

ADVISORY COMMITTEE ORDINANCE  
KLAMATH TRIBAL CODE  
Title 1 Chapter 3

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**TABLE OF CONTENTS**

3.01	Purpose.....
3.02	General Policy.....
3.03	General Power.....
3.04	Committee Names.....
3.05	Membership.....
3.06	Vacancies.....
3.07	Removal of Members.....
3.08	Voting.....
3.09	Quorum.....
3.10	Conflicts of Interest.....
3.11	Election of Officers.....
3.12	Duties of Officers.....
3.13	Meetings.....
3.14	Financial Accountability.....
3.15	Consistency With Other Ordinances.....
3.16	Amendments.....
3.17	Sovereign Immunity.....
3.18	Severability.....

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*Date Adopted: June 10, 1991*

*Most Recent Amendment: February 23, 2008-GC*

ADVISORY COMMITTEE ORDINANCE  
KLAMATH TRIBAL CODE  
Title 1 Chapter 3

---

**3.01 Purpose.** The purpose of this Ordinance is to form a more efficient and cohesive government through the appointment of committees by the Tribal Chairperson and the Tribal Council. Each committee is to advise and make recommendations regarding each specific committee purpose. The committees will act as an advisory arm to the Tribal Council.

**3.02 General Policy.** The committees are established to assist the Tribal Chairperson and the Tribal Council in carrying out their responsibilities to provide quality services to the Tribal membership and to develop, maintain, and protect the assets, resources and interest of the Tribes. Each committee shall:

- (a) Act in an advisory capacity to the Chairperson and Tribal Council in recommending policies and procedures, identifying needs, and developing priorities of the Klamath Tribes;
- (b) Submit quarterly written reports to the Tribal Council specifying activities, recommendations and any other relevant information;
- (c) Upon request of the Tribal Chairperson and the Tribal Council, report to the Tribal Council or General Council on its activities;
- (d) Undertake any other duties and responsibilities as developed and approved by the Tribal Chairperson and Tribal Council; and
- (e) If so assigned by the Tribal Council, act as an advisor to a particular Tribal program.

**3.03 General Powers.** The Tribal Chairperson and Tribal Council may establish standing and ad hoc committees as provided in this Ordinance. All committees established pursuant to this Ordinance shall be accountable to the Tribal Chairperson and Tribal Council. The Tribal Chairperson and the Tribal Council reserve the power to deal directly with the committees as necessary.

*apply to committees  
estab pursuant to  
Constitution?*

ADVISORY COMMITTEE ORDINANCE  
KLAMATH TRIBAL CODE  
Title 1 Chapter 3

---

**3.04 Committee Names.** Each committee established pursuant to this Ordinance shall designate a committee name. All committees must indicate association with the Tribes by including the "Klamath Tribes" in the committee name.

**3.05 Membership.**

- (a) Each committee shall be composed of no less than three (3) and no more than seven (7) members appointed by the Tribal Chairperson and the Tribal Council. Only Tribal members may serve on the committees. The Tribal Chairperson is an ex-officio member of all committees and may participate fully in all proceedings and may vote in all committee decisions. Tribal Council members may attend advisory committee meetings in a non-participatory manner to observe the conduct of business, including closed sessions. The term of each committee member shall run commensurate with the Tribal Council terms.
- (b) No Tribal staff member or their immediate family may serve on a committee where that committee plays an advisory role to the staff member's program. Immediate family member shall mean those persons listed in Section 3.10.
- (c) Committee members shall be at least 18 years of age unless provided otherwise by the Tribal Council and must be an enrolled member of the Klamath Tribes.
- (d) Members shall attend all committee meetings unless they give notice to the Committee Chairperson prior to the scheduled meeting.
- (e) Members who wish to resign from a committee shall submit their resignation to the committee Chairperson. Such resignation is effective upon submission. The committee Chairperson shall promptly notify the Tribal Council Secretary of any membership resignations.
- (f) At the end of each member's term of office or upon resignation or removal, the member shall deliver to the Committee Chairperson all papers, records, books, and other items in the member's possession pertaining to committee business.
- (g) No one may serve on more than two standing committees.



ADVISORY COMMITTEE ORDINANCE  
KLAMATH TRIBAL CODE  
Title 1 Chapter 3

---

**3.06**       **Vacancies.**

- (a) Any vacancy shall be filled by appointment of the Tribal Chairperson or Tribal Council, after consultation with the Committee Chairperson, for the duration of the unexpired term.
- (b) Vacancies shall occur when a committee member resigns, is removed, or is incapable of serving on the committee by reason of death or incapacity.

