

TITLE 7 – ENROLLMENT, COMMITTEES, ELECTIONS AND REFERENDUMS

CHAPTER 7-7 EMPLOYEE BENEFITS COMMITTEE

7-7-1 Purpose

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

7-7-2 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 five- (5) member Employee Benefits Committee (“Committee”).

7-7-3 Membership

The Committee shall consists of one (1) member of the Tribal Council, two (2) employees from the Tribes’ administrative office, Security or Gaming Commission, and two (2) employees from Three Rivers Casino or Blue Earth, Inc., and who shall be persons of recognized experience and qualifications.

7-7-4. 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.

7-7-5 Terms of Office

(a) Employee members initially appointed to the Committee shall be appointed for staggered terms with one (1) employee each from the administrative office and from Three Rivers Casino or Blue Earth, Inc. serving two (2) years and one employee each from the administrative office and Three Rivers Casino or Blue Earth, Inc. serving three (3) years.

(b) The Committee member who is a Tribal Council member shall serve three (3) years and his or her term 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, Tribal

Council shall appoint another Tribal Council member to either fill the remainder of the three (3) years, or if the three (3) years has ended, an additional three (3) years.

7-7-6 Duties

The Employee Benefits Committee shall establish and act as fiduciary over a 401(k) plan to administer all employee retirement benefits for the Tribes and their various entities through consultations with vendors, the adoption and implementation of comprehensive planning and policies and by the making of informed decisions regarding investments, investment options, and the approval and oversight of vendor contracts.

The Employee Benefits Committee shall also be the managing agent for life, health, dental and vision benefits offered by the Tribes to their employees. The committee shall prescribe benefits and policies that provide maximum protection to employees and their families, keeping in mind that all such benefits must fall within the ability of the Tribes and their employees to pay the shared costs. The Committee shall select providers, negotiate, approve and oversee contracts and review program performance. The committee shall keep employees informed of the benefit programs and also provide information on how personal wellness can reduce the cost of staying healthy.

7-7-7 Meetings

(a) All meetings shall be open to the employees of the Tribes, provided, however, the meetings may be closed when dealing with confidential material. The Committee may invite guests to attend meetings.

(b) All regular meetings require four (4) days' written notice. Notice shall be delivered to each Committee member and 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, place and purpose of the meeting.

(c) Regular meetings shall be held on a date set by the Committee at least quarterly.

(d) Special meetings may be called by the Chairperson or Vice-Chairperson acting jointly but only when business must be done prior to the next regular meeting. No special meeting shall be held without twenty-four (24) hours' notice to each Committee member unless waived in writing.

7-7-8 Vacancies

A person appointed by the Tribal Council to fill a vacancy on the Committee shall serve for the remainder of the term.

7-7-9 Removal of Committee Members

- (a) The Tribal Council may remove any member of the Committee for:
- (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 their confidentiality agreement;
 - (4) Violating applicable law;
 - (5) Breach of their fiduciary duties; or
 - (6) Conviction of any felony or a crime involving dishonesty.

7-7-10 Voting

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

7-7-11 Quorum

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

7-7-12 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.

7-7-13 Officers

The Committee members shall elect officers annually from within its membership which shall include a Chairperson, Vice Chairperson and Secretary/Treasurer.

7-7-14 Duties of Officers

- (a) The Chairperson shall:
- (1) issue notice of committee meetings,

- (2) preside at all committee meetings, and
 - (3) 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.
- (c) The Secretary shall:
- (1) keep minutes of all regular and special meetings,
 - (2) maintain all official records of the committee,
 - (3) take attendance at meetings,
 - (4) provide copies of meeting minutes to the Council Chairperson for typing and distribution to the Council members,
 - (5) answer all correspondence for the committee,
 - (6) draft updates of committee business each month for publication in the tribal newsletter,
 - (7) keep an accurate financial statement,
 - (8) provide the Tribal Council with a monthly financial report.

7-7-15 Compensation

Committee members who are employees of the Tribes shall not be required to take personal leave to attend Committee meetings. There shall be no compensation paid to Committee members. Authorized travel shall be paid subject to the travel requirements specified by Tribal policy.

7-7-16 Rules; Records

The Committee may adopt rules for the transaction of its business, subject to Tribal laws, and shall keep a record of its resolutions, transactions, and findings, which shall be a public record unless otherwise deemed confidential and not subject to public disclosure under applicable law.

7-7-17 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 stated in 7-5-10(a)(3).

7-7-18 Severability

If a court of competent jurisdiction finds any provision of this ordinance 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

EMPLOYEE BENEFITS COMMITTEE

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the amended Employee Benefits Committee Ordinance in Resolution 08-061 on July 13 2008, Ordinance #071A. Vote was 6 (for), 0 (against) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the amended Employee Benefits Committee Ordinance in Resolution 08-052 on June 8, 2008, Ordinance #071A. The amendment is to add further duties to the Ordinance. Vote was 6 (for), 0 (against) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved and enacted the Employee Benefits Committee Ordinance in Resolution 05-098 on October 9, 2005, Ordinance #071. Vote was 7 (for), 0 (against) and 0 (abstaining).