

RESOLUTION 23-R-40

IOWA TRIBE OF KANSAS AND NEBRASKA
EXECUTIVE COMMITTEE
October 18, 2023

- WHEREAS,** The Iowa Executive Committee being duly organized met in Special Session this 18 day of October, 2023; and,
- WHEREAS,** The Iowa Tribe Executive Committee has authority to act for the Iowa Tribe under the present Constitutional authority as provided in Sec. 1.a., Article V - Powers; and,
- WHEREAS,** The Iowa Tribe of Kansas and Nebraska being organized and empowered by their Constitution and Bylaws (approved November 6, 1978, and amended August 27, 1980); and,
- WHEREAS,** The Iowa Tribe of Kansas and Nebraska Constitution and Bylaws enshrines access to certain government documents as a constitutional right;
- WHEREAS,** The Iowa Tribe of Kansas and Nebraska Executive Committee supports members' right to civic engagement through understanding government decisions; and
- WHEREAS,** The Iowa Tribe of Kansas and Nebraska is creating stronger community engagement and governance processes by formalizing policies and procedures through the Áta 2030 visioning process;

NOW THEREFORE BE IT RESOLVED, that the undersigned Tribal Council does hereby adopt the Freedom of Information Request Policy set forth in Attachment A.

CERTIFICATION

The foregoing Resolution was duly adopted this date, October 18, 2023, in a Special Session of the Executive Committee, at which ___ members of the Committee were present, constituting a quorum, by a vote of ___ for, ___ against. Chairman abstained.

Timothy N. Rhodd, Chairman
Iowa Tribe Executive Committee

ATTEST:

Anthony G. Fee, Secretary
Iowa Tribe Executive Committee

Attachment A

IOWA TRIBE OF KANSAS AND NEBRASKA
FREEDOM OF INFORMATION REQUEST POLICY

Section 1: Purpose

The Executive Committee of the Iowa Tribe of Kansas and Nebraska finds that it is vital that Tribal business be performed in an open and public manner. To this end, this policy must be construed to allow Tribal Members access to certain Tribal Records.

Section 2: Definitions

For the purposes of this Policy:

- A. "Agenda" means the order of business for meetings of the General Council compiled in advance by the Executive Committee.
- B. "Executive Committee" means the five (5) member elected governing body of the Tribe as defined in the ITKN Constitution Article IV Section 2.
- C. "General Council" means all enrolled members who are at least eighteen (18) years old as defined in the ITKN Constitution Article IV Section 1.
- D. "Honorary Tribal Member" means an individual with the title of "honorary tribal member" as defined in the ITKN Constitution Article II Section 4.
- E. "Member of the Executive Committee" means an individual serving on the five (5) member elected governing body of the Tribe as defined in the ITKN Constitution Article IV Section 2 Chairman, Vice-Chairman, Secretary, Treasurer, and member.
- F. "Motion" means the language of decisions of a temporary nature or relating to individuals, officials, or committees noted in the minutes of committee deliberations as defined in Article VIII Section 2 of the ITKN Constitution. Motion does not include the identity of the individual who offered the motion, seconded the motion, any related discussion, voting outcome, nor the minutes broadly.
- G. "Non-Tribal Member" means an individual who is neither a Tribal Member nor an Honorary Tribal Member.
- H. "Ordinance" means all final decisions on matters of general and permanent interest to members of the Tribe as defined in Article VIII Section 1 of the ITKN Constitution.
- I. "Quorum" means thirty members of the General Council present for business meetings. Or three (3) members of the Executive Committee present for meetings.
- J. "Resolution" means all final decisions on matters of short-term or one-time interest where a formal expression is needed as defined in Article VIII Section 3 of the ITKN Constitution.
- K. "Tribal Employee" means an individual as defined in Article XI Section 6 of the ITKN Constitution.
- L. "Tribal Member" means any duly enrolled member of the Tribe.
- M. "Tribe" means the Iowa Tribe of Kansas and Nebraska.

