

# **COQUILLE INDIAN TRIBAL CODE**

## **Chapter 140**

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

#### **Tribal Council Rules of Order**

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**140.010      General**

The purpose of these Rules of Order shall be to provide for orderly Coquille Indian Tribal Council meetings and establish protocol for Tribal Council operations.

**140.120      Role of the Chair**

- (a) The Chair shall conduct the Tribal Council's order of business in accordance with 140.150, Order of Agenda Business.
- (b) The Chair shall preserve the order and decorum; decide and rule on all points of order; may participate in debate on any matter before the Tribal Council.
- (c) The Chair shall sign and certify all resolutions approved by the Tribal Council and all documents directed by the Tribal Council.
- (d) Upon the absence of the Chair, the Vice-Chair shall preside at all meetings of the Tribal Council and General Council.
- (e) Upon the unavailability or absence of the Chair and the Vice-Chair, the Chief shall preside at all meetings of the Tribal Council and General Council.

**140.130      Recording of Meetings**

- (a) All Tribal and General Council meetings shall be recorded.
- (b) Tribal Council minutes shall be compiled after each meeting and presented for review and approval at the next regularly scheduled Tribal Council meeting. Tribal Council minutes need not be read into the record prior to approval.
- (c) General Council minutes shall be compiled by the Tribal Council Secretary Treasurer or his or her designee. They shall be published and available to all General Council members.
- (d) Any Tribal Council member desiring to make a correction(s) to Tribal Council minutes shall so state.
- (e) Tribal Council minutes shall be approved by motion, duly seconded and approval by majority vote of the votes cast.
- (f) Tribal Council minutes, along with any documents distributed, shall be maintained by the Secretary or his or her designee.

**140.140      Establishment of Quorum**

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

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**140.150 Order of Agenda Business**

Unless the Tribal Council votes to amend the following, the Order of Agenda Business for the Tribal Council shall be as follows:

- I CALL TO ORDER
- II OPENING PRAYER
- III ROLL CALL
- IV PUBLIC COMMENT
- V TRIBAL COUNCIL COMMENT
- VI ADOPTION OF AGENDA
- VII MINUTES
- VIII REPORTS
- IX RESOLUTIONS
- X BUSINESS
- XI QUESTIONS AND COMMENTS
- XII EXECUTIVE SESSION (if necessary)
- XIII ADJOURNMENT

**TO BE PRINTED ON EACH AGENDA:**

Public comments are limited to ten (10) minutes per speaker, unless the Chair directs otherwise. Comments may also be e-mailed or mailed for public comment, and will be copied and made available to all people present if they are received prior to the Tribal Council meeting. No anonymous comments will be accepted. Public Comment is for comments on topics not scheduled elsewhere on the agenda. The Tribal Council is unable to take action on items brought to their attention in this forum. Tribal members who wish to add an item to the agenda are asked to contact the Executive Director at 541-756-0904 at least 72 hours prior to the meeting. Please note if the item is confidential in nature.

**140.160 Adoption of Agenda**

The Chair or in his absence or unavailability, the Vice Chair, or in his absence or unavailability, the Chief, will establish the Agenda of Tribal Council meetings, and this agenda will be closed seventy two (72) hours prior to any regularly scheduled Tribal Council meeting. Prior to the establishment of a quorum, items may only be added to or removed from the Agenda with the consent of the Chair and the Executive Director. After a quorum is established, items may only be added to or removed from the agenda by an affirmative vote of the majority of the Tribal Council.

**140.170 Main Motion**

- (a) After the first reading of proposed action, the Chair shall entertain a motion to adopt the proposal.
- (b) A second shall be made without stipulation. If there is no second, the motion shall fail.

**140.180 Presentation by Sponsor(s) of Agenda Items**

- (a) Each agenda item shall have a Sponsor that can explain and answer questions about the proposal.
- (b) Following the main motion and second, the Sponsor(s) shall provide appropriate presentation, including an explanation of the proposal, prior to discussion.
- (c) A Sponsor may designate a substitute to make the presentation. As well, a Sponsor may direct additional spokespersons to provide supporting statements during the presentation.
- (d) To maintain efficiency and avoid repetition, the Chair may limit the number of spokespersons and time during a presentation.
- (f) If the Sponsor or the designated substitute are not present and prepared to provide their presentation when the proposal is called for, that proposal may be tabled to a later time on the current agenda or eliminated from the agenda of the present meeting and automatically placed on the agenda of the next succeeding meeting.

