



# Menominee Tribal Legislature

## Legislative Rules of Procedure

**Organization and Rules of the Tribal Legislature.**  
The Tribal Legislature shall adopt by motion written rules governing its own organization and procedure. Such rules shall be open and available to review by tribal members in accordance with Section 3 of this Bylaw.—  
Men. Const. & Bylaws, Sec. 1(d)

**Adopted by:**

**Menominee Tribal Legislature**

**22 February 2007**

And amended on 15 Mar 2007 (LRP 5.08 and 5.12)

And amended on 17 Apr 2008 (LRP 3.01, 4.01, 7.02 and 7.05)

And amended on 5 Mar 2009 (LRP 3.01 (L) & (O); 3.03;

4.02, (A), (D), (E); 4.03; 4.05 (A); 5.09, (add "D"); & 7.01, (C)

And amended on 15 April 2010 (LRP 3.02 (A); 4.01 (B), (E), (F), (G);  
4.02 (E); 4.04 (B); 5.03 (E); 5.05 (A), (B), (C), & (D); 5.09 (D); 7.05 (B); & 9.03

And amended on 19 August 2010 (LRP 5.05 (B) (1)

And amended on 3 March 2011 (LRP 7.05 (B)

And amended on 1 March 2012; LRP 4.02 (a) (g) (h), and 5.03 (e)

And amended on 11 March 2013; LRP 3.03; 7.05 (h); and 5.05 (1).

(see next page)

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And amended on 03 April 2014; LRP 3.01 (F) (H) (I) (L) (N) (O); 3.07; 4.01 (H); 4.02 (E), (G), (H); 4.05 (A), (C), (D); 4.06 (A), (B), (C), (D); 5.03 (D); 5.09 (D); 5.12; 7.01 (C); 7.04 (A), (B);

And amended on 05 March 2015 LRP 3.01 (h); Section 4.02 (g); Section 6.03; and 7.06

And amended on 03 March 2016 LRP 3.07 (B); 4.02 (B); 4.03; change ordinance to chapter; 4.06 (A) (B) (E); 5.05 (D); 6.03; 7.04 (A); 7.05 (B) (C); and add 7.07 (A) (B).

## Introduction

### **Codification**

This document contains a codification of rules governing the organization and procedure of the Menominee Tribal Legislature.

### **Citation**

You may cite these Rules using "LRP" followed by the part and section. For example, LRP 3.05 refers to the Legislative Rules of Procedure, Part 3, Section 5, or "Attendance".

### **Cross-Referencing**

Where applicable, reference notes at the end of each section have been added to allow the reader to cross-reference the codified rule with the actual rule of the Legislature. Two variations of those notes appear as follows:

- [Ref. Rule No. \_\_] – This is a reference to the Legislative rules that were adopted by the Legislature prior to February 22, 2007;
- [Ref. New Rule No. \_\_] – This is a reference to the Legislative rules that were adopted by the Legislature on February 22, 2007.

### **Maintenance and Revisions to the Rules**

This document is maintained by the Office Manager of the Chairman's Office. Each year the Legislature may adopt, repeal, or modify such rules as it deems necessary and appropriate at its first regular meeting following the Reorganization Meeting, which is usually held on February 9<sup>th</sup> of each year. For this reason, you may wish to contact the Chairman's Office to find out if you have the most recent edition of these rules.

### **Questions or Comments About this Document**

Please direct any questions or comments you might have about these rules to: Menominee Indian Tribe of Wisconsin, Attn: Chairman, P.O. Box 910, Keshena, WI 54135. You may also call the Chairman's Office at 715-799-5114.

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## LRP 1. Authority

Pursuant to the Menominee Constitution and By-Laws, Bylaw II, Section I, Subsection (d), page 41, of the certified document dated 8/8/91, the Menominee Tribal Legislature adopts by motion the following rules governing its organization and procedure.

## LRP 2. Definitions

The following words and terms shall have the following meanings:

- 2.01 "Chairman" means the Legislator elected annually to the office of Chairman.
- 2.02 "Constitution" means the Menominee Constitution and By-Laws.
- 2.03 "Immediate family" means a legislator's father, mother, brother, sister, spouse (or significant other), child, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, stepbrother, stepsister, grandparents and grandchildren.
- 2.04 "Incidental expenses" means hotel occupancy or similar taxes, business telephone calls, toll charges, repair or towing charges when a tribally-owned motor vehicle is involved, business copying charges, postage and handling charges for business purposes, notary fees, internet access charges, business facsimile charges, parking/valet fees, taxi or shuttle service, costs for flight changes, gasoline or automotive supplies for tribally-owned vehicles, and reasonable business meal and gratuity costs.
- 2.05 "Legislature" means the Menominee Tribal Legislature.
- 2.06 "Robert's Rules of Order" means Robert's Rules of Order, consistent with the Menominee Constitution and By-Laws.
- 2.07 "Travel time" means the actual commute time calculated at the point-of-departure to the point-of-arrival, and which is reasonable and necessary.

