

PORT GAMBLE S'KLALLAM TRIBE  
TRIBAL COUNCIL POLICY MANUAL

## PORT GAMBLE S'KLALLAM TRIBAL COUNCIL POLICIES

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## INTRODUCTION

The Port Gamble S'Klallam Tribal Council recognizes that it is in the interests of all Tribal Members and good management that the operating policies and procedures of the Tribal Council are clear and consistent. This manual has been produced under Tribal Council direction with the goals of:

- A. Allowing Tribal Members access to the operating procedures of the Tribal Council.
- B. Providing a continuity of policies and procedures from year to year.
- C. Formalizing policies the Tribal Council feels are necessary for effective, fair and responsible management.
- D. Permitting the Tribal Council an overall review of their policies for possible improvements or changes.

This manual is useful for any of the above goals only if it is maintained by formal Tribal Council action through which policies are modified, added or deleted. Changes to this Manual are subject to the Public Hearing and Notification policy contained in Section 4 of this Manual.

## Section 1 Meetings

### 1.0 Meetings

General: Tribal Council meetings may be conducted informally. The policies here represent the minimum requirements for conducting business and recording the action taken. If an issue of order or protocol is raised by a Tribal Council officer, Robert's Rules of Order shall take precedence unless there is unanimous agreement of the Committee to follow some other procedure.

It shall be the duty of the Chair, or in his/her absence the Vice Chair, to preside over all meetings of the Tribal Council and carry out all orders of the Council.

### 1.1 Quorum

Policy: A quorum of the Tribal Council is reached when three of the six members are present. When a quorum is present the Tribal Council may conduct any of the business of the Tribal Council subject to policy and procedural limitations. If a quorum is not present at a regular meeting the Tribal Council may discuss business but cannot make decisions in the name of the Tribal Council or take formal action.

Background: This policy has been standard practice and follows "Robert's Rules of Order."

### 1.2 Compensation

- a) Employees serving on Council during PGST regular work day hours:  
Tribal Council members who are also employees of the Tribe and serve on Council during normal working hours, will receive their regular hourly rate of pay and are not required to use leave while serving on Council.
  
- i) Non-exempt Tribal Employees (paid hourly) shall clock out on their time card from their Tribal Employee position and clock in on a Tribal

Council time card when attending Tribal Council meetings in their role as a Tribal Council member.

ii) Exempt Tribal Employees (paid on a salary basis) shall report to The Tribe all hours used for Tribal Council meetings and services separately on their time sheet. No exempt employee's guaranteed salary for the week in which he or she attends Tribal Council meetings shall be reduced for attendance at such meetings.

b) Employees serving on Council outside of the PGST regular work day hours

i) Employees serving on Council (before work, during lunch, or in the evening):

Tribal Council members who are also employees of the tribe and who conduct official council business during the regularly scheduled lunch hour, before 8:00 AM, or meetings that continue after 4:30 PM, shall receive a \$125.00 stipend.

ii) Employees serving on Council during weekends, evenings or holiday hours: Tribal Council members who are also employees of the tribe and who conduct official council business during evenings, holiday or weekend hours shall receive a \$375.00 stipend for any official Tribal Council meeting where official minutes are kept (Regular meetings, Special meetings, General Council Meetings) or \$200.00 for all other meetings that meet Tribal Council compensation criteria, unless they exceed 3 hours, in which they will be compensated \$375.00. The "evening" meetings assume the meetings are specifically scheduled to start after 4:30 PM and are not a continuation of a meeting scheduled during regular work hours.

\_\_\_\_\_d) Non-employees serving on Council:

Tribal council members conducting official tribal council business shall receive a \$375.00 for any official Tribal Council meeting where official minutes are kept (Regular meetings, Special meetings, General Council Meetings) or \$200.00 for all other meetings that meet Tribal Council

compensation criteria unless they exceed 3:00 hours, in which they will be compensated \$375.00.

- e) Stipends are limited to one stipend per day.
  - i) Amount. Outside of normal working hours, but on scheduled working days (Monday-Friday), Tribal Council members, other than the Chair, that are employees of the tribe will receive compensation in the form of a stipend for attending Tribal Council meetings limited to one per meeting. If employees would receive a lunch and evening stipend, they shall only receive one stipend but shall receive the larger stipend. Council members that are not tribal employees shall receive a \$375.00 for any official Tribal Council meeting where official minutes are kept (Regular meetings, Special meetings, General Council Meetings) and \$200.00 for all other meetings that meet Tribal Council compensation criteria, unless they exceed 3 hours, in which they will be compensated \$375.00. Tribal Council stipends are limited to one per meeting, per day.

——A summary of Tribal Council compensation is Attachment B to this document.

f) Travel

Council members will receive one stipend per day when on travel status. Whether a council member receives a stipend or not depends on the applicable compensation rules above.

- i) Council member employee travel during normal work week: Employees traveling during the work week do not receive a stipend.
- ii) Employees travel during weekends and holidays: Employees traveling 3:00 hours or less would receive a \$200.00 stipend and for travel 3:00 hours or longer, would receive \$375.00.

iii) Non-employee Council members:

A non-employee council member traveling 3:00 hours or less would receive a \$200.00 stipend and for travel longer than 3:00 hours, would receive \$375.00.

iv) Stipends to attend meetings while on travel:

Stipends to attend meetings while on travel are not given to employees of the tribe during regular business hours. Non-employee Council members are eligible to receive \$375.00 to attend meetings. Stipends are limited to one per day.