**3.07**       **Removal of Members.**

- (a) A member may be removed only when the member:

Has unexcused absences from three (3) consecutive meetings; six (6) unexcused absences in a twelve (12) month period; willfully violates the terms of this Ordinance; engages in conduct that discredits the committee because such conduct is biased, prejudicial, or adversely affects the committee's ability to conduct business; or engages in conduct that violates a committee code of ethics.

- (b) Removal of a committee member shall be by majority vote of the Tribal Council on its own motion or upon receipt of a recommendation from the committee. A committee must comply with the following process to recommend to the Tribal Council removal of a committee member::
  - (1) Give 15 days written notice to the alleged offending member that a recommendation for removal is under consideration;
  - (2) Give the alleged offending member an opportunity to discuss with the committee the cause for the recommendation for removal; and
  - (3) Vote to recommend removal.
- (c) The alleged offending member shall have an opportunity to testify to the Tribal Council regarding removal before the Tribal Council decision is made. Tribal Council decision is final.

**3.08 Voting.**       Each member of a committee shall have one vote on each matter; provided that the Chairperson may only vote to break a tie. Members must be present to vote. No proxies will be permitted. Telephone polls are prohibited.

ADVISORY COMMITTEE ORDINANCE  
KLAMATH TRIBAL CODE  
Title 1 Chapter 3

---

**3.09 Quorum.** A majority of the committee members must be present to constitute a quorum. Committee action is only valid if done when a quorum exists. See section 3.10 for additional quorum condition.

**3.10 Conflicts of Interest.** No committee member may vote on any action directly involving a member of his or her immediate family. A committee member shall excuse himself or herself or be called upon to be excused in any matter directly involving his or her immediate family and will not count toward a quorum for any such action. Immediate family members include a spouse, person in a spousal relationship, father, mother, daughter, son, brother and sister, including such relationships established through adoption or marriage.

**3.11 Election of Officers.** Each committee shall elect a Chairperson, a Vice-Chairperson, and a Secretary-Treasurer. The election shall take place at an annual meeting. Officers shall serve for terms of one (1) year except for those on ad hoc committees that exist for less than one (1) year.

**3.12 Duties of Officers.**

(a) The Chairperson shall:

- (1) Issue notice of committee meeting;
- (2) Preside at all committee meetings;
- (3) Make reports to the Tribal Council and the General Council as provided herein; and
- (4) Act as the representative of the committee in communication with individuals, groups, and organizations.

(b) The Vice-Chairperson shall:

- (1) Act as presiding officer in the Chairperson's absence;

(c) The Secretary-Treasurer shall:

- (1) Keep minutes of all regular and special meetings;
- (2) Maintain all official records of the committee;
- (3) Take attendance at meetings;
- (4) Provide copies of meeting minutes to the Tribal Council Secretary within ten (10) days after approval;
- (5) Keep an accurate financial statement;
- (6) Maintain all of the committee's additional financial responsibilities;

ADVISORY COMMITTEE ORDINANCE  
KLAMATH TRIBAL CODE  
Title 1 Chapter 3

---

- (7) Provide the Tribal Council Treasurer with a quarterly financial report if any funds are held by the committee, or as otherwise requested by the Tribal Council.

**3.13 Meetings.**

- (a) All meetings shall be open to the public; provided, however, that meetings may be closed to the public when dealing with confidential matters. The committee may invite guests to attend meetings.
- (b) All meetings require four (4) working days written notice. Notice shall be mailed or delivered to each committee member. Notice shall include the date, time, place, and purpose of the meeting.
- (c) Regular monthly or quarterly meetings shall be held on a date set by the committee.
- (d) Annual meetings shall take place as soon as possible after the creation of the committee and upon the anniversary of the creation of the committee. Only standing committees are required to hold annual meetings.
- (e) All regular and annual meetings shall be held at the Klamath Tribal Offices or designated place agreed upon by the committee.
- (f) Special meetings may be called by the Chairperson or the Vice-Chairperson and Secretary-Treasurer, acting jointly, but only when business must be done prior to the next regular meeting.

