

Tennessee Commission of Indian Affairs
Standing Rules
As of
2010 June 19

Order of Relevance Law – SOP – RRO

1. Meetings - Calling

- A. The Commission shall meet at a location and on a date and time agreed upon at a regularly scheduled Commission meeting with a quorum present, or agreed upon by a majority of Commission members.
 - B. Any meeting that is not called and scheduled by a majority of Commission members shall not be considered a legal meeting, except for emergency meetings, which needs the requirements for Section 1 with a three-day notice.
 - C. Any Commission member may also call for a meeting following the same said procedures.
 - D. Cancelled meetings are to be automatically rescheduled 14 days from date of cancelled meeting with the exception of a Holiday weekend which will allow the meeting to be deferred to the next weekend or the weekend following the holiday.
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2. Meetings - Agenda

- A. Agenda items proposed by commissioners must be submitted in writing to the other members of the Commission at least eight (8) days in advance of the meeting at which they are proposed for discussion.
 - B. Agenda suggestions and/or resolutions from the public must be submitted in writing to the chairperson and secretary of the Commission at least fifteen (15) days in advance of the meeting at which they are proposed for discussion.
 - C. Issues not on the advance agenda shall be tabled until the next meeting unless approved for inclusion in the agenda by a simple majority.
 - D. All agenda requests shall be submitted using the Agenda Items Request Form.
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3. Meetings - Reports

Written reports from each of the commissioners shall be forwarded to all commissioners prior to each meeting.

4. Meetings - Public Comments

- A. Members of the attending public shall be limited in their comments to the Commission to four (4) minutes.
- B. Public comments shall be taken according to the order of sign-up sheets.

5. Meetings – Public Address System

The Commission will allow the placement of one or more microphone(s) on or near the Commission table for a public address (PA)/sound amplification system and recording purposes.

6. Members - Officers

A. Officers serve at the pleasure of the Commission.

B. The Chair's duties include:

1. TCA 4-34-108. Chair
2. chair all regular and special meetings of the Commission.
3. chair is authorized to expend discretionary funds of no more than \$100 without Commission approval (provided funds are available) and can designate other commission members to expend funds. All expenditures require receipts to be furnished.

C. The Vice Chair's duties include:

1. Assume the duties of the chair in the absence of, the illness of and/or the incapacity of the Chair.
2. Assist the Chair as required or necessitated by the request of the Chair

D. The Secretary's duties include:

1. draft meeting minutes to submit to Commission.
2. collect agenda issues and draft meeting agenda to submit to Commission.
3. safeguard contributions and funds.
4. report financial status to Commission.
5. send out meeting notices.
6. serve as Sunshine Notice/Web site contact with TDEC website staff.
7. draft annual report.
8. preside over the meeting opening and immediate election of a chair pro tem in the absence of the Chair and Vice Chair.

E. Election and Terms of Office

1. Election of the Commission's officers shall take place at the next regularly scheduled meeting following the Convention and proper appointments by officials (if applicable) in or after the December of odd-numbered calendar years.
2. Newly elected officers shall take office in the meeting at which they are elected and serve for approximately two (2) years. Their terms are subject to the requirements of article 1 of this section.

3. The term of office for replacement officers elected by the Commission shall be the balance of the existing term of office or until being replaced by a duly elected officer.
4. Election of officers shall be by vote of the majority present.

F. Officers may be removed from office at any time by a majority vote of commissioners.

7. Members - Censure

- A. Commissioners, especially Commission officers, may be censured for inappropriate behavior.
 - B. Two (2) warnings may be issued.
 - C. Upon cause for a third warning, the Commission shall request that the Governor or respective Speaker appoint a replacement for the offending Commissioner.
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8. Members - Absence

- A. Absences may be excused for serious personal and family illnesses or crises, with a written request submitted via standard mail or email up to twenty-four (24) hours prior to a Commission meeting.
 - B. Absences not reported will be unexcused
 - C. Excessive unexcused absences (3/4 per fiscal year) may be presented to the appointing body for request of replacement of the commissioner.
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9. Members - Lobbying Notification

Commissioners shall disclose any personal intention to conduct and/or participate in lobbying or legislative efforts that do or may oppose the position of the majority vote of the commission. [17 Jan. 2009]

10. Members – Business Cards

Upon Commissioner appointment, an initial order of and expenditure for 500 business cards will be forwarded to the appropriated authority for dispensing said cards [29 Dec. 2007]

11. Members - Special Notifications

Upon discovery of any meetings involving or concerning a Tennessee American Indian issue, notification will be made to all commissioners within twenty-four (24) hours of discovery. [29 Dec. 2007]

12. Members – Oath of Office

1. Following the example of the Oath of Office of Article X of the Constitution of the State of Tennessee, Every person who shall be chosen or appointed to this Commission

shall, before entering on the duties thereof, take an oath to support the Constitution of this State, and of the United States, and an oath of office.

2. Oath of office;

I do solemnly swear (or affirm) that as a member of the Tennessee Commission of Indian Affairs, I will, in all appointments, vote without favor, affection, partiality, or prejudice; and that I will not propose or assent to any bill, vote or resolution, which shall appear to me injurious to the people, or consent to any act or thing, whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State.