## LRP 3. Performance of Individual Legislative Members

### 3.01 Code of Ethics

- A. No Legislator shall use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated.
- B. No Legislator shall solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the Legislator's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the Legislator.
- C. No Legislator shall take any official action affecting a matter in which the Legislator, a member of his or her immediate family, or an organization with which the Legislator is associated has a personal financial interest.

- D. No Legislator shall disclose confidential information concerning the property, government or affairs of the Tribe nor shall he or she use such information to advance the financial or other private interest of himself or any other person.
- E. No Legislator or any organization with which the employee owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract involving payment or payments of more than \$1,000 within a 12-month period, in whole or in part derived from funds controlled by the Tribe unless the Legislator has first made written disclosure of the nature and extent of such relationship or interest and has notified the Menominee Tribal Legislature.
- F. No Legislator shall make any unauthorized commitments or promises of any kind purporting to bind the Tribal government. Legislators shall demonstrate the highest standards of personal integrity, truthfulness, and honesty in all activities in order to gain confidence and trust from members in all such activities. Additionally, Legislators are reminded of their oath of office and are held to be personally responsible for their actions and treatment of all persons with whom they may come in contact with. (combined H, J, and L)
- G. A Legislator shall not participate for personal gain, either directly or indirectly, with any individual or entity utilizing inside knowledge he/she gained while serving as a member of the Legislature.
- H. Legislators shall accept as a personal duty the responsibility and to conduct oneself with professional competence, fairness, impartiality, efficiency and effectiveness.
- I. Legislators have no authority to contact or communicate in any manner whether in writing or verbally, with any person, any Tribal Department or agency, any outside department, agency, or jurisdiction representing themselves as speaking for the Legislature or with legislative authority, unless such Legislator(s) has been so authorized by the Legislature.
- J. Legislators shall exercise responsibly the authority Legislators possess per the Menominee Constitution and Bylaws to carry out the duties as Legislators.
- K. Legislators shall not impede or expedite Tribal business or processes for personal or indirect gain.

[Ref. New Rule No. 24]

### 3.02 **Conflicts of Interest**

- A. Legislators shall be conscious of their fiduciary duty to administrate the affairs of the Tribe honestly and prudently, exercising their best care, skill and judgment for the sole benefit of the members while avoiding real conflicts of interest.
- B. Areas of Potential Conflict

Conflicts of interest may arise in the relations of the Legislators with any of the third parties:

  - (1) Persons/firms supplying goods and services.
  - (2) Persons/firms from whom the Tribe leases property and equipment.

- (3) Persons/firms with whom the Tribe is dealing/planning to deal in connection with the gift, purchase or sale of real estate, securities and other property.
- (4) Donors and others supporting the Tribe.
- (5) Agencies, organizations and associations, which affect the operations of the Tribe.
- (6) Family members, friends and other employees.

C. Nature of Conflicting Interest

- (1) A conflicting interest may be defined as an interest, direct or indirect, with any persons or firms mentioned in B. above. Such an interest might include but is not limited to:
  - (a) Owning stock or holding debt or other proprietary interests in any third party dealing with the Tribe.
  - (b) Holding office, serving on the board, participating in management, or being otherwise employed (or formerly employed) with any third party dealing with the Tribe.
  - (c) Receiving remuneration for services with respect to individual transactions involving the Tribe.
  - (d) Using the Tribe's time, personnel equipment, supplies, or good will for other than Legislature approved activities, programs, and purposes.
- (2) The areas of conflicting interest listed above are not exhaustive.

D. Interpretation of this Rule

The existence of any of the interests described in Section C shall be disclosed before any transaction is consummated. It shall be the continuing responsibility of the Legislature to scrutinize its transactions and outside business interests and relationships for potential conflicts and to immediately make such disclosures.

E. Disclosure Policy and Procedure

- (1) Disclosure involving a Legislator should be made to the Chairman, (or if she or he is the one with the conflict, then to the vice-Chairman) who shall bring these matters to the Legislature.
- (2) The Legislature shall determine whether a conflict exists and in the case of an existing conflict, whether the contemplated transaction may be authorized as just, fair, and reasonable to the Tribe. The decision of the Legislature on these matters will rest in its sole discretion, and their concern must be the welfare of Tribal members and the advancement of its purposes.
- (3) Transactions with parties with whom a conflicting interest exists shall not be undertaken and the following shall be observed:

- (a) The conflicting interest is disclosed and stated on record for Legislator recusal; or
- (b) The person with the conflict of interest is excluded from the discussion, unless the Legislature shall solicit comments or information concerning the action from the affected Legislator; however, the affected Legislator cannot vote on the matter or must abstain.

[Ref. New Rule No. 25]

### 3.03 **Noting Something for the Record/Clarifying One's Action**

A Legislator may offer, for the legislative record, a 30-second brief statement as to why he/she was in favor of, opposed to, or abstained from a vote of the Legislature immediately following said Legislator's vote. If the statement is longer than 30 seconds, the Legislator must submit a typewritten copy and it will be entered as is, along with any other comments for the record to the Office Manager before Executive Session on that meeting date. This brief statement shall appear on any official publication of the legislative action (e.g. in the minutes and on the motion).

