

# **COQUILLE INDIAN TRIBAL CODE**

## **Chapter 140**

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

#### **Tribal Council Rules of Procedure**

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## 140.010 General

### 1. Purpose

To state uniform policies and procedures which will promote effective Tribal Council performance, facilitate orderly productive meetings, and establish clear expectations of members of the Tribal Council. To provide for orderly Coquille Indian Tribal Council meetings and establish protocol for Tribal Council operations.

### 2. Background

The Tribal Council in accordance with the Constitution of the Coquille Indian Tribe (the “Tribal Constitution”) has established the structure and functions of the Coquille Tribal Government, providing for the delegation of responsibilities and authorities to various components of Tribal government.

The Tribal Council adopts laws to guide Tribal government actions.

The Tribal Council has reserved to itself the legislative responsibility, certain executive authority, as well as other responsibilities and authorities not specifically delegated by law or vested in the General Council.

The Tribal Council is a fiduciary of the Tribe’s assets, a defender of the Tribe’s sovereign rights and duties, a protector of the Tribe’s cultural heritage and an agent of the Tribe’s holistic restoration.

The Tribal Constitution grants the Coquille Tribal Council certain roles, powers and responsibilities, including the power to meet and conduct legislative and executive business. The Tribal Council has determined that there is a need to provide for uniform and reliable rules for the conduct of Tribal Council business. The Tribal Council intends for this Ordinance to provide such rules with the expectation that they will be used in a manner that is consistent with the Tribe’s values.

### 3. Definitions

- a. **Abstain** – to refrain from casting a vote.
- b. **Censure** – the formal and official expression of disapproval and/or condemnation.
- c. **Certify** – to affirm the genuineness or accuracy of an item.
- d. **Constitution** – the Constitution of the Coquille Indian Tribe
- e. **Decisions and Actions of the Tribal Council** – the adoption of motions, resolutions, and ordinances and official executive actions of Tribal Council or its Officers as authorized under Tribal law.

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- f. **Declaration of Emergency** – the authorized statement by the Tribal Council that an emergency exists that requires the Tribe to temporarily replace Tribal standards, policies and procedures with interim measures.
- g. **Final or Official Action** – any affirmative initiative taken by the Tribal Council as a body, such as the adoption of a resolution, ordinance or the passage of a motion, provided that an item is not Final or Official Action if it:
  - (i) is already authorized under applicable law, with no additional final or official action required:
  - (ii) fails to establish new law or policy of the Tribe; and
  - (iii) has no legally binding consequence, such as informal communications that the Tribal Council has with employees, agents or contractors of the Tribe or any Tribal Affiliate.
- h. **Tribal Affiliate** – an entity directly or indirectly owned 50% or more by either:
  - (i) the Tribe, or
  - (ii) any entity owned 100% by the Tribe.
- i. **Tribal Council Meeting** – an official gathering of the Tribal Council formed in compliance with Tribal Law for which the required notice was given, at which a quorum is Present and during which the Tribal Council may take Final or Official Action.
- j. **Tribal Council Workshops** – official gatherings of the Tribal Council where no Final or Official Action may be taken and that are not Executive Sessions.
- k. **Call to Order** – the initiation of a Regular or Special Tribal Council Meeting or a General Council Meeting.
- l. **Chair or Chairperson** – the Chairperson of the Coquille Indian Tribal Council.
- m. **Executive Session** – meaning given in Article VI(3)(b)(7) of the Constitution of the Coquille Indian Tribe.
- n. **Governing Body of a Tribal Affiliate** – a Board or if there is no Board, the Highest Executive Officer.

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- o. **Highest Executive Officer** – with respect to the Tribal Administration, the Executive Director; with respect to the Health and Wellness Division, the Health and Wellness CEO; with respect to the Coquille Indian Gaming Commission, the Gaming Commission Chairperson. The Tribal Council recognizes the structure and organization of the activities it supervises may change over time. For this reason, Highest Executive Officer shall also mean the official at the top of the chain of command of any Tribal government division established after the effective date of this Ordinance or of any Tribal Affiliate.
- p. **Majority Vote** – excluding abstentions, a majority of votes cast at a Tribal Council Meeting where a quorum is Present.
- q. **Present** – a person is physically in attendance or is attending via an electronic system or device that allows them to simultaneously speak and be heard by all attendees in real time.
- r. **Proposal** – a matter being presented for Tribal Council action or consideration.
- s. **Regular Tribal Council Meeting** – a Tribal Council Meeting scheduled under the authority of Article VI(3)(b)(1) of the Constitution of the Coquille Indian Tribe.
- t. **Recording** – a conversion of sound into a permanent form that can be reproduced at a time in the future.
- u. **Simple Majority** – the votes cast in favor of a proposition are greater than the votes cast in opposition.
- v. **Special Tribal Council Meeting** – a Tribal Council Meeting scheduled under the authority of Article VI(3)(b)(2) of the Constitution of the Coquille Indian Tribe.
- w. **Sponsor** – a person responsible to, upon request, explain and answer questions about a Proposal presented at a Tribal Council Meeting.
- x. **Supermajority** – the number of votes necessary to carry a Proposal must be greater than a Simple Majority.
- y. **Tribal Law** – is all of the following:
  - (i) The Constitution of the Coquille Indian Tribe;
  - (ii) Resolutions and ordinances adopted by the Tribal Council;
  - (iii) Initiatives and Referenda that are duly enacted as provided in the Constitution of the Coquille Indian Tribe;

