

# **Executive Council Guidelines**

**Central Council  
of the  
Tlingit and Haida Indian Tribes of Alaska**

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## Table of Contents

I.	Mission of the CCTHITA Executive Council .....	4
II.	Legal and Ethical Conduct .....	4
III.	The Council .....	5
IV.	Powers .....	5
V.	Officers: Executive Council – The President and Vice Presidents .....	5
VI.	Officers: Secretary .....	5
VII.	Youth Representative .....	6
VIII.	Executive Council Emeritus .....	6
IX.	Meetings .....	6
X.	Notice of meetings .....	6
XI.	Relationship to the President and Other Senior Managers .....	7
	A. Acting as a Resource for Management .....	7
	B. Formal Evaluation of the President .....	7
XII.	Review of Goals and Accomplishments of Senior Managers .....	8
XIII.	Compensation of the President .....	8
XIV.	Succession Planning and Management Development .....	8
XV.	Service on Outside Board, Councils and Commissions .....	8
XVI.	Strategic and Business Plans .....	8
XVII.	Executive Council Meeting Protocols .....	8
XVIII.	CCTHITA Committees .....	10
XIX.	Executive Council Access to CCTHITA Employees .....	10
XX.	Rotation of Executive Council Chariman .....	11
XXI.	Assessing the Executive Council’s Performance .....	11
XXII.	Requirement of Attendance at Executive Council Meetings .....	11
XXIII.	Conflicts of Interest .....	11
XXIV.	Size of the Executive Council .....	11
XXV.	Former President’s Advisory to the Executive Council .....	12
XXVI.	Term of Office .....	12
XXVII.	Orientation of New Executive Council Members .....	12
XXVIII.	Executive Council Compensation Policy .....	12
XXIX.	Political Stances .....	12

XXX.	General Principles .....	13
XXXI.	Consultation and Advice .....	13
XXXII.	Appointment Process.....	14
XXXIII.	Parameters of Participation .....	14
XXXIV.	Reports and Reporting.....	15
XXXV.	Costs Associated with Participation .....	15

# **GOVERNANCE GUIDELINES OF THE CCTHITA EXECUTIVE COUNCIL**

The Executive Council of the Central Council of the Tlingit and Haida Indian Tribes of Alaska (CCTHITA) has adopted these governance guidelines to assist it in observing governing processes that best serve the interests of the tribe and its members. These guidelines are intended to serve as best practices that guide the Executive Council's conduct of its business, not as a set of legally binding obligations. They should be interpreted in the context of the Tribe's *Constitution*, Statutes, and other governing legal documents. The Constitution is the only Tribal organic Document that may legally limit the authority and power of the Executive Council. (Unless otherwise noted, all references in the guidelines to "directors" or "Executive Council" indicate all members of the Executive Council of the CCTHITA, including the youth council member.)

## **I. Mission of the CCTHITA Executive Council**

The mission of the CCTHITA Executive Council is to enhance the governance of the Tribe and provide oversight of the performance of program and business activities of the Tribe. The members of the Executive Council are responsible to the delegates in Tribal Assembly and to the CCTHITA citizens for overseeing CCTHITA management so as to hold them accountable for the pursuit of the CCTHITA mission.

In fulfilling its responsibilities, the CCTHITA Executive Council performs the following principal functions:

- A. Establishing policies and procedures intended to ensure lawful and ethical conduct of the CCTHITA President, Executive Council, administrative staff and employees.
- B. Aiding, evaluating, and setting the compensation of the President.
- C. Approving strategic plans, including financial objectives and the maintenance of the general operating budget.
- D. Providing oversight of CCTHITA activities by monitoring, protecting, and safeguarding of CCTHITA assets, effectiveness, efficiencies and reputation through such oversight activities as the Executive Council may deem necessary.
- E. Evaluating and improving Executive Council processes and performance
- F. Setting policies for the Executive Council, consistent with the Constitution.
- G. Representing the CCTHITA in appropriate venues and forums.

These activities are performed in cooperation and collaboration with the President, who is a member of the Executive Council.

## **II. Legal and Ethical Conduct**

The entire Executive Council is responsible for establishing policies and procedures to ensure that CCTHITA activities are conducted in a legal and ethical manner. In fulfilling this responsibility, the Executive Council may consult with the standing committees established by the Constitution and Tribal Assembly. The Executive Council monitors compliance with auditing and accounting principles. Although the Executive Council itself deals with conflicts of interest, the Tribal Assembly ensures compliance with the Executive Council's rulings on the subject.