[Ref. New Rule No. 16]

### 3.04 **Recusal**

Any business that comes before the Tribal Legislature concerning a member of the immediate family of a Legislator will not be acted upon until the involved Legislator leaves the meeting room.

[Ref. Rule No. 20]

### 3.05 **Attendance**

Legislators shall be on time for all meetings and shall stay for the duration of the meetings, including Annual and Special General Council meetings. Legislators shall give the Chairman's Office at least three hours advance notice when they will be absent from a meeting, or they will be listed as unexcused. The Chairman shall state during roll call the reason for a Legislator's absence and whether he/she is excused. In the event of an emergency, the Legislator can request that their absence be changed from unexcused to excused and the MTL minutes will reflect the request and change.

[Ref. Rule No. 18]

### 3.06 **Drug Testing**

All Legislators are required to submit to random drug testing. Immediately following the Chairman's election, he/she shall submit to a drug test.

[Ref. Rule No. 4]

### 3.07 **Equipment/Supply Issue**

A. Legislators may not use any supplies or equipment issued to him/her for personal use. All durable supplies or equipment exceeding \$250 shall be documented on a Legislator Equipment/Supply form. The PMA office will be responsible for issuing any equipment and will complete the form at the time of issue and upon return from MTL members. See Section 9.02 for a copy of the form.

- B. Legislators that have completed three consecutive terms (9 years) may submit a request to the Menominee Tribal Legislature to purchase their assigned electronic devices that were issued during their term. Should MTL approve the request, the IT Department will format the drive or scrub device. In addition the IT Department will determine value and submit a purchase cost to the Chairman's Office. The former Legislator may then make a determination if they wish to purchase.

[Ref. New Rule No. 22]

## **LRP 4. Compensation, Travel, and Other Expenses of the Legislature**

### **4.01 Compensation**

- A. Legislators shall be paid \$100.00 for meetings; another \$100.00 for meetings extended by motion to go beyond 10:00 P.M.; and \$100.00 for recessed meetings.
- B. The Chairman shall not be paid for any meetings.
- C. The Vice-Chairman, the Secretary, or any other Legislator who serves as Acting Chairman in the absence of the Chairman shall be paid at the rate of Time on Task (\$20.00/hr.)
- D. When serving as Acting Chairman of duly called meetings, the \$100.00 per meeting will be paid, not Time-On-Task.
- E. The Chairman shall not be granted eighty (80) hours personal time until after the Organizational meeting in February. The Chairman may not cash out or convert to vacation any personal time upon leaving office.
- F. Mileage will be granted to attend all public hearings, all meetings, and assigned time on task.
- G. The Chairman's Office must ensure that insurance verification is on file before mileage is approved.
- H. Meeting payments and Time on Task may be increased from time to time only as part of the annual budget chapter process.

[Ref. Par. A. extracted from Rule No. 11; Pars. B through D taken from Rule No. 14]

### **4.02 Time-On-Task**

- A. Legislators on special Legislative assignments shall be paid twenty dollars (\$20.00) per hour for Time-On-Task, which will include travel time, and paid time on task for the actual worked as is justified in the time on task reports. They shall be reimbursed for incidental expenses if they did not utilize their Tribal Credit Card. Legislative work requires prior approval by the Chairman.
- B. Assignments to Legislators shall be issued in writing from the Chairman or by motion of the Legislature. The assignment shall specify the goal of the task and the anticipated completion date. If assigned by the Chairman, the Chairman must inform the full Legislature of any assignments at the next regularly scheduled meeting.

- C. No more than one legislator may be assigned to any one task at a time unless approved by the Chairman or by Legislative motion.
- D. Individual assignments will be tracked for work progress documentation by the Office Manager of the Chairman's Office.
- E. Legislators shall submit their time cards with written reports and the goal of the task to the Chairman's Office. Payments will be processed weekly. Time on Task reports will be shared with all Legislators in their MTL regular meeting packets.
- F. Each Legislator will be prepared to speak on his/her assignment of Time-On-Task at the Annual General Council Meeting.
- G. The Tribe will publish in the Menominee Nation News on a quarterly basis, the Time-On-Task payments, meeting payments, and approved credit card reports.
- H. In accordance with the Tribe's accounting manual, Time-On-Task payment sheets and written reports are due in the Chairman's Office within five (5) working days.

[Ref. Rule No. 6]

#### 4.03 **Timecard Approval**

The Chairman shall approve timecards for Legislators. The Vice-Chairman shall approve the Chairman's timecard utilizing the MITW Time Tracking System. The MTL Secretary shall approve timecards in the absence of the Chairman and/or Vice-Chairman.