(iv) Tribal Court Opinions; and

(v) Tribal Regulations, to the extent that they do not conflict with other Tribal Laws.

### **140.020 Jurisdiction (Reserved)**

### **140.030 Applicability**

The provisions of this ordinance shall apply to all members of the Tribal Council. Except in cases of pending or threatened litigation, nothing in this Ordinance limits the rights of individual Tribal Council members to communicate with any person, Tribal member, Tribal employee, Tribal Government agency or official or Tribal Affiliate.

### **140.040 Officers of the Tribal Council**

The officers of the Tribal Council shall have the duties and responsibilities described below, provided that these duties may be modified by a Tribal Council resolution ratifying a Declaration of Emergency as long as such resolution does not violate the Tribal Constitution.

#### **1. Tribal Chairperson**

The Chairperson of the Tribal Council is the chief spokesperson of the Tribe, represents the Tribe by name and title, provides for correspondence with other governments and entities on behalf of the Tribe and carries out the following duties, which the Chairperson may delegate as described under Tribal law as provided below:

- a. Provides oversight for the management and administration of Tribal operations and government through the Executive Director and other Highest Executive Officers.
- b. Coordinates with staff hired directly by, bodies appointed directly by, and firms, organizations or individuals contracted directly by Tribal Council, to ensure mutual understanding and implementation of the Decisions and Actions of the Tribal Council, provided that, when applicable, this coordination occurs exclusively with the Highest Executive Officer, so that existing chains of command are followed and is consistent with the Decisions and Actions of the Tribal Council. Nothing in this Section limits the ability of the Chairperson to communicate with staff or others, or to provide direction to staff responsible to provide supportive services to the Tribal Council.
- c. Calls for and presides over Tribal Council Meetings, General Council Meetings and such other meetings, and Tribal Council Workshops as necessary or expedient for the conduct of Tribal business.

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- (i) Drafts the agenda in advance of Tribal Council Meetings, provided that the Chairperson shall develop Tribal Council Meeting agendas after consideration of agenda requests made by Tribal Council members, Tribal members, Tribal government staff and Tribal Affiliate staff. Draft agendas, even if incomplete, must be provided to Tribal Council members and available to for General Council member review at least 72 hours prior to Tribal Council Meetings.
  - (ii) Unless Tribal Law provides otherwise, when no Tribal Council Meeting is in session the Chairperson shall be the initial point of contact for all persons, governments, and entities wishing to communicate with, or report to, the Tribal Council, provided that nothing in this paragraph is intended to restrict the free speech rights of any person or to limit the ability of Tribal and Tribal Affiliate employees to carry out their authorized functions.
- d. Certifies resolutions and other matters as required under Tribal law.
- e. Ensures that Tribal Council is notified in a timely manner of actions taken by the Chairperson. This requirement is satisfied either:
  - (i) by making and keeping a written record of matters of significance to the Tribe that come up between Tribal Council meetings; or
  - (ii) by informing and enabling Tribal Council members to access said written record of actions in a convenient and timely manner or providing a verbal or written update to Tribal Council members. As used here “significant” means a matter that affects the legal rights or liabilities of the Tribe or that, in the judgment of the Chairperson, would be beneficial to share with all Tribal Council members.
- f. Performs certain executive intergovernmental functions described in Tribal Law.
- g. Ensures that the Vice Chairperson, Chief and then the Secretary/Treasurer, in that order, have the necessary tools and information to assume the role of Chairperson while the Chairperson is absent or unable to perform their duties.
- h. By resolution, the Tribal Council may authorize the Chairperson to perform certain executive activities during the time when no Tribal Council Meeting is in session, provided that these activities must be subsequently ratified by the Tribal Council by motion or resolution to remain valid. Examples of such possible authorizations include the ability to respond to requests for Tribal input, including intergovernmental consultations, and to take steps to access funds previously authorized by the Tribal Council.
- i. Ensures that Tribal Council priorities, plans and directives are carried out.



