

# Catawba Indian Nation Oversight Committee

## By-Laws

“Liberty and equality...will be best attained when all persons alike share in the government to the utmost”  
Aristotle

### **Mission Statement**

The Oversight Committee will address fundamental issues relating to Catawba Indian Nation Government to help ensure that no one individual or single government entity can operate outside the law or the will of the people.

### **Article I**

#### **Name of Committee**

The name of this committee shall be “The Catawba Indian Nation Oversight Committee”. The principal office of this committee is to be located at 996 Avenue of the Nations, Rock Hill, SC 29730. The Catawba Indian Nation Oversight Committee was created on October 23, 2010 by the Catawba Indian Nation General Council while in session, with a quorum present, and its formation was approved by a majority vote of the Catawba Indian Nation General Council.

### **Article II**

#### **Committee Purposes and Duties**

- A. To support the Constitution and valid laws of the Catawba Indian Nation;
- B. To propose and provide checks and balances by examining significant documents and actions of any and all economic, executive, legislative, judicial (if instituted), and other governmental, or business entities of the Catawba Indian Nation;
- C. To help prevent abuse of power, misuse of finances, misuse of governmental powers, misappropriation of benefits and funds awarded to the Tribe. The Committee will specifically monitor actions significantly affecting the Catawba Indian Nation taken by any persons and any other entities that now, or may in the future, use the Catawba Indian Nation’s name and/or receive funding from, or on behalf of, the Catawba Indian Nation;
- D. To exercise, for the benefit and protection of the Catawba Indian Nation, the right to review income statements, balance sheets, audits, budgets, budget reports, tax statements, program reports and/or other financial documents, including but not limited to, documents regarding travel expenditures, expenses, and other similar expenditures, by any department, officer, business, enterprise, department director or other entity of the Catawba Indian Nation;
- E. To review draft and final documents substantially affecting the rights, laws and duties of the Catawba Indian Nation, prior to submission to the General Council, to help inform and advise the Executive Committee and the General Council’s decisions and to help detect errors or conflicts with other existing laws, policies, procedures or priorities of the Catawba Indian Nation;
- F. To mediate appropriate disputes to minimize the need to use General Council time for resolving disputes;
- G. To provide a forum for member and employee complaints and for members and employees to seek mediation of disputes after following the appropriate line of authority/chain of command;
- H. To help ensure that when tribal audits are done and irregularities are found, that they are addressed properly, including potentially bringing such irregularities to the attention of the Executive Committee and/or the General Council;
- I. To have regular monthly meetings with the Executive Committee, as directed by the General Council by resolution (see attached appendix A);
- J. Coordinate Special General Council meetings with Executive Committee and call General Council meetings to the extent the Constitution, as it may be amended from time to time, allows. In order to

demand a Special General Council meeting be held, the Oversight Committee must first seek, and allow a reasonable time for, a meeting with the Executive Committee in order to address the unresolved issue proposed for presentation to the General Council. If after meeting with the Executive Committee, the Oversight Committee believes a Special General Council meeting is necessary to address the unresolved issue, the Oversight Committee must request the Executive Committee to call a Special General Council meeting. If the Executive Committee does not adopt a schedule for such a meeting within 5 business days of the request by the Oversight Committee, the Oversight Committee may schedule a Special General Council meeting, to be held within the next 30 days. The Executive Committee is required to conduct the meeting. In the event that the Executive Committee fails in its duty to conduct the meeting, the Oversight Committee is required to conduct the meeting;

- K. Review reports identified in Article II Section D, as a means of providing feedback to the Tribal government regarding finances of the Catawba Indian Nation. Upon review of the aforementioned documents, in situations which raise an issue or issues of concern to the Oversight Committee, the Committee is required to present the issues to the Executive Committee for its consideration prior to raising the matter before General Council;
- L. Serve as a means of mediation between the Executive Committee and General Council as well as any other internal dispute of the Catawba Indian Nation where any party seeks mediation by the Committee. The decision to mediate shall be at the discretion of the Committee. Mediation shall be non-binding. The Committee shall serve as a peacemaker (not a court), attempting to help disputing parties come to a resolution before disputes progress to General Council or other appropriate decision maker;
- M. Propose Executive Committee initial Compensation and benefit packages and methodologies for allowing appropriate adjustments;
- N. Support principals of separation and independence of government branches (legislative, executive and judicial);
- O. Propose appropriate reporting requirements for government officials and agencies (including activity and financial reports);
- P. Promote strong civil rights protection;
- Q. Present petitions, after validated by the Catawba Election Committee, to the General Council in an unbiased manner, which allows timely, fair and efficient consideration of petitions. The Committee will act as a basic fact finder on behalf of the General Council who will be the ultimate fact finder in such disputes. The Committee will propose more detailed procedures for adoption, if appropriate;
- R. Propose more detailed recall procedures for consideration by the General Council that allow government officials to be removed from office, which procedures shall include, but not be limited to, bringing the matter before the Executive Committee and mediating disputes before recall is ever presented to the General Council. The recall procedures shall also then allow any person with a complaint go to the Oversight Committee with their concern. The Oversight Committee shall investigate the claims. If there is a reasonable possibility of validity, the accuser will then be allowed to go forward with the petition. The petition shall then be presented to the Election Committee, who shall confirm or reject the petition signatures consistent with its by-laws. Then the Oversight Committee shall present the Petition to the General Council on a standardized petition form. Each petition shall have a unique case number assigned by which it may be identified;
- S. Promote Sunlight/Sunshine and Open Government laws that allow appropriate General Council, Oversight Committee and Catawba public reasonable access to government information. This shall include proposing additional Sunlight/Sunshine laws for adoption by the General Council;
- T. Consider, and do detailed review of draft by-laws and other draft governing documents of different committees and give feed back to Executive Committee and General Council;
- U. Seek regularly scheduled meetings with the Executive Committee;

