OSAGE NATION CONGRESS

3rd Session of the 1st Congress

BILL NUMBER ONCA58

As Introduced

September 17, 2007

SPONSOR: Congresswoman Faren Revard Anderson

SIGNATURE: [Signature]

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 its 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.
SECTION 4. DEFINITIONS

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
SECTION 5. MEETINGS - GENERAL

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

A. All public bodies of the Nation shall adopt by-laws for its internal governance which shall include rules for conducting meetings. Such rules shall not be in conflict with any provision of this Act. The Office of the Chiefs shall maintain an updated and accurate record of by-laws of the Nation’s public bodies.

B. Regular meetings of public bodies of the Osage Nation shall be open to constituents and the general public, notices shall be provided for such meetings and be held for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body.

C. A member of the public shall not be required to register his or her name, provide other information, or complete any form or document as a precondition to attend a meeting. A voluntary registration form or other document may be circulated to members of the public who are present at a meeting.

D. Individuals who are in attendance of a meeting may be required to identify themselves as constituents or non-members of the Osage Nation.

E. If a meeting is willfully interrupted by a person or person and the public body cannot conduct an orderly meeting, the public body shall inform the person or persons that they will be removed from the meeting.

1. If order cannot be restored after a warning, the public body may order that such person or persons, be removed from the meeting room and the meeting may continue.

2. If there is further disturbance after such removal and order cannot be restored, then the meeting shall be terminated.

3. Any person or persons who are deemed disruptive at a meeting may be banned from attending future meetings.

F. All members of the public body, constituents and the general public shall be subject to zero tolerance for alcohol and drugs.
G. All or any part of a meeting may be recorded by any person in attendance by
means of a tape recorder, cameral or other means of electronic reproduction,
except as otherwise indicated by Section 7. B. of this Act. A public body may
prohibit or restrict such recordings only if they actively interfere with the
conduct of the meeting.

SECTION 6. MEETINGS - SPECIAL

RESERVED

SECTION 7. EXECUTIVE SESSION

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

A. No executive session shall be held until the public body has first convened in
an open session for which notice has been given.

B. A public body must advise all persons attending an executive session that all
information provided during the executive session is confidential.

C. An executive session may be held once a majority of the members of the
public body have voted in favor of entering into executive session. Executive
sessions may be held only for the following purposes:

1. Personnel Matters. Any matter relating to employment or appointment of
an individual as a public officer including, but not limited to, the
individual’s employment history, medical history, financial or credit
history, salary, promotion, demotion, discipline, dismissal or resignation.

2. Legal Advice. Any discussion or consideration of a sensitive legal advice
including, but not limited to, proposed, pending or current litigation.

3. Criminal Matter. Any matter relating to a current or future investigation
or prosecution of a criminal offense, which would threaten effective law
enforcement if disclosed.

4. Real Property. To consider the purchase, exchange, lease or value of real
property, if such discussions may have a detrimental effect on the
negotiating position of the governmental body or its entities.

5. Inter-governmental Relations. Any matter regarding the consultation or
negotiation with another government including, but not limited to, any
local, city, town, county, state, federal, tribal governmental entity or any
subdivision thereof.
6. Law Enforcement. Any matter which may disclose the identity of a law
enforcement agent or informer.

SECTION 8. PUBLIC NOTICE

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

A. A public body shall post notice of each regular or special meeting and shall
include the date, time, location and proposed agenda and purpose. Postings
shall be placed at a minimum of two prominent, noticeable places within the
Nation. One place shall be at the location of the meeting and another shall be
at the Executive Office Building or at the Congressional Office Building.
Postings shall be placed no less than forty-eight hours prior to the meeting,
unless an emergency requires shorter notice. In addition, notice may also be
posted on the Nation’s official website.

B. A schedule of regular meeting dates, times and locations shall be documented
in the Osage Nation News and on the Osage Nation website.

C. Meeting locations and times cannot be changed unless there is an emergency
and the emergency is noted in the minutes of the meeting.

SECTION 9. MEETING MINUTES - GENERAL

A. A public body shall take, or cause to be taken, minutes of a meeting. Minutes
may be taken in writing or may be recorded using electronic means. The
minutes shall include, at a minimum, the following:

1. Time the meeting is called to order.

2. Roll Call. The presence or absence of each member of the public body. It
will also be noted if an alternate member is attending in the place of a
member.

3. Establishment of a quorum.

4. A record or summary of all motions, proposals, resolutions or other matter
formally voted upon, the results of the vote and the vote of each member
of the body.

5. Times when body is recessed, if applicable.

6. Times when body is in the executive session, if applicable.
7. The location, date and time of the body’s next regular meeting or special meeting, if known.

8. Time of adjournment.

B. The minutes of a meeting must be available for public inspection within three (3) working days after the meeting. Public bodies concerned about distributing minutes before they have been officially approved at a subsequent meeting should mark the minutes “draft” or “unapproved” and make them available within three working days of the meeting.

C. The approved minutes to a meeting of a public body, except all content of the executive session, shall be made available for general distribution within ten (10) days of the ratification of the minutes. The public may inspect and photocopy the minutes of a meeting of a public body.

SECTION 10. OFFENSES AND PENALTIES

An offense under this Act is considered a violation of Osage Nation law and punishable by a fine not less than $100 or more than $500.

SECTION 11. ENFORCEMENT

A. Any member of the public shall have the power to enforce the requirements of this Act by filing suit in the Nation’s Trial Court. Such actions shall be filed prior to or within thirty (30) days after the violation arises. The Trial Court shall have the power, in its discretion, upon good cause shown, to issue an appropriate order, injunction, or prohibition and to declare any action or part thereof taken in violation of this law void in whole or in part.

B. A public body may ratify an action taken in violation of this law at a public meeting properly held within thirty (30) days after discover of the violation or after such discovery should have been made using reasonable diligence. The effective date of action ratified pursuant to this Section shall be the date of the original enactment.

C. Except as otherwise specifically provided herein, nothing in this Act shall be construed as a waiver of the Nation’s sovereign immunity from suit, which is expressly reserved.

D. Nothing in this Act shall be construed to grant a party any remedies other than those included in this section.

SECTION 12. EXEMPTION
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.