### **III. The Council**

The Executive Council is comprised of the President and the six (6) vice presidents and a youth representative elected by the Tribal Assembly during an election year. The Executive Council Emeritus is an ex-officio member without voting privileges.

### **IV. Powers**

The Executive Council has full governing authority that the Tribal Assembly would have were it in session. This includes, but is not limited to, the full authority to:

- A. Set policy for the Tribe.
- B. Establish and update a strategic plan for the Tribe.
- C. Take positions on the development of public policy.
- D. Establish standing committees of the CCTHITA and to prescribe their functions and jurisdictions.
- E. Approve the President's nomination of Executive Committee members or Delegates to outside boards, commissions, committees or other positions to represent Tribal interests.
- F. Endorse or oppose actions relative to Tribal interests.
- G. Authorize applications for grants, contracts and/or compacts.
- H. Represent the Tribe in appropriate venues and forums.
- I. Join others for the benefit of the Tribe and its citizens.
- J. Approve Tribal expenditures consistent with Tribal Assembly policies and the annual budget.
- K. Approve budget modifications and recommend ratification to Tribal Assembly.
- L. Approve the Tribe's investment policy.
- M. Hire auditors, attorneys and consultants
- N. Any other governing activities consistent with and not contrary to actions of the Tribal Assembly.

### **V. Officers: The Executive Council – The President and Vice Presidents**

The President and the Vice Presidents are elected by the Tribal Assembly. The President normally serves as the Chair of meetings of the Executive Council and the Chief Executive Officer of the Tribal Administration. A portion of each Executive Council meeting may be chaired by a Vice President. If the President is unavailable the next Vice President in succession will assume the chair. It is the responsibility of the President to ensure all activities relative to a well-run meeting are in order. The President is also responsible for making sure sufficient resource material and/or persons are available to the Executive Council for making sound business judgments. The President is authorized to speak on behalf of the Tribe on all matters relative to the Tribe and its members.

### **VI. Officers: Secretary**

The office of Secretary of the Executive Council will be selected by the Executive Council at the first meeting following an election year at Tribal Assembly. The Secretary is responsible for ensuring that all legal and policy documents are properly executed. This includes, but is not limited to, the signing of resolutions and minutes of meetings.

## **VII. Youth Representative**

The elected youth representative shall have all privileges of participation in Executive Council meetings and activities, except he/she does not have voting privileges. He/she is authorized to receive any information made available to other Executive Council members, except when explicitly stated to the contrary by a majority vote of the Executive Council on a case-by-case basis. He/she is entitled to all travel and expenses related to participation that is accorded other Executive Council members subject to budget constraints at the discretion of the Executive Council. Every effort will be made to provide the youth representative the opportunity to participate in youth conferences on behalf of the Tribe. The youth representative serves for a one-year term.

## **VIII. Executive Council Emeritus**

The Executive Council may recommend to the Tribal Assembly the appointment of an Executive Council Emeritus who is a current or past member of the Executive Council who has demonstrated outstanding loyalty and service to the tribe for a substantial amount of time. The Executive Council Emeritus is a lifetime appointment. The Executive Council Emeritus has all privileges of meeting attendance and participation, subject to budget constraints at the discretion of the Executive Council, except the right to vote.

## **IX. Meetings**

Meetings shall be conducted in-person, or telephonically by agreement of an affirmative majority of the Executive Council. All meetings will be scheduled and designed to maximize participation of all members of the Executive Council.

## **X. Notice of meetings**

Official notices of meetings will be given via email, facsimile, and/or USPS mail, and preferably with attendance confirmed by the Office of the President. Notices must include the date, time and location of the meeting and must be given to all members in a timely manner consistent with the following guidelines:

- A. Regular meetings, whether in person or telephonic, are normally scheduled by Executive Council action at the last meeting. Notice must be given at least 14 days prior to the meeting.
- B. Special meetings are at the call of the Chair or by the call of four (4) or more Executive Council members joining together to call a meeting for the same purpose. Notice must be given within three (3) Days of the meeting if at all possible. The purpose of the meeting may be changed only if all members are present.
- C. Special telephonic meetings are held at the call of the Chair or by the call of four (4) or more Executive Council members joining together to call a special meeting for the same purpose, which are held telephonically and shall require at least a 24-hour notice.
- D. The quorum of all meetings shall be any three (3) vice-presidents and the President or any four (4) vice-presidents.
- E. Agendas serve as a guide to all meetings and once adopted can only be amended by a majority vote of members present.