If a Tribal Council member is traveling on a subject related directly to more than one federal program, such as BIA or IHS Self Governance, all their travel cost should be chargeable to Indirect funds. If they are traveling for a specific program in which they are employed, such as TANF, TANF will pay for that travel time. If they are traveling for a tribal program like gaming, this will be paid with Tribal funds. The federal rule is that Indirect funds can pay for travel if the meeting serves more than one federal program. Normally only a specific program is directly charged if the Tribal Council member works for that program. Time sheets should reflect this policy.

v) Expenses. Other expenses (for travel etc.) resulting from performing Tribal Council business will be reimbursed at the Tribal rate.

vi) Reports Required. All Tribal Council members who have attended meetings or taken part in activities in their capacities as Council members shall verbally submit a written report of their activities at the next regularly scheduled Tribal Council meeting.

g) Chair Salary - Amount. The Tribal Chair shall receive compensation in the form of a salary for attending Tribal Council meetings, for attending other meetings and performing other functions on behalf of the Tribal Council. The Base salary for the Tribal Chair shall be determined at the time of the Chair's election or re-election. The rate will be specified in the Chair



Contract negotiated upon election/re-election, or by special agreement of the Tribal Council between contracts. The Chair may also be eligible for severance pay. Terms for severance pay are included in the base wage formula table, Attachment A and are non-negotiable.

- i) The salary shall be based on the Chairman Base Wage Formula. Each Chair, when newly elected, shall receive a minimum base wage established by the tribe's Human Resources Department. The salary is based on the expectation that the Chair shall be engaged in activities on behalf of the Tribal Council and keep regular office hours, at least 40 hours per week. The base wage formula is attached to this Manual as Attachment A.
  - ii) The specific terms under which the Tribal Council will compensate the Chair under this section shall be set forth in a contract between the Tribal Council and the Chair.
  - iii) The Tribal Chair compensation shall be increased based on the following factors when the chair is elected: the number of years the Chair has served on the Tribal Council, the level of formal education he or she has attained, the number of years experience as a council member, and other relevant experience such as being a tribal government employee. If the chair is an incumbent and is re-elected, his or her salary shall remain the same as the previous year's term, unless eligible for an increase per the Chairman Base Wage Formula.
  - iv) The base salary set forth above, may be increased by an amount equivalent to the form of increases given to tribal employees, subject to a satisfactory evaluation. This may be done on an annual basis or for each new contract period. In collaboration with the HR director, the CFO or the ED, shall compute the increase and shall so notify the Tribal Council and the accounting department.
- h) Stipends - Accountability. The following meetings constitute official tribal council business and automatically qualify for stipend payments:

The first and second regularly scheduled, official Council meetings of every month;

The January and October General Council Meetings;

Scheduled meetings with political delegates;

Government-to-Government meetings with council and official delegates of other governing agencies or entities;

Meetings where Council members are appointed as official delegates or alternates via Council Resolution, Statute, or other governing document;

Consultation with other governments;

Public hearings for legislation or policy development;

Celebrations, dedications, or ground-breakings requiring direct council involvement when preauthorized by the Council;

Travel, stipends, and any other commitments of tribal resources by any Tribal Council member shall be approved by the Tribal Council in advance. Approval by the Executive Director of Tribal Government, or the CFO, is also required to ensure that tribal accounting procedures and audit requirements are met. Any travel advances, stipends or commitments of tribal resources which are not properly accounted for, may be deducted from the Chair's salary or from the future stipend(s) of any Council member, upon approval of the Tribal Council. Lead staff shall verify Council attendance on stipend approval forms.

- i) Reports. The Chair shall provide monthly verbal reports to the Tribal Council of his or her activities, along with copies of the agenda or other materials from all meetings attended, and a log showing the hours spent on each activity. The Chair shall submit a written "State of the Tribe" report to the General Council at each of its regular meetings.

- j) Council Report in the S’Klallam Newspaper. The Tribal Council, through the Chair or his designee, shall submit a monthly update report in the S’Klallam newspaper.
- [History: Amended by Resolution 04-A-032 adopted on 3/09/04. The base salary range was increased and a provision allowing cost of living increases above the base salary was added. Amended by Resolution 00-A-018 adopted on 3/20/00. The Chair stipend provisions were repealed and a full time salary was added. Amended by Resolution 99 A 042 adopted 6/10/99. The Tribal Council stipend was increased to \$75.00. Amended by Resolution 97 A 064 adopted 8/12/97. The Tribal Council stipend was increased to \$50.00. The Chair ‘s stipend and accountability requirements were added. Amended by Resolution 10-A-047, March 23, 2010. The Tribal Council Chair position pay range has been in the 35,000 – 48,000 range for over six years. After the July 2009 elections, the retiring chair suggested an increase. Staff recommended Council consider the average income of the Tribal Directors as an objective amount. The Council opted for the average as the high end of the pay scale for the Chair position, the low end of the range was calculated in 15 % increments below the high end of \$72,000.00,.]. Amended by Resolution 10-A-048, March 23, 2010, to pay Council members who are also non-exempt tribal employees the hourly rate the Council member earns as an employee for attending Council meetings during normal business hours. In addition, Council members will earn a stipend for attending Council meetings occurring outside of normal business hours. This compensation provides for Council members who are also non-exempt tribal employees to be compensated for attending council meetings without having to use accrued annual leave. Amended 12/09/2015 via Tribal Council Motion after a public hearing to: Raised the Tribal Council stipend amount from \$75.00 to \$250.00 so all council members will receive a stipend for official council business occurring on a weekend or holiday; Changed the Chair position wage from the range of \$54,000 to \$72,000 per year to a base wage formula, starting at a minimum of \$37.26 per hour with the potential of increases based on level of education, length of term, and other experience as a council member, chairperson, etc.; Changed the requirement for council members to submit verbal reports instead of written reports when attending activities as council members; Special meetings can be conducted by any electronic means, not just “phones.”

### 1.3 Regular Meetings

The Tribal Council shall meet twice a month. In order to ensure the Community can rely on consistent Council meeting dates, the Council shall determine which day of the week it will meet, meet the same day of the week for the calendar year, and will publish its schedule immediately after selection of the meeting day. After this amendment is authorized, then Council shall set its meeting dates only during the month of January or after elections in July.