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**2. Vice Chairperson**

- a. The Vice Chairperson shall assist the Chairperson when called to do so or when necessary to carry out the duties and responsibilities described in this Ordinance.
- b. The Vice Chairperson shall assume the assigned duties and responsibilities of the Chairperson when the Chairperson is absent or is unable to perform his/her duties and responsibilities until such time when the Chairperson returns to office and reassumes their duties and responsibilities.

**3. Tribal Chief**

- a. The Chief is the primary cultural and spiritual representative of the Tribe. The Chief shall:
  - (i) Represent the Tribe at cultural events and facilitate understanding of the Tribe's culture and heritage;
  - (ii) Ensure that the Tribal Council considers the cultural needs of the Tribe in its decision making;
  - (iii) When appropriate and prudent, provide advice regarding matters of Tribal cultural and historical significance, including providing support for the conduct of cultural events;
  - (iv) In the absence of both the Chairperson and Vice Chairperson, preside at all Tribal Council Meetings and General Council Meetings;
  - (v) Provide invocation at events when appropriate, provided that the Chair may designate an alternate individual to perform this role when the Chief is unavailable; and
  - (vi) Not have the authority to direct staff, unless Tribal law provides otherwise.
- b. Unless a Tribal Law provides otherwise, or the Chief otherwise delegates this responsibility in writing, the Chief may be consulted before the Tribe asserts any position on significant matters involving the federal National Historic Preservation Act, or the cultural geography, ancestral or aboriginal territory, or linguistic heritage of the Tribe, or the Tribe's interest in archeological resources or human remains. This consultation obligation shall not apply if reasonable efforts to contact the Chief fail, or if the Chief is otherwise unable to perform this duty.

**4. Secretary/Treasurer**

The Secretary/Treasurer of the Tribal Council ensures the accurate Recording of all Tribal Council Meetings and decisions. In addition to any other obligations under Tribal Law, the Secretary/Treasurer shall:

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1. Certify the content and accuracy of approved minutes, adopted resolutions, and adopted ordinances and other actions of the Tribal Council;
2. Review draft minutes of Tribal Council Meetings to ensure their accuracy prior to presentation for approval;
3. Certify documents related to transactions when authorized by Tribal Council resolutions;
4. Ensure that authorized Tribal officials have an adequate opportunity to review all audit reports, including any concerns or discrepancies described in such reports;
5. Approve or disapprove requests to reimburse expenses of Tribal Council members incurred in the performance of official duties; provided that the Tribal Council Chairperson shall approve or disapprove the Secretary/Treasurer's expense reimbursement requests as further described below.
6. Perform such other responsibilities as set forth in any Tribal ordinance or resolution. (Examples here could involve the approval of limited liability company formation requests under CITC Chapter 230, or the approval of assumed business name requests under CITC Chapter 209, provided that such duties and laws may change over time).
7. When the Secretary/Treasurer is absent or unable to perform their Tribal Council Meeting duties, the Tribal Vice Chairperson shall assume the role of acting Secretary / Treasurer during such meetings. If the Vice Chairperson is unable to perform this role or is otherwise absent or unavailable, the Tribal Council may by motion authorize another Tribal Council member to perform this role.

#### **140.050 Tribal Council Position Descriptions and Pay Scale**

1. By resolution, the Tribal Council shall adopt descriptions of the functions, powers and duties applicable to each Tribal Council position. These position descriptions:
  - a. Shall be maintained in a location that is conveniently accessible to Tribal members in person and online; and
  - b. May be updated by the Tribal Council at any time by resolution.
2. By resolution, the Tribal Council may adopt a pay scale for each Tribal Council position. No adjustment of such pay scale shall be done without at least 30 days' notice that it will be on the Tribal Council agenda.

## **140.060 Tribal Council Operations Manual**

With the assistance of staff or contractors, the Tribal Council shall provide for a Tribal Council Operations Manual to provide guidance for Tribal Council members. This manual shall be adopted and updated by Tribal Council resolution, and shall include standards of conduct for Tribal Council members and a procedure to impose consequences for violations of such standards of conduct. The Operations Manual may address, but not be limited to the following topics:

1. The powers and duties of Tribal Council members and how such duties are normally performed;
2. Compliance with the legal and ethical expectations of Tribal Council members;
3. Information to help maximize the efficient use of time and access to relevant informational resources;
4. Information to help each Tribal Council member make informed policy choices; and
5. Other information identified by the Tribal Council.

