

**TITLE 2 – GOVERNMENT ADMINISTRATION  
PART I – TRIBAL COUNCIL  
CHAPTER 1-4 – TRIBAL COUNCIL OVERSIGHT COMMITTEES**

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*Legislative History: Oversight Committee Ordinance of 2008 adopted on May 28, 2008 by Resolution No. C05-95-08 and Ordinance No. 16-08.*

*Amended on October 21, 2009 by Resolution No. C10-215-09 and Ordinance No. 21-09.*

**SUBCHAPTER A GENERAL PROVISIONS**

**Section 10 Short Title; Codification (2 PYTC § 1-4-10)**

- (A) This ordinance shall be known as the “Tribal Council Oversight Committee Ordinance of 2008.”
- (B) This ordinance shall be codified in Title 2, Chapter 1-4.

**Section 20 Purpose (2 PYTC § 1-4-20)**

- (A) To provide for the oversight of tribal government operations. “Tribal government operations” means operations and divisions of the Tribe, but does not include the Gaming Enterprise Division.
- (B) To assist the Tribal Council in fulfilling its obligations under the Constitution and laws of the Tribe.
- (C) To set forth uniform policies and procedures for the establishment of Committees to advise the Tribal Council, to clarify relationships of Committees within the Tribal Government structure, and to provide guidance for the conduct of Committee business.

**Section 30 Committees Defined (2 PYTC § 1-4-30)**

- (A) “Oversight Committee” is a Committee comprised only of Tribal Council Members which considers business falling within the category of matters over which it has been given jurisdiction. Oversight Committees shall be established by ordinance.
- (B) “Special Committee” is a Committee comprised only of Tribal Council Members which investigates and reports on specific matters. Special Committees shall be established by resolution.
- (C) “Ad Hoc Committee” is a Committee comprised of Tribal Council Members and Tribal Members which investigates and reports on specific matters. Ad Hoc Committees shall be established by resolution.

**Section 40 General Powers and Authorities of the Committees (2 PYTC § 1-4-40)**

- (A) The Tribal Council may establish Oversight, Special, and Ad Hoc Committees as provided in this ordinance. All committees established pursuant to this Ordinance shall be accountable to the Tribal Council.
- (B) Each Oversight Committee shall:
  - (1) Act in an advisory capacity to the Tribal Council in recommending policies and procedures, identifying needs, and developing priorities of the Tribe;
  - (2) Conduct initial review of proposed budget modifications and submit written recommendations to the Tribal Council regarding the revisions;
  - (3) Travel with Divisions/Departments for training purposes;

- (4) Conduct initial review of agreements affecting the Division;
- (5) Conduct the initial review of matters that must be approved by the entire Tribal Council;
- (6) Require Division Directors to submit periodic reports to the Committee;
- (7) Address issues that are raised by community members and employees;
- (8) Conduct investigative hearings on particular/special issues;
- (9) Communicate with the Chair of the Tribe on matters related to assigned areas of interest and provide input and advice in the development of recommended strategies plans and policies;
- (10) Coordinate and exchange information with other Committees on areas of mutual interest;
- (11) Give monthly reports to the Tribal Council on its work;
- (12) Provide quarterly reports to the tribal membership on the Committee's activities; and
- (13) Undertake any other duties and responsibilities as developed and approved by the Tribal Council.

**Section 50 Tribal Council Retained Authorities (2 PYTC § 1-4-50)**

The Tribal Council shall approve bylaws that shall govern the conduct and procedures of the Oversight Committees.

**Section 60 General Oversight Responsibilities (2 PYTC 1-4-60)**

- (A) The various Committees shall have general oversight responsibilities as provided in this section in order to assist the Tribal Council in:
  - (1) Its analysis, appraisal, and evaluation of:
    - (a) The application, administration, execution, and effectiveness of Tribal laws, programs, and policies implementing the programs; and
    - (b) Conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and
  - (2) Its formulation, consideration, and enactment of changes in Tribal laws, and of such additional legislation as may be necessary or appropriate.
- (B) In order to determine whether laws and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of Tribal Council and whether they should be continued, curtailed, or eliminated, each committee shall review and study on a continuing basis:
  - (1) The application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;
  - (2) The organization and operation of tribal divisions and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction;
  - (3) Any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction; and

- (4) Future research and forecasting on subjects within its jurisdiction.
- (C) Not later than December 15, each Committee shall adopt its oversight plan for that Fiscal Year. Such plan shall be submitted to the Tribal Council. In developing its plan each Committee shall, to the maximum extent feasible:
  - (1) Consult with other Committees that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of ensuring maximum coordination and cooperation among committees when conducting reviews of such laws, programs, or agencies and include in its plan an explanation of steps that have been or will be taken to ensure such coordination and cooperation.

