

Tribal Council Hearing Procedures

Purpose: To provide hearing procedures for a fair and just hearing.

As follows are the hearing procedures:

- A. All documents intended to be used by the parties during the hearing must be submitted to the Legislative Office/Manager two (2) days prior to the start of the hearing.
- B. A list of witnesses intended to be call by the parties during the hearing must be submitted to the Legislative Office/Manager two (2) days prior to the start of the hearing
- C. Any settlement agreements between the parties shall be received by the Legislative Office/Manager at least one (1) day prior to the hearing date. The agreement must be in writing signed by the parties.
- D. All documents received by the Legislative Office/Manager from a party shall be submitted to all parties and members of the Tribal Council.
- E. Hearings shall be conducted in a fair and orderly manner.
- F. The hearing shall be held in open session, and may be closed for portion of the hearing that contain information on personnel, litigation, confidential business or legal matters or matters that raise significant privacy or confidentiality concerns.
- G. The hearing is not governed by formal rules of evidence or by trial-like procedures. The procedures are those used by reasonable persons conducting a serious proceeding. The Legislative Leader or designee rules on all procedural questions.
- H. Each side has an opportunity to presents its side of the case.
- I. Members of Tribal Council may ask questions of the parties or witnesses. Tribal Council shall not be called as witnesses unless the requesting party presents sufficient credible evidence to show a reasonable person would believe that such person has relevant, material, first-hand knowledge that is not merely repetitious of knowledge possessed by others.
- J. Parties may have legal counsel present during the hearing but shall not speak on the behalf of the party.
- K. The Legislative Leader or designee may terminate a party's right to address the panel if the party becomes abusive or persists in presenting irrelevant evidence or information.

L. If either party fails to appear, the hearing will continue as if the absent party were present.

M. If any members of the Tribal Council are absent, the hearing will continue and the absent Tribal Council member(s) will not deliberate or influence the decision of the remaining Tribal Council members.

N. Immediately after the hearing, the Tribal Council will deliberate and render a decision by simple majority based on a preponderance of the evidence.

O. The Legislative Leader or designee will send the written findings and recommendations to the parties, Appropriate Authority or entity in accordance with the applicable Rules or Laws.

These Procedures were approved by Tribal Council on _____

Regina Gasco Bentley, Tribal Council Secretary

Date