[Ref. Rule No. 5]

#### 4.04 **Travel**

- A. All Legislators travel shall receive prior approval from the Legislature, except the Chairman has the authority to approve travel for Legislators between meetings as necessary. A credit card expense report and a brief written report shall be submitted within five working days to the Chairman's Office. Payment for Time-On-Task will be withheld pending compliance with this rule. See Section 9.01 for a copy of the credit card expense report.
- B. A Legislator who is in the last 6 months of his/her term (Sep-Feb) shall not be authorized to travel to any conference, seminar or workshop, unless they have been certified by the Election Commission as a candidate in the primary or general elections. A Legislator who is running as a write-in candidate shall not be authorized to travel to any conference, seminar or workshop. Any other Legislative travel must be approved in accordance with 4.04 (A) above.
- C. Legislators traveling on behalf of Tribe may accept and retain frequent flyer miles, compensation for denied boarding, and hotel "preferred guest" points for their personal use. Individuals may not deliberately patronize a single airline or hotel chain to accumulate frequent flyer miles or preferred guest points if less expensive comparable tickets are available from another airline or hotel chain.
- D. Two or more Legislators who are traveling to the same destination and utilizing personal modes of transportation shall, to the maximum extent practical, coordinate schedules and travel with one another or utilize the tribal legislative vehicle to avoid duplicate travel costs.

E. Chairman shall submit a written report on all travel to the Legislature.

[Ref. Par. A taken from Rule No. 7; Par. B taken from New Rule No. 2; Par. C. taken from New Rule No. 21; Par. D taken from New Rule No. 17]

#### 4.05 Tribal Credit Cards

A. Legislator use of Tribal credit cards is for business purposes only. No personal expenses shall be permitted. Tribal credit card use must include documentation. A credit card expense report (including all receipts with business purpose clearly noted on receipt) shall be submitted within five days following any authorized business meeting or travel to the Office Manager of the Chairman's office.

B. Cash advances are not an allowable expense under any circumstances.

C. The Internal Audit department shall monitor all credit card statements monthly and provide an immediate report to the Legislature on any issues of non-compliance. Internal audit will submit a quarterly report to the entire Legislature on the Legislature to ensure overall compliance with this rule. All credit card statements will be accompanied with the appropriate Legislative motion approving the travel or assigned task verification from Tribal Chairman.

D. All Legislators requesting Advanced Travel Authorization Per Diem may not utilize their Tribal Credit Cards for any other expenses other than what was listed on the Advanced Travel Authorization Per Diem, such as, but not limited to; paying for their hotel rooms at time of check out, air-fare transportation, or registration fees required to complete the Legislators travel arrangements.

[Ref. Rule No. 16]

#### 4.06 Cell Phone Policy

A. Legislators are expected to exercise discretion in using their personal cellular phones during meetings, including texting. The Legislator may be excused temporarily from the meeting in order answer or make a call/text.

B. A company cell phone is issued to the Chairman and Vice-Chairman of the Legislature and to the Chairman of the Menominee Kenosha Gaming Authority for business purposes only if project is ongoing and at the request of the Committee Chairman.

C. Cell phones must returned and logged as returned by the PMA office on the first business day that the Legislator no longer holds the particular office under item B.

D. Under no circumstances is a company phone or phone number to be converted over to personal use.

## LRP 5. Meetings of the Legislature and Its Committees

### 5.01 Meetings

Meetings are conducted in accordance with Robert's Rules except when they conflict with the Constitution. Unless otherwise provided in the Constitution, a simple majority vote decides an issue.

[Ref. Rule No. 8]

### 5.02 Chapter and/or Constitutional Requirements on Meetings, Notices, Etc.

All meeting notices and chapter postings shall conform to the requirements of the Constitution & Bylaws, the date and time for all regular legislature meetings established under Chapter 177 and the Posting Procedure promulgated under Chapter 177

[Ref. New Rule No. 14]

### 5.03 Open or Executive Sessions

- A. Tribal Legislature meetings are open to the public except for executive session as provided for in Bylaw II, Section 1(c) of the Constitution regarding the following issues:
- (1) Personnel matters.
  - (2) Claims against the Tribe or the Tribal Legislature, whether in litigation or otherwise.
  - (3) Legal consultation and advice.
  - (4) Matters involved in litigation concerning the Tribe or the Tribal Legislature.
  - (5) Deliberation and/or review of any matter heard by the Legislature in a quasi-judicial capacity.
  - (6) Negotiations concerning the purchase, sale, lease or other acquisition of real or personal property, or interests therein, or concerning any contracts except those required to be the subject of competitive bidding.
- B. The Legislature may determine not to keep a record of all or any part of the discussion in executive session; however, the general reason for such determination shall be recorded, and a record shall be kept of any action taken in executive session. Such record may be withheld from inspection by tribal members pending final disposition of the matter concerned.
- C. Media will be allowed to attend legislative meetings "except on sovereignty, or issues of vital interest only for the Tribe, or personnel issues". The media will not be allowed to attend any portion of the MTL agenda topic posted as "Per LRP 5.03 - Executive Session" The media can be removed upon a majority vote of the Legislature.
- D. Executive Sessions of the Legislature are confidential and information brought forth shall not be disclosed to anyone, including any notes taken during the session. If a Legislator is writing notes in Executive Session, a Legislator may request that the session be recorded to preserve the actual record.

