

Agenda Requests



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PORT GAMBLE S'KLALLAM TRIBE

Agenda (for this Presentation)

- Background & Context on *Agenda Setting*
- How to Successfully Draft an *Agenda Request*

The Framework

1. Tribal Council has a broad range of powers.
2. But there are limits and conditions on how Tribal Council may use these powers.
3. Agenda setting is one of these areas with limits and conditions.
4. By better understanding the agenda-setting standards, we can better understand how to draft our own agenda requests.

Key Takeaways

- The Agenda Request is a pinnacle document.
 - It represents and records your due diligence.
 - It serves as official documentation of your program's work.
 - It is not the time to decide what you are asking for and why; you should already know before you start.
- Be strategic in timing the drafting and submission of your request.
- When in doubt, get your leadership and Legal involved!

Agenda Setting

Why does everyone keep using this word: agenda?

The Tribal Council Policy Manual

1. The Constitution allows Tribal Council to "[r]egulate and define the duties of the Tribal Council[.]" (PGST Const. Art. IV, Sec. 3.G).
2. Tribal Council created the Tribal Council Policy Manual (TCPM) to have clear and consistent operating policies and procedures -- in the interests of all Tribal Members and good management. (TCPM Introduction).
3. The TCPM represents "the minimum requirements for conducting business and recording the action taken." (TCPM 1.0).

Why Tribal Council Meetings?

- The TCPM requires Tribal Council to work collectively. (TCPM 1.1).
- Tribal Council members have no independent authority.
 - Tribal Council works as a unit.
 - Individual council members have no independent authority outside of Tribal Council sessions, except as otherwise provided. (TCPM 5.0).

Why an Agenda?

- The TCPM requires Tribal Council to have a formal agenda for each meeting. (TCPM 1.5a).
- The purpose is to give Tribal Council members an opportunity to:
 - Be aware in advance of decisions and discussion issues so they can prepare for the upcoming meeting; and
 - Engage constituents about these decisions and issues. (TCPM 1.5, Background).
- **"Proper preparation and informed reasoning is critical for effective Tribal Council decision making."** (TCPM 1.5, Background, emphasis added).

How is the Agenda Set?

- The Chair has the primary responsibility for setting the draft agenda. (TCPM 1.5b).
- A draft agenda is distributed to each Tribal Council member at least 3 days before the meeting. (TCPM 1.5a).
- The draft agenda is formalized at the outset of the meeting when it is reviewed, corrected, and approved by Tribal Council. (TCPM 1.5d).

How Does an Item Get on the Agenda?

- The Chair will accept agenda items from:
 - Other Tribal Council members;
 - Tribal members;
 - Tribal administration;
 - Other Tribal entities;
 - Tribal programs;
 - Tribal committees; or
 - Other sources. (TCPM 1.5b).

How Does an Item Get on the Agenda?

- Requests to be on the agenda must:
 - Be received a week in advance of the meeting;
 - Be made on a form approved by Tribal Council; and
 - Be supported by the approvals and other documentation required by Tribal Council. (TCPM 1.5c).

When Does an Item Not Make the Agenda?

- A request to be on the agenda may be rejected if untimely, incomplete, or it fails to have all required approvals. (TCPM 1.5c).
- To ensure compliance, agenda requests are reviewed by:
 - Chair;
 - Executive Director;
 - Administrative Directors;
 - CFO; and
 - Tribal Attorney. (TCPM 1.5c).

When Can the Draft Agenda Change?

- Before the draft agenda is formalized at the outset of the meeting, it is reviewed and corrected by Tribal Council. (TCPM 1.5d).
- Tribal Council may decide to delete or add agenda items for the meeting.
 - If there is agreement among the Tribal Council members present, an agenda item can be added.
 - If there is no agreement, an individual Tribal Council member may put the item on the agenda for the next meeting. (TCPM 5.0).

When Does an Agenda Item "Die"?