## **140.100 Tribal Council Meetings**

### **1. Tribal Council Meetings Open to Tribal Members**

The Tribal Council Meetings shall be held at least once during each month to conduct government business, report on activities and obtain Tribal member input on important business of the Tribe. Except as provided by Tribal Law, Tribal Council Meetings shall be open to Tribal members.

### **2. Notice of Tribal Council Meetings**

Except as otherwise provided under Tribal Law, Tribal Council Meetings shall be scheduled in advance to allow members time to attend. In addition to the requirements of Article VI, Section 3 of the Constitution of the Coquille Indian Tribe, notice of such meetings shall be placed in a conspicuous place at Tribal government buildings and communicated using other reliable forms of media or communication that the Tribe regularly and customarily uses to communicate with all Tribal members.

### **3. Topics Raised by Tribal Members**

Members wishing to bring topics before the Tribal Council may contact the Chairperson and request time during such a Tribal Council Meeting or Tribal Council Workshop.

Such request will be considered and honored if topic is consistent with the Meeting or Workshop and time permits. If the Chairperson determines that a proposed topic is not appropriate for the Public Comment portion of a Tribal Council Meeting, the Chairperson shall have the discretion to schedule the topic as an agenda item at a future Tribal Council Meeting, Tribal Council Executive Session or Tribal Council open or closed Workshop. Examples of items that might not be appropriate for public comment include but are not limited to:

- a. discussion likely involves disclosure of confidential or proprietary information;
- b. items that likely involve dialogue between the Tribal member and Tribal officials; and
- c. topics that touch upon pending or threatened litigation. Nothing in this subsection limits the right of Tribal members to speak during the Public Comment portion of Tribal Council Meetings.

### **4. Notice and Agenda Requirements for Certain Special Tribal Council Meetings**

As noted below, the Constitution of the Coquille Indian Tribe imposes procedural standards for Special Tribal Council Meetings. One such standard calls for forty-eight hours' notice of any Special Tribal Council Meeting unless each Tribal Council member agrees otherwise. This subsection sets forth additional standards for Tribal Council member waiver of such notice. Note that the standard Regular Tribal Council Meeting agenda notice requirement does not always apply to Special Tribal Council Meetings.

1. Article VI, Section 3(b)(2) of the Constitution of the Coquille Indian Tribe provides in part that, "no special [Tribal Council] meeting shall be called without at least forty-eight (48) hours' notice to each member of the Tribal Council, unless each member agrees to waive the notice requirement." Article VI, Section 3(b) of the Constitution also provides that the Tribal Council "may augment or diminish [the meeting procedures of Article VI, Section 3(b)] by its own rules so long as such rules do not conflict with any provisions of this Constitution."

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2. Except as provided in 140.100(4)(c),
  - a. if a Special Tribal Council Meeting is requested with less than forty- eight hours' notice, each Tribal Council member will, before waiving their right to forty-eight hours' notice, be notified of all agenda items and decisions to be made at the proposed Special Tribal Council Meeting. The notice required by this subparagraph may be provided by email or any reliable form(s) of communication that Tribe regularly and customarily uses to communicate with Tribal members or Tribal Council members.
  - b. The Tribal Council Chairperson will be responsible to document and ensure compliance with this subsection 140.100(4), including documentation of all responses from Tribal Council members, provided that the Chairperson may delegate this responsibility in writing to the Tribal Council Secretary/Treasurer.
  - c. Tribal Council actions taken in violation of this subsection will be invalid.

**140.120 Role of the Chairperson at Meetings**

1. The Chairperson shall conduct the Tribal Council's order of business in accordance with 140.150, Order of Agenda Business.
2. The Chairperson shall preserve the order and decorum, decide and rule on all points of order, and may participate in debate on any matter before the Tribal Council.
3. The Chairperson shall sign and certify all resolutions approved by the Tribal Council and perform all actions directed by the Tribal Council.

**140.130 Tribal Council Meeting Minutes**

1. After each Tribal Council Meeting, minutes shall be promptly prepared and presented for review and approval at a Regular Tribal Council Meeting. Tribal Council minutes need not be read into the record prior to approval.
2. Any Tribal Council member desiring to make a correction to Tribal Council Meeting minutes shall so state.
3. Tribal Council Meeting minutes shall be approved by motion, duly seconded and adopted by majority vote.

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4. Tribal Council Meeting minutes, along with any documents that are made a part of the record of the Tribal Council Meeting, shall be maintained by the Secretary or their designee.