- E. Community Meetings: Community meetings are held quarterly in Zoar, Neopit, Middle Village, Keshena, and South Branch. One meeting is held with the Chicago Community and one meeting held with the Milwaukee Community.
- (1) The following procedure will be followed to ensure follow through with all community concerns:
- a. The Chairman's recording staff will record all community meetings.
  - b. The recording clerks will complete their individual community minutes for accounting purposes within a 72 hour timeframe.
  - c. Once the minutes are completed, the information will immediately be transferred to the community meeting matrix.  
  
The matrix will be placed on the next MTL meeting agenda as "Community Meeting Concerns". The Legislature will review the concerns and forward to Administration for further discussion/or review.
  - d. After the review by the Legislature, the recording clerks for their assigned committee/s will place the community comments/concerns onto the committee agendas as an agenda item entitled "community meeting concerns".
  - e. The Program Director/Manager will compile the packet information if necessary for action or concurrence on issues that has been raised at the Community Meeting/s.
  - f. The original matrix will be updated with the information provided as a follow through to the community concern.
  - g. The matrix will be provided to the Chairman of the Community meetings to ensure all concerns/issues are addressed with /or action noted for the next quarterly meeting.
  - h. If more information is required on the follow through by the respective Chairman's of each community will follow through and get additional information to the recorder at least thirty days prior to the next community meeting.
  - i. The recorder will again update the matrix if needed and send it to all MTL at least 2 weeks prior to the Legislature meeting.
  - j. The follow through with concerns/issues at the previous community meeting will be shared with the community at the next community meeting."

[Ref. Rule No. 9]

#### 5.04 **Motions**

Legislators shall state their motions in full for the purpose of clarity.

[Ref. Rule No. 13]

**5.05 Public Comment Period**

- A. To ensure community members have an opportunity to be heard on issues that impact their lives, the Menominee Tribal Legislature will provide a public comment period to be noted on the regular scheduled meeting agenda. The Public Comment period follows the Menominee Prayer on the agenda and is generally limited to no more than 30 minutes. The Legislature may determine that an issue brought forward under public comment needs further review and may require further study and recommendations from appropriate staff or committee; have the matter posted on an upcoming meeting agenda; or determine that the matter is of executive session in nature per Tribal Constitution and Bylaws, and will not be heard under the public comment portion of the meeting.
- B. General Guidelines:
- (1) Public Comments will be reflected in MTL minutes by printing the name of the speaker, their topic, and a brief synopsis of the topic.
  - (2) Recordings of Public Comment verbatim will be downloaded from the recorder and maintained on the computer files in the Chairman's office for retrieval at a later date should it be needed.
- C. Chairman's Role for Public Comment:
- (1) To review the rules for speakers at the beginning of public comments.
  - (2) To moderate the comment period.
  - (3) To preserve appropriate order and decorum during all meetings.
  - (4) Limit disruptive behavior by calling to order persons demonstrating rude, boisterous, or profane behavior. If such conduct continues, the Chairman may call a recess, and/or request the removal of such person(s) from the meeting by law enforcement.
  - (5) Request time be extended beyond the 30 minute period if needed.
- D. Rules for Speakers:
- (1) This is a public comment period and not a question and answer session. Your concern may be put to other committees, but you may not receive a response immediately as this may be a personal/personnel issue.
  - (2) Prior to speaking each speaker must complete the Public Comment sign-up form prior to the start of the regular scheduled Legislature meeting. Requests will be allowed on a first come, first served basis.
  - (3) Please treat everyone with respect and courtesy just like you would want to be treated. Express your ideas and opinions in an open and helpful manner. Please avoid naming individuals during your comments.
  - (4) Please direct all comments to the Chairman and not to any individual Legislator.
  - (5) Each speaker will be asked to begin by stating their name and topic.
  - (6) Personal attacks aimed at individuals will not be tolerated.

[Ref. New Rule No. 1]

**5.06 Posting Procedures for Executive Session**

The Legislature shall hold executive sessions in accordance with Bylaw II, Section 1, par. C of the Constitution and Bylaws. The Legislature shall post specific executive

session items. All meeting agendas shall provide as much detail as is necessary for the general public to determine what type of action is being considered. For example, an agenda item would appear as "Gaming – Gaming Compact Amendments" or "Legal – Hobbs & Strauss Contract" or "Personnel – John Doe's Evaluation".

[Ref. New Rule No. 11]

#### 5.07 **Poll Voting**

- A. Poll voting of the Legislature shall be permissible only as an emergency as defined in the Menominee Tribal Constitution, i.e., for the preservation or protection of the health, welfare, peace, safety, or property of the Tribe, where the emergency at hand simply cannot wait for the next regularly scheduled MTL meeting.
- B. It is the Chairman's responsibility to determine said emergency as defined in section D (1) above and that each Legislative member is advised of the request for a poll vote and that there is documentation regarding such request.
- C. Due to the nature of poll voting, a poll vote will require seven (7) out of (9) votes in order to pass. The Chairman shall cast a vote in all poll vote matters.
- D. A poll vote shall be ratified at the next regularly scheduled meeting of the Legislature following such a vote.

