

TITLE 1 – GENERAL PROVISIONS

CHAPTER 1-9 TRIBAL COUNCIL

1-9-1 Authority and Purpose

(a) The authority for this Code is found in the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians' (Tribes) Constitution, Article VI - Section 2.

(b) The purpose of this Code is to set forth uniform policies and procedures to promote effective performance of the responsibilities of the Tribal Council, to facilitate orderly and productive meetings and efforts in conducting tribal business and establish clear expectations of the Tribal Council.

1-9-2 Background

(a) Tribal Council has set forth the structure and roles of tribal government, providing for delegations of responsibilities and authorities to various work units of tribal government.

(b) Tribal Council has reserved to itself the legislative responsibility and authority and other responsibilities and authorities not specifically delegated by law.

(c) It is the intent of the Tribal Council that this Code will provide guidance to present and future Tribal Councils in carrying out their efforts and actions in accomplishing the role of tribal government and provide for continuity in conducting tribal business.

1-9-3 Applicability

The provisions of this Code shall apply to all Tribal Council members.

1-9-4 Taking Office

(a) Beginning of Terms

(1) New Tribal Council members shall assume office upon certification of the vote by the election board. Certification shall occur within twenty-four (24) hours from the time of the election. At the next scheduled Tribal Council meeting following the election, the Election Board Chairman shall administer a Ceremonial Oath of Office to each newly elected Tribal Council member. The Oath shall be as follows:

**"I ___(name)___, do solemnly swear that I will uphold the
Constitution and laws of the Confederated Tribes of Coos,**

Lower Umpqua and Siuslaw Indians of Oregon, that I will serve the Tribes to the best of my ability, that I will work for the entire membership of the Tribes, that I will responsibly represent the Tribes, that I will carry out the directions of the Tribal Council, that I will declare when a conflict of interest could affect the performance of my duties on behalf of the Tribes and that I will perform all duties required of me by the Constitution and laws of the Tribe."

1-9-5 Vacancies on Tribal Council

(a) Manner of Vacancies

A Tribal Council seat may become vacant in the following ways:

- (1) Death, disability or resignation of a Tribal Council Member.
- (2) Failure of a Tribal Council member to attend regular meetings, as required by the Tribal Constitution under Article VI - Section 4(a), on three (3) consecutive occasions without a written excuse accepted by a majority vote of the other members of the Tribal Council, according to the terms of Article IX - Section 1 of the Tribes' Constitution.
- (3) Removal of a Tribal Council member pursuant to Article X - Section 1 of the Tribes' Constitution.
- (4) Recall of a Tribal Council member pursuant to Article X - Section 2 of the Tribes' Constitution.

(b) Filling Vacancies

In the event that a Tribal Council seat becomes vacant between elections, said vacancy shall be filled according to the terms of Article IX - Section 1 of the Tribes' Constitution and the term of the replacement shall expire at the same time the original incumbent's term would have expired.

1-9-6 Officers of the Tribal Council

(a) Election of Officers

The officers of the Tribal Council shall consist of a Chairperson, a Vice-Chairperson and other officers elected by a vote of the Tribal Council from within its membership. At the Tribal Council meeting to elect new officers, the Chief of the Tribes shall chair the meeting until a new Chairperson is elected. The Chief of the Tribes shall have the right to vote for officers. Officers of the Tribal Council shall be elected by a majority vote of the members of the Tribal Council. A Tribal

Council member may nominate a fellow member for office. Such nomination must be seconded by another Tribal Council member or the nomination will be deemed withdrawn. Notwithstanding subsection 1-9-8(a)(4)(D), all Tribal Council members, including the Chairperson, may vote for officer positions including a position he or she is nominated for.

(b) Terms of Office

Except as provided in Section 1-9-6(d) below, the officers of the Tribal Council elected pursuant to Section 1-9-6(a) shall hold office from the time of their election as officers until their current term on Tribal Council expires.

(c) Duties of Officers

The officers of the Tribal Council are hereby assigned the following duties and responsibilities:

(1) Chairperson

The Chairperson is the chief spokesperson for the Tribes, represents the Tribes by name and title, corresponds with other governments and entities on behalf of the Tribes and carries out the following duties:

- (A) Calls for and presides over regularly scheduled meetings for the Tribal Council, General Council and other meetings considered necessary to conduct tribal business pursuant to Article VI - Section 4(a) of the Tribal Constitution.
- (B) Coordinates with Tribal Administrator and communicates directions from the Tribal Council.
- (C) Shall set the agenda of regular meetings of the Tribal Council.
- (D) Calls for and presides over Special Meetings of the Tribal Council pursuant to Article VI - Section 4(e) of the Constitution.
- (E) Presents and explains the position of the Tribes on all matters of importance.