- Agenda items not addressed must be tabled and carried over to the next agenda. (TCPM 1.5f).
- An agenda item dies if:
 - It is not approved by motion/resolution; and
 - It is not tabled for the next agenda. (TCPM 1.5f).
- "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." (TCPM 1.5, Background).

Okay... But How Does This *Really* Work?

- In practice, the Chair coordinates the agenda setting through the Agenda Review Team.
 - The Chair relies on the Executive Director and other senior leaders to review the various agenda requests and help set the form and content of the draft agenda. (TCPM 1.5, Background).
 - The Agenda Review Team is the Chair, Executive Director, Tribal Attorney, CFO, and the two Administrative Directors.
- More information could still be required after submitting a request.
 - The Executive Director may need to prepare (or ask staff to prepare) additional information to facilitate the Tribal Council discussion. (TCPM 1.5, Background).
 - If leadership is not aware of the request prior to submission, this is more likely to occur and could result in the request being pushed back to a later meeting.

How to Draft an *Agenda Request*

What are the keys to success?

Two Different Areas of Success

Form

- Think of all the boxes you need to check to get an item on the agenda.
- Did you complete the required form, secure the required approvals, and submit the request timely?
- "I want to get on Tribal Council's agenda."

Substance

- Think of what the form is supposed to capture and represent.
- Did you provide Tribal Council with the necessary information to help them make an informed decision?
- "I want to help Tribal Council understand and resolve this issue in the best possible manner."

Examples of Formal Elements

1. **Form:** complete required form, secure required approvals, and produce required documentation.
2. **Deadline:** submit by noon the Monday before.
3. **Method:** email all documents to council-agenda@pgst.nsn.us.

ADMIN ONLY

Request: ON TIME / LATE / INCOMPLETE

Supporting Documents: ON TIME / LATE

How To Make a Tribal Council Agenda Request Instructions

DEADLINE: Submit **ALL FORMS AND SUPPORTING DOCUMENTS** to the Tribal Council Support Team by **NOON** the **MONDAY** preceding the meeting date. Items submitted late or without all supporting documents will not be placed on the Council agenda.

Email all documents to (*no paper copy needed*): council-agenda@pgst.nsn.us

Checklist:

- () Agenda Request Form (Required)
- () Financial Item: Has this gone through the Finance Team? Attach verification from CFO.
- () Grant proposal: Must start with the Grants Department.
- () Contract or MOU/MOA or other legal document: Must have legal review prior to being submitted.

If a RESOLUTION is required for your agenda item:

- () Sign out a RESOLUTION from the Tribal Council Support Team
- () Use the standardized RESOLUTION form (Required)

Examples of Substantive Elements

- 1. Issue:** What is the need or issue? And what is the proposed solution?
- 2. Background:** How do you know this is a need or an issue? How did it develop into a need or an issue?
- 3. Analysis:** You are raising a need or an issue and proposing a solution. How do you know the solution will be effective? What are the pros? What are the cons?

*These are more subjective and open-ended requirements.

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Request: ON TIME / LATE / INCOMPLETE

Supporting Documents: ON TIME / LATE

AGENDA TOPIC OVERVIEW*

ISSUE- *(Briefly identify issue with needed action.)*

CONTACT- *(Lead person for issue.)*

BACKGROUND- *(Define and summarize history of issue and other pertinent information.)*

ANALYSIS- *(Briefly provide analysis of issue from the Tribe/Department perspective. Identify pros/cons of issue if appropriate. What are the options or alternatives?)*

STAFF RECOMMENDATIONS *(List recommendations for the Council.)*
 Approve Deny No Recommendation Attached in writing

What Are You Looking to Achieve?