[Ref. New Rule No. 20]

#### 5.08 **Other Business**

The Legislature may transact business relating to matters of an immediate nature that cannot wait until the next meeting under the agenda item: "Other Business".

[Ref. New Rule No. 26] Amended in its entirety on 03/15/2007

#### 5.09 **Legislative Committees**

- A. Legislative Committees shall meet once a month unless the Chairman approves a written request for meetings held more often.
- B. Committee Chairman's must ensure that action items and meeting minutes are submitted to the Legislature in a timely fashion.
- C. At the first regularly scheduled meeting of a newly appointed committee, the committee shall review the committee's bylaws and elect committee officers.
- D. Participation on assigned Committee's: Legislator's shall attend and participate in assigned Committee's.

[Ref. Rule No. 12]

#### 5.10 **Establishment of Criteria for Appointment of Legislators to Committees**

- A. The Chairman shall recommend Legislators for appointment to the various committees to the full Legislature no later than the second regularly scheduled meeting following in March of each year.

- B. All members shall be given an equal amount of committee work to the greatest extent possible which will be based on their particular expertise and or interest to serve on a committee.
- C. One or more Legislators may challenge the recommended appointment and move for nominations for any specific committee.

[Ref. New Rule No. 6]

#### 5.11 **Posting Procedures for Committee Action**

The Legislature shall post specific business items being recommended for approval from legislative committees. All meeting agendas shall provide as much detail as is necessary for the general public to determine what type of action is being considered. For example, an agenda item would appear as "Law Enforcement and Resource Protection - Use of Tasers."

[Ref. New Rule No. 7]

## **LRP 6. Officers of the Legislature**

### 6.01 **Officers**

There shall be three officers of the Legislature: Chairman, Vice- Chairman, and Secretary, each of whom is elected annually by majority vote of the Legislature pursuant to Robert's Rules, except where those rules conflict with the Constitution and By-Laws. The Chairman shall vote on the following issues (all cites are to the Menominee Constitution and By-Laws);

- A. Appointment or removal of legislative members or Tribal Judges;
- B. Appointment or removal of personnel hired by the Legislature;
- C. Any legislative action under:
  - (1) Article X, Section 2, Subsection (b), Land Encumbrances;
  - (2) Article XII, Management Plan (MTE);
  - (3) Article XIII, Tribal Businesses;
  - (4) Article XVI, Financial Control;
  - (5) Article XVIII, Sovereign Immunity;
  - (6) Article XIX, Amendments to the Constitution and By-Laws; and
  - (7) Bylaw II, Section 2 (b), Action by Chapter Required;
  - (8) In the case of a tie vote;
  - (9) On any issue held in executive session;
  - (10) At the request of a Legislator.

[Ref. Rule 1 – Officers]

### 6.02 **Officer Presence**

An officer of the Legislature shall always be present on the Reservation; however, the Chairman is authorized to set aside this rule as circumstances require.

[Ref. Rule 2]

### 6.03 Official Legislative Spokesperson

The Chairman, or his/her Legislator designee, shall be the official spokesperson for the Legislature in all matters including any official statements to the press, radio, newspaper, TV or other media that may construe such statements to represent that of the Menominee Tribe. This designation shall be in writing and communicated with the entire Legislature.

[Ref. Rule No. 3]

## LRP 7. Miscellaneous Provisions

### 7.01 Transition of Power

As an agenda item, at the last regular scheduled meeting prior to reorganization the Chairman shall provide the full legislature with a written report containing, at a minimum, the following:

- A. The status of all current and outstanding legislative issues;
- B. A calendar of important events, meetings, and hearings.

[Ref. New Rule No. 4, 1<sup>st</sup> section]

### 7.02 Records Retention

All original documents, correspondence, facsimiles, and electronic media (e.g. e-mail, computer files, etc.) and other records concerning legislative affairs are the property of the Tribe and shall be preserved and maintained in perpetuity as a matter of historical record by the Chairman's Office and Information Technology (IT) Department.

[Ref. New Rule No. 4, 2<sup>nd</sup> section]

### 7.03 Legal Opinions or Memoranda and Discussion

- A. The Legislature may, by motion, request a legal opinion or memoranda from the Tribe's Director of Legal Services, or outside counsel of the Tribe, on any matter. The Chairman shall forward any motion for a legal opinion or memoranda to the Director of Legal Services or outside counsel, along with a memorandum providing all pertinent facts necessary for the Director of Legal Services, or outside counsel to render an opinion or memoranda. The Legislature, upon receipt of the Director of Legal Services or outside counsel's written opinion or memoranda shall either accept or reject said opinion or memoranda by motion. If one or more members of the Legislature challenge an opinion or memoranda issued by any counsel, the Legislature shall obtain a second opinion or memoranda from another attorney or law firm.
- B. Legal opinions or memoranda, when accepted by the Legislature, shall constitute a Formal MTL Legal Opinion or Memoranda and constitute the official position of the Tribe on the legal issue addressed in the opinion or memoranda unless modified or overruled by subsequent judicial decisions, chapter provisions, or new Formal Legal Opinion or Memoranda. The Legislature and the departments of the Tribe shall act in accordance with said opinions or memorandums. The Legislature recognizes that Formal MTL Legal Opinions or Memoranda have no binding effect on the Menominee Tribal Court.