**140.190 Discussion**

- (a) Discussion may include questions by members of the General Council or Tribal Council directed towards the Sponsor; statements of opinion by members of the General Council or Tribal Council; as well as opportunities for the General Council or Tribal Council to request clarification and further documentation from the Sponsor and/or affected offices and programs.
- (b) It shall be at the discretion of the Chair when discussion on any issue shall be deemed to cease, unless discussion is terminated by motion, duly seconded and approved by majority vote. Whenever discussion is so terminated, the Chair shall put the question then before the Tribal Council to immediate vote.
- (c) A person choosing to debate shall do so only upon addressing and being recognized by the Chair and shall discuss only the issue presently before the Tribal Council.

Discussion should be courteous and mutually respectful.

**140.200 Response by Sponsor(s) During Discussion**

Only upon recognition by the Chair shall the Sponsor(s) address the Tribal Council.

**140.210 Amendment to Proposal During Discussion**

- (a) During discussion, any member of the Tribal Council (except parties to the main motion) shall be permitted to propose an amendment to the Proposal or Resolution by motion. Such an amendment may only amend a portion of the Proposal and not its entirety.

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- (b) Any proposed amendment must be seconded, without stipulation, by a member of the Tribal Council. Once seconded, the proposed amendment shall be subject to debate by members of the Tribal Council, as provided in these Rules.
- (c) A proposed amendment shall take precedence over the main motion.
- (d) A majority vote by members of the Tribal Council casting a vote shall cause the motion to amend to carry. Thereafter, debate of the main motion shall continue as amended.
- (e) There shall be only one (1) motion to amend allowed at any given time. Each motion to amend shall be discussed and voted upon before another motion to amend is entertained.
- (f) Amendments may be entertained only if they are deemed germane, meaning they are significantly related to the underlying legislative proposal. Any member of the Tribal Council, or the sponsor, may question whether or not an amendment is germane. Upon such a question, the Chair may make a determination on whether or not the amendment is germane. If the Chair determines that a proposed amendment is not germane, the member proposing the amendment will be allowed an opportunity to revise the amendment to make it germane.

**140.220 Withdrawal of Motion**

- (a) A member of the Tribal Council may withdraw his or her motion at any time prior to final vote by the Tribal Council.
- (b) The withdrawal of motion shall take precedence over the motion it seeks to withdraw, is not subject to debate, and cannot be amended.

**140.230 Motion to Table**

- (a) Any member of the Tribal Council may motion to table a Proposal or Resolution that is before the Tribal Council. A tabling motion shall take precedence over all other motions except the motion to adjourn. A tabling motion may include specific directive(s) on when the proposal will be reconsidered.
- (b) A tabling motion must be seconded. A tabling motion cannot be debated. A majority vote shall cause this motion to carry.
- (c) A Proposal or Resolution which has been tabled twice shall be eliminated from the agenda of the Tribal Council. Identical or similar proposals may be reintroduced at later sessions as a new business.
- (d) A Proposal or Resolution may be taken up from the table by motion, duly seconded, and shall be approved by a majority vote of the votes cast.

**140.240 Referral to Committee, Tribal Administration, or Tribal Entity**

Any Proposal, Resolution, or report may be referred to Committee, Tribal Administration, or Tribal Entity by motion.

- (a) Any member of the Tribal Council may make a motion to refer a Proposal, Resolution, or report before the Tribal Council to a Committee, Tribal Administration, or Tribal Entity. The motion shall identify the Committee, Tribal Administration, or Tribal Entity to which the reference is made.
- (b) The referral motion must be seconded.
- (c) The referral motion shall specify the action to be taken by the Committee, Tribal Administration, or Tribal Entity and shall, if required, set a time for the Tribal Council to take up the matter after completion of deliberation by the Committee, Tribal Administration, or Tribal Entity.
- (d) A majority vote by members of the Tribal Council casting a vote shall cause the motion to carry.
- (e) Such referral shall not constitute a tabling of the proposal, pursuant to –CITC 140.230 Tabling Motion, unless an additional, specific tabling motion is made.

