

COQUILLE INDIAN TRIBAL CODE

Chapter 120

Part 1 – Community Development

Government Organization and Procedure

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120.010 General

1. Purpose

To ensure effective Tribal government, provide for continuity of effort, and document the responsibilities and authorities vested in various units of Tribal Government, this Ordinance sets forth the organization of the Tribal government of the Coquille Indian Tribe, and establishes standards and procedures for the conduct of Tribal government business.

2. Background and Intent

The Tribal Council is the governing body of the Coquille Indian Tribe. The responsibility to organize all efforts of Tribal government vests in the Tribal Council. To carry out the many goals of the Tribe, the Tribal Council is vested with the authority to hire employees, establishment of a Tribal Court, form committees, charter subordinate organizations, employ legal counsel and hire others to assist the Tribal Council in carrying out all legislative, judicial and executive functions of Tribal government. The Tribal Council considers these authorities to be necessary to achieve Tribal goals and visions.

It is the intent of the Tribal Council to clearly set forth the organizational components, provide clear direction and authorities to each work unit, and to establish consistent and effective procedures for carrying on the work of Tribal Government.

3. Definitions (reserved)

120.020 Jurisdiction

120.100 Tribal Government Organization and Roles

1. Tribal Government Organization

The Tribal government organization shall consist of the voting membership, Tribal Council, all subordinate boards, committees, officials, employees, and organizations chartered or appointed by the Tribal Council or any designee thereof.

2. Tribal Council responsibility

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The Tribal Council is responsible to ensure that all legislative, judicial, and executive functions of the Coquille Indian Tribe are carried out. The Tribal Council shall appoint and employ such subordinate employees, committees, and boards as are necessary to assist in carrying out its responsibility.

3. Tribal Government Roles

The following roles shall be assigned by the Tribal Council for the overall management of the affairs of the Tribe;

(a) Public Policy and Legislation

The Tribal Council shall reserve for itself all legislative authority to establish public policy, to enact laws to carry out the duties of Tribal Government, to regulate the affairs of the membership, where appropriate, and any other authorities not specifically delegated by Tribal law.

(b) Judicial

Pursuant to the provisions of the Tribal Constitution, Article VII, the Tribal Council shall enact an ordinance to establish a tribal court and such lower courts as may be appropriate. Whenever a tribal court is not in place, the Tribal Council shall carry out the judicial function of the Tribe as provided by the Tribal Constitution, Article VII, Section 4.

(c) Executive

To assist in carrying out the executive functions of the Tribal Council, the Tribal Council shall delegate such functions to an Executive Director who shall be responsible to the Tribal Council in carrying out the Executive functions and in implementing Tribal laws. The Executive Director shall report to and serve at the pleasure of the Tribal Council. The Executive Director shall operate in accordance with Tribal law.

(d) Policy Advisory

To afford maximum participation and input from the tribal members, provide for increased Tribal member knowledge and ensure ongoing knowledge of Tribal needs and opportunities, the Tribal Council shall appoint advisory committees for any area of concern to advise the Tribal Council. Advisory committees shall serve at the pleasure of and report to the Tribal Council in accordance with their charter.

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(e) Economic Enterprise

Whenever the Tribal Council deems it appropriate for the purpose of meeting important Tribal Goals, the Tribal Council shall charter subordinate organizations and boards for the purpose of carrying out business development and management activities. Such boards shall be appointed by and report to the Tribal Council as provided by their charter.

(f) Other important purposes

Other subordinate organizations may be chartered to carry out functions necessary to accomplish Tribal goals. Such organizations shall report to the Tribal Council.

120.120 Standards for Tribal Laws

The laws of the Tribal Organization shall be organized in and maintained according to the following standards;

1. Components of Tribal law

The components of Tribal law are as follows:

(a) Tribal Organic Documents

The organic documents of the Coquille Indian Tribe shall include the Constitution and the Coquille (Tribal) Restoration Act, including any amendments to these documents. These documents set out the criteria for membership and confer governing powers to the Tribal Council.

(b) Tribal Council Resolutions and Ordinances

Pursuant to the Tribal Constitution;

All final decisions of the tribal council on matters of general and permanent interest to the members of the Coquille Indian Tribe shall be embodied in ordinances.

All final decisions of the tribal council on matters of temporary interest or relating to specific individuals shall be embodied in resolutions.

(c) Tribal Code

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A document containing, in subject matter order, the current laws of the Tribal Council.

(d) Tribal Regulations

Regulations promulgated by the Executive Director that implement and interpret laws established by the Tribal Council.

(e) Tribal Court Opinions.

Written opinions of the Tribal Court.

(f) Initiatives and Referendums duly adopted by the General Council in accordance with Tribal law.

2. Tribal Law Maintenance Standards

Laws of the Coquille Indian Tribe shall be maintained in accordance with the following standards;

(a) All laws of the Coquille Indian Tribe shall be maintained collectively within a central law library, which may be in an electronic or physical format. Portions of such library may be made available at other locations as appropriate to their use.

(b) Laws within the central library and at other separate locations shall be maintained and updated regularly.

(c) Laws within the central library shall be made available for viewing by any member of the Tribe, employee or other person authorized by the Executive Director.

3. Format of Tribal Laws

Standard formats shall be adopted for laws where appropriate to ensure efficient access and reference. All laws shall meet the following standards;

(a) A common numbering system shall be utilized which shall provide for sections, subsections, paragraphs and further organization of laws to separate provisions for ease of reference and understanding.

