

Coquille Indian Tribal Code Chapter 170
NUU-SRI PERMANENT FUND ORDINANCE

“Nuu-Chaa-Nee-Yu, Nuu-Sri”

“Our Elders, Our Heart”

COQUILLE INDIAN TRIBE
Chapter 170
Nuu-Sri Permanent Fund

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170.010 Fund Name: Nuu-Sri Permanent Fund

170.020 Fund Purpose: The purpose of the Nuu-Sri Permanent Fund (the “Fund”) is to provide resources in perpetuity to support the Elder Care Reimbursement and Respite Care Reimbursement Program, which assists Elders to stay independent as they age by delivering care and services to improve their quality of life.

170.025 Jurisdiction [Reserved]

170.050 Definitions

1. “Activities of Daily Living” means basic self-care tasks including, but not limited to, feeding, toileting, dressing, grooming, bathing, maintaining continence, and mobility.
2. “Elder” means a Coquille Tribal member, Coquille Tribal member spouse, or widow or widower of a Coquille Tribal member who has not remarried, who is at least 55 years of age or older.
3. “Instrumental Activities of Daily Living” means complex skills needed to successfully live independently including, but not limited to, managing finances, transportation, shopping, preparing meals, using communication devices, managing medications, household chores, and home maintenance.
4. “Program” means the Elder Care Reimbursement and Respite Care Reimbursement Program.
5. “Respite” means temporary, substitute support or living arrangements to provide a brief period of relief or rest for informal, unpaid caregivers who are caring for an Elder.

170.100 Fund Description: The Coquille Tribal Council created the Fund to honor and to acknowledge the importance of the Elders of the Coquille Indian Tribe. The Tribe has an inherent interest in the vitality of its culture, oral tradition, spirituality, history, traditional practices and interdependence, and Tribal Elders possess innumerable gifts and wisdom that must be passed on to younger generations for the Tribe to thrive.

Ensuring the well-being of Tribal Elders is an important traditional and cultural value of the Tribe. The Coquille Tribal Council acknowledges that the care and compassion with which we treat our Elders is of utmost importance. Our Elders are the legacy that allows us to continue to survive and thrive today, steeped in the rich cultural traditions and stories that define us. The Tribal Council has established the Fund with the intent that it will provide resources in perpetuity to support this purpose.

The fund shall not pay for programs and services that are covered by Medicaid, Medicare, or long-term care insurance.

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170.200 Fund Authorization: The Tribal Council authorizes the Nuu-Sri Permanent Fund pursuant to the Coquille Fiscal Management Ordinance (CITC Chapter 160) and its regulations, for the specific purpose and uses established by this Ordinance. The Fund shall be accounted for in accordance with Generally Accepted Accounting Principles as promulgated by the Government Accounting Standards Board. All Fund assets will be owned exclusively by the Tribe.

170.250 Fund Contributions: Contributions to the Fund shall be by appropriation of resources available from Tribal revenues and thereafter will grow through further Tribal contributions and the addition of unexpended annual investment earnings. The Tribe may accept private donations to the Fund, provided that such donations require no specific actions on the part of the Tribe other than to be used for the purpose authorized by this Ordinance.

170.300 Fund Custody: Contributions, assets and earnings of the Fund shall be held in a bank account, brokerage account, or trust account of an institutional trust company, or any combination thereof, selected by the Chief Financial Officer and approved by the Tribal Council. Fund assets shall be invested in accordance with CITC Chapter 160 and may be invested in common with other Tribal fund assets to facilitate efficient management, provided they have similar duration, liquidity and risk constraints.

170.350 Fund Uses: The Tribal Council intends that the Fund shall be a permanent, non-expendable endowment and to appropriate only Fund earnings for expenditure so that the Fund principle shall not be less than the amount needed to provide earnings to support the approved uses in perpetuity. Such appropriations of Fund earnings shall be made annually pursuant to the Tribal budget. Any non-appropriated Fund earnings shall remain in the Fund. In determining annual appropriations, the Tribal Council shall consider average annual Permanent Fund earnings, net of any and all investment fees and expenses, during the previous five years. At its discretion, the Tribal Council may designate appropriate resources other than Fund earnings to support the approved uses. Except as otherwise provided within Tribal budgets, any unused amounts appropriated for approved uses during any calendar year shall be returned to the Fund.

The Fund shall be used to supplement the Elder Care Reimbursement and Respite Care Reimbursement Program. The Program, pursuant to approved policies and procedures, shall seek to reimburse Elders for costs associated with Activities of Daily Living, Instrumental Activities of Daily Living, and Respite care. Amendments to Program policies and procedures that significantly impact Tribal member benefits shall be approved by Tribal Council.

The annual appropriation of Fund earnings should seek to supplement annual Tribal Council budgeted appropriations for the Program as much as practical to provide additional supplemental support for the Program.

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170.400 Reporting Requirements: Unless the Tribal Council directs otherwise, the Chief Financial Officer shall provide the Tribal Council with an accounting for the Fund, including its receipts, disbursements cumulative principal contributions and fund balance, on a quarterly basis, or as otherwise directed by the Fiscal Management Ordinance CITC Chapter 160.

170.500 Minimum Target Fund Balance: The minimum target fund balance is \$5,000,000. Amounts shall be contributed to the Fund to attain the minimum target fund balance in accordance with section 170.250 of this Ordinance. The target fund balance may be amended by resolution of the Tribal Council to meet future needs.

170.600 Fund Not a Trust: The Fund established under this Ordinance is not to be treated as a trust. The establishment of a fund called for herein does not create any rights directly or indirectly to any members of the Tribe or other individuals. The Fund is not separate from the general assets of the Tribe except to the extent it is accounted for through appropriate bookkeeping entities for compliance with this Ordinance. All assets in the Fund are and shall remain solely assets of the Coquille Indian Tribe. No individual or entity, outside of Tribal Council, shall have any right to alienate, pledge, liquidate, hypothecate or assert any other rights of ownership of the Fund. Assets in the fund are not subject to levy, attachment or garnishment and shall be exempt from the enforcement of any judgment entered by Tribal Court or otherwise.

170.900 Severability: If a court of competent jurisdiction determines any provision of this Ordinance, or its application, to be invalid or unenforceable, the remainder of this Ordinance will continue to be effective.

Legislative History