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 AMENDED 8/14/07  
 AMENDED 4/9/09  
 AMENDED 3/23/2010  
 AMENDED 5/27/2014 (resolution 14-A-068) and 12/9/15 via motion)  
 AMENDED 5/14/18 resolution 18-A-048  
 AMENDED 9/13/2021 via Resolution 21-A-133

Financial issues shall be the priority agenda item for the second meeting of the month. Should scheduling conflicts necessitate, the Chair or, in his or her absence, the Vice Chair may reschedule the meeting, but will publish the new meeting dates as soon as practical.

#### 1.4 Special Meetings and Electronic Poll Votes

Special Meetings of the Tribal Council may be called for cause by the Chair or, in his absence, the Vice Chair. When a special meeting is called the Chair will attempt to contact all of the Tribal Council members with as much lead time as possible.

Electronic poll votes may be conducted by the Tribal Council's Executive Assistant or Council Assistant, only when exigent circumstances exist. If the council is being asked to make a financial decision, the CFO shall be notified of the phone poll and shall review the agenda item and sign off on the requests, prior to the poll. A formal written record shall be kept, stating the date, the specific question being put before the Council, the vote of each Tribal Council person who was able to respond, a notation of the attempts made to reach each Council member. The electronic poll vote shall become part of the formal minutes and must be placed on the next regularly scheduled Tribal Council meeting agenda for discussion and a vote taken to confirm the poll vote and shall be made part of the Tribal Council minutes.

Background: Three basic reasons have been used for calling special sessions. 1) An urgent issue arises requiring immediate board action. 2) Due to length of an agenda some of the business of a regular meeting is held over for an additional meeting. 3) The decision is made to have a meeting to focus on one specific issue or area.

#### 1.5 Agenda Setting

- a) Formal Agenda. The Tribal Council shall have a formal agenda for each meeting. A draft agenda will be distributed to each member at least three days before the meeting.
- b) Chairman to Set the Agenda. The Chair, or in the Chair's absence, his or her designee has the primary responsibility for setting the draft agenda and will accept agenda items from other Tribal Council members, Tribal

members, Tribal Administration, other Tribal entities (such as Nookayet, Housing), Tribal programs, committees or other sources.

c) Agenda Request Formalities. Requests to be placed on the agenda must be received a week in advance of the meeting. Agenda requests must be made on a form approved by the Tribal Council and supported by the required approvals and such additional forms and documentation as required by the Tribal Council. Any agenda item may be rejected if it is untimely or incomplete or fails to have all required approvals. An Agenda Review Team consisting of the Chairman, Executive Director of Tribal Government, the Administrative Directors, the CFO, and Tribal Attorney will review all agenda submissions to ensure requests are complete, timely and in compliance with the procedure.

d) Standard Agenda Items. Standard agenda items are as follows:

1. Call to order by the Chair.
2. Review, correction and approval of the agenda.
3. Review, correction and approval of minutes of previous meeting.
4. Consideration of tabled items.
5. Finance items.
6. Business items.
7. Reports:

Chair report,

Reports from Council members who serve as Tribal Council liaisons to committees and boards'

Reports of Council members who have traveled or attended meetings, and

Reports from Tribal Administration and other Tribal entities.

The Tribal Council may choose to accept some or all of these reports in writing or verbally.

8. Approval of Tribal Council stipends, expenses, travel, training.
  9. Entity Minutes. (eg. Housing Board, Gaming Board, Foundation Board. Generally no action needed.)
  10. Open Comment Session for Tribal Members.
  11. Resolutions.
  12. Adjournment.
- e) Agenda Items Changed by Agreement. When the Approval of the Agenda is considered the Tribal Council may decide to delete or add items to the agenda for that meeting. Agenda items can be added at this time if there is agreement among the Tribal Council members present. Items that don't meet the approval of all Tribal Council members may be put on the agenda by a Tribal Council member for the next meeting.
- f) Tabled Items. Items on the agenda shall be tabled and carried over to the next agenda. If the item is not tabled or approved by motion or resolution, then the item shall "die."
- g) Personnel Issues. The Tribal Council shall not consider personnel issues unless they have been appealed through the appropriate chain of command or unless the Tribal Council directly supervises the position at issue, as in the case of the Executive Director of Tribal Government, the CFO, the HR Director, the Tribal Attorney, and the Internal Auditor.
- h) Calendar of Recurring Agenda Items. The Executive Director of Tribal Government shall ensure that a system is implemented to make sure that agenda items that recur on a regular basis are considered at the proper time. Such items include swearing in of officers following elections, appointment of Tribal Liaisons to committees and an orientation for new Tribal Council members within a month of elections, appointment of committee and board members, and annual appointment of judges.

Background: The current policy was designed to give all Tribal Council members an opportunity to be aware in advance of decisions and discussion issues facing the Tribal Council at its upcoming meeting. In addition to allowing for individual preparation, this system also allows Tribal Council members to talk to constituents about issues coming before the Tribal Council. In practice the Chair coordinates the agenda setting through the Executive Director. The Executive Director accepts agenda items from the various sources and the Chair approves the final form and content. It is often necessary for the Executive Director to prepare additional information or have staff progress reports available for Tribal Council discussion. Proper preparation and informed reasoning is critical for effective Tribal Council decision making. In most cases it is prudent for the Tribal Council to table any decisions, which involve issues that they have not had time to adequately analyze and discuss.

## 1.6 Minutes and Record of Action

The official records of the actions of the Tribal Council are the Minutes. The Executive Director of Tribal Government is responsible for causing the meetings to be recorded and minutes prepared. The Minutes include but are not limited to: name of each Tribal Council member present, all actions taken by the Tribal Council, the vote count including any abstentions, the topics discussed and any decisions made (whether informally by consensus or formally by motion or resolution) as well as a copies of resolutions passed, and fund or project authorizations made at the meeting. The Minutes are not the official record of the Tribal Council until they are approved by the Tribal Council.

