

# COQUILLE INDIAN TRIBAL CODE

## Chapter 160

### Part 1 – General Governmental Affairs

#### Fiscal Management Ordinance

Coquille Indian Tribal Code  
Chapter 160  
Fiscal Management Ordinance

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### **160.010 – General Information**

**1. Purpose**

This Ordinance sets forth uniform standards, responsibilities and authorities for financial management for all Tribal operations and activities. Further guidance on the implementation of this Ordinance is include in the Fiscal Regulation All Agents of the Coquille Indian Tribe are expected to comply with the provisions of this Ordinance and to act in the best interest of the Tribe. In conducting the Tribe’s business, all persons are expected to use sound judgment and to act in a reasonable and prudent manner.

**2. Background and Intent**

The Tribal Council, as the governing body of the Tribe, acts as Fiduciary for the Coquille Indian Tribe. This Fiduciary responsibility includes appropriate care, use, and management of all Tribal assets. The Tribal Council has determined that this Ordinance is necessary to provide for the appropriate care, use, and management of Tribal assets. It is the intent of the Tribal Council in enacting this ordinance that all Agents of the Tribe exercise appropriate care, protection, and management of Tribal resources in accordance with the standards established by this ordinance.

**3. Definitions**

Agent of the Tribe – A person authorized by the Tribe to act on its behalf with a defined degree of discretion, including Tribal Council members, Officers, Employees, contractors and contracted employees, volunteers, and members of boards and committees.

Budget Period – The period off time for which revenues and expenditures will be measured and compared against the related budget, which may be for a shorter or longer period than a calendar year.

Capital Equipment –Personal property having a useful life of more than one year, an acquisition cost of \$5,000 or more per unit, and capitalized in accordance with GAAP.

Chief Financial Officer or CFO – The senior official within the Tribe with delegated responsibility of managing all financial systems and procedures consistent with this Ordinance.

Conflict of Interest – A situation in which financial or other personal considerations have the potential to compromise or bias the professional judgment and objectivity of an Agent of the Tribe, such that a reasonable person might question whether an Agent of the Tribe is acting in his/her own self-interest or the interest of a member of the Agent’s Extended Family to the detriment of the Tribe’s best interests. For the purposes of this definition, a “reasonable person” exercises average care, skill and judgement under the circumstances and based on facts then available.

Coquille Indian Tribe or Tribe – The government of the Coquille Indian Tribe, a

federally recognized Indian Tribe. For the purposes of this Ordinance, the Coquille Indian Tribe (Tribe) does not include Tribal Subordinate Organizations, even if any such Subordinate Organizations may be considered part of the primary governmental functions of the Tribe under GAAP.

Cost Center – A combination of the Division, Fund, and Program designations within the Tribe’s accounting records that supports the maintenance and reporting of various financial information. Separate Cost Centers are used for management and budget control and fiscal accountability but may be considered in aggregate for Budget Revision purposes where several Programs within the same Division and Fund are managed for shared objectives. The Chief Financial Officer shall make the final determination of what is a Cost Center for purposes of this ordinance.

Custodian – A bank or financial institution where the Tribe holds an investment or investment account.

Discretionary Funds – Funds over which the Tribe exercises discretion as to spending, such that any restrictions placed on the Funds are internally generated or authorized by external parties.

Employee – A person who provides labor to the Tribe in exchange for wages that are subject to federal employment taxes and income tax withholding. Members of the Tribal Council, independent contractors, volunteers, and members of boards and committees are not Employees.

Executive Director – The senior management position within Tribe with duties identified in the Executive Management Ordinance, Chapter 142 of the Tribal Code.

Extended Family – Either through birth or through legally recognized marriage or adoption, an individual’s parents, grandparents, brother, half-brother, sister, half-sister, spouse, parents-in-law, brothers and sisters-in-law, stepparents, children, stepchildren, and members of the individual’s residence.

Fiduciary – someone who has a legal obligation to act in the best interest of the Tribe and place the Tribe’s best interests before his or her own interests.

Financial Background Check – a background check that includes a credit history check.

Financial Covered Employee – Includes the Highest Executive Officer or their designee and all persons listed as a signer or who have been delegated access to approve transfers of funds outside of any financial accounts owned or controlled by the Tribe as a part of their normal job duties. Members of Tribal Council are not Financial Covered Employees.

Financial Record – documents and other information that support the transactions, balances, and financial reporting disclosures of the Tribe, for both internal and external reporting purposes.

Fiscal Management Ordinance Whistleblower Response Team – regularly composed of the Secretary/Treasurer of the Tribal Council, the Tribal Attorney, and the Chief Financial Officer, who shall be charged with ensuring that all whistleblower complaints, regardless of how they are received, are assessed for merit and applicability to the requirements of the Fiscal Management Ordinance and these regulations. Should any regular member of the Fiscal Management Ordinance Whistleblower Response Team be the subject of a whistleblower complaint, regardless of the merit of the complaint, a Highest Executive Officer whose division is not part of the complaint shall serve as a temporary replacement member.

Fund – Separate accounting entity with a self-balancing set of accounts, recording assets and resources, and related liabilities, reserves, and equities, which are segregated for the purpose of conducting specific activities or objectives in accordance with legal restrictions, special regulations or other limitations.