- V. Review Executive Committee Resolutions, General Council Resolutions, Committee By-Laws and other proposed policy documents of the Nation to help ensure the decisions of the General Council are not contradicted. The Oversight Committee shall be responsible for documenting the votes of the General Council in Resolution form within 10 days after General Council vote, which shall be kept by the Secretary in chronological order book or notebook form and shall be reasonably available for Catawba public review. The person requesting any vote of the General Council shall verify the accuracy of any paper documenting a resolution adopted by the General Council by signing a copy of the document in the presence of the Secretary to certify its accuracy during the General Council meeting;
- W. Have regularly scheduled, publicly noticed Community Forum/Town Hall meetings the third Wednesday of every month, unless the public is otherwise notified, and emergency meetings as the General Council deems necessary;
- X. Pursue actions necessary to enforce any and all actions taken by majority vote of the General Council against elected or appointed officials, limited to trespassing notices. Such action will only be taken by majority vote of the Committee. Implementation shall be the responsibility of the Chairperson and Vice Chairperson;
- Y. To help ensure that all powers vested in the General Council by the Nation's constitution are enforced;
- Z. Perform any and all other duties lawfully assigned by the Catawba Indian Nation General Council;
- AA. The Oversight Committee has access to all documents of the Catawba Indian Nation not involving private information whose confidentiality is necessary for safety or security reasons, or otherwise required by law. For this reason, Committee members shall sign a confidentiality agreement protecting the private confidential tribal information.

**Article III  
Committee Powers**

- A. To address the General Council at each and every meeting regarding Oversight Committee purposes and duties for a reasonable period of time;
- B. To meet with the Executive Committee at least monthly;
- C. To mediate disputes between the Executive Committee and the General Council;
- D. To mediate any dispute in Catawba Indian Country if requested to do so by the parties;
- E. To review all documents of the Nation identified in these By-Laws;
- F. To institute these procedures and trespass individuals from the Nation, consistent with law and the policies of the Nation;
- G. To be involved in the audit process to fulfill its oversight role;
- H. To present validated petitions to the General Council and demand reasonable procedures to ensure petitions receive reasonable and timely consideration;
- I. To propose appropriate policies and procedures to the General Council as discussed in these By-Laws' purposes and duties section; and
- J. All powers reasonably necessary to implement the purposes and duties of these By-Laws, which do not replace, duplicate or supplant the powers of the Executive Committee or powers of the General Council.

**Article IV  
Composition**

**Section 1:** There shall be seven (7) members of the Catawba Indian Nation Oversight Committee.

**Section 2:** The committee shall be composed of enrolled Catawba Indian Nation tribal members of eligible voting age (18 years of age or older).

**Section 3:** Members of the Oversight Committee shall not be members of the Executive Committee or immediate family members of the Executive Committee. Immediate Family includes any person related by blood or adoption in the first degree. It shall include husband, wife, son, daughter, father, mother, brother, and sister relationships and any other legal dependent. It shall also include relations by marriage.

**Section 4:** Members who serve on this committee must live within the Catawba Indian Nation Service Areas.

**Section 5:** All members should be prepared to make diligent efforts to attend all Oversight Committee and General Council Meetings.

## **Article V**

### **Election and Terms of Office**

**Section 1:** Members of the Catawba Indian Nation Oversight Committee shall be elected by the General Council while in session at a regular scheduled or specially called meeting.

**Section 2:** The term of each member of the Catawba Indian Nation Oversight Committee shall begin at the first officially called Oversight Committee meeting held after his/her election.

**Section 3:** The Catawba Indian Nation Oversight Committee Officers, including the Chairman, Vice-Chairman, and Secretary, serve four (4) year terms and are eligible for re-appointment by the General Council.

**Section 4:** The terms of the Committee members of the Catawba Indian Nation Oversight Committee shall be for a term of three (3) years and are eligible for re-appointment by the General Council.