- "I want to get my agenda request approved."
 - Focus on form
 - Might not see the forest for the trees
 - Doing this all because we are told to; view this as a "necessary evil" or "pointless bureaucracy"
- "I want to help Tribal Council take the best possible action to resolve this issue."
 - Focus on form AND substance
 - Understanding that the request is an exercise in advocacy and persuasion
 - Appreciation that a polished work product builds trust and credibility in your analysis and recommendations

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How to Approach Page #1

Page #1:

1. Provides all the directions on how to submit the form;
2. Represents the requirements for agenda setting from the TCPM; and
3. Serves as a resource and guide for you, the drafter.

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How to Approach Page #1

Pro Tip #1:

The checklist is for *your* use and benefit.

Failure to complete it might not result in an outright denial, but it can indicate to reviewers from the outset if you have approached the process correctly.

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How to Approach Page #1

Pro Tip #2:

More information can be required by the Executive Director and staff after your submission – even if you meet all other requirements.

With every submission be prepared to respond to requests for additional information ASAP. The turnaround window could be a matter of hours.

Failure to provide the required information within the limited time could result in a denial. Tribal Council would not have enough time to adequately review and prepare by its next meeting.

PORT GAMBLE S'KLALLAM TRIBAL COUNCIL MEETING**Agenda Request**

Date: _____ **Department:** _____
Submitted by: _____ **Presenter:** _____
Topic: _____ **Time Needed:** _____
Guests attending: _____ **Which Law or Policy applies? (attach):** _____

Is the issue time sensitive, if so, what's the deadline?

Is there a potential conflict of interest with council members(s)? Which ones & why?

Council Request: (Why are you coming to Council? Check all that apply)

- Motion requested (State the motion)
"I move to..."
- Resolution requested. Resolution # _____ is attached.
- Informational only. No Council decision requested.
- Guidance only. Council to decide whether to proceed with an issue.
- Executive Session. For topics that are confidential, litigation, etc.
- Chair's signature request. State as a motion, include whether it contains a limited waiver of sovereign immunity

Required Reviews: (Check all that apply and have initialed, prior to submission)

- Executive Director:
- Admin Director:
- Chief Financial Officer:
- Department or Entity Director:
- Legal Review:
- Board or Committee Presentation: (date presented, attach minutes)

How to Approach Page #2

Page #2:

1. Operates as a reference page for all requests: the same fields in the same places, regardless of who is requesting.
2. Provides the logistical details for your request.
3. At a quick glance, lets Tribal Council and staff know what they are in for:
 - Who?
 - What?
 - For how long?
 - What is the controlling framework?
 - Etc.

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How to Approach Page #2

Pro Tip #1:

Ask for Legal's help to identify the controlling law or policy.

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How to Approach Page #2

Pro Tip #2:

Ask for Legal's help to identify if there could be a conflict.

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How to Approach Page #2

Pro Tip #3:

Your request will be denied if this section is completed incorrectly.

Before you begin drafting, you should already know what you are requesting and why.

Consult with the TCPM, your own leadership, and Legal to determine what action is appropriate.

Requested Actions

- Motion (TCPM 3.1)
 - Think of adopting or implementing final decisions.
 - You are engaging Tribal Council to adopt a policy, provide final approval on a project or request, or receive formal direction in official matters.
- Resolution (TCPM 3.2)
 - Think of the most formal actions you might pursue.
 - You are engaging Tribal Council to perform some of the most formal and essential functions of government, such as: enrollment decisions, enactment of codes and ordinances, changes to the TCPM, leasing or assignment of land, or the assignment, transfer, exchange, or revocation of lot assignments.

Requested Actions

- Informational Only
 - Think of reports or updates.
 - No Tribal Council action or decision is needed.
- Guidance Only
 - Think of the starting stages before undertaking a significant project.
 - You are engaging Tribal Council to ensure you receive their support and guidance before investing too much time or resources – well before you might request a motion or resolution to finalize the action or change you are exploring.

Requested Actions

- Executive Session (TCPM 1.7)
 - Think of confidential matters. This is a rare exception to the policy that Tribal Council meetings are open and public.
 - You are asking Tribal Council to engage in a private and sensitive discussion. This request is reserved for litigation and other confidential legal matters, personnel issues, ethical issues, and other matters of a sensitive or personal nature.
- Chair's Signature Request
 - Think of agreements and other binding documents.
 - You need the Chair's signature because you do not have signatory authority.