**140.250 Vote**

- (a) Reading: The Tribal Council Secretary Treasurer or his or her designee will read the motion out loud immediately prior to the vote.
- (b) Any motion shall be passed if it receives a majority vote, unless otherwise provided under Tribal law.
- (c) Voting by proxy or by any method by or on behalf of any member who is not physically present at a meeting shall not be valid or permitted, as set forth in the Coquille Indian Tribe Constitution, Article 3, Section b(3).

**140.260 Recall of Vote**

- (a) Any Tribal Council member voting with the prevailing side on any motion may move to recall the previous vote so that the matter may be reconsidered by the Tribal Council. Any Tribal Council member may second the motion.
- (b) The recall motion shall be passed by a majority vote.

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- (c) A recall motion must be made during the Tribal Council meeting in which the original motion was considered. The recall motion shall not be valid to reconsider a matter from any prior session of the Tribal Council.
- (d) A recall motion shall not apply to any motion to adjourn, to table or take from the table, to suspend the rules, or an amendment motion when a vote on the main motion has already been taken, unless the vote on the main motion is first successfully recalled pursuant to this Rule.
- (e) Tribal Council members cannot vote on the same motion to recall more than one time per meeting.
- (g) If passed, the recall motion places the motion subject to reconsideration in the same position it occupied before being originally voted upon.

**140.265 Resolution Approval Procedure**

- (a) To ensure uniformity, quality control, and an opportunity for adequate Tribal Council member review, the Tribal Attorney will develop a protocol for the drafting and preparation of Tribal Council resolutions. This protocol will include, but not be limited to, the development of a standardized resolution template.
- (b) Deviations from the resolution protocol described above must be approved by the Tribal Council by motion.

**140.270 Effect of Final Vote on Resolutions**

- (a) Resolutions that are approved by the Tribal Council shall be finalized to include any amendments. Upon finalization, the Chair and the Secretary-Treasurer shall sign and certify the approved Resolutions.
- (b) All Resolutions shall be effective on the date of certification, unless a different effective date is provided for in the Resolution.

**140.280 Executive Session**

The Tribal Council may recess at its discretion to discuss any matter in an executive session. The executive session shall consist of tribal council members and other invited persons necessary to the discussion. The Tribal Council must express in a motion calling for an executive session the general subject matter to be discussed in the executive session, as set forth in the Coquille Indian Tribe Constitution, Article 3, Section b(7). All executive session deliberations are confidential. The Tribal Council shall not take any final or official action on the matter in the executive session.



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**140.290 Point of Order; Appeal of Decision**

If a motion, procedure or remark appears to be in violation of the established Rules of Order of the Tribal Council, any Tribal Council member may raise a point of order.

- (a) The point of order shall be raised immediately after the error is made. The Tribal Council member raising the point of order may interrupt the Chair and a vote in progress to raise the issue.
- (b) The point of order is not required to be seconded and is not subject to debate.
- (c) The Chair shall immediately decide and rule upon the point of order before any action on the question is made by the Tribal Council.
- (d) Once the Chair has made his or her decision on the point of order, any Tribal Council member may appeal the decision. The appeal must be seconded. The appeal shall not be amended. If the appeal is made and seconded, the Chair shall restate his decision and submit the matter to the judgment of the Tribal Council. The decision shall then be subject to debate by the Tribal Council, during which the Chair may state his or her reasons for the decision. Upon conclusion of debate, a vote shall be taken, and the decision of the Chair shall be reversed if the majority of all votes cast are in favor of the appeal.

**140.300 Public Comments and Tribal Council Response**

During public comment, Tribal members may make comments concerning Tribal government operations or other matters. The Tribal Chairman will acknowledge comments presented and indicate that the information will be taken under consideration and, if appropriate, a follow up response will be provided. Since public comments become part of the official minutes of Tribal Council meetings, it is important that follow up responses, when appropriate, also be part of the official record of meetings. Public comments in need of follow up response will be addressed in a timely manner. Details of the response will be prepared by the Tribal Council, CIT administration, CEDCO management or other appropriate entity, and reviewed by the Tribal Attorney and Executive Director. The response also may be addressed at a Tribal Council Workshop if further consideration by all Tribal Council members is desirable. As standard practice, the follow up response will be presented by the Tribal Chairman during the Tribal Council comments part of the agenda at the Tribal Council meeting immediately following the one at which the public comment was made. If additional time is needed, the Tribal Chairman will indicate that the follow up response is pending and will be provided as soon as completed. Comments will be tracked through a numbering system by the Tribal Council Executive Assistant. Any individual Tribal Council member may respond at their discretion. No anonymous comments will be accepted.