F. Participation in meetings will be consistent with the following guidelines:

1. **Motions** may be made only by voting members. All motions must be seconded to be official business. Motions in a regular meeting may be on any topic and/or issue. However, motions in a special meeting must be relative to the issue or topic before the Executive Council as determined by the agenda.

## **XI. Relationship to the President and Other Senior Managers**

A. Acting as a Resource for Management

The Executive Council aids the President and other senior managers through advice, mentoring, introductions and representation of CCTHITA interests to outside entities. The Executive Council members, however, do not manage the day-to-day operations of the Tribe, which is the responsibility of the President as Chief Executive Officer and other senior managers.

When a member of the Executive Council receives a complaint from tribal staff members on any administrative or personnel issue he/she will immediately advise the President of the complaint. He/She will also advise the employee of the importance of following the personnel procedures in dealing with grievances.

B. Formal Evaluation of the President

The full Executive Council makes an annual evaluation of the President. This evaluation is based on objective criteria intended to reflect the President's contributions to the overall performance of the CCTHITA in meeting its mission. The criteria **may** include such items as:

1. Financial performance of the CCTHITA;
2. Qualitative performance of the President;
3. Consultation with and responsiveness to the Executive Council; and
4. Implementation of Tribal Assembly and Executive Council actions.

In evaluating the President's performance, the Executive Council may use key factors—for example, vision and leadership, accomplishment of long-term strategic objectives, effective use of program and financial metrics that are early indicators of performance, practical implementation of Tribal Assembly actions, effective consultation with the Executive Council and standing committees, and development of management and staff.

The results are communicated in writing to the President and each member of the Executive Council. The President has the right to comment on his or her evaluation, and the Executive Council may address evaluation results and its oversight of recommendations to improve the President's performance at any official meeting of the Executive Council. Results and oversight are used to identify strengths and areas needing improvement.

The evaluation of the President shall take place within 60 days following the first Tribal Assembly on a non-election year.

## **XII. Review of Goals and Accomplishments of Senior Managers**

The President reviews annually with the Executive Council the proposed and current goals of senior managers and the extent to which these managers have accomplished their previous goals.

## **XIII. Compensation of the President**

The President's salary is initially set by the Executive Council and may be increased by one step with each election at the discretion of the Executive Council. The Executive Council reviews the President's compensation periodically in comparison with similar positions in similar organizations and/or tribes. The Executive Council is authorized to make decisions in adjusting the compensation for the President at anytime.

## **XIV. Succession Planning and Management Development**

The President and First Vice-president will agree on a succession plan immediately following the election of a new First Vice-president. The First Vice-president makes a report to the Executive Council on succession planning and management development no later than 4 months following the election. This report includes specific recommendations on succession planning and related issues for senior managers as well as interim succession for the President in the event of an emergency.

## **XV. Service on Outside Board, Councils and Commissions**

The President shall obtain the approval of the Executive Council prior to accepting an invitation to serve on a board, committee or commission of a public or government agencies and/or tribal organizations that would represent a material commitment of time.

When the President seeks approval, he shall describe for the Executive Council the estimated amount of time required to be away from CCTHITA business, any costs to CCTHITA, and the purpose of the service.

The President, Chief Operating Officer, Chief Financial Officer, and other program managers of CCTHITA cannot serve on a board of any company, Council of a tribal government, or non-profit organization for which an Executive Council member serves as an employee, officer, or director.

## **XVI. Strategic and Business Plans**

The Executive Council shall review and provide input to CCTHITA strategic, operating and enterprise plans, including financial objectives and operating budgets. Further, the Executive Council will put together its own strategic plan(s) within six (6) months after each election.

## **XVII. Executive Council Meeting Protocols**

- A. *Selection of agenda items for Executive Council meetings.* The President proposes the agenda for each Executive Council meeting. Prior to the start of a meeting, each Council member may submit additions for the agenda to include any matter that the Executive Council member reasonably believes should be on the agenda.



The Executive Council shall prepare annually a list of topics to be on agendas throughout the year and the meetings at which they will be addressed. The Executive Council and the President also ensure that in addition to financial reports, the agendas will include critical non-financial measures related to the CCTHITA's mission, such as:

1. Membership levels,
2. Level of program activity,
3. Program contents,
4. Publication activity,
5. Member and client satisfaction,
6. Assessment of competition,
7. Relationships with suppliers,
8. Employee training and morale, and
9. Employee productivity.