(2) Vice-Chairperson

The Vice-Chairperson shall assist the Chairperson in the duties of the office and carry out the duties of the Chairperson in his/her absence.

(d) Removal of a Tribal Officer from His or Her Office

A Tribal Council officer may be removed from his or her office for significant and continued failure to perform the duties of his or her office, upon the vote of a majority of the members of the Tribal Council. Upon receiving a motion for removal of a Tribal Council officer, the Tribal Council shall provide the said officer at least two (2) weeks' notice from the date of the motion to prepare an answer to the charges contained therein and the officer shall be given a full and fair opportunity to respond at a regular meeting of the Tribal Council to the basis of the motion for removal. Upon the removal of an officer, a new officer shall be elected to fill the vacant office at the next regular meeting of the Tribal Council, provided, that the new officer's term of office shall expire at the same time as the original officer's term of office would have expired or on the date when the new officer's current term as a Tribal Council member expires, whichever shall occur first.

1-9-7 Expectations of Tribal Council Members

All Tribal Council members are expected to:

- (a) Attend all meetings of the Tribal and General Council unless excused from such meetings.
- (b) Provide input on all matters coming before the Tribal Council, stating beliefs and providing alternatives and recommendations in all decision making.
- (c) Support all Tribal Council decisions.
- (d) Carry out assignments on behalf of the Tribal Council in a timely manner.
- (e) Serve on tribal committees as designated by the Tribal Council.
- (f) Act in a professional and ethical manner and provide a positive community role model.
- (g) Promote cooperation and teamwork between the Tribal Council and all other work units and tribal members.
- (h) Shall not interfere with other work units, direct employees or others.
- (i) Maintain impartial decision-making attitude; keeping personal and family matters separate.
- (j) Shall not become personally involved in employee matters.
- (k) Upholds the Tribal Constitution.

1-9-8 Tribal Council Meetings

Tribal Council meetings shall be conducted as follows:

(a) Meeting Procedures

The Constitution sets out certain procedural meeting requirements. The following additional, specific requirements are established as a supplement to those requirements, to provide for orderly meetings and informed decision making. These additional requirements shall be interpreted in a manner consistent with the Constitution:

(1) Quorum

Pursuant to Article VI - Section 4(b) of the Constitution, a quorum requires the presence of four (4) Tribal Council members. The Tribal Council may conduct tribal business only when a quorum is present to vote on a specific matter. In the absence of a quorum, the Chairperson (in the Chairperson's absence the Vice-Chairperson and in the absence of both, the Chief) shall announce the lack of a quorum; the Tribal Council may discuss relevant issues and hear from members of the Tribal Community and the general public but shall take no action.

(2) Chairperson to Preside

During a Tribal Council meeting, the Chairperson (in the Chairperson's absence the Vice Chair, and in the absence of both, the Chief) shall preside over meeting in the following manner:

- (A) Calls the meeting to order at a place and time designated by the Tribal Council,
- (B) Keeps order during meetings, including providing for an orderly process of recognizing all speakers wishing to address the Tribal Council, including Tribal Council members,
- (C) Calls for and recognizes motions and second, and conducts voting on motions,
- (D) Request the Tribal Chief to call for and conduct the vote to adjourn,
- (E) Summarizes discussions and debates prior to a vote and

(F) Other duties as necessary to conduct orderly meetings and informed decision-making.

(3) Addressing Tribal Council

Any person present at a Tribal Council meeting, including Tribal Council members, wishing to address the Tribal Council may do so, subject to the following provisions. Speakers shall be recognized in turn, in an orderly manner, provided Tribal Council members shall have priority over others present.

(A) Tribal Council meetings are open only to tribal members and tribal staff unless otherwise opened to the public by Tribal Council action. The Tribal Council welcomes input from the General Council, staff or guests present. Tribal members will not be denied the opportunity to speak. However, the person must request the floor and the Chairman will recognize that individual.

(B) Persons speaking are not to be interrupted except for clarification.

(C) When voicing a complaint, persons will speak in a civil manner. The Tribal Council will not tolerate personal attacks on anyone.

(D) On an agenda matter, Roberts Rules of Order shall serve as guidelines. This will ensure that all interested persons will have the opportunity to present their stand on any issue, either for or against.

(E) Issues not being addressed on the agenda must wait for "Good of the Tribes". Each Speaker must submit a prepared statement prior to presentation to the Chairperson. Each speaker will be limited to five (5) minutes to present his or her statement.

(F) People should be an example for the next generation or anyone who looks to us for guidance.

(G) When the number of attendees requires the use of a Public Address System, each speaker wishing to address the Tribal Council must use a microphone. Otherwise, the Tribal Council will not consider the comments.