**Section 70 Special Oversight Functions (2 PYTC 1-4-70)**

The Committees shall conduct such studies and examinations of the organization and operation of executive departments and other executive agencies as it considers necessary to assist it in the determination of matters within its jurisdiction.

**SUBCHAPTER B OVERSIGHT COMMITTEES**

**Section 80 Establishment of Oversight Committees (2 PYTC § 1-4-80)**

- (A) The Tribal Council hereby establishes the following Oversight Committees:
  - (1) Employment, Labor and Human Resources Committee;
  - (2) Housing and Government Facilities Committee;
  - (3) Economic Development and Regulation Committee;
  - (4) Health and Social Services Committee;
  - (5) Public Safety and Judiciary Committee;
  - (6) Land and Environment Committee;
  - (7) Language, Culture and History Committee; and
  - (8) Education and Workforce Development Committee.
- (B) Tribal Council may, from time to time, establish additional Oversight Committees by ordinance. An Ordinance establishing an Oversight Committee shall include at a minimum the following:
  - (1) The Committee’s Name;
  - (2) The specific area of interest to which the committee is to address itself;
  - (3) The goals and expectations of the Tribal Council for the Committee, including specific reporting requirements; and
  - (4) Any specific authority delegated to the Committee other than the authority to advise the Tribal Council.

**Section 90      Committee Membership (2 PYTC § 1-4-90)**

- (A) Each Committee shall consist of at least three, and no more than five, members of the Tribal Council. The Chairperson and Vice Chairperson of the Tribal Council shall be ex officio, non-voting members of the Committee.
- (B) The Committee members and Committee Chairperson shall be appointed by the Tribal Council Chairperson, unless a Council member objects, in which case the Committee member and Committee Chairperson shall be selected by a majority vote of the Tribal Council.
- (C) Each Committee member shall serve for a term of two years or until such member's successor is appointed. Committee members may be reappointed for additional terms.
- (D) The Committee Chairperson shall preside over, and prepare agendas for all Committee meetings, provided that the Committee may appoint a Chairperson pro tem to preside over any meeting at which the Chairperson is absent. The Committee may designate one of the remaining members to act as Secretary.
- (E) Removal
  - (1) The Committee may, by majority vote, recommend to the Tribal Council that any Committee member be removed from the Committee for lack of participation, non-attendance at three consecutive Committee meetings or failure to attend at least 75% of all meetings in any six-month period, or other good cause.
  - (2) In accordance with Section 150 of this ordinance, the Committee member whose removal is under consideration shall not vote on the removal recommendation or be counted for the purpose of establishing a quorum, but may make a statement regarding the removal recommendation before the vote is taken.
  - (3) If at least six members of the Tribal Council adopt a resolution accepting the Committee's removal recommendation, the Committee member shall be removed and shall no longer be a member of the Committee.

**Section 100      Conflict of Interest (2 PYTC § 1-4-100)**

No member of a Committee shall participate in the discussion or vote on any matter before the Committee in which the member or the member's immediate family has a personal or financial interest. The term "immediate family" means a household member, spouse, cohabitant, child, grandchild, parent, grandparent, brother or sister of whole or half blood and their spouses and the parent, brother, sister or child of a spouse or cohabitant. A member of the Committee shall immediately disclose to the other Committee members any conflict of interest as soon as the member becomes aware that a conflict exists. A Committee member who has a conflict of interest on a matter pending before the Committee shall not be counted for the purpose of determining whether a quorum exists on such matter.

**Section 110      Meetings (2 PYTC § 1-4-110)**

- (A) Regular meetings of the Committee shall be held on a monthly basis, on a day and at a time designated by the Tribal Council. If no day or time is specified, the Committee shall, by majority vote set a regular day and time for regular meetings.
- (B) Special meetings of the Committee may be at the time and date designated by the Chairperson of the Committee or by a majority of all the members of the Committee. All Committee members shall receive seven days advance written notice of any special meeting.

- (C) Emergency committee meetings require 24 hours notice by telephone or any other reasonable method of communication.
- (D) All meetings of the Committee shall be held on the Pascua Yaqui Reservation unless a different location is set by the Committee during a meeting at which a quorum is present.
- (E) The Committee shall report the attendance of its members in writing to the Tribal Council at the first regular Council meeting each month. Committee meetings shall be open to all members of the Tribal Council.

