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OSAGE NATION CONGRESS

3rd Session of the 1st Congress

BILL NUMBER ONCA 07-53

ENROLLED

September 27, 2007

SPONSOR: Congresswoman Faren Revard Anderson

CO-SPONSOR(S): Congresswoman Debra Littleton, Congressman Raymond Red
Corn, Congressman Doug Revard, Congressman Anthony
Shackelford, Congressman Mark Simms, Congressman William
“Kugee” Supernaw

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.

- 47 B. Inform the constituency of the affairs of the Nation, their elected government
48 officials, and the governmental systems created by the people of the Osage
49 Nation.
50

51 **SECTION 4. DEFINITIONS**
52

53 For the purposes of this Act, certain terms are defined in this Section. When not
54 inconsistent with the context, words used in this present tense include the future, words in
55 the singular number, include the plural number, words in the plural include words in the
56 singular, and word in the masculine gender include the feminine gender. The word shall
57 is always mandatory and not merely directory.
58

59 A. "Constituent" shall mean any person who is a citizen of the Osage Nation.
60

61 B. "General Public" mean the people of the community as a whole.
62

63 C. "Meeting" means the official convening of a quorum of members of a public
64 body for the purpose of conducting public business. Meetings shall not apply
65 to social meetings or to attendance at or travel to conventions or workshops of
66 members of a public body at which there is no meeting of the body then
67 intentionally convened, if there is no vote or other action taken regarding any
68 matter over which the public body has supervision, control, jurisdiction, or
69 advisory power.
70

71 1. "Regular Meeting" means any meeting, which is held on a regular
72 schedule such as a regular monthly meeting.
73

74 2. "Special Meeting" means any meeting, which is not a regular meeting,
75 including but not limited to, any meeting, which must be called because of
76 an emergency.
77

78 3. "Executive Session" shall mean those meetings or portions of meetings of
79 the public bodies which constituents and the general public cannot attend.
80

81 D. "Public Body" means any official entity in which a quorum is required to
82 conduct public business and which performs a governmental function for the
83 Osage Nation. A public body includes, but is not limited to:
84

85 1. Committees
86

87 2. Boards
88

89 3. Commissions
90

91 4. Task Forces
92

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 may 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 in
137 attendance shall be 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**

146
147 **(RESERVED)**
148

149 **SECTION 7. EXECUTIVE SESSION**
150

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.
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 - 229 6. Times when body is in the executive session, if applicable.
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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 right to seek judicial relief for violation 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.

274 **SECTION 12. EXEMPTION**

275
276 The provisions of this Act shall apply to the following or where otherwise
277 specifically exempted by Nation law.
278


279 This law shall not apply to any judicial deliberations or judicial proceedings
280 regarding child welfare cases, provided, that judicial commissions or quasi-judicial
281 bodies involved in setting policy and procedures of the Judiciary shall not be exempt
282 from the provisions of this law.
283

284 **SECTION 13. SEVERABILITY**

285
286 If any provision or provisions of this Act shall, in the future be declared invalid by
287 the Judiciary, the invalid provision or provisions shall be served and the remaining
288 provisions shall continue in full force and effect.
289

290
291 ENACTED by the Osage Nation Congress on this 27TH day of September, 2007.
292

293
294 IN WITNESS WHEREOF, the Speaker of the Osage Nation Congress has hereto
295 attached his signature.
296

297 
298 Archie Mason, Speaker
299 Osage Nation Congress
300

301 **CERTIFICATION**

302
303 I, THE UNDERSIGNED, CERTIFY THAT THE FOREGOING IS A TRUE EXTRACT
304 FROM THE MINUTES OF THE Osage Nation Congress comprised of twelve members
305 and one ex-officio member with 13 members attending this meeting on the 26TH day of
306 September, 2007, and that the above is in conformity with the provisions therein adopted
307 by a vote of 12 in favor, 0 against, and 0 abstentions.
308

309 Faren Revard Anderson yes
310 Jerri Jean Branstetter yes
311 Shannon Edwards yes
312 Mark Freeman yes
313 Debra Littleton yes
314 Archie Mason yes
315 Raymond Red Corn yes
316 Eddy Red Eagle, Jr. yes
317 Doug Revard yes
318 Anthony Shackelford yes
319 Mark Simms yes

320 William Supernaw yes

321

322 Said Bill has not been rescinded or amended in any way and the above is the signature of
323 the Speaker of the Osage Nation Congress.

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APPROVAL

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332 I, the Principal Chief of the Osage Nation, hereby affix my signature this 3rd day of
333 October, 2007, to the above Bill No. ONCA 07-53 authorizing it to become a law
334 under the Constitution of the Osage Nation.

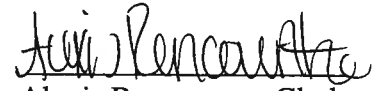
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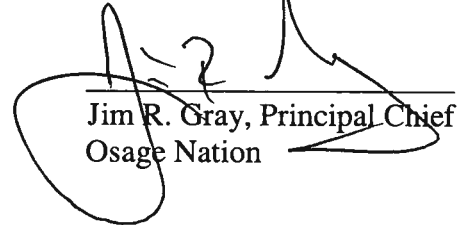
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Alexis Rencountre, Clerk
Osage Nation Congress


Jim R. Gray, Principal Chief
Osage Nation