Special topics may be placed on the Executive Council agendas throughout the year as required. Executive Council members are encouraged to meet individually with the President during the course of the year to discuss the Executive Council activities, plans and agendas.

- B. ***Executive Council materials distributed in advance.*** Seven (7) working days prior to each Executive Council meeting, the President shall distribute to each Executive Council member a proposed agenda for the meeting, along with advance copies (to the fullest extent possible) of any written materials to be discussed. For convenience, the agenda and the materials shall be distributed again at the meeting along with any additional material that could not be sent in advance. In addition, the President shall regularly distribute to all Executive Council members items of topical interest relating to the CCTHITA, its operating environment, and the markets that it serves.
- C. ***Regular attendance of non-director staff at Executive Council meetings.*** CCTHITA's senior management will make presentations to the Executive Council on a regular basis or at the call of any Executive Council member. In addition, from time to time, various other CCTHITA personnel may attend Executive Council sessions and make presentations. The Executive Council may invite any CCTHITA staff to report on any subject.
- D. ***Executive sessions of the Executive Council.*** The President or a majority of the Executive Council may convene, as appropriate, executive sessions of the Executive Council to discuss ***any*** sensitive matter(s).

At the end of each Executive Council meeting, the entire Executive Council may meet in executive session. The Executive Council will meet in executive session when dealing with any and all confidential matters, including discussions on the President's evaluation and compensation. Any member who believes an executive session of the Executive Council is desirable on any subject can so indicate to the President and such a session shall be held.

At the conclusion of each executive session, the Executive Council will "rise and report" back into regular session for all action items of the executive session that need formal action

## **XVIII. CCTHITA Committees**

- A. ***Number of committees.*** The CCTHITA Constitution establishes and delegates authority for the establishment of standing committees to the Executive Council. The Executive Council may create, discharge, or revise the composition or mission of any committee at any time.
- B. The President shall submit a list of appointments and their chairs for all standing committees to the Executive Council.
- C. The other committee members at the first official meeting of the committee during an even year Tribal Assembly usually select committee chairmanships, except for the Committee on Committees and the Resolutions Committee, whose chairs shall be appointed in accordance with standing committees in this Article § B.
- D. ***Standing committee agendas.*** The chairman of each standing committee, in consultation with committee members and the President, will prepare an annual schedule of all regularly recurring items to be considered by the committee. The chairman of each standing committee, in consultation with other committee members, the President, and other senior managers who work closely with a particular committee's subject matter jurisdiction, may place special topics on the committee agendas throughout the year.
- E. ***Frequency and length of standing committee meetings.*** The chairman of each standing committee, in consultation with the President, will set the committee meeting calendar for the upcoming calendar year. Each standing committee will submit an agenda and minutes of each meeting to the Executive Council, and will report to the Tribal Assembly at the annual meeting.
- F. ***Standing committee material distributed in advance.*** Seven (7) working days prior to each standing committee meeting, the CCTHITA staff member designated by the President will send, at the committee chairman's direction, to each committee member and each member of the Executive Council, a proposed agenda along with advance copies (to the fullest extent possible) of any written materials to be discussed. For convenience, the agenda and the materials may be distributed again at the meeting along with any additional material that could not be sent in advance.

## **XIX. Executive Council Access to CCTHITA Employees**

- A. **Access to CCTHITA Employees.** Executive Council members, with prior approval of the President, may have access to CCTHITA employees on topics relative to the oversight duties and in cooperation and collaboration with the President of the Executive Council provided reasonable efforts are made to minimize any significant or material impact to CCTHITA's operations and the Executive Council member provides prior notice to the President.
- B. **Internal Auditor.** The Executive Council may by affirmative, majority vote establish, retain, oversee, receive reports from and effect recommendations provided by an internal auditor or internal audit committee, in consultation with the Audit Committee.

- C. Performance Metrics. At least once each quarter, and usually at each meeting or more frequently if requested by the Executive Council, the President shall provide to the Executive Council with key performance metrics that accurately measure the performance of the CCTHITA. These performance metrics shall include measurements of performance from all CCTHITA operations, including finance, budget, program, project, enterprise, political, policy and any other significant activities. The Executive Council and the President shall work cooperatively to ensure the continued success of the CCTHITA, and to ensure such inquiries do not interfere with CCTHITA operations or unduly impede the duties of CCTHITA staff.

**XX.           Rotation of Executive Council Chairman**

The President serves as the chairman of the Executive Council. If the President is unavailable for any reason, *the First (or subsequent)* Vice-president shall chair particular sessions or chair in his/her absence.