**140.135 Tribal Council and General Council Meeting Recordings**

1. All Tribal Council Meetings and General Council Meetings shall be recorded, provided that no recording is required for Tribal Council Meeting executive sessions.
2. The Tribal Council may adopt Tribal laws (“Tribal Council Record Laws”) governing the maintenance of, retention of, and access to recordings of Tribal Council Meetings.
3. To the extent that there are no Tribal Council Record Laws addressing the maintenance of, retention of, and access to recordings of Tribal Council Meetings, the following provisions will govern:
  - a. The Tribal Administration shall maintain Recordings of Tribal Council Meetings using methods designed to protect them from inadvertent loss or disclosure.
  - b. The Tribal Administration shall take reasonable and prudent steps to retain Recordings of Tribal Council Meetings forever, provided that nothing herein shall prohibit the Tribal Administration from improving the format of such recordings.

**140.140 Establishment of Quorum**

Four Tribal Council members must be Present to constitute a quorum. Tribal Council action is valid only when a quorum exists.

**140.150 Order of Agenda Business**

Unless the Tribal Council votes to amend the following by motion or otherwise, the Order of Agenda Business for Tribal Council Meetings shall be as follows:

- I CALL TO ORDER
- II INVOCATION
- III AUTHORIZATION OF ACTING OFFICERS (If Needed)
- IV ROLL CALL
- V PUBLIC COMMENT
- VI ADOPTION OF AGENDA
- VII MINUTES
- VIII REPORTS
- IX RESOLUTIONS
- X BUSINESS

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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 Chairperson 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.** This portion of the Agenda is intended to serve as an opportunity for Tribal member information sharing and feedback; the Tribal Council does not take immediate action in response to items raised during public comment. Comments must not include obscene, racist, sexist or defamatory language. Persons making comments should aim to advance the Tribe's values of mutual respect and tolerance for diverse points of view.

**140.160 Adoption of Agenda**

1. Regular Tribal Council Meetings. No less than seventy-two (72) hours prior to any Regular Tribal Council Meeting, the Chairperson will establish the draft Agenda of Tribal Council Meetings, even if incomplete, and share it with Tribal Council members. Prior to the Call to Order, items may only be added to or removed from the agenda with the consent of the Chairperson and the Executive Director. After the Call to Order, items may only be added to or removed from the agenda by Tribal Council motion.
2. Special Tribal Council Meetings. Because Special Tribal Council Meetings may occasionally be called with little to no advance notice, a fixed agenda deadline is not always appropriate. Generally, a finalized Special Tribal Council Meeting agenda should be posted as soon as feasible.

**140.170 Main Motion**

1. After the first reading of proposed action, the Chairperson shall entertain a motion to adopt the Proposal.
2. 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**

1. Each resolution and business item shall have a Sponsor to present information and answer questions about the proposal.

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2. Following the main motion and second, and prior to discussion, the Chairperson may invite the Sponsor(s) to explain the proposal.
3. A Sponsor may designate a substitute to make the presentation. A Sponsor also may identify individuals with additional information who are Present.
4. To maintain efficiency and avoid repetition, the Chairperson may limit the number of Sponsors during a presentation.
5. If a Sponsor is 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 then-present meeting and placed on the agenda of a future meeting.

**140.190 Discussion**

1. Except as otherwise provided in this Ordinance, every vote on a motion shall follow a discussion, which shall take place after a motion is made and seconded. Discussion may include questions by members of the Tribal Council or General Council; statements of opinion by members of the Tribal Council or General Council; as well as opportunities for the Tribal Council or General Council to request clarification and further documentation. General Council questions and comments shall be directed to the Chairperson. The Chairperson may request other meeting participants to respond to any discussion item.
2. The initial priority for discussion will be the solicitation of input from Tribal Council members. The Chairperson shall have the discretion to provide for orderly discussion, including, but not limited to, the authority to determine the order of speakers, to impose reasonable time limits, to urge speakers to direct their comments to the motion being considered and to declare when discussion is completed, except that discussion may be terminated at any time by motion, duly seconded and approved by majority vote. Whenever discussion occurring after a motion and second is so terminated, the Chairperson shall put the question then before the Tribal Council to immediate vote.
3. A person may participate in discussion only by addressing and being recognized by the Chairperson.
4. Discussion must be related to the issue then before the Tribal Council.
5. Discussion should be courteous and mutually respectful and must not include any obscene, racist, sexist or defamatory comments.