(H) Under the Tribal Constitution, the Tribal Council reserves the right to adjourn any meeting conducted by the Tribal Council. If malicious attacks are made against the Tribal Council and Staff, instead of asking constructive questions or voicing concerns relevant to tribal operations, the meeting may be adjourned.

4. Voting

A vote on a particular issue shall be binding when the following procedure is follows:

- (A) A quorum is present when the vote is cast,
- (B) A vote shall be taken when a Tribal Council member makes a motion and the motion is seconded, provided the Chairperson may not make motions or seconds, except the Chair may call for a motion and second in order to assist in conducting business,
- (C) After a motion and second, the Chairperson shall call for a vote, either by voice or raised hands. The results shall be recorded--number for, number against and number abstaining. A Tribal Council member may have his or her specific vote on a matter included in minutes,
- (D) The Chairperson may vote,
- (E) A motion shall be considered approved and binding if there is a majority vote, except in matters where, as required by the Constitution, a larger than majority vote is required;
- (F) The matter voted on cannot be a matter outside the authority delegated to the Tribal Council under the Constitution.

1-9-9 Travel Policy:

Tribal Council members traveling on official business shall be subject to the following requirements and procedures, to adequately account for travel expenses and avoid actual or apparent impropriety in the use of tribal funds.

(a) Air Travel

When required, the Tribes will pay for "coach" rates, unless "coach" rates are unavailable, or a Tribal Council member is physically handicapped, the Tribal Council may then allow first-class travel.

(b) Lodging

Tribal Council shall pay for lodging at the government rate, unless that rate is unavailable within a reasonable distance of the meeting being attended.

(c) Car Rentals

Tribal Council members who are on travel status may rent automobiles when necessary, provided a minimum of three (3) persons actually use the automobile, except less than three (3) persons may rent an automobile if necessary and no other means of transportation is available. Tribal Council members who are on travel status shall not rent luxury automobiles unless no non-luxury vehicles are available.

1-9-10 Prohibition of Tribal Council Members Salary Wages for performance of Tribal Council Duties

(a) Article V, Section 1(b) of the Tribes' Constitution states that the members of the General Council shall have the power to approve or disapprove any salary wages paid for performance of tribal council duties. Until General Council approves any salary wages for performance of Tribal Council duties, no Tribal Council member shall accept any salary wages for performance of Tribal Council duties.

(b) Tribal Council duties do not include any other duties performed by Tribal Council members that are not provided for in the Tribes' Constitution or delineated in this Code.

1-9-11 Tribal Council Member Employment

(a) No Tribal Council Member shall be a tribal employee during his or her term of office.

(b) A tribal employee does not include employment by economic enterprises of the Tribes.

1-9-12 Severability

If any provision of this Code is found to be invalid under applicable law, that provision shall be severed from this Code and the remainder of the Code shall remain in full force and effect.

1-9-13 Sovereign Immunity

Nothing in this Code shall be construed to have waived the sovereign immunity of the Tribes, any tribal entity, department or program, or any tribal official or employee, except as specifically and explicitly described herein.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

TRIBAL COUNCIL

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians amended the Tribal Council Ordinance, No.049, and renumbered it No. 049A, at a regular Tribal Council meeting on July 11, 2004, with Resolution #04-053. The word "Tribal" was added before Council throughout the entire document. 1-9-1(b) "The purpose of this Code is" was added. 1-9-4(a)(1) – Beginning of Terms was eliminated and (or Tribal Council until an election board is established) was also eliminated. The sentence "No council member shall be a tribal employee during his or her term of office." was removed in 1-9-4. "Travel Policy", "Severability", and "Sovereign Immunity" were renumbered. Changes were made in 1-9-9(c) "Car Rentals". Sections 1-9-10 Prohibition of Tribal Council Members Salary Wages for Performance of Tribal Council Duties and 1-9-11 Tribal Council Member Employment were added.

The Tribal Council of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians amended Ordinance No. 024 and renumbered it Ordinance No. 049, at a regular council meeting, with Resolution #02-056, dated August 11, 2002, as follows:

1-9-4 (a) Beginning of Terms: (whole section replaced as below:)

Beginning of Terms: New Tribal Council members shall assume office upon certification of the vote by the election board (or Tribal Council until an election board is established). Certification shall occur within twenty-four (24) hours from the time of the election. At the next scheduled Tribal Council meeting following the election, the Election Board chairman shall administer a Ceremonial Oath of Office to each newly elected Tribal Council member. The Oath shall be as follows:

(Oath of Office)

No Council member shall be a tribal employee during his or her term of office.

The Tribal Court codified the "Tribal Council Code" in December 2001.

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the "Tribal Council" Ordinance, Resolution No. 00-034, Ordinance No. 024, at a regular Tribal Council Meeting on May 7, 2000.