**3.14 Financial Accountability.**

- (a) All committees dealing with finances must document all financial transactions, including, but not limited to, requests, donations, purchases, and travel vouchers. The committee Secretary-Treasurer shall be primarily responsible for the financial accountability of the committee.
- (b) All financial transactions exceeding \$250.00 require the prior approval of the Tribal Council.
- (c) Decision on committee purchases require prior approval of the committee.
- (d) All donations received by the Committee or Committee members will be delivered to the committee Secretary-Treasurer and forwarded to the Tribal



ADVISORY COMMITTEE ORDINANCE  
KLAMATH TRIBAL CODE  
Title 1 Chapter 3

---

Council Treasurer within seven (7) days for immediate banking. The committee Secretary-Treasurer shall issue a receipt for each donation.

**3.15 Consistency with other Ordinances.** Where a specific ordinance differs from this Ordinance, the specific ordinance shall govern.


**3.16 Amendments.** This Ordinance may be amended by the Klamath Tribes Tribal Council pursuant to duly adopted Resolution.

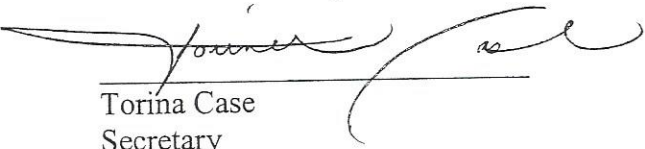
**3.17 Sovereign Immunity.** Nothing herein shall be interpreted or construed to be a waiver of the sovereign immunity of the Klamath Tribes or its officials or employees.

**3.18 Severability.** If any part or application of this Ordinance is held invalid, the remainder or its application to other situations or persons shall not be affected.

**Certification**

We, the undersigned, Tribal Council Chairman and Secretary of the Klamath Tribes, do hereby certify that at a Regular General Council meeting held on the 23<sup>rd</sup> day of February, 2008 with a quorum present, the General Council took action and duly adopted this Ordinance as Amended by a vote of 37 for, 8 opposed, and 1 abstention.

  
Joe Kirk  
Chairman  
The Klamath Tribes

  
Torina Case  
Secretary  
The Klamath Tribes

Legislative History:

Originally adopted by the Klamath Tribes on June 10, 1991.

Amended by the Klamath Tribes Tribal Council on February 17, 1992.

Amended by the Klamath Tribes General Council on February 23, 2008

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*Date Adopted: June 10, 1991*

*Most Recent Amendment: February 23, 2008-GC*

THE KLAMATH TRIBE  
ADVISORY COMMITTEE ORDINANCE

Klamath Tribal Code §2.03

Table of Contents

- (a) Purpose
- (b) General Policy
- (c) General Powers
- (d) Committee Names
- (e) Membership
- (f) Vacancies
- (g) Removal of Members
- (h) Voting
- (i) Quorum
- (j) Conflicts of Interest
- (k) Election of Officers
- (l) Duties of Officers
- (m) Meetings
- (n) Financial Accountability
- (o) Consistency with Other Ordinances

Date Adopted: 06/10/91

Page 1

Barbara Kirk  
Most Recent Amendment: February 17, 1992 as Secretary  
of the Executive Committee of the  
Klamath Tribe, hereby certify that the  
document to which this stamp is  
affixed is a conformed, true copy of  
the original of this document as it  
appears in the official files of the  
Klamath Tribe.

Barbara Kirk  
Secretary, The Klamath Tribe



THE KLAMATH TRIBE

ADVISORY COMMITTEE ORDINANCE

Klamath Tribal Code §2.03

(a) Purpose: The purpose of this ordinance is to form a more efficient and cohesive government through the appointment of committees by the Tribal Chairperson and the Executive Committee. Each committee is to advise and make recommendations regarding each specific committee purpose. The committee will provide a unified voice as an advisory arm of the Klamath Tribe.

(b) General Policy: The committees are established to assist the Tribal Chairperson and the Executive Committee in carrying out their responsibilities to provide quality services to the Tribal membership and to develop, maintain, and protect the assets and interest of the Tribe. Each committee shall:

(1) Act in an advisor capacity to the Tribal Chairperson and Executive Committee in recommending policies and procedures, identifying needs, and developing priorities of the Klamath Tribe;

(2) Report quarterly to the Executive Committee on problems, activities and other relevant information;

(3) Upon request of the Tribal Chairperson or the Executive Committee, report on its activities to the Executive Committee or the General Council either in writing, in person, or both;

(4) Undertake any other duties and responsibilities as developed and approved by the Tribal Chairperson and Executive Committee; and

(5) If so assigned by the Executive Committee, act as an advisor to a particular Tribal program.