**SUBCHAPTER C SPECIAL AND AD HOC COMMITTEES**

**Section 120 Special and Ad Hoc Committees (2 PYTC § 1-4-120)**

- (A) Whenever a matter requires temporary assistance to the Tribal Council, and is appropriate to Committee efforts, the Chair of the Tribe, with the approval of the Tribal Council, may form such Special or Ad Hoc Committee by resolution. Such resolution shall designate:
  - (1) The Chairperson of the Committee
  - (2) The specific purpose and tasks to be completed by the Committee
  - (3) The duration of the Committees activities
- (B) Committee Titles
  - (1) The Tribal Council shall designate a title for each committee that it establishes pursuant to this section.

**Section 130 Membership of Special and Ad Hoc Committees (2 PYTC § 1-4-130)**

- (A) Each Special and Ad Hoc committee shall be composed of three to five members.
- (B) Special and Ad Hoc Committee members shall serve a two year term provided that there shall not be a limit to the number of terms that a committee member can serve on a committee. Committee members may be removed from a committee pursuant to Section 150 of this ordinance.
- (C) Special and Ad Hoc Committee members must be Tribal members.
- (D) No tribal employee may serve as a voting member on a committee that is in an advisory role to that employee's Division.
- (E) Committee members shall be at least 18 years of age unless a specific committee resolution provides otherwise.
- (F) A Committee may appoint additional members to a committee when the original number of committee members is insufficient to carry out the committee's responsibilities provided, however, that the committee obtains the Tribal Council's prior approval.
- (G) Committee members shall attend all committee meetings unless they give written or verbal notice to the committee chairperson as soon as possible prior to the meeting; provided, however, that no notice is necessary if the committee member's absence is caused by the committee member's or the committee member's dependent's illness or injury or a death in his or her immediate family.

- (H) At the end of each committee member's term of office or upon resignation or removal of a committee member or upon other vacancy by a committee member, the committee member shall deliver all papers, records, and books and other items in the committee member's possession that relate to the committee except any personal notes of the committee member to his or her successor or the committee's chairperson.

**Section 140 Vacancies (2 PYTC § 1-4-140)**

- (A) Any vacancy shall be filled by appointment by the Committee Chairperson for the duration of the unexpired term subject to approval by Tribal Council.
- (B) Vacancies shall occur when a Committee member resigns for any reason, is removed, or has unexcused absences from three consecutive Committee meetings.

**Section 150 Removal of Committee Members (2 PYTC § 1-4-150)**

- (A) A Committee member may be removed only for conduct that:
  - (1) Discredits the Committee because such conduct is biased, prejudicial or adversely affects the Committee's ability to conduct business; or
  - (2) Is convicted or found in violation of tribal or federal law.
- (B) Removal of a Committee member shall be by a majority vote of the Tribal Council on its own motion or upon receipt of a recommendation from the Committee. The recommendation for removal of a Committee member shall be presented to the Tribal Council after the Committee has:
  - (1) Given notice to the Committee member whose removal is being sought that a recommendation for removal is under consideration; and,
  - (2) Given the Committee member whose removal is being sought an opportunity to discuss with the Committee the cause for the recommendation for removal; and,
  - (3) Voted to recommend removal.
- (C) The Committee member shall have an opportunity to testify to the Tribal Council regarding removal before the Tribal Council votes on his or her removal.

**SUBCHAPTER D STANDARD PLAN OF OPERATIONS**

**Section 160 Applicability (2 PYTC § 1-4-160)**

The provisions of this subchapter apply to all Committees.

**Section 170 Voting (2 PYTC § 1-4-170)**

Each Committee member shall have one vote on each matter being voted upon by the Committee. Committee members must attend the Committee meeting in order to vote on a matter. No proxies or absentee ballots shall be permitted.

**Section 180 Quorum (2 PYTC § 1-4-180)**

A majority of the Committee members must be present in order for a Committee to conduct official business. In the event of an absence by an appointed Committee member, any member of the Tribal Council may serve as an alternate Committee member and be counted for the purpose of establishing quorum.

**Section 190 Duties of the Committee Chairman (2 PYTC § 1-4-190)**

- (A) The Committee Chairperson shall:
- (1) Issue notice of committee meetings and proposed agenda at least seven days prior to the meeting;
  - (2) Preside at committee meetings;
  - (3) Present reports to the Tribal Council as provided herein; and
  - (4) Serve as the official representative and spokesperson of the committee.

**SUBCHAPTER E PROCEDURES OF COMMITTEES**

**Section 200 General Procedures of Committees (2 PYTC § 1-4-200)**

- (A) All regular and special meetings of the Committee shall consist of an agenda to include:
- (1) Roll Call
  - (2) Determination of quorum
  - (3) Reading of minutes of previous meeting.
  - (4) Approval of minutes.
  - (5) Old Business
  - (6) New Business
    - (a) Division Report
  - (7) Announcements
  - (8) Adjourn with date, time, and place of next meeting.