**XXI.           Assessing the Executive Council’s Performance**

The Executive Council attempts to perform in accordance with its mission statement and best practices as its guiding principles for good governance that is responsive to actions of the CCTHITA Tribal Assembly. The full Executive Council shall bi-annually assess its own performance. This is a self-assessment of the Executive Council’s contribution as a whole and reviews areas in which the Executive Council and/or the senior management believe a better contribution could be made. The President is responsible for ensuring that a process exists whereby the current Executive Council members are self-evaluated.

The self-evaluation of the Executive Council shall take place within 60 days following the first Tribal Assembly on a non-election year.

**XXII.           Requirement of Attendance at Executive Council Meetings**

There are no requirements for Executive Council members to attend meetings. It is the responsibility of each Executive Council member to attend meetings on a regular basis.

**XXIII.           Conflicts of Interest**

A member’s other relationships including business, family, or other governments, may occasionally give rise to a potential for a material personal, self-dealing interest on a particular issue involving the Executive Council. The Executive Council (after consultation with counsel, if necessary) determines on a case-by-case basis whether such a conflict of interest exists. The initial determination of a potential conflict may be delegated by the Executive Council to the President. The Executive Council will take appropriate steps to identify such potential conflicts and to assure that all members voting on an issue are recused with respect to that issue.

**XXIV.           Size of the Executive Council**

The CCTHITA Constitution fixes the number of members that constitutes the Executive Council. Currently, the Executive Council is composed of seven members plus a youth representative and an Executive Council Emeritus serving in ex-officio.

## **XXV. Former President's Advisory to the Executive Council**

Former Presidents of the tribe are eligible for serving in an advisory capacity to the Executive Council. They may be invited to all Executive Council and delegate meetings.

## **XXVI. Term of Office**

The Executive Council is an elective office with term set by the Constitution. The current term of each member is two years.

## **XXVII. Orientation of New Executive Council Members**

The process of orientation for new members is as follows:

- A. The President will provide all policy documents not acquired by members as a delegate;
- B. New members will be advised of travel policies and procedures;
- C. New members will have the opportunity to discuss these guidelines and other Executive Council policies on representation and political participation; and
- D. The entire orientation is completed within six (6) months of the time a member joins the Executive Council.

## **XXVIII. Executive Council Compensation Policy**

Members receive a meeting fee per Executive Council meeting day and are reimbursed for reasonable out-of-pocket expenses incurred in performing their duties as directors. Members may attend any meeting or seminars of the CCTHITA with reasonable expenses paid by the CCTHITA and are encouraged to attend or participate actively in at least one CCTHITA meeting or seminar each year in addition to Executive Council and committee meetings.

## **XXIX. Political Stances**

The purpose of this policy is to make it clear that the strength and wisdom of each member of the Executive Council as an ambassador of the CCTHITA is best effected by active participation in meetings and public forums where Indian and Alaska Native issues are being discussed. This policy emphasizes the providing of the opportunity to participate while outlining conditions of participation.

- A. When the Tribal Assembly of the Central Council is not in session the Executive Council whether assembled or not shall possess all of the powers of the Central Council and shall be able to do all things and take all actions which the Tribal Assembly of the Central Council could without limitation.
- B. The fact that Executive Council members are from different geographical locations from Tlingit and Haida communities provides an important perspective on most Indian/Alaska Native issues.
- C. The Executive Council must from time-to-time take a position on important Indian and Alaska Native issues.

- D. It is important for the Tribe to retain a participatory role in meetings where national, state-wide, regional or local policies on Tribal issues are being discussed and made.
- E. It is in the interests of the CCTHITA that the Executive Council remain strong politically and takes positive steps to understand political trends.

**XXX. General Principles**

It is important and helpful for Executive Council members to have general guidelines to follow or refer to as they represent the Tribe and its citizens in meetings, forums and hearings. It is not the intent of this policy to dictate what must be said or how to say it; rather, the principles outlined below set some general standards of participation while reminding each member of standing policies.

