

# TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

### ORGANIZATIONAL PROTOCOLS

**Originally Adopted: July 10, 1996**

**Updated: July 12, 2006**

**Amended: July 19, 2010**

**Amended: July 30, 2014**

#### **1. PREAMBLE**

At the recommendation of the Self-Governance Tribes, representatives from the Self-Governance Tribes and Indian Health Service staff developed guidelines for establishment of a Tribal Self-Governance Advisory Committee. After review and revision, the guidelines were approved by the Director, Indian Health Service, on April 23, 1996. The Tribal Self-Governance Advisory Committee (TSGAC) will provide information dissemination, education, advocacy and policy guidance for implementation of Self-Governance within the Indian Health Service. The passage of Title V, The Tribal Self-Governance Amendments of 2000 (P.L. 106-260) and the subsequent promulgation of the Title V regulations, published in the Federal Register on Friday, May 17, 2002, further strengthen the role of the TSGAC in implementing this Act. The Committee will operate in good faith and within the guidelines established.

#### **2. MEETINGS**

##### **A. Participation**

Meetings are open. Non-committee attendees at the meetings may be recognized by the TSGAC Chair at various times throughout each meeting to make comments, raise questions, or submit materials for the record. Any materials submitted must be provided by the unofficial attendees.

##### **B. Agenda**

Self-Governance Tribes who want items included on the agenda should forward their suggestions either to their regional TSGAC member, the TSGAC Chairperson and TSGAC Tribal Technical Workgroup Members. Forty-five calendar days prior to each Quarterly Meeting, The TSGAC, the Technical Workgroup, and the Self-Governance Communication and Education (SGCE) will work with the Office of Tribal Self-Governance (OTSG) to compile a draft agenda. Two weeks prior to each quarterly meeting, the Agenda and accompanying materials will be provided to the TSGAC Members.

When appropriate, materials may be available and accessed on the Tribal Self-Governance website; [www.tribalselfgov.org](http://www.tribalselfgov.org).

##### **C. Minutes**

The Self-Governance Communication and Education (SGCE) office will maintain minutes, records and documents. Approved minutes will be distributed to the TSGAC by the SGCE Office. A meeting report including issues discussed and actions taken will be available for distribution to all Self-Governance Tribes following approval by the TSGAC.

#### **D. Caucus**

A caucus can be requested by any TSGAC Member and declared by the Chair.

#### **E. Meeting Schedule**

Meetings will be held quarterly. Special Meetings may be called at the discretion of the Chair upon request by a Member of the TSGAC.

#### **F. Quorum**

A quorum shall consist of six (6) Members. Once a quorum is established, the Committee may conduct business notwithstanding the loss of a quorum.

### **3. COMMITTEE ACTIVITIES**

The TSGAC will:

- 1) Maintain communication with Self-Governance Tribes in their respective region, with assistance of the Self-Governance Communication and Education office (SGCE) to collect and advance priority issues to the TSGAC to include on the Quarterly Meeting Agenda;
- 2) Supplement the government-to-government consultation by coordinating with the Self-Governance Tribes in their respective regions, to include gathering input from on priority issues addressed at the TSGAC Quarterly Meetings;
- 3) Report back to Tribes in their respective regions following TSGAC Quarterly Meetings on issues identified and follow-up discussions and strategies;
- 4) Provide advice to the IHS Director and OTSG Director, on policy, legislative, budget and program issues prior to final decisions that impact Self-Governance Tribes;
- 5) Represent Self-Governance in forums as requested by the TSGAC Chairperson and/or the OTSG Director when Self-Governance issues are discussed;
- 6) Review, evaluate and recommend refinements for directives that define the relationship between Self-Governance Tribes and the U.S. Government;
- 7) Review Self-Governance issues and make recommendations as appropriate and participate in evaluating progress in meeting the goals of Self-Governance
- 8) Provide representation, as feasible, on all Tribal/Federal committees and workgroups, including ad hoc workgroups to provide a Self-Governance perspective; address Self-Governance issues;
- 9) Appoint subcommittees and/or workgroups as necessary to meet the goals of the TSGAC; and
- 10) Assist in coordinating meetings with Congress and the Administration within the non-advocacy authority as an Advisory Committee to the IHS Director. Otherwise lobbying and actions to influence Congress can only be performed as independent Tribal Nations not as TSGAC members.

### **4. DECISION MAKING**

#### **A. Consensus**

The TSGAC will operate by consensus.

#### **B. Representation on Other Committees**

Participation in other HHS/IHS/Tribal Committees, Workgroups, Task Forces and Subcommittees. On August 23, 2001, the TSGAC adopted protocols regarding TSGAC participation in such other Committees, etc. (See attachment).

#### **C. Constituents' Interests**

TSGAC Members are expected to represent the concerns and interests of their constituents.