### **140.210 Amendment to Proposal During Discussion**

1. During discussion, any member of the Tribal Council shall be permitted to propose an amendment to the Proposal or Resolution by motion.
2. 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.
3. A vote on a proposed and seconded amendment shall take precedence over the main motion.
4. A Majority Vote in favor shall cause the motion to amend to carry. Thereafter, debate of the main motion shall continue as amended.
5. 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.
6. Amendments may be entertained only if they are deemed germane, meaning they are significantly related to the underlying motion. Any member of the Tribal Council, or the Sponsor, may question whether an amendment is germane. Upon such a question, the Chairperson may rule on whether the amendment is germane. If the Chairperson 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**

1. A member of the Tribal Council may withdraw his or her motion at any time prior to vote by the Tribal Council.
2. The withdrawal of motion shall take precedence over the motion it seeks to withdraw, need not be seconded, is not subject to debate, and cannot be amended.
3. Withdrawal of a motion does not preclude subsequent introduction of the same or a similar motion.

### **140.230 Motion to Table**

1. Any member of the Tribal Council may move 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.

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2. A tabling motion must be seconded. A tabling motion cannot be debated. A majority vote shall cause this motion to carry.
3. A Proposal or Resolution which has been tabled twice at a single Tribal Council Meeting shall be eliminated from further consideration at that Tribal Council Meeting. Identical or similar proposals may be introduced at future Tribal Council Meetings.
4. 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 Affiliate**

By Tribal Council motion, any Proposal, Resolution, or report may be referred to a Committee, to a Board, to an official working directly for the Tribal Council, or to a Tribal Affiliate.

1. Any member of the Tribal Council may make a motion to refer a Proposal, Resolution, or report before the Tribal Council to a Committee, to a Board, to an official working directly for the Tribal Council, or to a Governing Body of a Tribal Affiliate. The motion shall identify the Committee, Tribal official, or Tribal Affiliate to which the reference is made.
2. The referral motion must be seconded.
3. The referral motion shall specify the responsive action to be taken by the Committee, Board, Tribal official, or Tribal Affiliate and shall, if required, set a time for the Tribal Council to take up the matter after completion of deliberation by the Committee, Board, Tribal Administration, or Tribal Affiliate.
4. A Majority Vote by members of the Tribal Council shall cause the motion to carry.
5. Such referral shall not constitute a tabling of the proposal, pursuant to CITC 140.230.

#### **140.250 Vote**

1. Except as otherwise provided in this Ordinance, once discussion on a motion ends, the Chairperson shall call for a vote (also frequently referred to as “calling for the question”). When calling for the vote, the Chairperson will request Tribal Council members to indicate whether they support the motion, oppose the motion or abstain from voting. As provided in Article VI(3)(b)(3) of the Tribal Constitution, the Tribal Chairperson votes only in the event of a tie. Tribal Council members who abstain from voting may describe the reason that they choose to abstain.

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2. Any motion shall be passed if it receives a Majority Vote unless Tribal Law requires a Supermajority. Any Supermajority vote shall be conducted by roll call.
3. Voting by proxy or by any method that allows any other person to cast a vote by or on behalf of any Tribal Council member shall not be valid or permitted.

**140.260 Recall of Vote**

1. 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.
2. The recall motion shall be passed by a Majority Vote.
3. 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, provided that nothing in this Ordinance limits the authority of the Tribal Council to rescind a previously adopted motion.
4. 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 Ordinance.
5. Tribal Council members shall not move or vote to recall the same motion more than once per meeting.
6. If passed, the motion places the recalled vote in the same status that it occupied before being originally voted upon.

**140.265 Resolution Approval Protocol**

1. 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.
2. Deviations from the resolution protocol described above must be approved by the Tribal Council by motion.

3. When considering candidates for a committee, board or other appointment, the Tribal Council, with the assistance of staff selected by the Chairperson, may conduct secret balloting to identify the names of person(s) to insert into a proposed resolution, provided that the vote on such resolution must be conducted in an open Tribal Council Meeting. To help Tribal Council members make informed choices, this process will solicit and include qualification information submitted by interested candidates, if any.

### **140.270 Effect of Final Vote on Resolutions**

1. Resolutions that are adopted by the Tribal Council shall be finalized to include any amendments.
2. From time to time a proposed resolution may include minor typographical or formatting errors. These errors may be corrected by the Tribal Chairperson in either of the following ways:
  - a. The Tribal Chairperson may recognize these changes on the record during the Discussion to adopt a proposed resolution. If no Tribal Council member objects to the change, it shall be deemed approved prior to the final vote on the Resolution.
  - b. The Tribal Chairperson may unilaterally approve corrections to minor typographical errors in resolutions (and exhibits) within 24 hours of their adoption by the Tribal Council. If the Chairperson makes such corrections, they will promptly notify the other members of the Tribal Council and identify with specificity the correction that was made.
3. The Chairperson and the Secretary-Treasurer shall sign and certify the approved and finalized Resolutions.
4. All Resolutions shall be effective when adopted, unless a different effective date is provided for in the Resolution.