The minutes shall be stored in the Tribal Archives and digital copies may be maintained as well.

Background: This policy is basic to most organizations and has been followed by the Tribe for decades. The Tribal Council very rarely has made decisions without the unanimous consent of all Tribal Council members so the Minutes seldom reflect individual votes by name. It is, however, the right of Tribal Council members to have their vote or abstention from voting documented for the record in the Minutes. When a vote is cast that is not unanimous, the Minutes automatically reflect each individual vote.

## 1.7—Executive Session

The meetings of the Tribal Council are open to Tribal Members except as provided here for executive session. The Chair shall call for an executive session for the consideration of litigation and other confidential legal matters, personnel matters (only if they have first gone through the appropriate chain of command), discussion relating to the ethical behavior of Tribal Council members or their appointees such as judges or committee members, and other matters of a sensitive or personal nature as determined by the Tribal Council. The executive session will include only Tribal Council members and at their discretion, others as necessary. Motions and resolutions resulting from an executive session shall be on the record.

Executive sessions shall open with the following statement by the Chair: "This session is executive. The information discussed during this session may not be discussed with anyone outside of the Tribal Council unless agreed to by vote of the full Tribal Council. Individuals acting outside their authority or otherwise "on their own" may jeopardize the sovereign immunity they enjoy. Executive sessions may involve legal advice and information that is protected by attorney-client privilege. Disclosing this type of information without authorization may jeopardize the privilege and could harm the Tribe."

Background: This practice permits the discussion of sensitive matters while limiting incursion into an individual's privacy.

## 1.8 General Council Meetings

Notice of General Council Meetings. The Tribal Council is responsible for giving at least (30) days notice for regular General Council meetings to take place in March and October.

Agenda Setting. The Tribal Council sets the agenda for General Council meetings provided that any member may submit to the Tribal Council items for the semi-annual meeting agenda, in writing, within time limits set by the Tribal Council. The agenda shall include a report by the Tribal Council following up on directives and motions from the previous General Council meeting.

Financial Information Presented. At one of the two annual General Council meetings, the Tribal Council shall cause the CFO or in his or her absence, the



Executive Director of Tribal Government, to share summary financial reports for the preceding calendar year.

Tribal Council Presides. The Tribal Council shall preside over and the Tribal Council Chair shall chair General Council meetings.

Special Meetings. The Tribal Council may, by at least seven (7) days written notice, call special meetings of the General Council.

Minutes. The Tribal Council shall cause minutes to be taken at each meeting of the General Council and shall review them for accuracy. The minutes shall be presented for review and approval at the next regular meeting of the General Council.

Background: The role of the Tribal Council in General Council meetings is set forth in the Constitution.

## 1.9 Oath of Office

Each member of the Tribal Council shall take the following an oath of office prior to assuming his or her duties

Oath: " I, \_\_\_\_\_ do solemnly swear that I will:

Uphold the Constitution of the Port Gamble S'Klallam Tribe;

Protect and defend the Tribe's inherent sovereign rights and treaty rights;

Conduct myself with honesty and integrity in performing the duties of my office;

Adhere to all Tribal Council ethics rules;

Respect and protect confidential and privileged information;

Be dependable and diligent in carrying out the duties of my office;

Promote and protect the best interests of the Port Gamble S’Klallam Tribe.

## Section 2 Ethics

### 2.0 Ethics/Conflict of Interest

- a) Decisions Affecting Family Members. Tribal Council members shall not be present during that portion of a meeting when a decision is being made that directly involves a member or his or her immediate family, or when there’s the appearance of a conflict. The immediate family is defined as spouse, children, step and foster children, parents, parents-in-law, brothers, sisters, brother/sister in-laws, grandparents, and grandchildren. It is the responsibility of the Tribal Council member for whom the conflict of interest exists to leave the meeting when the issue is discussed. In addition, the Chair has the responsibility to be aware of possible conflict of interest issues and to ask the appropriate Tribal Council member to leave when necessary.
- b) Tribal Council Not to Control Staff. The Tribal Council shall not attempt to control the actions of the staff except the staff it supervises or by general policies which it may adopt relating to organizational goals or the Employee Handbook. Tribal staff are given certain rights and protections under the Employee Handbook that will be respected by the Tribal Council.
- c) Private Financial Gain. Tribal Council members shall not use their positions for private financial gain for themselves or others and shall avoid the appearance of doing so.
- d) Gifts.
  - i) Tribal Council members shall not accept anything of value if given or if it reasonably could appear that it was given for the purpose of influencing the discharge of his or her duties.
  - ii) Gifts from those who have or are seeking contractual, financial or business relationships are prohibited.

- iii) Other gifts may be accepted only if:
  - 1) They are accepted and used for the benefit of the Tribe as a whole,
  - 2) They are non-cash awards given by organizations as awards in recognition of service and accomplishment,
  - 3) They are non-cash of minimal value (under \$25.00) such as are received at holidays, or
  - 4) They are received apart from any business with the Tribe such as birthday gifts from family.
  
- e) Disclosure of Gifts. All gifts accepted by a Tribal Council member shall be disclosed to the entire Council, except those under (d)(iii)(4). Nothing in this section shall be interpreted to interfere with traditional S'Klallam gift giving practices, which are a valued and honored part of S'Klallam cultural life. Council member participation in charitable events is not considered a gift regardless if the participation has a cost associated with it and is not paid for by the individual council member or the council's budget.

Background: Charitable event means the purpose of the event is to raise revenue for the benefit of an organization, usually a non-profit 501(c) 3, and may include golf tournaments, etc. Amended 2.0 (a) on 12/09/2015 via Tribal Council Motion after a public hearing was held to add the requirement for council members to recuse themselves from the portion of a meeting when there's a decision being made that could be perceived as "the appearance of a conflict," not just actual conflicts.

