

# **COQUILLE INDIAN TRIBAL CODE**

## **Chapter 168**

### **Part 1 – General Governmental Affairs**

#### **Coquille Tribal Potlatch Fund**

**COQUILLE INDIAN TRIBAL CODE**  
**Part 1 – General Governmental Affairs,**  
**Chapter 168 - Coquille Tribal Potlatch Fund**

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**Index**

<b>Subchapter/Section</b>	<b>Page</b>
<b>168.010 General</b>	<b>2</b>
1. Purpose	
2. Background and Intent (Reserved)	
3. Definitions (Reserved)	
<b>168.020 Jurisdiction (Reserved)</b>	<b>2</b>
<b>168.100 Fund Administration</b>	<b>3</b>
<b>168.200 Qualifications, Term and Selection of Trustees</b>	<b>4</b>
<b>168.300 Calculation of Fund Contribution</b>	<b>4</b>
<b>168.400 Conflict of Interest</b>	<b>5</b>
<b>168.800 Sovereign Immunity</b>	<b>5</b>
<b>168.900 Severability</b>	<b>5</b>

**COQUILLE INDIAN TRIBAL CODE**  
**Part 1 – General Governmental Affairs,**  
**Chapter 168 - Coquille Tribal Potlatch Fund**

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**168.010 General**

1. Purpose

The Coquille Indian Tribe has established a community fund to manage a charitable giving program in Jackson County. The Coquille Tribe has established the following guidelines to ensure the fair and equitable distribution of the funds. The Tribe will contribute to a Fund from earnings derived from The Cedars, a Coquille Tribe-owned Class II gaming facility located in Medford, Oregon (“The Cedars”). This Fund is named the Potlatch Fund.

2. Background and Intent

In 1954 the Coquille Indian Tribe had its federal recognition involuntarily terminated by an Act of Congress. In the years following termination, many Tribal members found themselves seeking work in Lane, Jackson, Douglas, Curry and Coos Counties, in the State of Oregon, where other Tribal members had lived for generations. In 1989, just prior to its federal restoration, the Tribe learned that Jackson County contained the second largest concentration of its membership. In recognition of this fact, and to assist recovery efforts, Congress established a five-county area where the Secretary could accept lands into trust for the Tribe and where the Tribe could serve its membership. Congress further mandated that this five-county area comprises a reservation for certain purposes. For years the Tribe has invested its resources into providing services to Jackson County residents. Today, the Coquille Indian Tribe provides services to its members and others throughout Jackson County, including, but not limited to: health care, education, housing, sanitation and cultural restoration.

The Tribe is a significant property owner in multiple counties. In Jackson County, the Tribe operates and invests in businesses, contracts for goods and services, provides jobs, pays federal, state and local taxes and engages in charitable activities.

The Tribe has a rich tradition of potlatch that extends into the communities both where Tribal members live and where the Tribe invests in job creation. Based on this long-standing tradition, and in recognition of the Tribe’s long-standing relationship with Jackson County, Oregon, the Tribal Council wishes to establish a Potlatch Fund to give back to Jackson County. The Potlatch Fund will be established to improve the social, artistic, health, cultural, educational, governance, environmental, and other needs of Jackson County residents through eligible charitable contributions. It is a fund of the Coquille Tribal government to be administered consistent with this Ordinance.

Until the Cedars becomes operational (“Cedars Opening”), the Fund will be managed an interim Board of Trustees appointed by the Tribal Council.

3. Definitions (Reserved)

**168.020 Jurisdiction (Reserved)**

**COQUILLE INDIAN TRIBAL CODE**  
**Part 1 – General Governmental Affairs,**  
**Chapter 168 - Coquille Tribal Potlatch Fund**