**140.310 Tribal Council Correspondence**

Tribal members request information and/or voice concerns by sending correspondence to individual Tribal Council members or the entire Tribal Council. Correspondence sent to an individual Tribal Council member or all members relating to Tribal government operations or other Tribal business will be handled as a Tribal

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Council matter and a response, if appropriate, will be made by the Tribal Chairman. Details of the response letter will be prepared by the Tribal Council, CIT administration, CEDCO management or other appropriate entity, and reviewed by the Tribal Attorney and Executive Director. The response letter also may be addressed at a Tribal Council Workshop if further consideration by all Tribal Council members is desirable. Upon receipt of correspondence from a Tribal member, an acknowledgement will be sent by the Tribal Council Secretary or his or her designee informing the Tribal member that their correspondence has been received and that a full reply will be forthcoming. Correspondence and responses will be tracked through a numbering system by the Tribal Council Executive Assistant.

Any individual Tribal Council member may respond at their discretion but should indicate that their response is not from the Tribal Council as a whole.

**140.320 General Council Meeting Procedures**

All meetings of the General Council shall be audio recorded by the Tribal Council Secretary Treasurer or his or her designee. General Council minutes shall be compiled after each meeting and presented for review at the next regularly scheduled Tribal Council meeting. Any Tribal Council or General Council member desiring to make a correction(s) shall so state. General Council minutes, along with any documents distributed, shall be maintained by the Tribal Council Secretary or his or her designee. General Council meeting minutes are not a transcript of the meeting; instead, they will be a summary of general issues and considerations discussed at the meeting, unless otherwise required under Tribal law. All General Council meeting minutes shall be distributed to the General Council through the standard acceptable methods of distribution.

**140.330 Tribal Council Workshops**

Tribal Council Workshops may either be open to the General Council and staff or closed. The Tribal Council determines who may attend a closed workshop. A Tribal Council Workshop Information form shall be filled out for each workshop on the Tribal Council agenda. The presenter of the workshop will attach any relevant materials that will be presented at the workshop, unless the workshop was a closed executive workshop. Within two weeks after the workshop, the form will be completed to reflect any actions taken by Tribal Council that are related to the information presented in the workshop. The completed workshop form will be forwarded to Records Management. This form shall be the sole record of the workshop.

**140.340 Access to General Council Information**

All Tribal Council members, individually and collectively, may access General Council member information such as addresses, phone numbers, and e-mail addresses, for the purposes of discussing Tribal business. This information may not be used for electioneering purposes.

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**140.400 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.

**140.450 Reimbursement of Travel Expenses**

1. Reimbursement. Tribal Council members may be reimbursed for expenses they incur related to authorized travel as provided in this section. Unless the Tribal Council Chairperson authorizes otherwise in advance, all travel expenses shall be reasonable under the circumstances at hand.

2. Tribal Council Travel. Subject to appropriations, Tribal Council members may be reimbursed for their reasonable travel expenses required to attend Tribal Council meetings, workshops and working sessions, including transportation, lodging, meals and/or per diem costs; provided that reimbursable transportation costs must not exceed the Maximum Transportation Allowance.

3. Other Authorized Travel. Subject to appropriations:

a. When approved by the Tribal Council Chairperson, Tribal Council members may be reimbursed for reasonable travel expenses they incur to attend authorized events, including transportation, lodging, meals and/or per diem costs.

b. The Tribal Council Chairperson will be reimbursed for reasonable travel expenses required to carry out the official functions of that position, including transportation, lodging, meals and/or per diem costs.

4. “Tribal Council Chairperson.” As used in this section, “Tribal Council Chairperson” means the elected Tribal Council Chairperson, and, when the Chairperson is absent, means the Tribal Council Vice-Chairperson, and, when the Chairperson and Vice-Chairperson are absent, means the Tribal Council Chief.

5. “Maximum Transportation Allowance.” Unless the Tribal Council provides otherwise by Resolution, “Maximum Transportation Allowance” means \$500 per round trip to attend a Tribal Council meeting, workshop or working session.

**140.500 No Waiver of Sovereign Immunity**

Nothing in this ordinance shall be construed as a waiver of sovereign immunity of the Tribe or of any Tribal official, agent, employee or representative, which the Tribe expressly asserts.

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History of Amendments to Chapter 140 Tribal Council Rules of Order:

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