- f) Tribal Council Members Cannot Apply for Employment within Tribe While on Council. Tribal Council members may not apply for employment with the Tribe or any of its Entities during their tenure on the Tribal Council.
  
- g) Decisions Affecting Tribal Council Members as Employees. Tribal Council members shall not be present during that portion of a meeting when

discussion occurs that directly involves an issue pertaining to the program in which they are employed.

Tribal Council members who are employees of entities such as Nookayet Development Corporation, Housing and the Port Gamble S'Klallam Foundation shall not be present during that portion of a meeting when a decision is being made that directly involves an issue pertaining to structure of the entity in which they are employed.

If more than one Tribal Council member falls under the preceding rule and as a result there are insufficient voting members for a quorum to be reached, the Tribal Council as a whole may vote to allow a waiver of the preceding rule for that particular decision.

When there is any question whether a member should be present for a decision under this section, the matter shall be decided by a vote of the remaining Council members.

[History: Amended by Resolution 03-A-054, adopted 5/13/03 to add the language on gifts and to make clear the prohibition against using a position for personal gain. Amended by Resolution 96 A 033 adopted 2/22/96. Language was deleted to lift the salary increase and promotion restrictions on Tribal Council members who are tribal employees. The Tribal Council was acting on the recommendation of the General Council's advisory vote on 1/20/96.]

Background: The Tribal Council has recognized when a potential conflict arises between the Community interest and that of an individual Tribal Council member, the Tribal Council member should not participate in the decision making process or exert any influence on the outcome. This policy has been in practice for many years but was formally passed by motion in 1985. In a small community with limited resources it is impossible (and probably undesirable) to have a Tribal Council member who will not in some way be affected by most of the Tribal Council actions. Tribal Council officers are elected in part because they are thought to be individuals who can look beyond their own interests to the greater good of the community. The intent of this policy is only to remove the greatest sources of conflict of interest or potential use of undue influence.

In addition to the specific conflict of interest involved in the Tribal Council hiring or promoting Tribal Council members described above, other potential areas for conflict of interest include: lot assignments, distribution of benefits, committee appointments, and funding projects or activities. This conflict of interest policy also applies to committees appointed by the Tribal Council.

Hypothetical examples of decisions that would require a Tribal Council member to step out of the room under subsection (g) include: 1) The Tribal Council member works for the Housing Authority. The Executive Director has taken disciplinary action against the Director of the Housing Authority. The Director appeals that action to the Tribal Council. The Tribal Member who is an employee of the Housing Authority should not be present for the determination of the appeal. 2) A Tribal Council member is employed by the PGDA. The PGDA is undergoing a major organizational restructuring and will have a new charter. The Tribal Council member should not be present while the new charter is being considered and voted on.

## 2.1 Tribal Council Members as Employees of the Tribe

- a) No Special Treatment of Tribal Council as Employees. Tribal Council members who are employed by the Tribe shall neither expect nor receive special treatment as employees.
- b) Tribal Council Not to Influence Program Administration. Tribal Council members, especially those who are tribal employees, shall take special care to avoid even the appearance that they are using their Council positions to influence the administration of the Tribe's departments; tribal council members can only act in their official capacity when convened for an official Council meeting, on the record.
- c) Limit on Council Activities During Work Time. Members of the Port Gamble S'Klallam Tribal Council who are regular, full-time employees will be limited to twenty-five hours per month for meetings and training, unless approved by the Tribal Council and the employee's supervisor. If these activities extend beyond the employee's regular work hours, they shall only be compensated as provided under the stipend provisions of this manual.
- d) Council Members Shall Not Also Serve as Executive Director of Tribal Government or Any Position Supervised by the ED. It is a conflict of interest for any person to be a member of the Tribal Council and at the same time be employed as the Executive Director of Tribal Government or be in any position that is under the immediate supervision of the ED of the Tribe.

[History: Section 2.01 was added by Resolution 02 A 042 adopted 3/02.]

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AMENDED 8/14/07  
AMENDED 4/9/09  
AMENDED 3/23/2010  
AMENDED 5/27/2014 (resolution 14-A-068) and 12/9/15 via motion)  
AMENDED 5/14/18 resolution 18-A-048  
AMENDED 9/13/2021 via Resolution 21-A-133

## 2.2 Tribal Conflict of Interest Policy

The Tribal Council has adopted a conflict of interest policy, formally referred to as the Port Gamble S'Klallam Tribal Council Conflict of Interest Policy, to complement this Policy Manual that sets forth behavior expectations of Tribal employees regarding the transparency of business transactions. Portions of the Tribal Conflict of Interest Policy have been incorporated into the Employee Handbook.

## 2.3 Tribal Hiring Policy

The Tribal Council has adopted a hiring policy, formally referred to as the Port Gamble S'Klallam Tribal Council Hiring Policy which sets forth ethical practices in the hiring of new employees. Portions of the Tribal Hiring Policy have been incorporated into the Employee Handbook.

Background: The Tribal Council adopted six new policies on April 9, 2009, Public Hearing Held 4/28/2009, to strengthen internal controls, communication, and transparency. The policies include: Conflict of Interest Policy, Hiring Policy, Communications Policy, Banking Policy, Budget Policy, and Purchasing Policy. All staff are mandated to comply with the policies and the policies are used in conjunction with the Employee Handbook, and The Tribal Government's Accounting Manual.

## Section 3 Actions

### 3.0 Actions

Many of the actions of the Tribal Council are informal decisions and directives. These are usually exploratory in nature or having to do with monitoring on-going projects and programs and are often made on a consensus basis. When a formal action is contemplated this policy manual must be followed. In all cases a simple majority of those present is all that is required for a motion or resolution to pass if a quorum is present; provided any public hearing and notification requirements have been met (Section 4). The formal (legal) actions of the Tribal Council are as follows.