### **5. TSGAC OFFICERS**

The Chair and Vice-Chair will be elected by the TSGAC on an annual basis during the last quarter of each calendar year. The role of the Officers includes developing draft agendas, chairing the TSGAC and Workgroup discussions, working to resolve any impasses that may arise, preparing meeting summaries/minutes, assisting in the site selection of meetings and the circulation of background materials as well as other materials the TSGAC develops, and other functions the TSGAC requests. The Officers will represent positions of the full TSGAC.

The Chairperson and Vice Chairperson may serve multiple and consecutive terms.

If the Chairperson or Vice Chairperson is unable to continue to serve in that capacity for any reason, a new Officer shall be elected at the next scheduled TSGAC Quarterly Meeting by majority vote of the TSGAC to fulfill that term of office.

## **6. MEMBERSHIP**

The TSGAC shall consist of a Primary and an Alternate representative from each of the Indian Health Service (IHS) regions that have a Self-Governance Tribe.

### **A. Membership Requirements**

Primary and alternate representatives to the TSGAC shall be elected Tribal officials or their designee with written authority to represent their respective area.

### **B. Selection of Members**

- 1) Self-Governance Tribes in each Area will establish a process to nominate two Tribal representatives to serve on the TSGAC (one Primary and one Alternate). At the Tribes' choice, the IHS Area Director may help facilitate the nomination process.
- 2) The TSGAC Primary and Alternate members should not be from the same Tribe unless there are no other Self-Governance Tribes or no other nominees from Self-Governance Tribes in the Area.
- 3) Nominations to the Committee shall be made in the form of written notification to the Chairperson of the TSGAC.
- 4) The name(s) of the nominated individual(s) shall be advanced to the TSGAC Chairperson c/o SGCE, P.O. Box 1734, McAlester, OK 74501 20036-5303.
- 5) The Primary and Alternate nominees will be confirmed at the next scheduled TSGAC Quarterly Meeting.

### **C. Proxy**

- 1) Temporary Proxy: In the event that neither the Primary nor Alternate member is available to attend a regular TSGAC Quarterly Meeting, a written proxy is required on a meeting-by-meeting basis for a temporary designee to represent the region.
- 2) Formal Proxy:
  - a) Tribal officials may formally designate an individual to serve as their proxy by written notification to the TSGAC Chairperson.
  - b) The proxy can continue to serve in this capacity, as long as, the proxy has not missed more than three consecutive meetings.
  - c) These designees must be renewed on an annual basis.

### **D. Term of Membership**

- 1) TSGAC Primary and Alternate Committee members shall serve three year terms.
- 2) TSGAC Committee members may serve multiple and consecutive terms.
- 3) If a confirmed TSGAC member misses three consecutive Quarterly Meetings of the TSGAC, said member shall be removed from the TSGAC and notified in writing of their removal by the TSGAC Chairperson.

- 4) If a confirmed TSGAC member cannot fulfill his or her term of service, for any reason, a new member shall be nominated to complete the current term and selected as identified under Selection of Members.
- 5) The nominee will be confirmed by the TSGAC at the next scheduled TSGAC Quarterly Meeting.

#### **E. Oklahoma Membership**

Although there is only one Area Office for the Oklahoma Area within IHS, there are two Regional Bureau of Indian Affairs Offices covering the same geographic area. In order to reflect the diversity in Oklahoma and maintain consistency between the Department of Interior's Self-Governance Advisory Committee and TSGAC, TSGAC will recognize two Primary and two Alternate members from Oklahoma selected as identified under Section 7B. *Selection of Members*.

### **7. TECHNICAL WORKGROUP**

#### **A. Membership**

The Primary and Alternate TSGAC members from each area will select up to two persons to serve as Official Members of the TSGAC Technical Workgroup.

- 1) The two persons should not be from the same Tribe unless there are no other Self-Governance Tribes from in the Region.
- 2) If a confirmed Technical Workgroup Member misses three consecutive Quarterly Meetings of the TSGAC, this will be cause for removal from the Technical Workgroup and will be notified in writing of their removal by the TSGAC Chairperson.
- 3) If a confirmed Technical Workgroup Member cannot fulfill his or her responsibilities, TSGAC Primary and Alternate Members from that region will be asked to identify a replacement.
- 4) If there are no other replacements from that area, the TSGAC Primary and Alternate Members will:
  - a) Recommend someone to fill the Technical Workgroup Member vacancy;  
or
  - b) Approve someone from the expert resource pool until a replacement is identified.

#### **B. Activities and Roles of the Technical Workgroup**

Official Members of the Technical Workgroup shall:

- 1) Attend the TSGAC Quarterly Meetings and provide input as subject matter experts on issues addressed by the TSGAC. The Technical Workgroup shall advise and recommend to the TSGAC.
- 2) Convene meetings immediately following the TSGAC Quarterly Meetings to discuss issues and directives assigned to the Technical Workgroup from the TSGAC.
- 3) As directed by the TSGAC, assume authority and responsibility for specific tasks, such as, drafting summaries, letters, emails or other correspondence, perform research, analyze issues, develop recommendations and draft workgroup reports that address issues raised at the TSGAC Quarterly Meetings.
- 4) Actively participate and contribute in Technical Workgroup activities and assignments necessary to assist in the planning of the agendas and developing work products in preparation for TSGAC Quarterly Meetings, the Annual Self-Governance Conference and Annual Tribal Strategy Session.
- 5) Represent the TSGAC in forums absent of Self-Governance representation as designated by the Chairperson or the TSGAC.

