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**OSAGE NATION CONGRESS**

3<sup>rd</sup> Session of the 1<sup>st</sup> Congress

**BILL NUMBER ONCA** 0158

As Introduced

**September 17, 2007**

**SPONSOR:** Congresswoman Faren Revard Anderson

**SIGNATURE:** *Faren Revard Anderson*

**RECEIVED**

**SEP 17 2007**

**LEGISLATIVE SERVICES  
OSAGE NATION CONGRESS**

*B 11:33 Am*

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TIME: 11:30 AM PM  
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CLERK OF THE CONGRESS

**An Act**

To provide for an effective avenue for the Osage Nation's governmental business to be conducted in an open and public manner.

*Be it enacted by the Congress of the Osage Nation:*

**SECTION 1. SHORT TITLE**

This Act may be cited as the "Osage Nation Open Meetings Act."

**SECTION 2. FINDINGS**

The Osage Nation is a representative government and is dependent upon an informed constituency. The Nation encourages citizens to exercise their privilege of attending and speaking at meetings of public bodies.

The Nation is in need of establishing laws that all persons are entitled to the greatest possible information regarding the affairs of the Nation and the official acts of the officials and employees who represent them.

**SECTION 3. PURPOSES**

The purpose of this Act is to:

- A. Ensure the Nation's governmental business is conducted in an open and public manner.
- B. Inform the constituency of the affairs of the Nation, their elected government officials, and the governmental systems created by the people of the Osage Nation.

47 **SECTION 4. DEFINITIONS**

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For the purposes of this Act, certain terms are defined in this Section. When not inconsistent with the context, words used in this present tense include the future, words in the singular number, include the plural number, words in the plural include words in the singular, and word in the masculine gender include the feminine gender. The word shall is always mandatory and not merely directory.

- A. "Confidential Information" shall mean the rules adopted by committees, boards, or other Osage Nation public bodies for their internal governance.
- B. "Constituent" shall mean any person who is a citizen of the Osage Nation.
- C. "General Public" mean the people of the community as a whole.
- D. "Meeting" means the official convening of a quorum of members of a public body for the purpose of conducting public business. Meetings shall not apply to social meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.
  - 1. "Regular Meeting" means any meeting, which is held on a regular schedule such as a regular monthly meeting.
  - 2. "Special Meeting" means any meeting, which is not a regular meeting, including but not limited to, any meeting, which must be called because of an emergency.
  - 3. "Executive Session" shall mean those meetings or portions of meetings of the public bodies which constituents and the general public cannot attend.
- E. "Public Body" means any official entity in which a quorum is required to conduct public business and which performs a governmental function for the Osage Nation. A public body includes, but is not limited to:
  - 1. Committees
  - 2. Boards
  - 3. Commissions
  - 4. Task Forces

93 **SECTION 5. MEETINGS - GENERAL**

94  
95 Meetings of public bodies of the Osage Nation shall be conducted openly.  
96 Notices shall be handled in accordance with Section 8 of this policy. Any regular, special  
97 or emergency meeting of any public body for the purpose of briefing, discussion of  
98 public business, formation of tentative policy, or the taking of any action of the public  
99 body shall be subject to this Act.

- 100  
101 A. All public bodies of the Nation shall adopt by-laws for its internal governance  
102 which shall include rules for conducting meetings. Such rules shall not be in  
103 conflict with any provision of this Act. The Office of the Chiefs shall  
104 maintain an updated and accurate record of by-laws of the Nation's public  
105 bodies.  
106  
107 B. Regular meetings of public bodies of the Osage Nation shall be open to  
108 constituents and the general public, notices shall be provided for such  
109 meetings and be held for the purposes of briefing, discussion of public  
110 business, formation of tentative policy, or the taking of any action of the  
111 public body.  
112  
113 C. A member of the public shall not be required to register his or her name,  
114 provide other information, or complete any form or document as a  
115 precondition to attend a meeting. A voluntary registration form or other  
116 document may be circulated to members of the public who are present at a  
117 meeting.  
118  
119 D. Individuals who are in attendance of a meeting may be required to identify  
120 themselves as constituents or non-members of the Osage Nation.  
121  
122 E. If a meeting is willfully interrupted by a person or person and the public body  
123 cannot conduct an orderly meeting, the public body shall inform the person or  
124 persons that they will be removed from the meeting.  
125  
126 1. If order cannot be restored after a warning, the public body may order that  
127 such person or persons, be removed from the meeting room and the  
128 meeting may continue.  
129  
130 2. If there is further disturbance after such removal and order cannot be  
131 restored, then the meeting shall be terminated.  
132  
133 3. Any person or persons who are deemed disruptive at a meeting may be  
134 banned from attending future meetings.  
135  
136 F. All members of the public body, constituents and the general public shall be  
137 subject to zero tolerance for alcohol and drugs.  
138

- 139 G. All or any part of a meeting may be recorded by any person in attendance by  
140 means of a tape recorder, cameral or other means of electronic reproduction,  
141 except as otherwise indicated by Section 7. B. of this Act. A public body may  
142 prohibit or restrict such recordings only if they actively interfere with the  
143 conduct of the meeting.  
144

145 **SECTION 6. MEETINGS - SPECIAL**

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147 **{RESERVED}**  
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149 **SECTION 7. EXECUTIVE SESSION**

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151 In the spirit of open meetings, public bodies shall limit their executive sessions to  
152 only those essential matters requiring confidentiality.  
153