- C. Formal MTL Legal Opinions or Memoranda shall be given a unique number and kept in the records of the Chairman's Office. The Chairman shall cause to be created an index of all Formal MTL Legal Opinions or Memoranda that shall allow opinions or memorandums to be searched by number and subject.

[Ref. New Rule No. 8]

#### 7.04 **Lobbying**

- A. The Intergovernmental Affairs Office Manager is responsible to review and forward any changes to the base lobbying plan for recommendation to the Legislature annually after reorganization and as needed throughout the legislative year. This plan shall include feedback from committees, directors, and the department of administration in conjunction with a Strategic Planning process.
- B. The lobbying plan shall be accepted by motion once changes have been defined and agreed upon on an as needed basis.

[New Rule No. 15]

#### 7.05 **Chapter Process**

- A. Any Committee of the Legislature by motion, or any individual Legislator, may request the Menominee Tribal Legal Services Department to designate counsel who will be responsible for drafting and tracking any proposed amendment or chapter through final action.
- B. Any Committee of the Legislature by motion may request the assistance from the Government Affairs Committee to provide assistance and/or an evaluation of a chapter for possible amendment.
- C. No chapter shall be placed on a Legislature agenda for first consideration unless requested by a Legislator/s or by Committee motion.
- D. The chapter shall be provided to the Chairman's Office by the designated counsel along with a memorandum explaining the purpose for the proposed chapter and how the proposed chapter meets that purpose. In the case of an amendment to an existing chapter, the amendment shall be in a form that shows how the existing chapter has been altered.

The Chairman's Office shall be responsible for including the materials, including the legislative history, for the meeting where the chapter will receive 1st consideration.

- E. At any time during the chapter process, constitutional challenges or concerns shall be addressed pursuant to the process described in rule 7.05, and shall cause the proposed chapter or amendment to be tabled by motion.
- F. No change shall be made to a proposed chapter after it has been placed on the Legislature's agenda except by motion of the Legislature. Motions to amend proposed chapters shall either specifically delineate the exact language of the proposed chapter that should be stricken or added; or shall give general direction to the Tribal Legal Services Department as to what provisions should be changed, including the purpose of the changes.

- G. The Chairman's Office shall provide to the Legislature, prior to final approval of a chapter, a written summary of all comments made at a public hearing, to include motions of changes made at first consideration.
- H. Upon final approval of a chapter, any changes specifically delineating the exact language that is stricken or added shall be included in the motion approving the Chapter. The Menominee Tribal Legal Services Department shall be responsible for incorporating all changes at final approval, and to file with the Chairman's Office an original chapter.
- I. The use of the term chapter in this rule includes amendments to existing chapters. Sections A and B of this Rule do not apply to any chapter related to granting or canceling leases of tribal land.

[Ref. New Rule No. 23]

#### 7.06 Procedure for Accepting Rules

At the first regular meeting following the organizational meeting, the Legislature shall review the Rules of Procedure for the Legislature, consider any amendments to these rules, and reaffirm by motion the rules. Each Legislator shall be required to sign a certification acknowledging receipt and acceptance of the rules. See LRP 9.03 for a copy of the form.

[Ref. New Rule No. 18]

## LRP 8. Violations and Procedure

### 8.01 Presentment of Charge, Resolution, and/or Hearing

Only a Legislator can charge another Legislator with a violation of these rules. To bring forth charges, the following procedure shall be followed:

- A. A charge for a rule violation shall be filed within thirty (30) calendar days of the date of the alleged incident. However, the thirty (30) calendar days shall commence at the point when the complainant has discovered the facts surrounding the violation. The complainant shall submit documentation on discovery. Under no circumstance, however, shall a charge be brought for a violation that occurred more than 60 calendar days earlier.
- B. The violation against the Legislator shall be in writing and submitted to the Chairman's Office. The Chairman shall provide a copy to the individual being charged. The notice shall provide the parties not less than ten (10) calendar days to mediate the dispute or prepare for the executive session (or open session at the request of the accused).
- C. If the two involved in the complaint resolve the rule dispute prior to the meeting, the individual presenting the allegation shall formally request the Chairman to withdraw the charge.
- D. The Chairman shall schedule an executive session (or open session at the request of the accused) at the next regular meeting upon the exhaustion of ten days to hear the charge, and the involved Legislator(s) shall be notified of this schedule.

