

TITLE 7 – ENROLLMENT, COMMITTEES, ELECTIONS AND REFERENDUMS

CHAPTER 7-10 BUDGET COMMITTEE

7-10-1 Purpose

The purpose of this Code is to establish a Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians' ("Tribes") Budget Committee as a Standing Committee and set forth its organization, powers and duties.

7-10-2 Authority; Establishment

Article 1, Section 1 and Article VI, Section 2 of the Tribes' Constitution authorizes the Tribal Council to exercise legislative authority. Title 7, Chapter 7-5, of the Tribes' Code authorizes the Tribes' Tribal Council to establish committees to assist the Tribal Council in carrying out its responsibilities to provide quality services to the Tribal membership and to develop, maintain and protect the assets and interests of the Tribes. The Tribal Council hereby exercises its authority and establishes a twelve- (12) member Budget Committee ("Committee").

7-10-3 Membership

The Committee shall consist of all serving members of the Tribal Council and Chief along with five (5) non-elected members of the Tribes and who shall be persons of recognized experience and qualifications. Tribal employees shall not be a member of the Committee.

The Tribes' Chief Financial Officer or his/her designee shall serve as staff advisor to the Committee.

7-10-4. Appointments and Oath of Office

The Tribal Council shall appoint the members of the Committee. Members of the Committee are required to take and file an oath of office at the first regular Tribal Council meeting following their appointment, administered by the Tribal Chief or Tribal Chairman.

7-10-5 Terms of Office

(a) Committee members' term who are current Tribal Council members shall be concurrent with that of his or her term on Tribal Council. Upon the expiration of his or her term of office on the Tribal Council, a newly elected Tribal Council member shall become a member of the Committee.

(b) The term of service for non-elected Tribal members shall be for three (3) years. Non-elected Tribal members initially appointed to the Committee shall be appointed for staggered terms with two (2) serving two (2) years, two (2) for one (1) year and one (1) for three (3) years.

7-10-6 Duties

The Committee shall be an advisory Committee that shall meet not later than September 15 of each year, hear departmental budget presentations, conduct budget hearings as provided for in CLUSITC 7-10-7 to allow for Tribal member input, represent the best fiscal interests of the Tribes; and prepare an annual budget recommendation to the Tribal Council by the November Regular Tribal Council meeting.

7-10-7 Budget Procedures

(a) Within fifteen (15) days of the presentation of the draft budget by the Chief Financial Officer, the Budget Committee shall conduct meetings on the draft budget. Meetings are open only to Tribal Members, Tribal Staff and guests of the Tribal Council. Participation in the Budget Meeting is limited to these individuals provided; however, the guests of the Tribal Council participate only when granted permission by the Chair of the Budget Committee.

(b) Two Budget Hearings, open to all Tribal Members, shall be held. One such hearing shall be held by the Budget Committee prior to forwarding a Recommended Budget to the Tribal Council. A second Budget Hearing shall be held by the Tribal Council prior to Final Adoption of the Fiscal Year Budget. Hearings require fourteen (14) days' written notice. Notice shall be posted in a conspicuous place at the Tribal Administration Office, Three River's Casino and Blue Earth Federal Corporation. Notice shall include the date, time, and place of the Hearing.

(c) The Chair of the Budget Committee shall conduct the Budget Hearing and determine comment time limits. Comments will be limited to budget items only.

(d) Hearings shall be open to Tribal members of these Tribes, provided, however, the hearing may be closed when dealing with confidential material.

(e) Non-Tribal Members may be expelled from the Budget Hearing at any time by the Chair, provided, however, that expulsion may be reversed by a majority vote of the present members of the Tribal Council.

(f) Comments to the draft budget may also be submitted to the Budget Committee in writing no later than thirty (30) days from the date the draft budget is posted. The Budget Committee will summarize and transmit the comments to the Tribal Council.

