

NINTH LEGISLATURE  
OF THE  
CHEYENNE AND ARAPAHO TRIBES  
REGULAR SESSION  
JANUARY 14, 2022  
LCR, CONCHO, OK

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**RESOLUTION:** A Bill to Create the Cheyenne and Arapaho Tribes Open Meetings Act

**RESOLUTION NO:** 9L-RS-2023-01-001

**DATE INTRODUCED:** December 12, 2022

**SPONSOR:** Travis Ruiz, A3 District

**CO-SPONSOR:**

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**SUBJECT:** A Bill to Create the Cheyenne and Arapaho Tribes Open Meetings Act.

**WHEREAS:** The Cheyenne and Arapaho Tribes are duly recognized by the United States Secretary of the Interior as a self-governing, Sovereign Nation, that is a federally recognized Indian Tribe with all rights, privileges, and powers attended thereto as a sovereign government, and organized in accordance with Title 25 of the United States Code, Section 450, the “Indian Self-Determination and Education Assistance Act,” and Article XVII of the Tribe’s Constitution and By-Laws and Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), under an amended Constitution ratified on August, 2006 and approved by the Secretary of Interior on May 17, 2006; and

**WHEREAS:** Article VI, Section 5(a) of the Constitution provides that the Legislative power shall be vested in the Legislature; and

**WHEREAS:** Article VI, Section 5(a) of the Constitution grants the Legislature the power to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes; and

**WHEREAS:** The Ninth Legislature of the Cheyenne and Arapaho Tribes recognizes that a representative government is dependent upon an informed constituency; and

**WHEREAS:** The Ninth Legislature of the Cheyenne and Arapaho Tribes encourages citizens to exercise their privilege of attending and speaking at open meetings; and

**NOW THEREFORE BE IT RESOLVED,** that the Ninth Legislature of the Cheyenne and Arapaho Tribes states that the Cheyenne and Arapaho Tribes Open Meetings Act shall be cited as 2 CAC §2.200 in order to conform to the Codification Act.

**BE IT FURTHER RESOLVED**, that the Ninth Legislature of the Cheyenne and Arapaho Tribes, pursuant to its Constitutional authority, adopts the Bill to create the Cheyenne and Arapaho Tribes Open Meetings Act, as attached herewith.

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Travis Ruiz,  
Speaker of the Ninth Legislature  
Cheyenne and Arapaho Tribes



**CHEYENNE AND ARAPAHO TRIBAL CODE (CAC)**  
**TITLE 2 – CHEYENNE AND ARAPAHO TRIBES OPEN MEETINGS ACT**  
**SECTION 2.200 – ENACTED BY LEGISLATURE: January 14, 2022**  
**CITE AS: 2 CAC §2.200**

**SUBJECT**

This legislative act shall be codified as 2 CAC §2.200 – “Cheyenne and Arapaho Tribes Open Meetings Act”

**SUBSTANTIAL PROVISIONS**

The Legislature of the Cheyenne and Arapaho Tribes hereby amends and adopts the following CHEYENNE AND ARAPAHO TRIBES OPEN MEETINGS ACT.

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**CHAPTER 1: SHORT TITLE**

**§2.200 Short Title**

This act shall be known and may be cited as the “Cheyenne and Arapaho Tribes Open Meetings Act.”

**CHAPTER 2: AUTHORITY, FINDINGS, AND PURPOSES**

**§2.201 Authority**

- (a) The Cheyenne and Arapaho Tribes are duly recognized by the United States Secretary of the Interior as a self-governing, Sovereign Nation, that is a federally recognize Indian Tribe with all rights, privileges, and powers attended thereto as a sovereign government, and organized in accordance with Title 25 of the United States Code, Section 450, the “Indian

Self-Determination and Education Assistance Act,” and Article XVII of the Tribe’s Constitution and By-Laws and Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), under an amended Constitution ratified on April, 2006 and approved by the Secretary of Interior on May 17, 2006; and

- (b) Article VI, Section 5, subsection (a) of the Constitution grants that the Legislative power shall be vested in the Legislature; and
- (c) Article VI, Section 5, subsection (a) of the Constitution further grants that the Legislature shall have the power to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes; and
- (d) Article VI, Section 5, subsection (a) of the Constitution further grants that all actions by the Legislature shall be embodied in a written law or resolution; and
- (e) Article VI, Section 5, subsection (a) of the Constitution further grants that laws and resolutions which have been enacted shall remain valid until amended or repealed.