### **140.280 Executive Session**

During any Regular Tribal Council Meeting or Special Tribal Council Meeting, 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 VI, Subsection 3(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.

### **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, which is a question involving proper meeting procedures.

1. If a point of order relates to a motion, it must be raised before the vote on that motion is completed. In all other cases, a point of order shall be raised promptly after the perceived error is made. The Tribal Council member raising the point of order may interrupt the Chairperson and a vote in progress to raise the issue.
2. The point of order is not required to be seconded and is not subject to debate.
3. The Chairperson shall immediately take up the point of order and make a ruling before any action on the question is made by the Tribal Council, provided that the Chairperson may temporarily recess a Tribal Council Meeting to research the point of order.
4. Once the Chairperson has ruled on the point of order, any Tribal Council member may appeal the decision by motion. The appeal must be seconded. The appeal shall not be amended. If the appeal is made and seconded, the Chairperson shall restate their decision and submit the matter to the judgment of the Tribal Council. The decision shall then be subject to debate by the Tribal Council only, during which the Chairperson may state their reasons for the decision. Upon conclusion of debate, a vote shall be taken on whether to sustain the objection.

### **140.300 Public Comment and Tribal Council Response**

1. The “Public Comment” Tribal Council Meeting agenda item is an opportunity for Tribal members to raise concerns, comments and questions with the entire Tribal Council. Public Comments by Tribal members may address Tribal government operations, Tribal government policy or other Tribal matters.
2. Persons may speak during Public Comment only when recognized by the Chairperson. The Tribal Chairperson will acknowledge all comments received during Public Comment and indicate that the information or question will be taken under consideration and, if appropriate, a follow up response will be provided. If a Public Comment includes a request for information, the Tribal Chairperson will provide a response at the next Regular Tribal Council Meeting.

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3. Because public comments may 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 responses will be addressed in a timely manner. Details of the response will be prepared by the Tribal Council, but the Tribal Council may request a Tribal official or Tribal Affiliate to draft a proposed response. The Tribal Council may request legal counsel or Tribal Official(s) to review any draft response. A Tribal member's Public Comment and any possible response will be addressed at a Tribal Council Workshop if the Tribal Council determines that further consideration by them is appropriate.
4. As standard practice, a follow up response will be presented by the Tribal Chairperson during the Tribal Council Comments agenda item at the Tribal Council Meeting next scheduled after the Public Comment was made. If additional time is needed, the Tribal Chairperson will indicate that the follow up response is pending and will be provided as soon as completed.
5. The Tribal Executive Director will develop a system to:
  - a. Ensure that a written or other permanent record is made of Public Comments and Tribal Council responses to Public Comments; and
  - b. Remind Tribal Council of comment response deadlines.
6. No anonymous comments will be accepted.

#### **140.305 Questions and Comments**

The Tribal Council Meeting agenda item called "Questions and Comments" is a time for Tribal members to raise additional Public Comments and for all meeting attendees to raise general questions and comments. Tribal member comments received during Questions and Comments will be treated as Public Comments received under this Ordinance.

#### **140.310 Tribal Council Correspondence**

1. Tribal Council members are points of contact for all Tribal members with questions or concerns about Tribal government matters.
2. Individual Tribal Council members regularly receive questions, concerns and comments from Tribal members. Individual Tribal Council members are free to respond to those communications, provided that they should be clear that any responses are from them individually and do not necessarily represent the response of the Tribal Council.

### **140.320 General Council Meetings**

1. In accordance with Article III Section 2 of the Constitution, General Council Meetings shall be held semi-annually (“Semi-Annual General Council Meetings”) and at such other times as authorized by Tribal Council resolution. At Semi-Annual General Council Meetings, the Tribal Council may provide reports of Tribal government activities and schedule time for cultural events.
2. General Council Meetings shall be conducted in accordance with Tribal Law.
3. All General Council meeting shall be Recorded by the Tribal Council Secretary Treasurer or their designee. Normally General Council minutes shall be compiled after each meeting and presented for review at a Regular Tribal Council Meeting within 30 days after the General Council Meeting. Any Tribal Council member 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 / Treasurer or his or her designee. General Council Meeting minutes are a summary of general issues and considerations discussed at the meeting. All General Council Meeting minutes shall be distributed to the General Council through the standard acceptable methods of distribution. Tribal members who wish to propose corrections to the minutes shall contact the Secretary / Treasurer.