### 3.1 Motions

Motions are formal actions of the Tribal Council and require a quorum present. After a motion is made it must be seconded before it is considered for discussion. After the discussion on the motion has taken place and all Tribal Council members have had the opportunity to make comments or ask questions, the Chair calls for a vote. The Chair cannot make or second motions and votes only when the vote would affect the results or if the vote is on a ballot. The minutes will record the Chair's vote with the majority when no actual vote is cast.

Background: Motions are the basic action instruments of the Tribal Council. Motions are made to adopt certain policies, to approve projects or requests, and to pursue specific courses of action. This is standard "Robert's Rules of Order" process which the Tribal Council has followed since its inception and allows for clear decision making and directives. Because of its central role in the decision making process, the Chair must preserve a nonpartisan position and only votes when the vote would affect the results. The Minutes will record the Chair's vote with the majority when no actual vote is cast.

### 3.2 Resolutions

Resolutions represent formal, written decisions or actions of the Tribal Council and are passed by motion (see above). Each resolution shall be dated,

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AMENDED 8/14/07  
AMENDED 4/9/09  
AMENDED 3/23/2010  
AMENDED 5/27/2014 (resolution 14-A-068) and 12/9/15 via motion)  
AMENDED 5/14/18 resolution 18-A-048  
AMENDED 9/13/2021 via Resolution 21-A-133

assigned a unique number, specify whether it was passed at a special or regular meeting, indicate the vote (for, against and abstain) and shall be signed by the officer who presided over the meeting and by at least one other Council member who attended the meeting.

Decisions regarding tribal membership such as approval of "automatic" enrollment applications, enactment of codes and ordinances and major decisions regarding tribal land such as leasing or assignment, transfer, exchange or revocation of lot assignments shall be done by resolution.

Resolutions shall be stored in the Tribal Archives and digital copies may be maintained as well.

Many of the actions of the Tribal Council are informal decisions and directives. These are usually exploratory in nature or having to do with monitoring on-going projects and programs and are often made on a consensus basis. When a formal action is contemplated this policy manual must be followed. In all cases a simple majority of those present is all that is required for a motion or resolution to pass if a quorum is present; provided any public hearing and notification requirements have been met (Section 4). The formal (legal) actions of the Tribal Council are as follows.

### 3.3 Ordinances, Codes and Laws

Ordinances, Codes and Laws are major policy instruments of the Tribe. Changes to existing ones or the establishment of new ones are therefore subject to the Public Hearing and Notification requirements in this manual (Section 4).

Background: The Tribal Council has incorporated public comments into its consideration of ordinances, codes and laws formally through the use of committees and informally by publishing and distributing the minutes of Tribal Council meetings. This policy cements that practice and defines a specific process for Community input and review of all proposed changes to the ordinances, codes and laws of the Tribe.

### 3.4 Amendments to the Tribal Council Policy Manual



Amendments to Tribal Council Policy Manual require a public hearing and public notification held subject to the Public Hearing and Notification policy (Section 4). After this requirement has been met the Tribal Council will vote on the proposed change with a two-thirds majority of the full Tribal Council needed to pass the change. A two-thirds majority means at least 4 of the 6 Tribal Council members must approve the action in order for it to pass.

[History: Amended by Resolution 97 A 064 adopted 8/12/97. The word "voting" was added to the 4/5 majority language to reflect the Constitutional amendment, which added a 6th Tribal Council member who is non-voting.]

Background: The Tribal Council has made this policy so that the "rules of the game" can't be changed without the Tribal Community having had fair notification and the chance to express their opinions to the Tribal Council about the proposed change. It does not prevent the Tribal Council from changing its policies and procedures; it only requires public involvement and ensures that the Community will be kept up-to-date on Tribal Council policies and procedures.

### 3.5 Tribal Budget Policy

The Tribal Council has adopted a budget policy, formally referred to as the Port Gamble S'Klallam Tribal Council Budget Policy, which sets forth rules for development, review, and approval of the tribal budget.

Background: The Tribal Council adopted six new policies on April 9, 2009, Public Hearing Held 4/28/2009, to strengthen internal controls, communication, and transparency. The policies include: Conflict of Interest Policy, Hiring Policy, Communications Policy, Banking Policy, Budget Policy, and Purchasing Policy. All staff are mandated to comply with the policies and the policies are used in conjunction with the Employee Handbook, and The Tribal Government's Accounting Manual.

### 3.6 Dedicated Funding- Set Aside by Resolution Following a Public Hearing

The Tribal Council may set aside specific accounts or funds to be dedicated to specific purposes apart from the normal budgeting process. To set aside funds or dedicate an account for a special purpose, the Tribal Council must do

so by resolution and follow the Public Hearing and Notification process. Once so dedicated, the funds can only be changed by resolution and the Public Hearing and Notification process.

Background: This policy is related to the Project and Fund authorization policies but is different in two important ways. This policy allows the Tribal Council to provide funding for special projects extending for over one year and/or to limit or program the uses to which specific income can be used. At one time this method was used to fund recreation activities by dedicating the income from the sale of fireworks for this purpose. The Tribal Council did not authorize a specific amount- just whatever income was brought in under this activity. Also, it has been a policy since its inception that the tax revenue from Tribal member treaty fish sales would only be used for treaty fishing-related expenses. This policy has served the Tribe well in that it has generated a sizable fund from which the Tribal Council can draw in defense of treaty rights (and which it has had to do from time to time). This policy formalizes this practice, protects the membership from changes without notification and gives members the opportunity to question the action and provide input to the Tribal Council before action is taken.

### 3.7 Tribal Purchasing Policy

The Tribal Council has adopted a purchasing policy, formally referred to as the Port Gamble S'Klallam Tribal Council Purchasing Policy dated 04/09/2009, which sets forth rules for acquiring goods, services, construction, and capital items.

