

Catawba Indian Nation Oversight Committee Bylaws

“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 the 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 the 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. The Bylaws of the Oversight Committee were adopted by a Resolution of the General Council on October 23, 2010.

Article II Committee Purposes and Duties

- A. To uphold 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 any other governmental, or business entities of the Catawba Indian Nation;
- C. To help prevent the 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 of 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 citizen complaints to seek mediation of disputes;

- 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 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. 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;
- K. 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. 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;
- L. Propose Executive Committee initial Compensation and benefit packages and methodologies for allowing appropriate adjustments;
- M. Support principals of separation and independence of government branches (legislative, executive and judicial);
- N. Propose appropriate reporting requirements for government officials and agencies (including activity and financial reports);
- O. Promote strong civil rights protection;
- P. 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;
- Q. Consider, and do detailed review of draft bylaws and other draft governing documents of different committees and give feedback to Executive Committee and General Council;
- R. Review Executive Committee Resolutions, General Council Resolutions, Committee Bylaws 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 accurately transcribing the substance of 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;
- S. 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;
- T. Pursue actions necessary to enforce any and all valid actions taken by majority vote of the General Council against elected officials, limited to taking actions to prohibit the elected official from occupying his/her office or serving in office, including requiring the return of all Tribal property. Such action will only be taken by majority vote of the Committee. Implementation shall be the responsibility of the Chairperson and Vice Chairperson;
- U. To help ensure that all powers vested in the General Council by the Nation's Constitution are enforced;

- V. Perform any and all other duties lawfully assigned by the Catawba Indian Nation General Council; and
- W. 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 the Catawba Indian nation if requested to do so by the parties;
- E. To review documents of the Nation identified in these Bylaws as requested and directed by the General Council;
- F. To review all executed final contracts, agreements, and documents (in either hard copy or electronic format) that concern contracts and agreements, including gaming contracts, where the value of the contract is above \$750,000. For newly executed contracts meeting this criteria, notice shall be provided to the Oversight Committee within 30 days by the secretaries of the entities signing the agreement. This doesn't include information that is deemed confidential information including, but not limited to, documents protected by attorney-client privilege or documents that involve trade secrets. The purpose of this review is to help ensure that the decision of the General Council is not contradicted. If the Oversight Committee has questions regarding any agreement it reviews, the Nation's Legal Department and/or the Executive Committee shall meet with the Committee within 10 days to discuss the Committee's questions. If the document requested is considered confidential by the Executive Committee, it shall issue the Oversight Committee a written explanation including the specific information that is confidential, and any applicable rules prohibiting its disclosure;
- G. To review audits and present any findings to the General Council in the event the secretary/treasurer fails to do so;
- 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 Article II; and
- J. All powers reasonably necessary to implement the purposes and duties of these Bylaws, which do not replace, duplicate, or supplant the powers of the Executive Committee or powers of the General Council.

Article IV Composition and Qualifications

Section 1: There shall be nine (9) members of the Catawba Indian Nation Oversight Committee to include two alternates with voting rights only in the event a quorum is not met.

Section 2: The Committee shall be composed of enrolled citizens of the Catawba Indian Nation of eligible voting age (18 years of age or older) who meet the following qualifications:

- a) Be nominated by a General Council member either in person or virtually at a Special or Regular General Council meeting;
- b) Not have been convicted within the last 10 years of a crime subject to imprisonment for a term of one (1) year or longer, except those crimes determined by the Election Committee that relate to the furtherance of the Nation's sovereignty and rights, or not have been convicted within the last 10 years of a crime involving dishonesty or violence;
- c) Pass a hair drug screening test administered by the Election Committee in which the test identifies no drug illegal under the laws of South Carolina and the Catawba Nation for which the Nominee lacks a prescription for from a licensed medical professional;
- d) Be able to receive a gaming license issued by the Catawba Indian Nation Gaming Commission;
- e) Not sit on other Tribal boards or committees; and
- f) Not be a candidate for elected office or a sitting judge on any of the Tribe's courts.

Section 3: The members of the Oversight Committee shall disqualify themselves and withdraw from any and all functions of their position during any process in which a conflict of interest arises. Such members shall resume their duties only when there is no longer a conflict of interest. The Oversight Committee shall have the authority, by majority vote, to disqualify any of its members in the event they continue to function in a conflict-of-interest situation. No Committee member shall participate in any discussion, action, or vote on any matter in which he or she or a member of his or her immediate family has a potential conflict of interest due to having material economic involvement regarding the matter being discussed or otherwise being addressed. When such a situation presents itself, the Committee member must announce his or her potential conflict, disqualify himself or herself, and be excused from the meeting or other relevant activity until discussion is over on the matter involved or otherwise recuse him or herself from the matter. All Committee members are expected to make inquiry if such conflict appears to exist and a Committee member has not made it known. A conflict of interest shall include but not be limited to overseeing, adjudicating or deciding any matter in which the Committee member's ability to act without bias is affected. A matter shall be deemed a conflict of interest where the matter at issue would directly affect a Committee member's immediate family, or personal or business interest, except where such matter or interest is one that is held in common with all Citizens of the Nation and affects all Citizens directly in essentially the same manner.

Section 4: Members who serve on this Committee may reside anywhere and do not need to reside on the Catawba Nation's Reservation.

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

Section 6: Virtual meetings are allowed for the Committee meetings as well as for the monthly town forums.

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 the 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 Special Called Meetings

The Secretary, within five (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 special called town hall meetings. The Secretary shall also post notification of the special town hall meetings at the Nation's headquarters in an easily observed area and mail notice to all eligible voting members of the Nation within the service area. 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 Bylaws shall be implemented as the Bylaws 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 Bylaws shall be adopted by a majority vote of the General Council at a special or regularly scheduled meeting. The Bylaws may be amended by a majority vote of the General Council at a regularly or specially called meeting.