- E. The executive session (or open session at the request of the accused) shall be limited to Legislators only, provided, however, legal counsel and witnesses may be present to testify.
- F. The executive session (or open session at the request of the accused) will allow the parties to present their case in full.
- G. The Legislature shall deliberate and decide action to be taken, if any.
- H. Legislature's decision shall be by an affirmative vote for action of at least seven out of nine Legislators.

#### 8.02 **Penalties**

If the Legislature votes that the accused Legislator has violated a rule, the penalty includes one or more of the following:

- A. Motion of censure,
- B. Motion requesting a public apology, and/or
- c. Forfeiture of one meeting payment.

[Ref. Rule No. 19]

**LRP 9.**

**9.01 MTL Credit Card Expense Report.**

**MTL Credit Card Expense Report**

**INSTRUCTIONS:** The MTL Rules of Procedure (LRP 4.05) requires this credit card expense report (including all receipts) be submitted to the Chairperson's Office within five days following any authorized business meeting or travel. Please attach additional sheets if you have more expenses.

#	Date	Hotel	Transportation	Meals	Fuel	Misc.	Totals	Brief Description of Expense
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
<b>TOTALS ▶</b>								<b>*** REMEMBER TO ATTACH ALL RECEIPTS ***</b>

**\*\*\* CERTIFICATION \*\*\***

I certify that the above expenses were reasonable, necessary, not personal in nature, and solely related to official legislative business. I have attached any and all invoices and receipts that support the expenses listed above. I understand that if I have not attached an invoice or receipt for an expense listed above that I might be held personally liable for such expense, and that such expense (including interest) might be deducted from any meeting payments or time-on-task payments that I am due and owed.

MTL Member's Printed Name \_\_\_\_\_ Date \_\_\_\_\_  
 MTL Member's Signature \_\_\_\_\_

(A full size copy of this form can be obtained from the Chairman's Office)

9.02 Legislator Equipment/Supply form

**Legislator Supply/Equipment Issue**

**1. Legislator Information**

Typed or Printed Name of Individual Receiving Equipment (hereinafter "Legislator")		Legislator's Office (if applicable)		Terms
Legislator's Home Address	State	Zip Code	Phone #	

**2. Terms and Conditions of Supply/Equipment Issue**

The Menominee Tribal Legislature (hereinafter "MTL") of the Menominee Indian Tribe of Wisconsin (hereinafter "Tribe") has issued the durable supplies/equipment listed in Section 3 below to the Legislator for Legislator's use during the course of his or her legislative term with the MTL. Said equipment is, and at all times shall be, the property of the Tribe and shall not be used by Legislator for personal work, entertainment, or outside employment. Within one (1) business day of request of the Legislature, or immediately upon conclusion of the Legislator's term with the MTL, the Legislator shall return said equipment, and any other equipment owned by the Tribe, in good condition, ordinary wear and tear excepted. Legislator shall be primarily responsible for any loss or damage to the equipment and will be responsible for any costs not covered by insurance for replacement or repair of the equipment. If Legislator fails to return any equipment at this time, or Legislator returns equipment that is damaged, Legislator shall be responsible for reimbursing the Tribe for the cost of repairing or replacing said equipment. The Tribe reserves the right to withhold from Legislator's meeting payments said reimbursable amount, not to exceed 20% of Legislator's payment, in accordance with Tribal and federal laws. If Legislator is still serving on the MTL following the return of damaged equipment or following the loss of equipment, then said withholding shall continue until all damages from repair or replacement of equipment are paid in full. The equipment assigned to the Legislator under this form (or its attachments) supersedes any previous equipment assignments made under previous Legislator Equipment Issue forms.

**3. Equipment Issued**

#	Description of Equipment Issued:	Make and Model #:	Serial # or Other Identifiable Information:	Legislator's Initials	Date Returned	Receiver's Initials
1.						
2.						
3.						
4.						
5.						

Additional equipment has been assigned to the Legislator and is attached to this form on a second Legislator Equipment Issue form

I, the undersigned Legislator, acknowledge that I have received the equipment listed in Section 3 next to where I have placed my initials and agree to the terms and conditions set forth in Section 2 regarding the use of said equipment. I understand that if the equipment listed in Section 3 is lost or damaged while in my possession then I am responsible for the costs to repair or replace the equipment and that these repair or replacement costs may be withheld from my meeting payments.

\_\_\_\_\_  
Signature of Legislator

\_\_\_\_\_  
Date

**4. Minor Tools and Equipment Issued By PMA Office:**

Name	Title	Signature	Date
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9.03 Acceptance of Legislative Rules of Procedure Form



**MENOMINEE INDIAN TRIBE OF WISCONSIN**

P.O. Box 910  
Keshena, WI 54135-0910

**CERTIFICATION ACKNOWLEDGING  
RECEIPT AND ACCEPTANCE OF THE RULES OF PROCEDURE**

In accordance with LRP 7.06, I, the undersigned Legislator, acknowledge receiving the Legislative Rules of Procedure and shall abide by them for as long as they remain in effect.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, **2016**.

\_\_\_\_\_  
Legislator's Signature

cc: File

NOTE: Please send a copy or an original of this certificate to the Chairman's Office once signed.