(c) General Powers: The Tribal Chairperson or Executive Committee may establish standing and ad hoc committees as provided in this ordinance. All committees established pursuant to this ordinance shall be accountable to the Tribal Chairperson or Executive Committee. The Tribal Chairperson and the Executive Committee reserve the power to deal directly with the committees as necessary.

(d) Committee Names: Each committee established pursuant to this ordinance shall designate a committee name. All committees must indicate association with the Tribe by including "The Klamath Tribe" in the committee name.

## ADVISORY COMMITTEE ORDINANCE

### Klamath Tribal Code §2.03

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#### (e) Membership

(1) Each committee shall be composed of no less than three (3) and no more than twelve (12) members appointed by the Tribal Chairperson or the Executive Committee. Only Tribal members may serve as voting members on the committees, unless a specific committee ordinance provides otherwise. The Tribal Chairperson is an ex-officio member of all committees and may participate fully in all proceedings and may vote in all committee decisions. The term of each committee members shall be staggered, one, two, and three year terms.

(2) No Tribal staff member may serve on a committee where that committee plays an advisory role to the staff member's program.

(3) Committee members shall be at least 18 years of age unless a specific committee ordinance provides otherwise.

(4) The Tribal Chairperson or the Executive Committee, after consultation with the Committee Chairperson, shall appoint additional members to a committee when the original number of members is insufficient to carry out the committee's responsibilities.

(5) Members shall attend all committee meetings unless they give written or verbal notice to the Committee Chairperson at least three (3) days prior to the scheduled meeting; provided, however, that no notice is necessary if injury of the member or sickness, injury or death of a family member or dependent caused the absence.

(6) At the end of each member's term of office or upon resignation or removal for a member or upon other vacancy by a member, the member shall deliver all papers, records, books, and other items in the member's possession that relates to the committee to the member's successor, or to the Committee Chairperson.

(7) No one may serve on more than two committees.

#### (f) Vacancies

(1) Any vacancy shall be filled by appointment of the Tribal Chairperson or Executive Committee, after consultation with



## ADVISORY COMMITTEE ORDINANCE

### Klamath Tribal Code §2.03

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the Committee Chairperson, for the duration of the unexpired term.

- (2) Vacancies shall occur when a committee member resigns for any reason, is removed, or has unexcused absences from three
- (3) consecutive meetings.

#### (g) Removal of Members

- (1) A member may be removed only when the member:

- (A) Engages in conduct that discredits the committee because such conduct is biased, prejudicial, or adversely affects the committee's ability to conduct business; or
- (B) Engages in conduct that is criminal activity related to Tribal or committee assets; or
- (C) Has unexcused absences from three (3) consecutive committee meetings.

- (2) Removal of a committee member shall be by majority vote of the Executive Committee on its own motion or upon receipt of a recommendation from the committee. The recommendation for removal of a member shall be presented to the Executive Committee after the committee has:

- (A) Given notice to the alleged offending member that a recommendation for removal is under consideration;
- (B) Given the alleged offending member an opportunity to discuss with the committee the cause for the recommendation for removal; and
- (C) Voted to recommend removal.

- (3) The alleged offending member shall have an opportunity to testify to the Executive Committee regarding removal before the Executive Committee's decision is made.

(h) Voting: Each member of a committee shall have one vote on each matter. Members must be present to vote. No proxies will be permitted.

(i) Quorum: A majority of the committee members must be present to constitute a quorum. Committee action is only valid if done when a quorum exists.



## ADVISORY COMMITTEE ORDINANCE

### Klamath Tribal Code §2.03

(j) Conflicts of Interest: No committee member may vote on any action directly involving a member of his or her immediate family. A committee member may take part in discussion and count toward a quorum regarding action involving a member of his or her family. Immediate family members include the natural father, natural mother, adoptive mother, adoptive father, daughter, son, spouse, person in a spousal relationship, brother, sister, stepbrother and stepsister.

(k) Election of Officers: Each committee shall elect a Chairperson, a Vice-Chairperson, and a Secretary-Treasurer. The election shall take place at the annual meeting. Officers shall serve for terms of one (1) year except for those on ad hoc committees that exist for less than one (1) year.