- 154 A. No executive session shall be held until the public body has first convened in  
155 an open session for which notice has been given.  
156
- 157 B. A public body must advise all persons attending an executive session that all  
158 information provided during the executive session is confidential.  
159
- 160 C. An executive session may be held once a majority of the members of the  
161 public body have voted in favor of entering into executive session. Executive  
162 sessions may be held only for the following purposes:  
163
- 164 1. Personnel Matters. Any matter relating to employment or appointment of  
165 an individual as a public officer including, but not limited to, the  
166 individual's employment history, medical history, financial or credit  
167 history, salary, promotion, demotion, discipline, dismissal or resignation.  
168
  - 169 2. Legal Advice. Any discussion or consideration of a sensitive legal advice  
170 including, but not limited to, proposed, pending or current litigation.  
171
  - 172 3. Criminal Matter. Any matter relating to a current or future investigation  
173 or prosecution of a criminal offense, which would threaten effective law  
174 enforcement if disclosed.  
175
  - 176 4. Real Property. To consider the purchase, exchange, lease or value of real  
177 property, if such discussions may have a detrimental effect on the  
178 negotiating position of the governmental body or its entities.  
179
  - 180 5. Inter-governmental Relations. Any matter regarding the consultation or  
181 negotiation with another government including, but not limited to, any  
182 local, city, town, county, state, federal, tribal governmental entity or any  
183 subdivision thereof.  
184

- 185                   6. Law Enforcement. Any matter which may disclose the identity of a law  
186                   enforcement agent or informer.  
187

188 **SECTION 8. PUBLIC NOTICE**  
189

190                   Notices shall be provided for all meetings and such notices in order to provide  
191 information reasonably necessary to inform the public of matters to be discussed at the  
192 meetings.  
193

- 194                   A. A public body shall post notice of each regular or special meeting and shall  
195 include the date, time, location and proposed agenda and purpose. Postings  
196 shall be placed at a minimum of two prominent, noticeable places within the  
197 Nation. One place shall be at the location of the meeting and another shall be  
198 at the Executive Office Building or at the Congressional Office Building.  
199 Postings shall be placed no less than forty-eight hours prior to the meeting,  
200 unless an emergency requires shorter notice. In addition, notice may also be  
201 posted on the Nation’s official website.  
202
- 203                   B. A schedule of regular meeting dates, times and locations shall be documented  
204 in the Osage Nation News and on the Osage Nation website.  
205
- 206                   C. Meeting locations and times cannot be changed unless there is an emergency  
207 and the emergency is noted in the minutes of the meeting.  
208

209 **SECTION 9. MEETING MINUTES - GENERAL**  
210

- 211                   A. A public body shall take, or cause to be taken, minutes of a meeting. Minutes  
212 may be taken in writing or may be recorded using electronic means. The  
213 minutes shall include, at a minimum, the following:  
214
- 215                   1. Time the meeting is called to order.  
216
  - 217                   2. Roll Call. The presence or absence of each member of the public body. It  
218 will also be noted if an alternate member is attending in the place of a  
219 member.  
220
  - 221                   3. Establishment of a quorum.  
222
  - 223                   4. A record or summary of all motions, proposals, resolutions or other matter  
224 formally voted upon, the results of the vote and the vote of each member  
225 of the body.  
226
  - 227                   5. Times when body is recessed, if applicable.  
228
  - 229                   6. Times when body is in the executive session, if applicable.  
230

- 231 7. The location, date and time of the body’s next regular meeting or special  
232 meeting, if known.  
233  
234 8. Time of adjournment.  
235  
236 B. The minutes of a meeting must be available for public inspection within three  
237 (3) working days after the meeting. Public bodies concerned about  
238 distributing minutes before they have been officially approved at a subsequent  
239 meeting should mark the minutes “draft” or “unapproved” and make them  
240 available within three working days of the meeting.  
241  
242 C. The approved minutes to a meeting of a public body, except all content of the  
243 executive session, shall be made available for general distribution within ten  
244 (10) days of the ratification of the minutes. The public may inspect and  
245 photocopy the minutes of a meeting of a public body.  
246

247 **SECTION 10. OFFENSES AND PENALTIES**

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249 An offense under this Act is considered a violation of Osage Nation law and  
250 punishable by a fine not less than \$100 or more than \$500.  
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252 **SECTION 11. ENFORCEMENT**

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254 A. Any member of the public shall have the power to enforce the requirements of  
255 this Act by filing suit in the Nation’s Trial Court. Such actions shall be filed  
256 prior to or within thirty (30) days after the violation arises. The Trial Court  
257 shall have the power, in its discretion, upon good cause shown, to issue an  
258 appropriate order, injunction, or prohibition and to declare any action or part  
259 thereof taken in violation of this law void in whole or in part.  
260  
261 B. A public body may ratify an action taken in violation of this law at a public  
262 meeting properly held within thirty (30) days after discover of the violation or  
263 after such discovery should have been made using reasonable diligence. The  
264 effective date of action ratified pursuant to this Section shall be the date of the  
265 original enactment.  
266  
267 C. Except as otherwise specifically provided herein, nothing in this Act shall be  
268 construed as a waiver of the Nation’s sovereign immunity from suit, which is  
269 expressly reserved.  
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271 D. Nothing in this Act shall be construed to grant a party any remedies other than  
272 those included in this section.  
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276 **SECTION 12. EXEMPTION**

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The provisions of this Act shall apply to the following or where otherwise specifically exempted by Nation law.

This law shall not apply to any judicial deliberations or judicial proceedings regarding child welfare cases, provided, that judicial commissions or quasi-judicial bodies involved in setting policy and procedures of the Judiciary shall not be exempt from the provisions of this law.

**SECTION 13. SEVERABILITY**

If any provision or provisions of this Act shall, in the future be declared invalid by the Judiciary, the invalid provision or provisions shall be served and the remaining provisions shall continue in full force and effect.