Another Perspective

- Formal council actions (requests requiring a motion)
 - Motion
 - (Motion for) Resolution
 - (Motion for) Executive Session
 - (Motion for) Chair's Signature
- Informal council actions (requests not requiring a motion)
 - Informational Only
 - Guidance Only

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How to Approach Page #2

Pro Tip #4:

If requesting a resolution, you must draft the resolution and provide the number here. Failure to do so will result in denial.

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How to Approach Page #2

Pro Tip #5:

It is critical to inform Tribal Council of any waiver of sovereign immunity. This can be done under Analysis on Page #3.

Work with Legal to ensure your agreement is reviewed and you are comfortable with describing how sovereign immunity might be waived.

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How to Approach Page #2

Pro Tip #6:

You must record the required reviews *before* submission or else your request will be denied.

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How to Approach Page #2

Pro Tip #7:

The Executive Director, your leadership, and Legal should be involved in your request before you are considering submission.

The email to council-agenda@pgst.nsn.us should not be the first time the Executive Director and others hear about your request.

Be strategic with the timing of your agenda request. How much time do you need to devote for discussion, advice, drafting, and reviews before attempting to get on the agenda?

AGENDA TOPIC OVERVIEW*

ISSUE- (Briefly identify issue with needed action.)

CONTACT- (Lead person for issue.)

BACKGROUND- (Define and summarize history of issue and other pertinent information.)

ANALYSIS- (Briefly provide analysis of issue from the Tribe/Department perspective. Identify pros/cons of issue if appropriate. What are the options or alternatives?)

STAFF RECOMMENDATIONS (List recommendations for the Council.)
() Approve () Deny () No Recommendation () Attached in writing

How to Approach Page #3

Page #3:

1. Serves as the official governmental record of:
 - Your issue;
 - The required action;
 - The background ; and
 - Your analysis.
2. Provides the opportunity to inform and support Tribal Council so that they can take the best possible action.
3. Establishes your credibility and professionalism -- on the particular issue, as well as for your greater long-term relationship with Tribal Council.

How to Approach Page #3

Pro Tip #8:

Use the Issue statement to succinctly summarize the issue and requested action.

Your audience is reviewing hundreds of pages, fielding dozens of requests, and sitting in hours of meetings. What is the most essential information for them to know?

Apply drafting best practices such as Bottom Line Up Front (BLUF) or the Inverted Pyramid. Resources are available online at:

- <https://www.animalz.co/blog/bottom-line-up-front/>
- <https://medium.com/@deluca.gabi/bluf-the-method-for-better-and-effective-written-communication-179f46827d34>

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How to Approach Page #3

Pro Tip #9:

Use the Background statement to provide context, background, and explain how we got here.

The scope will depend on the request and the nature of the issue.

View the Background as the set up for the Analysis:

- Background: "Here is how we got here."
- Analysis: "Here is how we should move forward and why."

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How to Approach Page #3

Pro Tip #10:

Use the Analysis statement to provide your analysis, recommendations, suggestions, etc.

The scope will depend on the request and the nature of the issue.

This is an opportunity to establish your expertise and credibility. Represent your hard work and due diligence.

Help Tribal Council feel informed about your requested action. Set them up for success.

AGENDA TOPIC OVERVIEW*

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How to Approach Page #3

Pro Tip #11:

It is essential for your analysis (and credibility) that you highlight the pros and cons of your request, as relevant.

Any action the Tribal Council takes will have consequences. Help them identify both the positive and negative consequences.

Think in terms of informed consent. Are you making sure Tribal Council is fully informed of the potential impacts to their decision?

Key Takeaways

- The Agenda Request is a pinnacle document.
 - It represents and records your due diligence.
 - It serves as official documentation of your program's work.
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