



AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL

RICHARD M. MILANOVICH CHAIRMAN • JEFF L. GRUBBE VICE CHAIRMAN
KAREN A. WELMAS SECRETARY/TREASURER • JEANNETTE PRIETO-DODD MEMBER • VINCENT GONZALES III MEMBER

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL FREEDOM OF INFORMATION ACT

Ordinance No. 44

I. Policy Statement

Under the Constitution of the Agua Caliente Band of Cahuilla Indians, the Tribal Council is responsible for the maintenance of financial records and meeting minutes, which are to be made available for inspection by any enrolled Tribal Member. Additionally, the Tribal Council is to regulate the uses and disposition of Tribal property and the procedures of the Tribal Council. Accordingly, the Tribal Council has established practices and procedures related to all Tribal records. In the absence of a more specific policy on a subject or document, the following general policy applies to requests for Tribal Records.

II. Tribal Records

Tribal Records include all documents, including those solely in electronic format, maps, renderings, photographs, and other recorded materials created or maintained by the Tribe and in the Tribe's possession and control. Tribal Records are Tribal property, confidential and proprietary in nature.

III. General Policy Concerning Tribal Records

The Tribal Council is the custodian of Tribal Records with the authority and responsibility to safeguard such records from disclosure to unauthorized persons. Although the Tribal Council releases certain documents to the general Tribal Membership, it remains Tribal policy that, absent release to the general public or permission from Tribal Council, disclosure or release to non-Tribal Members is strictly prohibited. Unless exempt, as described below, a Tribal Member may inspect and copy all Tribal Records, according to the procedures established in this Ordinance. However, nothing in this Ordinance will prevent any elected member of the Tribal Council, or Proxy Member while actively sitting on the Tribal Council, from viewing, copying, or using any Tribal Record in the performance of official duties.

IV. Tribal Records Exempt from Disclosure

In order to protect the Tribe's business and legal interests and the privacy of individual Tribal Members and Tribal employees, documents or portions of documents containing the following information are not available for inspection by Tribal Members.



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- A. Personnel Records
- B. Insurance or Medical Records
- C. Gaming Commission Records
- D. Enrollment Records
- E. Records Related to Individual Allotments or Leases
- F. Executive Session Matters
- G. Contracts
- H. Non-Public Records Related to Litigation
- I. Personal Information Regarding Tribal Members

However, an individual Tribal Member may waive his or her interest in non-disclosure of documents pertaining to him or her, either by written authorization in a form or other document signed by the Tribal Member, or by action, such as by placing a matter on the Tribal Council agenda to be discussed in open session, for example, an appeal from denial of a benefit by a committee. An individual Tribal Member may also inspect and copy Tribal Records that pertain directly to him or her that would otherwise be exempt from disclosure under Exemption B, E, F, G, and/or I above, as long as those Tribal Records are not also exempt from disclosure under another exemption.

V. Requesting Tribal Records

Requests to view Tribal financial records may be made verbally or in writing to the Tribe's Chief Financial Officer. Requests for meeting minutes may be made verbally or in writing to the Director of Records and Reporting. All other requests for Tribal Records are to be made in writing and submitted to the In-House Counsel, who will work with appropriate Tribal staff to locate and produce the requested documents. Prior to informing the Tribal Member the Tribal Records are available for inspection, the In-House Counsel will review the Records to ensure that items exempt from disclosure are not included in the Records presented to the Tribal Member.

VI. Inspection of Tribal Records

Tribal staff will make space available to Tribal Members for viewing Tribal Records. Records already made available to the general Tribal Membership may be copied for the Tribal Member. All other Tribal Records may not be copied or removed from the area provided for inspection. Any requests for an exception to the bar against removal or copying of Tribal Records must be made to and approved by the Tribal Council.



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Dated: July 21, 2009

Not Present

Richard M. Milanovich, Chairman

Jeff L. Grubbe, Vice-Chairman

Karen A. Welmas, Secretary/Treasurer

Jeannette Prieto-Dodd, Member

Vincent Gonzales, III, Member

CERTIFICATION

I, the undersigned, the Secretary of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of 5 members of whom 4, constituting a quorum, were present at a meeting whereof, duly called, noticed, convened and held on this 14th day of July 2009; that the foregoing ordinance was duly adopted at such meeting by the affirmative roll call vote of 4-0-0 and that said ordinance has not been rescinded or amended in any way.

Karen A. Welmas, Secretary/Treasurer