### **§2.202 Findings**

The Legislature of the Cheyenne and Arapaho Tribes finds that:

- (a) The Cheyenne and Arapaho Tribes is a representative government that is dependent upon an informed constituency.
- (b) The Cheyenne and Arapaho Tribes encourages citizens to exercise their privilege of attending and speaking at meetings of public bodies.
- (c) The Cheyenne and Arapaho Tribes are in need of laws establishing that all persons are entitled to the greatest possible information regarding the affairs of the Cheyenne and Arapaho Tribes and the official acts of the officials and employees who represent them.

### **§2.203 Purposes**

The purpose of this Act is to:

- (a) Ensure the Cheyenne and Arapaho Tribes governmental business is conducted in an open and public manner; and
- (b) Inform the constituency of the affairs of the Cheyenne and Arapaho Tribes, their elected governmental officials, and the governmental systems created via the Constitution of the Cheyenne and Arapaho Tribes.

## **CHAPTER 3: DEFINITIONS**

### **§2.204 Definitions**

The following words or terms shall have the following meaning when used in this Act unless the context clearly indicates otherwise:

- (a) “Constituent” means any person who is an enrolled citizen of the Cheyenne and Arapaho Tribes.
- (b) “General Public” means the people of the community as a whole.
- (c) “Meeting” means the official convening of members of a public body for the purpose of conducting public business. Meetings shall not apply to social meetings, attendance at meetings called by other public bodies, or to attendance at or travel to conventions or workshops of members of a public body, at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power. Meetings

also shall not apply to unofficial, casual or social meetings of Members of the Legislature, whether or not legislation is discussed, if there is no vote or official action taken regarding any matter over which the Legislature have supervision, control, jurisdiction, or advisory power.

1. “Regular meeting” means any meeting, which is held on a regular schedule such as a regular monthly meeting.
  2. “Special meeting” means any meeting, which is not a regular meeting, including but not limited to, any meeting, which must be called because of an emergency.
  3. “Emergency meeting” means any meeting in which the business at hand requires immediate action of the public body or there exists an imminent threat to public health and safety or a reasonably unforeseeable situation exists for which the time requirements for public notice of such a special meeting would make the usual notice requirement impractical.
  4. “Executive session” means those meetings or portions of meetings of the public bodies which constituents and the general public cannot attend.
- (d) “Public body” means any official entity that is required to conduct public business, and which performs a governmental function for the Cheyenne and Arapaho Tribes. A public body includes, but is not limited to:
1. Legislature of the Cheyenne and Arapaho Tribes;
  2. Committees created by the Constitution of the Cheyenne and Arapaho Tribes or by the Legislature of the Cheyenne and Arapaho Tribes;
  3. Commissions created by the Constitution of the Cheyenne and Arapaho Tribes or by the Legislature of the Cheyenne and Arapaho Tribes;
  4. Boards created by the Constitution of the Cheyenne and Arapaho Tribes or by the Legislature of the Cheyenne and Arapaho Tribes.

## **CHAPTER 4: MEETING AND SESSION REQUIREMENTS**

### **§2.205 Meetings; General**

Meetings of public bodies of the Cheyenne and Arapaho Tribes shall be conducted openly. Notices shall be handled in accordance with this Act. Any regular, special or emergency meeting of any public body for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body shall be subject to this Act.

- (a) All public bodies of the Cheyenne and Arapaho Tribes shall adopt by-laws for its internal governance which shall include rules for conducting meetings. Such rules shall not conflict with any provision of this Act. The Office of Records Management shall maintain an updated and accurate record of by-laws of the Cheyenne and Arapaho Tribes public bodies.
- (b) Regular meetings of public bodies of the Cheyenne and Arapaho Tribes shall be open to constituents and the general public, notices shall be provided for such meetings and be held for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body.
- (c) A member of the public shall not be required to register his or her name, provide other information, or complete any form or document as a precondition to attend a meeting.

- A voluntary registration form or other document may be circulated to members of the public who are present at a meeting.
- (d) Individuals who are in attendance of a meeting may be required to identify themselves as constituents or nonmembers of the Cheyenne and Arapaho Tribes.
  - (e) If a meeting is willfully interrupted by a person or persons and the public body cannot conduct an orderly meeting, the public body shall inform the person or persons that they will be removed from the meeting.
    - 1. If order cannot be restored after a warning, the public body may order that such person or persons, be removed from the meeting room and the meeting may continue.
    - 2. If there is further disturbance after such removal and order cannot be restored, then the meeting may be terminated.
    - 3. Any person or persons who are deemed disruptive at a meeting may be banned from attending future meetings for a period no longer than six months.
  - (f) All or any part of a meeting may be recorded by any person in attendance by means of a tape recorder, camera or other means of electronic reproduction, except as otherwise indicated by this Act. A public body may prohibit or restrict such recordings only if they actively interfere with the conduct of the meeting.
  - (g) The public body shall not take action on any matter not listed on the agenda. Public bodies shall make every reasonable effort to state agenda items with specificity pursuant to the information available at the time the agenda is initially published, and to update those agendas as additional information becomes available to the public body.