- A. A Tribal Assembly action on a policy issue, or an Executive Council action on a policy issue when the Tribal Assembly is not in session, is the official position of the Tribe on that particular issue. All statements or votes, in meetings where an Executive Council member has a vote, must be in support of or complements that position.
- B. It is a reasonable expectation for an Executive Council member representing the Tribe to know the position of the Executive Council or, in not knowing, consult with the Executive Council through a meeting or a teleconference meeting, before making official statements on topics and issues of importance.
- C. Whenever possible or practicable, the Executive Council shall represent the Tribe, or, when in the interests of the Tribe, the Executive Council may approve a resolution appointing an individual to represent the Tribe. At a minimum, the President of the Tribe will make a letter or similar writing of appointment for the member in advance of participation.
- D. The Executive Council shall provide testimony to public hearings, or in the instance another is appointed by the Executive Council to represent the Tribe, he/she will work cooperatively with the Tribal administration who will be writing the testimony.

**XXXI. Consultation and Advice**

The Constitution Article VII Section 1.h. authorizes the Executive Council to engage with outside entities to further the interests of the Tribe. The Executive Council shall determine such representation upon the recommendation of the President or any member of the Executive Council.

- A. All recommendations to participate should be put in the form of a recommendation stating:
  - 1. Why it is important for the Tribe to participate;
  - 2. Who should attend;
  - 3. Whether travel is required or a written submission is sufficient; and
  - 4. The content of oral and written testimony.
- B. Every effort will be made to have recommendations to participate in a conference, meeting, hearing or public forum on the agenda of a regularly scheduled meeting of the Executive Council.

- C. Where notice of a meeting requiring travel is insufficient to place on the agenda of the next regular meeting, every effort will be made to conduct a teleconference on the recommendation.
- D. In the event it is not possible to decide at a regular meeting nor through a teleconference meeting, a poll will be taken of each Executive Council member asking for their vote: for or against.

**XXXII. Appointment Process**

The President has the authority to appoint and notify the Executive Council of such appointments. For the purpose of this policy the method of appointment adopted by the Executive Council shall provide for broad participation of Executive Council members in hearings, meetings, boards, commissions, committees, and Native organization boards and councils that promote the Tribe's interests.

- A. The process of appointment following an election of the Executive Council shall be as follows:
  - 1. Executive Council members shall indicate their interest in participating.
  - 2. If there are only as many people interested in participating as there are no positions open for participation, those members are selected without objection.
  - 3. Should there be more members interested in participating than there are positions available, the Executive Council will reach a consensual and mutual agreement.

**XXXIII. Parameters of Participation**

It is generally understood and accepted that Executive Council members selected to represent the Tribe in hearings, meetings and conferences are encouraged to speak, including their own personal feelings and convictions provided they are not in conflict with tribal policies or positions. This includes: making personal statements on a topic; voting within a group on a topic; voting for an individual within a group who will be designated to carry out additional duties after the meeting; or statements to the public media.

**Exceptions are:**

- A. When speaking or voting is contrary to resolutions or policies adopted by the Tribal Assembly and/or the Executive Council in a regular or special meeting;
- B. Comments are contrary to the dignitary and decorum expected of the Tribe and its people;
- C. Comments, statement or voting obligates money and/or other resources of the Tribe that were not authorized by the Tribal Assembly or Executive Council; and/or
- D. Comments or voting purposely alienate the Tribe from its friends and allies.
- E. Executive Council members are not allowed to use their position or status for endorsements for self-dealing purposes, other than in resumes or biographies, without approval of all Executive Council members.

#### **XXXIV. Reports and Reporting**

The reporting of activities of a participating Executive Council member to the President, the Executive Council or the Tribal Assembly is encouraged. An agenda item may be included on the agenda of the next Executive Council meeting to provide time for a verbal report.

Any written reports may be disseminated by Tribal administration at the request of the participant, the Executive Council or the President. Every effort will be made to minimize the cost of dissemination. All requests for dissemination shall specify whom the information should be disseminated to, including:

- A. Other Executive Council members;
- B. Delegates;
- C. Other Tribal leaders in the region, state or nation;
- D. Native corporations in the region or state; or
- E. The Tribe's official mailing list.

Without specific directions it is assumed that dissemination is meant only to the Executive Council and Delegates.

#### **XXXV. Costs Associated with Participation**

All costs associated with participation (travel, per diem, local transportation, and registration fees) will be paid for, in advance (where practicable), by the Tribal administration. The Office of the President will make any reimbursements to expenses within one week of receipt of an expense report. All travel and related expenses will be governed by the Tribe's travel policies.

Any expenses of a personal nature, above and beyond the participation in the official activity, are the total responsibility of the participant. This includes, but is not limited to: extra hotel days, extra living expenses, extra travel costs, fees for changing flight plans, local transportation, telephone, etc.

***Note: The Executive Council reviews these guidelines annually and reserves the right to amend by an affirmative, majority vote at any time.***