

Cherokee Nation Code Annotated

Title 67: Records

Chapter 2: Freedom of Information and Privacy Rights

**§ 108. Meetings which may be closed—Procedure—Circumvention of chapter—
Disruption of meeting—Executive sessions of Tribal Council**

Cite as: 67 CNCA § 108

A. A public body may hold a meeting closed to the public for one or more of the following reasons:

1. Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of other employees or clients whose records are submitted for use at the hearing;
2. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim;
3. Discussion regarding the development of security personnel or devices;
4. Investigative proceedings regarding allegations of criminal misconduct;
5. Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

B. Before going into executive session the public agency shall vote in public on the question and when the vote is favorable, the presiding officer shall announce the specific purpose of the executive session. As used in this subsection, "**specific purpose**" means a description of the matter to be discussed as identified in paragraphs 1 through 5 of subsection (A) of this section. However, when the executive session is held pursuant to 67 CNCA § 108(A)(1) or (A)(5), the identity of the individual or entity being discussed is not required to be disclosed to satisfy the requirement that the specific purpose of the executive session be stated. No action may be taken in executive session except to (a) adjourn or (b) return to

public session. The members of a public body may not commit the public body to a course of action by a polling of members in executive session.

C. No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.

D. This chapter does not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

E. Sessions of the Tribal Council may enter into executive session authorized by the Constitution of this Nation and rules adopted pursuant thereto.

Historical Data

LA 25-01, eff. September 14, 2001. Amended LA 16-14, eff. June 20, 2014.