## **§2.206 Executive Sessions**

In the spirit of open meetings, public bodies shall limit their executive sessions to only those essential matters requiring confidentiality.

- (a) No executive session shall be held until the public body has first convened in an open session for which notice has been given.
- (b) A public body must advise all persons attending an executive session that all information provided during the executive session is confidential.
- (c) An executive session may be held once a majority of the members of the public body have voted in favor of entering into executive session. Executive sessions may be held only for the following purposes:
  - 1. *Personnel Matters.* Any matter relating to employment or appointment of an individual as a public officer including, but not limited to, the individual's employment history, medical history, financial or credit history, salary, promotion, demotion, discipline, dismissal or resignation.
  - 2. *Legal Advice.* Any discussion or consideration of sensitive legal advice including, but not limited to, proposed, pending or current litigation.
  - 3. *Criminal Matter.* Any matter relating to a current or future investigation or prosecution of a criminal offense, which would threaten effective law enforcement if disclosed.

4. *Real Property*. To consider the purchase, exchange, lease, or value of real property, if such discussions in an open meeting may have a detrimental effect on the negotiating position of the governmental body or its entities.
  5. *Intergovernmental Relations*. Any matter regarding the consultation or negotiation with another government including, but not limited to, any local, city, town, county, state, federal, tribal governmental entity or any subdivision thereof.
  6. *Law Enforcement*. Any matter which may disclose the identity of a law enforcement agent or informer.
  7. *Proprietary Business Matters*. Any matter that contains proprietary information, which if disclosed to the public may compromise the competitive advantage of business entities owned, in whole or in part, by the Cheyenne and Arapaho Tribes.
  8. *Gaming Licensure*. Any matter of gaming licensure for Gaming Commission staff, employees of a gaming facility or a gaming vendor that contains personal or confidential information
- (d) A copy of all documents presented to the public body or reviewed by the public body in executive session must be retained by the public body and may be treated as confidential or protected unless designated a public record by the Cheyenne and Arapaho Tribes.
- (e) All boards, committees, and commissions of the Cheyenne and Arapaho Tribes shall make meetings available electronically, including the executive sessions, to the elected officials of both the Legislative Branch and the Executive Branch of the Cheyenne and Arapaho Tribes.

### **§2.207 Public Notice**

Notices shall be provided for all meetings and such notices in order to provide information reasonably necessary to inform the public of matters to be discussed at the meetings.

- (a) A public body shall post notice of each regular or special meeting and shall include the date, time, location, proposed agenda, and purpose. Notices shall be emailed to the Cheyenne and Arapaho Tribes Global Email List and placed on the Cheyenne and Arapaho Tribes website. Postings shall be emailed and placed on the website no less than forty-eight (48) hours prior to the meeting, unless an emergency requires shorter notice.
- (b) A schedule of regular meeting dates, times, and locations shall be documented on the Cheyenne and Arapaho Tribes website.
- (c) Meeting locations, times, and proposed agendas cannot be changed within the forty-eight (48) hours prior to the meetings unless there is an emergency, and the emergency is noted in the minutes of the meeting.

### **§2.208 Meeting Minutes**

- (a) A public body shall take, or cause to be taken, minutes of a meeting. Minutes may be taken in writing or may be recorded using electronic means. The minutes shall include, at a minimum, the following:
  1. Time the meeting is called to order;

2. Roll call. The presence or absence of each member of the public body. It will also be noted if an alternate member is attending in the place of a member;
  3. Establishment of a quorum, if applicable;
  4. A record or summary of all motions, proposals, resolutions or other matter formally voted upon, the results of the vote and the vote of each member of the body;
  5. Times when the body is recessed, if applicable;
  6. Times when the body is in an executive session, if applicable;
  7. Time of adjournment.
- (b) The minutes of a meeting must be turned into the Office of Records Management within seven working days after the meeting. The minutes shall be made available to the public upon request, except the content of the executive session. Public bodies concerned about distributing minutes before they have been officially approved at a subsequent meeting should mark the minutes “draft” or “unapproved.”