### 3.8 Tribal Banking Policy

The Tribal Council has adopted a banking policy, formally referred to as the Port Gamble S'Klallam Tribal Council Banking Policy which sets forth rules pertaining to bank accounts and cash disbursements.

Background: The Tribal Council adopted six new policies on April 9, 2009, Public Hearing Held 4/28/2009, to strengthen internal controls, communication, and transparency. The policies include: Conflict of Interest Policy, Hiring Policy, Communications Policy, Banking Policy, Budget Policy, and Purchasing Policy. All staff are mandated to comply with the policies and the policies are used in conjunction with the Employee Handbook, and The Tribal Government's Accounting Manual.

## Section 4 Public Hearing and Notification, Community Access and Input

#### 4.0 Public Hearing and Notification, Community Access and Input

This is a key area of Tribal Council policy. One of the main purposes for creating a formal policy manual such as this is to provide the membership with the necessary information for accessing Tribal Council meetings and the decision making process. This concern is in recognition of the responsibility of the Tribal Council officers to all Tribal members as their representatives.

#### 4.1 Public Hearing and Notification Requirements

The Tribal Council must provide public notification and hold a public hearing prior to taking actions affecting:

- 1) changes or additions to the Tribe's Ordinances, Laws or Codes;
- 2) changes or additions to the Tribal Council policies and procedures contained in the Tribal Council Policy and Procedure Manual; and
- 3) creation of a "dedicated fund," and any material change to the terms of such fund;

Exception: Emergency Laws. In the case of an emergency affecting the health, safety, or welfare of the Tribe, the Tribal Council may enact emergency laws or regulations without prior notice or hearing when undue delay would have a significant impact on the Tribe. Such emergency law or regulation shall not be effective for a period longer than 60 days unless a hearing is made under the provisions of this section.

*Public notification* shall mean a notice posted at the Tribal Center and delivered to the reservation Community homes through its newsletter, or by special memo, distributed not more than two weeks or less than one week before the Tribal Council takes action under this policy. At minimum, the notice shall state that this is a public notice under the terms of the Tribal Council Policies and Procedures, the name of the policy or instrument affected, the nature of the proposed change, and the time, date and location of the public hearing and who to contact for more information.

*Public hearing* shall mean a hearing held and presided over by the Tribal Council open to all Tribal members at which the proposed action may be

discussed and questioned in full and public opinion heard and recorded. Public hearings shall be after normal working hours and may be held just before or as part of a regular Tribal Council meeting. At the public hearing Tribal members who have prepared statements may have them entered into the record. Other discussion will be noted in general and included with the minutes of the meeting at which the Tribal Council votes on the proposed action.

Background: Tribal Council meetings have always been open to all Tribal members This is part of a long standing Tribal Council concern for keeping the Tribal Council decision making process open and accountable to Tribal members (the General Council). This policy formalizes a process for informing the Community and allowing Community comment on key policy decisions.

It is important to be aware that this policy does not take authority or responsibility away from the Tribal Council. The decision to change policies or procedures covered by this policy still rests with the Tribal Council. This policy simply sets a process of public notification in place in order to ensure insure the opportunity for public comment and to ensure insure that key Tribal Council decisions are made in full public view.

#### 4.2 Member Access to Tribal Council Meetings

The Tribal Council encourages Tribal member access and input to its meetings. All Tribal Council meetings are considered open to Tribal members unless specifically closed for confidential session for appropriate reasons. The Tribal Council will set aside a time during the regular meetings for Tribal members to bring concerns to the Tribal Council 's attention without going through the formal agenda setting process. If the Tribal Council feels that some action may be appropriate following this discussion, it should be added to the next meeting's agenda, unless emergent.

Due to scheduling and time constraints the Tribal Council may have to limit the amount of time that can be spent on any single Tribal Member's issue but the Tribal Council is committed to giving a full and fair hearing to all Member's input and issues.

Background: The Tribal Council has always listened to any Tribal member's concerns brought up during its meetings. In the past it has simply been a matter of the concerned member talking to a Tribal Council member or just showing up at a regular meeting. Despite its history of open meetings, occasionally Tribal members

express feelings that the Tribal Council meetings are difficult to access. In order to make its desire for open Community access as clear as possible the Tribal Council has adopted this policy.

#### 4.3 Minutes Published

The Tribal Council shall cause their meeting agendas and approved minutes to be published in a timely manner in Community forums, such as the community memo, or the tribe's webpage or other media, to promote transparency and accountability to the general tribal membership.

The published minutes shall reflect the items discussed and actions taken which are not confidential but will not include copies of resolutions, contracts, or any other lengthy documents or statements made for the record. Tribal members may view the full text of the minutes at the Tribal Center during regular business hours.

Background: This policy follows the desire for Community communication and accountability.

#### 4.4 Annual Report

The Tribal Council shall cause an annual\_report to be published to the General Council membership. The Annual Report shall include: an introduction by the Chair the major accomplishments of tribal operations, enterprises and programs; and an overall financial report including grants and contracts.

Background: The Tribal Council began this practice in 1986 and builds on the theme of accountability to Tribal members.

#### 4.5 Tribal Communication Policy

The Tribal Council has adopted a communication policy, formally referred to as the Port Gamble S'Klallam Tribal Council Communication Policy dated 04/09/2009, which sets forth rules to promote communication and transparency regarding Tribal issues with the reservation and outside community.

Background: The Tribal Council adopted six new policies on April 9, 2009, Public Hearing Held 4/28/2009, to strengthen internal controls, communication, and transparency. The policies include: Conflict of Interest Policy, Hiring Policy, Communications Policy, Banking Policy,

Budget Policy, and Purchasing Policy. All staff are mandated to comply with the policies and the policies are used in conjunction with the Employee Handbook, and The Tribal Government's Accounting Manual.

## Section 5 Delegation of Authority

### 5.0 Tribal Council – No Individual Authority

As authorized by the Tribe's constitution, the Tribal Council is elected and works as a unit. Individual Council members have no independent authority outside of Tribal Council sessions unless specifically authorized by a majority vote of the Tribal Council.

