation occurred and any explanation of the alleged improper conduct, the Council member may also provide testimony from others who have knowledge of the facts surrounding the alleged violation. The Council may call other witnesses to testify who the Council believes have information relevant to the allegations. Members of the Council may ask questions of the charged Council member and of any witnesses appearing during this process.

11.02.05 After the hearing has been completed, based on the evidence before it; the Council shall vote and determine whether the Council member alleged to have violated KIC policies has been shown beyond a reasonable doubt to have violated the policies. To find that the policies have been violated and the Council member should be sanctioned requires a 2/3 vote of the number of Council members in office less the individual being charged who is not entitled to vote or participate in the discussions regarding the allegations, except as provided herein.

11.02.06 If by vote of two-thirds (2/3) of the full Council, the Council determines that the Council member has violated the KIC policies, and then the Council shall next determine what the penalty should be for such violation. Any penalty must be appropriate for the severity of the violation and the motive of Council member in committing the violation. A less severe violation deserves a lesser sanction. A violation based on carelessness deserves a lesser sanction than an intentional violation. Repeat violations also deserve a greater sanction.
The following are the types of sanctions that may be considered. The sanctions are listed in the order of their severity starting with the lesser sanctions:

I. Verbal/Written Reprimand and/or Censure;
   (a) Repayment of return of any financial gains or gifts or gratuities improperly received or obtained;
   (b) Temporarily taking away privileges of Council membership, including honorarium or per diem payments, stipends, and travel privileges for not more than two months;
   (c) Removal as Chairman of a Committee; or
   (d) Removal as an officer of the Tribal Council (except for elected President);

SECTION 12. INTERPRETATION OF ORDINANCES

12.01 PLAIN MEANING: Any ordinance adopted by the Council shall be interpreted according to the plain meaning of the words used in the ordinance.

12.02 If the meaning of an ordinance is not sufficiently clear to enable Tribal employees to carry out or enforce that ordinance, the Tribal Administrator shall notify the President and the President shall cause the Secretary to place the matter on the agenda for the next regular meeting.

12.03 CONFLICTS BETWEEN ORDINANCES: Where there is a conflict between two ordinances that address the same topic and the more recently enacted ordinance did not explicitly repeal or replace the earlier ordinance, the matter shall be brought to the attention of the President and the President shall cause the Secretary to place the matter on the agenda for the next regular meeting.

12.04 Until the Council addresses the matter at its next regular meeting, the more recently enacted ordinance shall be deemed to be controlling.

SECTION 13. AMENDMENTS OF THIS TRIBAL COUNCIL POLICY.

13.01 AMENDMENTS TO THIS POLICY: Upon adoption by the Council, this Policy may not be amended, added to or changed in any other way except by a two-thirds (2/3) vote of the Council.