#### (1) Duties of Officers

- (1) The Chairperson shall:
  - (A) Issue notice of committee meeting;
  - (B) Preside at all committee meetings;
  - (C) Make reports to the Executive Committee and the General Council as provided herein; and
  - (D) Act as the representative of the committee in communication with individuals, groups, and organizations.
- (2) The Vice-Chairperson shall:
  - (A) Act as presiding officer in that officers absence;
  - (B) Compose all resolutions and recommendations as agreed upon by the committee; and
  - (C) Notify the Executive Committee of any committee recommendation of removal of a member.
- (3) The Secretary-Treasurer shall:
  - (A) Keep minutes of all regular and special meetings;
  - (B) Maintain all official records of the committee;
  - (C) Take attendance at meetings;
  - (D) Provide copies of meeting minutes to the Executive Committee Secretary for distribution to the Executive Committee;
  - (E) Answer all correspondence for the committee;
  - (F) Draft updates of committee business each month for publication in the Tribal Newsletter;
  - (G) Keep an accurate financial statement;

## ADVISORY COMMITTEE ORDINANCE

Klamath Tribal Code §2.03

- (H) Maintain all of the committee's additional financial responsibilities;
- (I) Provide the Executive Committee with a monthly financial report; and
- (J) Comply with the provisions of Section 14 herein.

### (m) Meetings

- (1) All meetings shall be open to the public; provided, however, that meetings may be closed to the public when dealing with confidential matters. The committee may invite guests to attend meetings.
- (2) All regular and special meetings require four (4) working days written notice. All annual meetings require five (5) working days written notice. Notice shall be mailed or delivered to each committee member and shall be posted in a conspicuous place at the Tribal Office. Notice shall include the date, time, place, and purpose of the meeting.
- (3) Regular monthly or quarterly meetings shall be held on a date set by the committee.
- (4) Annual meetings shall take place as soon as possible after the creation of the committee and upon the anniversary of the creation of the committee. Only standing committees shall hold annual meetings.
- (5) All regular and annual meetings shall be held at the Klamath Tribal offices or designated place agreed upon by the committee.
- (6) Special meetings may be called by the Chairperson or the Vice-Chairperson and Secretary-Treasurer, acting jointly, but only when business must be done prior to the next regular meeting.

### (n) Financial Accountability

- (1) All committees dealing with finances must document all financial transactions, including, but not limited to, requests, donations, purchases, and travel vouchers. The committee Secretary-Treasurer shall be primarily



## ADVISORY COMMITTEE ORDINANCE

### Klamath Tribal Code §2.03

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responsible for the financial accountability of the committee.

- (2) All financial transactions exceeding \$250.00 require the prior approval of the Executive Committee unless the Executive Committee waives said approval in writing.
  - (3) Decision on committee purchases require prior approval of the committee.
  - (4) All donations will be delivered to the Secretary-Treasurer within four (4) days for immediate banking. The Secretary-Treasurer shall issue a receipt for each donation.
  - (5) Vouchers require the signatures of two committee members: The Secretary-Treasurer and a committee member voted to approve vouchers by the committee. An alternate signer will also be selected by the committee.
- (o) Consistency with other Ordinances: Where a specific committee ordinance differs from this ordinance, the specific ordinance shall govern.





# The Klamath Tribe

P.O. Box 436  
Chiloquin, Oregon 97624  
Telephone (503) 783-2219  
FAX (503) 783-2029

April 20, 1992

TO: Barbara Kirk  
Executive Committee Secretary

FR: Bob McCarthy *BMC*  
Governance Coordinator/Attorney

RE: Advisory Committee Ordinance Amendment Page

Please find enclosed an Amendment Page to add to the Advisory Committee Ordinance in each of the three "Master Volumes". According to the Codification Ordinance, three Master Volumes are to be kept, one for the Executive Committee (Barbara), one for administration (Kathy), and one for the Tribal Court (which I will keep for now as Governance Coordinator). The Master Volumes are to contain information related to passage and amendment of the Tribal Code, which information is not specifically included in the current version of the Code or of an individual ordinance.

As adopted by the Executive Committee on February 17, 1992, the amendment strikes two words in Section 12(C)(4): "~~typing and~~". The effect is that the Executive Committee Secretary is no longer responsible for typing advisory committee minutes. This page should be kept with the "Master Volume". It need not be included with other copies of the ordinance, since the new test is incorporated into the ordinance itself. If someone wants to know the history of amendments, they need to go to the Master Volume.

Thank you for your assistance. Please let me know if you have any questions.

c: Charles E. Kimbol, Sr.  
Kathy Rich