Section 3: Right to Inspect Tribal Records

A. Right to Inspect /Access Tribal Records

1. Tribal Members shall have the right to access Tribal Records in accordance with this Policy. Tribal Records include but are not limited to: agendas, minutes, motions, resolutions, and ordinances of the General Council, Executive Committee, and Boards and Committees formed by resolution of the Executive Committee.
2. Records available to Tribal Members under this Policy, may be reviewed on site.
3. Any reproduction, recording, copying, or duplication of Tribal Records is strictly prohibited; Tribal Employees may forbid the use of writing utensils, cell phones, and other electronic devices in areas where Tribal Records are stored or reviewed by Tribal Members.

B. Written Request

1. Requests shall be made to Tribal Administrator and Secretary of Executive Committee during regular business hours on an approved form.

C. Determinations & Timely Response

1. The Executive Committee or a duly appointed officer shall examine each properly submitted written request for inspection of Tribal Records enumeration in Section 4 (F) of this Policy and shall:
 - a. Approve such request and provide access to requested materials within forty-five (45) business days from the date of receipt of the request; or
 - b. Deny such request and provide rationale for denial of such request within forty-five (45) business days from the date of receipt of the request.
2. The Executive Committee or a duly appointed officer, shall examine each properly submitted written request for inspection of Tribal Records enumeration in Section 4 (G) of this Policy and shall follow a vote regarding the same:
 - a. Approve such request and provide requested copies of Tribal Records within ninety (90) business days from the date of receipt of the request; or
 - b. Deny such request and provide rationale, at its discretion, for denial of such request within ninety (90) business days from the date of receipt of the request.

D. Standard document request

The following tribal records are available to Tribal members upon receipt of written request for inspection during normal office hours. Office hours are contingent upon availability of EC or their designee during inspection to ensure there is no reproduction of documents.

1. Ordinances
2. Motions of the Executive Committee
3. Motions of the General Council
4. Resolutions

E. Records available upon approved written request:

1. Minutes of the Executive Committee
2. Minutes of the General Council
3. Minutes of Boards and Committees established by Resolution

4. Agendas of the Executive Committee
5. Agendas of the General Council
6. Agendas of Boards and Committees established by Resolution

F. Records available on a case-by-case basis:

1. Tribal Members may make a written request for Tribal Records which are not enumerated in Section 4 (E, F) subject to the limitations of Section 5 unless it conflicts with the ITKN Constitution, in which case, the ITKN Constitution prevails.
 - a. Procedure for submitting requests:
 - i. Tribal Members seeking to request Tribal Records on a case-by-case basis may submit a written request using the authorized form.
 - b. Executive Committee response
 - i. Decisions of the Executive Committee regarding releasing records shall be final.

Section 4: Matters Exempt from Disclosure

A. Executive Committee maintains discretion to exempt from disclosure:

1. Trade Secrets
2. Personal Information
3. Personnel Information
4. Law enforcement information
 - a. Protected identifiers
 - b. Ongoing or future law enforcement activities
2. Matters exempted by tribal law.
3. Governmental records furnished by and exempted by another government that the Tribe complies with out of comity.
4. Proposed contractual agreement documents.
 - a. Sales of property/real estate
 - b. Confidential proprietary information related to economic development and contract negotiations.
5. Privileged attorney-client information
6. Records subject to physician-patient privilege, the psychologist-patient privilege, or another privilege.
7. Certain internal memoranda and correspondence
8. Fiduciary matters
9. Security matters
10. Matters that might jeopardize the function of the tribal government or tribal entity.

G. Exempt material intermingled with non-exempt material.

1. The Executive Committee may determine that certain material intermingled with exempt material may not be available for disclosure or may only be available in a redacted format at its discretion.

H. Inappropriate disclosure and possession of Tribal Records

1. Where exempt information is disclosed not in accordance with this Policy, such disclosure shall be immediately reported to the Tribal Administrator and such material shall be returned expeditiously.