## **CHAPTER 5: ENFORCEMENT AND EXEMPTION**

### **§2.209 Enforcement**

- (a) Any member of the public shall have the right to seek judicial relief for violation of this Act by filing suit in the Cheyenne and Arapaho Tribes Trial Court. Such actions shall be filed prior to or within thirty (30) days after the violation arises. The Trial Court shall have the power, in its discretion, upon good cause shown, to issue an appropriate order, injunction, or prohibition and to declare any action or part thereof taken in violation of this law void in whole or in part.
- (b) A public body may ratify an action taken in violation of this law at a public meeting properly held within thirty (30) days after discovery of the violation or after such discovery should have been made using reasonable diligence. The effective date of action ratified pursuant to this section shall be the date of the original enactment.
- (c) Except as otherwise specifically provided herein, nothing in this Act shall be construed as a waiver of the Cheyenne and Arapaho Tribes sovereign immunity from suit, which is expressly reserved.
- (d) Nothing in this Act shall be construed to grant a party any remedies other than those included in this section.

### **§2.210 Exemption**

The provisions of this Act shall apply to the following or where otherwise specifically exempted by the Cheyenne and Arapaho Tribes law.

This law shall not apply to any judicial deliberations or judicial proceedings regarding child welfare cases, provided, that judicial commissions or quasi-judicial bodies involved in setting policy and procedures of the Judiciary shall not be exempt from the provisions of this law.

### **§2.211 Construction**

This Act shall be liberally construed to carry out its purpose. The effectiveness and enforceability of this Act shall not be dependent upon the adoption of any regulations promulgated hereunder and shall not be construed to diminish, limit or otherwise adversely affect any right, remedy held or available to the Cheyenne and Arapaho Tribes.

**§2.212 Severability**

If any section of this Act, or any part thereof, or any application thereof to any party, person or entity or in any circumstance shall be held invalid for any reason whatsoever by a court of competent jurisdiction, the remainder of the section or part of the Act shall not be affected and shall remain in full force and effect as though no section or part has been declared to be invalid.

**§2.213 Statement of Supersedure**

This Act shall supersede any law in place before it, which conflict with its intent and purpose.

**§2.214 Effective Date**

This Act shall be effective as provided in the Constitution.

**ATTEST:**

I, Jodi White Buffalo, Legislative Clerk, hereby certify that the foregoing is a True and Accurate Copy of the Original Bill No. 9L-RS-2023-01-001 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Ninth Legislature Regular Session, by a roll call vote on the \_\_\_\_ day of \_\_\_\_\_ 2023, by a vote.

**VOTE RECORD:**

DISTRICT	LEGISLATOR	YES	NO	ABSTAIN	ABSENT
A1	Diane Willis				
A2	Kendricks Sleeper				
A3	Travis Ruiz				
A4	Rector Candy				
C1	Bruce Whiteman				
C2	George Woods				
C3	Darrell Flyingman				
C4	Byron Byrd				
<b>TOTAL</b>					
<b>Passes ( ) Fails ( ) Tabled ( ) Allowed to Die ( ) No Action ( )</b>					

\_\_\_\_\_  
Jodi White Buffalo, Legislative Clerk  
Ninth Legislature, Cheyenne and Arapaho Tribes



**ATTEST:**

Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: “All Bills passed by the Legislature shall be presented to the Governor for signature or veto. All laws shall take effect thirty days after signature by the Governor or veto override by the Legislature unless any Member of the Tribes submits to the Coordinator of the Office of Tribal Council a petition signed by at least one hundred fifty Members of the Tribal Council seeking to repeal the law or resolution at the next Tribal Council meeting. If the Tribal Council fails to repeal such law or resolution at the next Tribal Council where the matter has been properly placed on the agenda for the Tribal Council meeting, such law or resolution shall become effective immediately.”

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: “The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten days of passage with a written explanation of any objections; and if the Governor takes no action within ten days, then the enactment shall become law in accordance with this Constitution.”

{ } APPROVED

{ } VETOED: Attachment \_\_\_\_; Governor’s written explanation of any objections.

On the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Reggie Wassana, Governor  
Cheyenne and Arapaho Tribes



**TRANSMITTAL OF DOCUMENTS:  
From the Legislative Branch to the Office of Records Management**

**ATTEST:**

Pursuant to Article VI, Section 7, subsection (a)(v), of the Tribes Constitution reads, “The Office of Records Management shall compile all Laws and Resolutions into a comprehensive Code in an orderly manner that shall be published annually.”

Office of Records Management Staff, hereby certify that the foregoing is a True and Accurate Original Resolution No. 9L-RS-2023-01-001.

Space below is reserved for Stamp:

Received (Date) Office of Record Management

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Office of Records Management  
Department of Administration, Executive Branch  
Cheyenne and Arapaho Tribes