### **140.325 Tribal Council Response to General Council Advisory Recommendations**

1. Article III(1)(b) of the Tribal Constitution provides, in part, that the General Council shall have the power to, “Make advisory recommendations to the Tribal Council upon a majority vote of those actually voting at a General Council Meeting.” Such votes are referred to in this section as “Advisory Recommendations”.
2. The Tribal Council will provide a response within 60 days of an Advisory Recommendation. This response will be provided at a Special or Regular Tribal Council Meeting and will also be posted to the Tribal member section of the Tribe’s website.

### **140.330 Tribal Council Workshops**

1. The Tribal Council may hold Workshops to provide Tribal Council members and the Tribal Council’s invited guests (if any) the opportunity to express themselves freely in the deliberation of issues, to engage in discussions of confidential, sensitive or proprietary matters, or to maximize the use of available time in conducting business. Such Workshops shall be conducted in accordance with the following:

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- a. The Chairperson shall keep Workshops orderly and recognize each member of the Tribal Council wishing to speak.
  - b. The Tribal Council may not take Final or Official Action during a Workshop.
2. Tribal Council Workshops may either be open to Tribal members and staff or closed. The Tribal Council Chairperson shall preside over all Workshops and shall determine who may attend a Closed Workshop (as defined below).
3. The Tribal Council may adopt policies regarding scheduling and documentation of Workshops, which at a minimum, shall provide that:
  - a. Workshop forms are prepared and made available to Tribal members at least three business days before a scheduled workshop, provided that, such forms may be edited, redacted or withheld if they contain privileged, confidential or proprietary information;
  - b. Except as provided below, Workshop notes are prepared and made available to Tribal members no later than two weeks after a Workshop, provided that no notes shall be required for Closed Workshops;
  - c. The Highest Executive Official responsible for the Workshop shall ensure that a person is assigned responsibility to take Workshop notes;
  - d. The Tribal Executive Director will assign responsibility for the collection and maintenance of Workshop notes; and
  - e. Tribal members shall have access to all open Workshop notes and presentation materials, but Closed Workshop notes and presentation materials shall be available only to persons authorized by the Tribal Council.
4. The Tribal Council may schedule Workshops that are closed to all persons except Tribal Council members and invited guests (“Closed Workshops”) as follows:
  - a. The Tribal Council shall provide Tribal members with a notice of a Closed Workshop that describes the general subject matter to be discussed and the date and time of the Closed Workshop.
  - b. The Tribal Council may request the preparation of Workshop Forms for Closed Workshops.
  - c. Forms for Closed Workshops should note if Tribal legal counsel is present.



### **140.340 Access to General Council Information**

Unless a court of competent jurisdiction has entered an order limiting contact between the individuals involved, all Tribal Council members, individually and collectively, may access General Council member contact information such as addresses, phone numbers, and e-mail addresses. This information shall be used exclusively for discussing Tribal business. This information may not be used for electioneering purposes and must be kept confidential except as authorized under Tribal law.

### **140.400 Tribal Council Intergovernmental Consultations**

1. From time to time the Tribal Council consults with representatives of other governments. Such consultations shall remain open to Tribal members unless they involve sensitive, proprietary or confidential information or discussions regarding actual or prospective legal disputes.
2. The procedures for intergovernmental consultations shall be the same as for Workshops, provided that any note taker may be assigned by the Tribal Chairperson. An intergovernmental consultation may take place in a Closed Workshop if it involves the sharing of sensitive, proprietary or privileged information.

### **140.450 Reimbursement of Travel Expenses**

1. Reimbursement. Having Tribal Council members convene in person for meetings, workshops and other events creates governance and educational opportunities that do not exist when using technological aids. The Tribe wishes to invest in these opportunities by defraying Tribal Council members' travel expenses. Consistent with these values, 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 must be reasonable under the circumstances at hand. Tribal Council travel reimbursement must be authorized by the Tribal Council Secretary / Treasurer, provided that the Secretary /Treasurer's travel reimbursement shall be approved by the Tribal Council Chairperson.
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.

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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.

### **140.800 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.

### **140.900 Emergencies**

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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**Revisions**

Amended March 3, 1993

Approved March 11, 2010 Resolution CY1022

Adopted May 6, 2010 Resolution CY1042

Approved November 18, 2022 Resolution CY22096

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