Background: This policy is a restatement of the fundamental nature of the Tribal Council. It is included here to aid in clarification of the practical aspects of Tribal Council authority. However, because Tribal Council authority is defined by the constitutional structure of the Tribe, this relationship is not subject to change by the Tribal Council.

Individual members may be called on to interpret policies or represent the Tribe's interests to other governments, agencies, or organizations. The Chair is the central spokesperson for the Tribe and has the primary responsibility for responding to such inquiries. Unless specifically delegated, the Tribal Council member speaking for the Tribe does so without the authority of the Tribal Council. This means that while it is appropriate and often necessary for the Chair or other officers to express policy directions and priorities, any issue requiring Tribal Council action or representing formal policy must come before the Tribal Council in session.

### 5.1 Committees

The Tribal Council may appoint boards and committees to address specific policies or issues. This policy does not apply to volunteer teams or task forces of staff or community members that are only advisory or informational, have no delegated authority, no formal structure, and are not compensated.

#### a) Types of Committees.

- i) Boards are formal bodies with authority delegated to them by the Tribal Council and shall be created by a legal document such as a charter or code.
- ii) Standing committees are created either in a code (ordinance) or by resolution.
- iii) Ad hoc committees, are created on a temporary basis for a specific issue and limited term, and may be created by resolution.

- b) Membership.
- i) The membership of such committees and boards will be drawn from the Tribal membership and may include others as appropriate. The Council may set additional requirements and qualifications for membership.
  - ii) The code or resolution creating a committee or board shall specify the number of members, officers if appropriate, terms of office, whether the terms are to be staggered, and rules for removal for excessive absences or misconduct.
  - iii) Tribal Council members shall not be appointed to or serve on committees or boards as members, unless expressly allowed by the legal document creating the board or committee. However, the Tribal Council may formally designate a Tribal Council member to serve as a Tribal Council Liaison to a committee or board. Tribal Council Liaisons shall facilitate communication between Tribal Council and committees and boards. They may participate in committee or board discussions but cannot serve as an officer or vote. Tribal Council Liaisons shall receive the Tribal Council stipend for attending committee or board meetings and must verbally report to the Tribal Council with the date and duration of each meeting and a summary of the committee or board meeting attended. (See stipend approval process.) Tribal Council Liaisons to committees or boards shall be bound by the same confidentiality requirements as the members of that particular committee or board. Tribal Liaisons who are tribal employees shall not receive a stipend if they are also receiving compensation as employees.
- c) Mission. Committees and Boards shall have a mission and specific goals approved by the Tribal Council.
- d) Authority. Unless otherwise specified by Tribal Council action, committees have no power of their own and exist only to recommend actions to the Tribal Council. If the Tribal Council delegates authority to a committee or board, procedures shall be drafted and approved to ensure that the committee or board carries out its authority in a fair



manner. If decisions affecting individual tribal benefits are made by a committee or board, there shall be procedures for notice to the affected person, an opportunity for a hearing and a means for appeal.

- e) Reporting. The Tribal Council shall specify the reporting requirements for boards and standing committees in the documents that create them.
- f) Ethics. Appointed committees and boards are subject to the conflict of interest policy of this manual (e.g. not being present during meetings when decisions are made involving family members and prohibitions on accepting gifts). All committee and board members shall protect confidential information that may come before them. Additional ethical requirements may be imposed by the code or resolution creating the committee or board or by tribal policy.

## 5.2 Director of Tribal Government

The Executive Director of Tribal Government is appointed by and is responsible to the Tribal Council. Direction for the Executive Director shall be provided by the Tribal Council acting as a whole, not by individual members. The Executive Director shall supervise the Administrative Directors, and shall ensure coordination of reporting to Council by the Housing Authority Director, Executive Director of Nookayet, and TGA's Director. Other positions may be placed under the supervision of the Executive Director by vote of the Tribal Council and amendment to any applicable codes or legal documents that provide for the supervision of certain positions. The Executive Director serves at the pleasure of the Tribal Council.

The Tribal Council has delegated to the Executive Director the responsibility of managing the Tribe's entities, central operations, and accounts subject to the Tribe's governing documents, goals, policies and procedures established by the Tribal Council and any applicable regulations.

The qualifications of the Executive Director shall be set by a job description that shall be approved by the Tribal Council.

ATTACHMENT A  
TRIBAL CHAIR BASE WAGE FORMULA

<i>(based on current HR policy)</i> <b>Base Wage</b>	<i>(\$1 for every yr the diploma requires)</i> <b>Levels of Education</b>	<b>Years of Exp. as tribal council member (non-chairman)</b>	<b>Years of exp. as tribal chairman</b>	<b>(statutory board member or tribal gov. employee) Years exp. working for a Tribe</b>
42.46/hr.	Doctorate = \$ 8	15yrs+ = \$ 4	15yrs+ = \$4	15yrs+ = \$4
	Master = \$ 6	10yrs+ = \$ 3	10yrs+ = \$3	10+yrs = \$3
	Bachelor = \$ 4	5yrs+ = \$ 2	5yrs+ = \$2	5+yrs = \$2
	Associate = \$ 2	3yrs+ = \$ 1	1-4 years = \$1	3yrs = \$ 1
	High School/GED = \$1			

**Severance Pay:**

The Chair is eligible for two months of severance pay only after serving two consecutive terms (4 years total). The Chairperson is eligible for two weeks' worth of additional severance pay, per successful consecutive term, up to a maximum of 4 months of severance pay. No Chair shall be allowed to negotiate severance pay beyond the 4-month maximum. If a chairperson is recalled or voluntarily quits before completing a full two-year term, the Chair is ineligible for any severance pay. By its definition, severance pay is only paid out when the Chair isn't re-elected.