**Section 210 Committee Reports (2 PYTC § 1-4-210)**

- (A) Each committee may conduct at any time such investigations and studies as it considers necessary or appropriate in the exercise of its responsibilities. Each committee may incur expenses, including travel expenses, in connection with such investigations and studies.
- (B) Each committee shall submit a report to the Tribal Council on the activities of that committee on a quarterly basis.
- (C) The report shall include a summary of the oversight plans developed by the Committee pursuant to Section 60(C), a summary of the actions taken and recommendations made with respect to each such plan, a summary of any additional oversight activities undertaken by that Committee, and any recommendations made or actions taken thereon.

**Section 220 Committee Records (2 PYTC § 1-4-220)**

- (A) Each committee shall keep a complete record of all committee business which shall include:

- (1) in the case of a meeting or hearing transcript, an account of remarks actually made during the proceedings; and
- (2) a record of the votes on any question on which a record vote is demanded.
- (3) The Tribal Council may appoint a Recording Secretary to serve at the will of the Committee, who shall not be a member of the Committee, to keep an accurate record of business transacted at Committee meetings and hearings, and to perform other clerical and administrative duties as the Committee may prescribe.

## **SUBCHAPTER F RESPONSIBILITIES OF DIVISIONS**

### **Section 230 Division Reporting Duties (2 PYTC § 1-4-230)**

- (A) Division Directors shall provide reports and meet with their respective oversight committee on its operations and significant activities on a regular basis.
- (B) On a monthly basis, the Division Directors shall report to the Committees on:
  - (1) Program and project updates for ongoing, new, and proposed programs and projects;
  - (2) Current fiscal year budget, including month and year to date results and budget revisions;
  - (3) Employment, recruitment, and training;
  - (4) Grants obtained and contracts let, including number, dollar, and purpose;
  - (5) Major projects, activities, and significant issues for each department within the Division.
  - (6) Major internal and external audit findings, with action plans to address negative findings.
  - (7) Internal and external audit updates;
  - (8) Community events and communications;
  - (9) Proposed tribal laws, regulations, and department policies;
  - (10) Proposed contracts or agreements, including Intergovernmental Agreements, Memorandums of Understanding, and Memorandums of Agreement.
  - (11) External legislation or regulations which may impact the Division, if applicable;
  - (12) Any other issue or matter raised by the Committee.
- (C) On a quarterly basis, the Divisions shall provide the reports in subsection (B) to Tribal Council.

## **SUBCHAPTER G INVESTIGATIVE HEARINGS**

### **Section 240 Authority to Conduct Hearings, Calling and Questioning of Witnesses (2 PYTC § 1-4-240)**

- (A) Committees are authorized to conduct hearings for the purpose of investigating a specific subject matter within their jurisdiction.

- (B) Committees shall have the authority to call witnesses to testify with respect to that measure or matter during at least one day of hearing thereon.

**Section 250 Witnesses at Hearings (2 PYTC § 1-4-250)**

Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

**Section 260 Investigative Hearing Procedures (2 PYTC § 1-4-260)**

- (A) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.
- (B) A copy of the committee procedural rules shall be made available to each witness.
- (C) The Chair of the Committee may punish breaches of order and decorum, by censure and exclusion from the hearings.
- (D) Whenever it is asserted that the evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, such testimony or evidence shall be presented in executive session if, in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, the committee determines by vote of a majority of those present that such evidence or testimony may tend to defame, degrade, or incriminate any person; and
- (E) The committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.
- (F) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

**Section 270 Power to Sit and Act; Subpoena Power (2 PYTC § 1-4-270)**

- (A) For the purpose of carrying out any of its functions and duties under this Ordinance, a committee is authorized:
  - (1) To sit and act to hold hearings as it considers necessary; and
  - (2) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary.
- (B) The chair of the committee, or a member designated by the chair, may administer oaths to witnesses.
- (C) A subpoena may be authorized and issued by a committee in the conduct of an investigation or series of investigations or activities only when authorized by the committee, a majority being present. The power to authorize and issue subpoenas may be delegated to the chairman of the committee under such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by a member designated by the committee.
- (D) Compliance with a subpoena issued by a committee may be enforced only as authorized or directed by the Tribal Council.

**Section 280 Severability (2 PYTC § 1-4-280)**

If a court of competent jurisdiction finds any provision of this ordinance to be invalid or illegal under applicable tribal and or federal law, such provision shall be severed from this ordinance and the remainder of this ordinance shall remain in full force and effect.”