## **Article VI**

### **Vacancies and Removals**

**Section 1: Vacancies.** In case of vacancies occurring on the Catawba Indian Nation Oversight Committee for any cause other than the unexpired term of such vacancy shall be filled by a majority vote at next called General Council Meeting or specially called General Council Meeting.

**Section 2: Removals.** Grounds for removal of any member of the Oversight Committee include gross misconduct, not upholding the confidentiality oath or gross neglect of duty. Such member may be removed from the Oversight Committee by a finding of such grounds by majority vote of Committee members, subject to approval by the General Council at the next regularly or specially called meeting of the General Council.

## **Article VII**

### **Meetings**

Meetings of the Catawba Indian Nation Oversight Committee shall generally be held at the Catawba Indian Nation principal office and will occur as designated by the Chairman of the Oversight Committee or his/her designee. All members shall sign a confidentiality statement in order to receive full disclosure.

**Failure to attend meetings:** If a member of the Oversight Committee fails to attend three (3) consecutive regularly scheduled Committee meetings, without good cause, including illness or other cause beyond the control of the committee member, the Oversight Committee may, by majority vote, with the final approval of the General Council, declare the office held by the absent committee member vacant.

## **Article VIII**

### **Notification of Meetings**

The Secretary, within 5 business days after being notified by the Chairperson or Vice Chairperson of the Oversight Committee, is responsible for notifying the members of the date, time and the place of meetings, whether regular or special called meetings. The Secretary shall also post Notification of the meetings at the Nation's headquarters in an easily observed area and, at least with respect to Community Forum/Town Hall meetings, mail notice to all eligible voting members of the Nation.

A majority of the committee members shall have the authority to call a specially called meeting. The same notification process for regularly scheduled meetings stated above will be followed for such meetings.

## **Article IX**

### **Quorum**

A quorum shall be necessary for the transaction of any business at any meeting. A quorum of the Catawba Indian Nation Oversight Committee shall consist of at least five (5) members.

## **Article X**

### **Organization**

The Catawba Indian Nation Oversight Committee shall appoint from its members a Chairperson, Vice-Chairperson and Secretary. The organization and chain of command of the Oversight Committee is as follows:

The Chairperson, and in his/her absence the Vice-chairperson and in his/her absence the Secretary and his/her absence a designee by a majority vote of the Oversight Committee members.

**Article XI**

**Implementation**

These By-Laws shall be implemented as by-laws of the Oversight Committee to the Catawba Indian Nation, consistent with the Catawba Indian Nation Constitution, and consistent with the majority vote of the General Council which acted upon on October 23, 2010.

**Article XII**

**Adoption and Amendments**

The initial By-Laws shall be adopted by a majority vote of the General Council at a special or regularly scheduled meeting. The By-Laws may be amended by a majority vote of the General Council at a regularly or specially called meeting.

**The Catawba Indian Nation Oversight Committee hereby adopted the foregoing By-Laws on \_\_\_\_\_, 20\_\_ by a majority voter of \_\_\_Yes \_\_\_No and \_\_\_Abstain to be presented to the General Council at the next scheduled meeting for final approval.**

\_\_\_\_\_  
**Chairman, Jackie Canty**

\_\_\_\_\_  
**Vice Chairman, Brian Harris**

\_\_\_\_\_  
**Rod Beck, Committee Member**

\_\_\_\_\_  
**Doniece Bagley, Committee Member**

\_\_\_\_\_  
**Leigh Anne Bickett, Committee Member Denise Nichols, Committee Member**

\_\_\_\_\_  
**Karen Beck-Lyner, Secretary**

**The Catawba Indian Nation General Council hereby adopted the Oversight Committee By-Laws on \_\_\_\_\_ of 20\_\_ by a majority vote of \_\_\_Yes \_\_\_No and \_\_\_Abstain. This vote is certified by the Catawba Indian Nation Secretary/Treasurer.**

\_\_\_\_\_  
**Jason Harris, Secretary/Treasurer**

**APPENDIX A**

**General Council Resolution No. \_\_\_\_\_**

**WHEREAS the General Council is the highest governing body of the Catawba Indian Nation (the “Nation”); and**

**WHEREAS it is the desire of the General Council to provide oversight to the governmental and business activities of the Nation; and**

**WHEREAS the General Council has formed an Oversight Committee to further such purposes;**

**THEREFORE BE IT RESOLVED that the Oversight Committee and Executive Committee are hereby directed to meet at least one time per month in order to further the aforementioned goals of the Nation.**

**The Catawba Indian Nation General Council hereby adopted the Oversight Committee By-Laws on \_\_\_\_\_ of 20\_\_ by a majority vote of \_\_\_Yes \_\_\_No and \_\_\_Abstain. This vote is certified by the Catawba Indian Nation Secretary/Treasurer.**

\_\_\_\_\_  
**Jason Harris, Secretary/Treasurer**

[Standard certification and vote language of the Nation will be provided used for final.]