7-10-8 Final Budget Authority

- (a) Tribal Council shall have the final authority over the budget and its allocations and any amendments thereof.
- (b) Tribal Council must approve the ensuing fiscal year's final budget prior to December 31st of each year.
- (c) At any time during the fiscal year, Tribal Council may request the Budget Committee to review recommendations regarding increased or decreased expenditures that are greater than ten (10) percent of the Tribes' General Fund or the indirect allocations. These recommendations will be presented to Tribal Council for approval.

7-10-9 Vacancies

A non-elected Tribal member appointed by the Tribal Council to fill a vacancy on the Committee shall serve for the remainder of the term.

7-10-10 Removal of Committee Members

- (a) The Tribal Council may remove any member of the Committee based upon the following:
 - (1) For cause, including but not limited to, violating this Code and the Committee's policies or rules.
 - (2) Creating a disruptive atmosphere;
 - (3) Violating a confidentiality agreement;
 - (4) Violating applicable law;
 - (5) Breach of their fiduciary duties; or
 - (6) Conviction of any felony or a crime involving dishonesty.

7-10-11 Voting

Each Committee member shall have one (1) vote on each matter. Committee members must be present to vote. No proxies are permitted.

7-10-12 Quorum

A majority of the Committee members must be present to constitute a quorum. Committee action is valid only when a quorum exists.

7-10-13 Conflicts of Interest

No Committee member may vote on any action directly involving a member of his or her immediate family. A Committee member may take part in discussion and count toward a quorum regarding action involving a member of his or her family. Immediate family members include father, mother, adoptive mother, adoptive father, daughter, son, spouse, person in a spousal relationship, brother, sister, stepbrother and stepsister. Committee or family member participation in the Tribes' 401K plan shall not constitute a conflict of interest for purposes of this Chapter.

7-10-14 Officers

The Committee members shall elect officers annually from within its membership which shall include a Chairperson and Vice Chairperson. The Chairperson should be a non-elected member of the Committee. The Vice Chairperson may come from the entire Committee.

7-10-15 Duties of Officers

(a) The Chairperson shall:

- (1) preside at all Committee meetings, and
- (2) make reports to the Council and General Council as provided herein,

(b) The Vice-Chairman shall:

- (1) act as presiding officer in the Chairperson's absence.

7-10-16 Compensation

There shall be no compensation paid to Committee members. Authorized travel shall be paid subject to the travel requirements specified by Tribal policy.

7-10-17 Confidentiality

Committee members agree to sign a confidentiality agreement that states that they understand and agree that as a Committee member they must hold as confidential all information learned in the course of their Committee member status concerning the confidential business of the Tribes. Further, as a Committee member, they understand that by signing the confidentiality agreement they will not violate the confidentiality of any person(s) or provide confidential information or documents to anyone not authorized by the Tribes. If it has been determined that a Committee member has

violated this confidentiality agreement, that Committee member will be removed as provided for by this Code.

7-10-18 Severability

If a court of competent jurisdiction finds any provision of this Code to be invalid or illegal under applicable federal or tribal law, such provision shall be severed from this Code and the remainder of this Code shall remain in full force and effect.

APPENDIX A
LEGISLATIVE HISTORY AND EDITORIAL CHANGES

BUDGET COMMITTEE

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved and enacted the Amended Budget Committee Ordinance, Resolution No. 09-076, Ordinance No. 083A, at a regular Tribal Council meeting on July 12, 2009. Vote was 5 (for), 1 (against), and 0 (abstaining). Section 7-10-8 (a) “and any amendments thereof” was added. Section 7-10-8 (c) was deleted and new paragraph was added.

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the Budget Committee Ordinance, Resolution No. 08-046, Ordinance No. 083, at a regular Tribal Council meeting on May 18, 2008. Vote was 5 (for), 0 (against), and 1 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the Budget Committee Ordinance, Resolution No. 08-034, Ordinance No. 083, at a regular Tribal Council meeting on April 13, 2008. Vote was 6 (for), 1 (against), and 0 (abstaining).