---

**168.100 Fund Administration**

1. The assets of the Fund shall be expended for charitable giving within Jackson County.
2. Grants from the Fund may be made to charitable organizations in Jackson County or to local government agencies within the county for any of the following purposes:
  - (a) Education
  - (b) Health
  - (c) Public Safety
  - (d) Gambling addiction prevention
  - (e) Education and treatment
  - (f) The arts
  - (g) The environment
  - (h) Cultural activities
  - (i) Historic preservation; and
  - (j) Such other charitable purposes as may be provided by the bylaws of the Fund.
3. Before the Cedars Opening, the Fund will be administered by an interim Board of Trustees as appointed by the Tribal Council. After the Cedars Opening, the Fund will be administered by a board of not more than seven trustees. As provided under Subchapter 168.200 1(a) and 1(b) below, the initial board will be formed when trustees are appointed. Each trustee shall have an equal vote on actions of the board.
4. The trustees of the Fund may propose bylaws governing, among other subjects, the establishment and administration of sub-funds, the conduct and discharge of their responsibilities, the qualifications for trustees, not inconsistent with the terms of this subsection. All proposed bylaws and any proposed amendments to such bylaws must be approved in advance by the Tribal Council. Only Tribal Council-appointed trustees may administer sub-funds within the Potlatch Fund.
5. The trustees may reserve a portion of the Fund in a single year to fund a multi-year grant or grants. The trustees also may reserve a portion of the Fund to provide for reasonable annual administrative costs. Before the Cedars Opening, grants from the Fund will be made at the discretion of the interim Board of Trustees by majority vote. After the Cedars Opening, the Tribe shall submit proposals for grants from the Fund to the trustees, who shall make the final determination of the proposals to be funded in accordance with this Ordinance and approved bylaws, if any.
6. The Fund may establish grant rules and conditions, any may request grantees to comply with such requirements as grant conditions.

**COQUILLE INDIAN TRIBAL CODE**  
**Part 1 – General Governmental Affairs,**  
**Chapter 168 - Coquille Tribal Potlatch Fund**

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**168.200 Qualifications, Term and Selection of Trustees**

1. After the Cedars Opening, the membership of the board of trustees shall be:
  - (a) One member of the Coquille Tribal Council of the Coquille Indian Tribe, appointed by the Tribal Council;
  - (b) A representative of Cedars Development, LLC or its successor. The Cedars Development LLC manager shall designate this representative;
  - (c) Up to five members from the public at large, as authorized and appointed by the Tribal Council. Public-at-large members shall be selected from a list of candidates, which may include names submitted by local governments in Jackson County, Jackson County community members and Tribal members.
  
2. Except as provided herein, Trustees shall serve two-year terms. The Tribal Council may remove any Trustee at any time for any reason, or for no reason. When appointing trustees, increasing the number of trustees, or filling a vacancy, the Tribal Council may lengthen or shorten the term of office of any trustee then being appointed in order to achieve staggered terms of office. In addition:
  - (a) The term of office for a representative of the Coquille Tribal Council will end when their Tribal Council term expires.
  - (b) Trustees may be re-appointed, by the Tribal Council.
  - (c) Vacancies on the board of trustees shall be filled by the Tribal Council, unless such vacant position is eliminated or suspended by a duly adopted resolution of Tribal Council.
  - (d) Any trustee whose term has expired shall continue to serve until a successor has been appointed.
  
3. Trustees shall serve without compensation from the Fund but may receive reimbursement for travel-related expenses.

**168.300 Calculation of Fund Contribution**

Before the Cedars Opening, the Tribe's annual contribution to the Fund shall be determined by the Tribal Council. After the Cedars Opening, the annual contribution shall be determined as set forth in the Fund bylaws, as they are amended from time-to-time.

**COQUILLE INDIAN TRIBAL CODE**  
**Part 1 – General Governmental Affairs,**  
**Chapter 168 - Coquille Tribal Potlatch Fund**

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**168.400 Conflict of Interest**

No trustee may participate in any discussion or vote on any matter in which they or a member of their immediate family has a direct interest, including but not limited to employment, contracting, funding and grant decisions and appointment to committees or subcommittees. A board member attending a meeting but unable to vote under this paragraph will count toward any quorum requirement for the meeting. For the purposes of this paragraph, “immediate family member” is defined as father, mother, son, daughter, step-child, step-parent, husband, wife, brother, sister or step-sibling or any other relative living in the same household.

**168.800 Sovereign Immunity**

The Potlatch Fund Board of Trustees will not have the authority to waive the sovereign immunity of the Fund, the Tribe or any Tribally owned and/or operated entity.

**168.900 Severability**

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

**COQUILLE INDIAN TRIBAL CODE**  
**Part 1 – General Governmental Affairs,**  
**Chapter 168 - Coquille Tribal Potlatch Fund**

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History of Amendments to Chapter 168 Coquille Tribal Potlatch Fund

Approved CY19019, 3/21/2019

Adopted CY19039, 5/9/2018