#### **C. Co-Chairs**

- 1) Tribal Co-Chair  
On an annual basis, the TSGAC shall appoint a Technical Workgroup Member to serve as the Tribal Co-Chair of the Technical Workgroup during the last quarter of each calendar year.
- 2) Federal Co-Chair  
On an annual basis, the Office of Tribal Self-Governance shall appoint a Federal Co-Chair to serve on the Technical Workgroup during the last quarter of the calendar year.

**D. Technical Workgroup Meetings**

Technical Workgroup meetings are open and other Tribal and technical resource representatives may participate in meetings.

**E. Oklahoma Membership**

In order to reflect the diversity in Oklahoma and maintain consistency between the Department of Interior's Self-Governance Advisory Committee and TSGAC, TSGAC will recognize a total of four technical workgroup members from Oklahoma selected as defined under Section 7A. *Membership*.

**8. REIMBURSEMENT**

Funds will be provided to TSGAC to reimburse Government Services Administration (GSA) approved travel and per diem expenses of the official TSGAC members and Official Technical Workgroup Members.

At the designation and approval of the TSGAC Chairperson, TSGAC Official and Tribal Technical members will be reimbursed for travel and per diem expenses to represent the TSGAC at meetings other than the TSGAC Quarterly meetings.

Other Tribal and Technical Representatives who are not official members or designees may attend meetings at their own expense.

**9. CONFLICTS OF INTEREST**

The members of the TSGAC will speak on issues for the general benefit of Self-Governance Tribes. TSGAC members will not present proposals that will create an unfair advantage for one particular agency, Tribe or region over another.

**10. AMENDMENTS**

The TSGAC reserves the right to amend the protocols as needed to reflect the changing representation of Self-Governance Tribes.

**11. HOLD HARMLESS**

Nothing in these protocols establishes a right to legal action against the TSGAC, the Indian Health Service, any Tribe with representation on the TSGAC, or Official Technical Workgroup Member.

**ATTESTED:**

These Organizational Protocols are adopted by the Tribal Self-Governance Advisory Committee on July 10, 1996, by consensus with no objection.

These Organizational Protocols are further amended by the Tribal Self-Governance Advisory Committee on July 12, 2006, by consensus with no objection.

These Organizational Protocols are further amended by the Tribal Self-Governance Advisory Committee on July 19, 2010, by consensus with no objection.

These Organizational Protocols are further amended by the Tribal Self-Governance Advisory Committee on July 30, 2014, by consensus with no objection.

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Marilynn Malerba  
TSGAC Chair  
Chief, The Mohegan Tribe

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W. Ron Allen  
TSGAC Vice Chair  
Chairman/CEO, Jamestown S'Klallam Tribe

**IHS TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE  
PROTOCOLS REGARDING PARTICIPATION IN  
COMMITTEES AND WORKGROUPS**

Draft: May 30, 2001

The Director of IHS may establish a Committee, Workgroup and/or Task Force to develop recommendations on various technical, legal or policy issues. The Director provides written notification regarding the purpose, preliminary charge, time frame, and other specific tasks and consults with the TSGAC to determine the appropriate level of TSGAC participation.

When it is determined that TSGAC participation in the workgroup is appropriate, the following protocol shall apply.

1. Membership - TSGAC representatives and alternates to such workgroups may be determined:

- a) In a regularly scheduled meeting of the TSGAC with a quorum present; or
- b) Solicited by the TSGAC Chairman based on a phone poll of the TSGAC members.

Once a TSGAC representative has been determined to serve on a Committee or Workgroup, a formal letter from the TSGAC Chairman should be sent to either the IHS Director or other IHS designee associated with the Committee and/or Workgroup.

2. Participation - TSGAC members must make a good faith effort to attend all meetings. In cases where the TSGAC member cannot participate in a meeting, the TSGAC member may contact the TSGAC chair and the alternate to attend in his/her absence.

3. Representation - TSGAC members and their alternates serving on Committees/Workgroups shall:

- a) Represent the interests of all Self-Governance Tribes not just the respective Area of the TSGAC member; and,
- b) Promote fundamental Self-Governance principles, interests and national priorities.

4. Communication/Coordination - The TSGAC representative shall provide regular updates and copies of all relevant documents and reports to the full TSGAC (recommended as a standing agenda item). These updates can occur either at the regularly scheduled TSGAC meetings or provided in writing to the TSGAC.

The TSGAC shall solicit the views and opinions of the TSGAC members on issues and concerns raised in the other Committee/Workgroup meetings. In instances where there may not be consensus among the TSGAC members on certain items of concern, these issues should be raised to all Self-Governance Tribes to alert them of the varying views.