13. Public – Open Records

1. The Commission of Indian Affairs in attempt to document the request for and distribution of records requested by the public requires a form to be completed and forwarded to the Secretary and Chair of the Commission.
2. This form will be located on the State website

14. Procedures to provide for legal recognition by the state of presently unrecognized tribes, nations, groups, communities or individuals (TCA §4-34-103)

Definitions

"Anthropologist" means a person who practices the scientific study of the development of human cultures based on ethnologic, ethnographic, linguistic, social, and psychological data and methods of analysis

"Applicant" means Native American Indian entity applying for Nation, Tribe, Community or Individual recognition in Tennessee.

"Application" means the form maintained by the Tennessee Commission of Indian Affairs which details the information necessary to apply for recognition.

"Commission" means the Tennessee Commission of Indian Affairs.

"Enrolled" means being recognized as a Native American Indian in the state of Tennessee

"Roll" means the membership list to be submitted to the Commission by applicants.

"Nation", "Tribe" and "Community" for the purposes of these rules, mean an assembly of Indian people who are members of that Nation, Tribe or Community.

"Professional Historian" means a person who by conscious identification with a community of historians is collectively engaged in investigating and interpreting the

past as a matter of disciplined learned practice.

(<http://www.historians.org/pubs/free/professionalstandards.cfm>) ;

"Recognized" means being acknowledged legally and formally as a Native American Indian Nation, Tribe, or Community by the state of Tennessee.

"List" means the official list of recognized Native American Nations, Tribes, and Communities in Tennessee.

"State" means the state of Tennessee.

1. Tribe, Nation or Community

- A. Eligibility for recognition as a Tribe, Nation or Community shall be determined using the following criteria:
- (a) The applicant for recognition is indigenous to Tennessee and has been identified on a substantially continuous basis as Native American Indians throughout the history of their group; and
 - (b) A majority of the applicant inhabits a particular geographic area in Tennessee or lives in a community in Tennessee viewed as Native American Indian and distinct from all other populations in the geographic area, and a majority of its members consist of individuals who have established verifiable documented descendancy from an Indian tribe which has historically inhabited the State of Tennessee; and
 - (c) The applicant has maintained tribal political influence or other authority over its members, or is able to demonstrate their existence as a continuous, distinct cultural entity capable of self regulation, throughout their history until the present; and
 - (d) The membership of the applicant is composed of a majority of persons who are not members of any other legally and formally recognized tribe.
- B. The following information shall be provided to the Commission for review:
- (a) A copy of the applicant's present governing document and/or a statement describing in full the membership criteria and the procedures through which the group governs its affairs and members; and
 - (b) Indicate the number of members enrolled by blood on the tribe's register. List separately all current tribal officers, their titles and contact phone number.
 - (c) A history of the applicant from 1900 to present (maximum of 2000 words, unless an exception is granted by the Commission) written by a professional historian or anthropologist; and
 - (d) The applicant shall also submit additional information including one (1) or more of the following:
 - 1. Documented traditions, customs and legends that demonstrate the group's Native American Indian cultural heritage; and/or
 - 2. Letters, statements, and documents from city, county, state, or federal authorities that document a history of tribal related business and activities

that specifically address Native American Indian culture, preservation, and affairs; and/or

3. Letters, statements, and documents from federal or state recognized tribes which attest to the Indian heritage of the group; and/or
- (e) Other compelling documentation acceptable by the Commission that shows the heritage of the applicant; and
- (f) A signed and notarized statement from the officers of the applicant affirming that, to the best of their knowledge, information, and belief, the information provided is true and accurate.

C. Review Committee

- (a) The Commission shall appoint a Review Committee, consisting of three (3) members of the Commission, to review applications and supporting documentation for completeness and to work with applicants to achieve completeness. A record shall be maintained of all applications and appropriate information, including, but not limited to, the date received, date determined complete, date presented to the Commission and the Commission's decision. The Review Committee shall review an application as soon as practical but no later than six (6) months of the submittal date.
- (b) If the application and required documentation are complete, the Committee shall present their findings to the Commission for a vote.

D. Return of Documents -

Documents submitted by applicants shall be returned at applicant's expense and upon request for return.

E. The list of all approved for State Recognition shall be placed on file with the State of Tennessee. It shall also be posted on the Tennessee Commission of Indian Affairs web site

2. Eligibility for recognition as an Individual shall be determined using the following criteria

- (A) All applicants must be indigenous to Tennessee and have maintained a permanent residence in Tennessee for at least six (6) months prior to their date of application.
- (B) Individuals may be enrolled with the state by satisfying any of the following means of documentation:
 - (a) The applicant has a Certificate of Degree of Indian blood; or
 - (b) The applicant's birth certificate shows the applicant or applicant's parent(s) to be Native American Indian; or
 - (c) The applicant has a family tree which shows a direct ancestor of the applicant to appear on a roll of Native American Indian tribes. All family trees will be subject to verification by professional genealogists at the applicant's expense; or

- (d) The applicant signs an affidavit stating he/she is a Native American Indian. If the applicant has a living relative at least ten years older than the applicant, the relative must also sign the affidavit. In addition to the affidavit, the applicant shall provide at least one of the following:
1. A family Bible or hymnal showing that the applicant and/or the applicant's direct ancestors were Native American Indian.
 2. Death records of the applicant's direct ancestor(s) showing the ancestor(s) to be Native American Indian.
 3. Records of direct ancestor(s) from the Indian Court of Claims.
 4. School, church or health records, or other compelling documentation which shows the applicant to be Native American Indian.
- (e) All Native American Indian individuals previously recognized by the State of Tennessee will continue to be recognized and will not have to reapply for recognition, (Attorney General's Opinion No. 06-165)