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- (b) All components of Tribal laws shall be appropriately cross referenced.
- (c) To the extent practical, explanatory notes and text shall be made available within the law library to assist in understanding by persons who utilize the library.
- (d) A common style and format shall be adopted for all laws to guide the development and maintenance of Tribal laws.
- (e) To the extent practical, common terms and definitions shall be utilized in all Tribal laws to ensure continuity. The following common definitions shall be utilized wherever appropriate;
 - (1) Ad hoc Committee: A committee established by the Tribal Council for a special purpose and a finite period of time.
 - (2) Code: A systematic collection of Tribal organic documents and ordinances arranged in subject matter order.
 - (3) Committee member: An individual serving on a tribal committee.
 - (4) Expectation: A measurable level of performance associated with a specific objective. A standard.
 - (5) General Council: The General Council of the Coquille Indian Tribe.
 - (6) Ordinance: A general law enacted by the Tribal Council
 - (7) Objective: A specific statement of a short-range activity, or accomplishment, that leads to the attainment of a long-range goal. An intermediate step.
 - (8) Principle: A general guideline for actions to be taken to accomplish a specific objective based upon accepted values, customs and traditions.
 - (9) Purpose: An on-going organizational reason, responsibility or authority for an activity or decision, as stated in the Constitution and Ordinances of the Coquille Indian Tribe.

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- (10) Law: The components of Tribal laws as described in section 12.120 of this Ordinance.
- (11) Regulations: Rules promulgated by the Executive Director governing tribal administrative practices and procedures to implement Tribal ordinances and conduct day to day business of the Tribe.
- (12) Resolution: A decision of the Tribal Council on matters of temporary interest or relating to specific individuals.
- (13) Service Area: The counties of Coos, Curry, Douglas, Jackson and Lane in the State of Oregon.
- (14) Standing Committee: A tribal committee established by the Tribal Council to deal with a general area of interest and which will exist for an indefinite period of time.
- (15) Technical amendment: Corrections in style, punctuation or other such minor information to ordinances and regulations.
- (16) Tribal Council: The Tribal Council of the Coquille Indian Tribe.
- (17) Tribal Goals: General statements of long range desires or proposed results of plans and efforts. These goals are typically set forth in a strategic planning document.
- (18) Tribe: The Coquille Indian Tribe.

4. Legislative Procedures

Whenever the Tribal Council is considering any proposed ordinance or a major revision of an existing ordinance, the Tribal Council Secretary/Treasurer shall ensure that;

- (a) Such ordinance shall be made available for viewing by tribal members and input shall be sought. Notice shall be given of availability of such proposed ordinance. Such notice shall include:

- (1) The purpose of such proposed ordinance,

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- (2) The major provisions of such proposed ordinance,
 - (3) Information on how tribal members may view or obtain copies of such proposed ordinance, and
 - (4) A solicitation of comments and recommendations on such proposed ordinance.
- (b) Such ordinance shall be presented at no fewer than one Tribal Council meeting open to the membership; Tribal members shall be afforded an opportunity to comment and make recommendations on such proposed ordinance.
- (c) Within 30 days after enactment of any ordinance or major revision to any existing ordinance, such ordinance shall be made available to all tribal members upon request.
- (d) Any proposed ordinance or amendment to an existing ordinance shall include a statement of purpose of the ordinance which shall briefly describe the end to be achieved by the enactment of such ordinance. In addition, a proposed background statement shall be included to provide a historical perspective on the issues being considered and the statement of intent of the ordinance to address such issues. It is intended that such purpose and background statements shall clearly communicate to present and future members the need for such ordinance.
- (e) Amendments to existing ordinances shall be adopted by resolution.
- (f) Ordinances not enacted in accordance with these provisions shall be invalid.

5. Regulation Adoption Procedures

Regulations shall be promulgated by the Executive Director to implement all laws of the Tribal Council and to guide the conduct of tribal business as appropriate. The following procedures shall be followed in the publication of regulations:

- (a) In not less than 30 days prior to publishing final regulations the Executive Director shall;
 - (1) Provide regulations to the Tribal Council, and
 - (2) Give notice to Tribal members, employees, and any other parties who may be affected by such regulations. Such notices shall indicate the subject matter of

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proposed regulations, the location where regulations may be viewed and the place where comments may be submitted,

- (b) When developing regulations, input of interested parties shall become a matter of record and shall be considered.
- (c) The Executive Director shall finalize the proposed regulation for publication. Such regulation shall be effective upon publication.
- (d) After publishing the final regulation, notice shall be given within 30 days to all Tribal members, employees and other interested parties who may be affected by the final regulation. Such notice shall include instruction on how to view and obtain copies of such regulation.
- (e) Regulations not promulgated in compliance with this procedure shall be invalid.
- (f) Regulations promulgated pursuant to this procedure shall have the force of law.

120.140 Tribal Internal Policy and Procedure Manuals

Tribal Internal Policies and Procedures are comprised of purely internal guidelines established to define the day to day operations of Tribal government. Policies described under this paragraph are limited to recommended and required internal operating practices of Tribal government programs, the use of Tribal facilities and property, and the expectations of Tribal employees. Such policies may include forms and information to facilitate efficient operations. The Tribal Executive Director may implement adopt, amend or repeal any Tribal Internal Policy or Procedure provided that the Executive Director must provide such change to the Tribal Council prior to adoption or implementation of such policy. The Executive Director must not adopt or amend any Tribal policy that results in a substantial change to any Tribal member benefits (except for benefits received as a current or former Tribal Government employee), unless that Tribal policy change is required by Federal or Tribal law

120.150 Severability

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

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History of Amendments to Chapter 120 Government Organization and Procedure

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