Fund Balance – The difference between assets and liabilities reported in a Fund.

GAAP – Generally Accepted Accounting Principles. For the Tribe, GAAP is set by the Governmental Accounting Standards Board (GASB); for nonprofit corporations organized under Chapter 215 of the Tribal Code, GAAP is set by the Financial Accounting Standards Board (FASB).

General Fund – A governmental fund type that typically serves as the Tribe’s main operating Fund and accounts for financial resources that are not required to be accounted for in another Fund.

Highest Executive Officer – a person who is directly employed by the Tribal Council or who has no other employees above them in their respective chain of command, including persons authorized to act in this capacity when a Highest Executive Official is absent or unavailable.

Human Resources Director or HR Director – the highest-ranking employee responsible for administration and management of the Tribe’s human resources function.

Indian-owned Business – A business of which more than 50% of the ownership interest or stock is held by one or more enrolled members of a federally-recognized Indian tribe.

Internal Controls – Per 2 CFR 200.62-200.63, a process designed to provide reasonable assurance regarding the achievement of objectives.

Obligation – a formal agreement, such as a Purchase Order, whereby the Tribe promises to pay for a good or service, subject to the terms and conditions of any such agreement, such as receipt of goods or deliverables in satisfactory condition.

Officer of the Tribe – Any person holding an office of trust, command or authority in the Tribe, including, but not limited to Tribal Council members, Highest Executive Officers, the Tribal Chief Financial Officer and Tribal Attorney.

Portfolio – Monetary assets of the Tribe invested with a common purpose, risk tolerance, return expectations, time horizon and liquidity requirements, and administered under a common investment policy statement.

Procurement Action – An agreement to purchase goods and/or services to accomplish one or more related purposes or objectives. The agreement may take the form of a one-time transaction by a single document, such as a Purchase Order, or may be spread over multiple Budget Periods and be documented in several contracts, Purchase Orders, or other documents. Contracts, Purchase Orders, and other agreements will be considered part of a single Procurement Action where the purpose or objective of buying the goods and/or services is similar and the agreements are with a limited number of counterparties that do not significantly change over the course of the agreement, as determined by the professional judgment of the Chief Financial Officer.

Procurement Authority – The right to obligate the Tribe for the acquisition and purchase of goods and services.

Program – A functional area of Tribe with related activities intended to fulfill a common objective.

Purchase Order – an agreement issued by a person with the authority to obligate the Tribe that describes goods or services that the Tribe will pay for, subject to terms and conditions.

Retro-budgeting – a General Fund budgeting discipline whereby total General Fund expenditure budgets for a Budget Period does not exceed the total unassigned General Fund balance remaining at the end of the prior Budget Period.

Subordinate Organizations – Distinct legal entities that conduct specific purposes under delegated authority of the Tribal Council. Divisions of the Tribal Government are not Subordinate organizations, but nonprofit and for-profit corporations and limited liability companies are Subordinate Organizations.

Tribal Attorney – Legal counsel of the Tribe with duties identified in the Executive Management Ordinance, Chapter 142 of the Tribal Code.

Tribal Council or Council – The governing body of the Coquille Indian Tribe as established under the Constitution of the Coquille Indian Tribe.

Tribal Member-Owned Business – A business of which more than 50% of the ownership interest or stock is held by one or more enrolled members of the Coquille Indian Tribe.

Zero-Based Budgeting – a method for preparing a budget that builds up the budget from a base of zero expenditures. Information about expected expenditures in the Budget Period to accomplish specific objectives is prioritized over information about actual or budgeted expenditures from previous Budget Periods.

#### 4. Ethical Conduct

All Agents of the Tribe shall conduct themselves to high ethical standards in conducting the business of the Tribe. Such individuals shall not:

- (a) Participate in any activity or transaction in which they have, or reasonably appear to have, a Conflict of Interest, unless such Conflict of Interest has been fully disclosed to and waived in accordance with the following:
  - 1) Conflict of Interest involving a member of Tribal Council or an Agent reporting directly to the Tribal Council – the Tribal Council shall vote by resolution to acknowledge the Conflict of Interest or potential Conflict of Interest and waive the prohibition of this section.
  - 2) Conflict of Interest involving all other Agents of the Tribe – a written description of the Conflict of Interest shall be submitted to the Highest Executive Officer, who shall acknowledge the Conflict of Interest in writing; the written record of the description and acknowledgement of the Conflict of Interest shall be maintained by the Tribe. The Highest Executive Officer shall report to the Tribal Council whenever they have acknowledged a Conflict of Interest or potential Conflict of Interest under this section.
- (b) Hold him/herself out to any entity as having any official capacity other than those roles and duties that are officially assigned.
- (c) Seek personal gain or influence with any third party through the use of title, access to information, or decision-making authority.
- (d) Interfere with any authorized person fulfilling a responsibility under this Ordinance.
- (e) Obligate the Tribe for any purpose or amount not specifically authorized within the scope of their position, duties, or authority.
- (f) Obtain, use or disclose information of the Tribe in any manner not authorized or in the best interest of the Tribe.
- (g) Engage in any occupation, pursuit, or endeavor that interferes with his/her duties or is contrary to the best interests of the Tribe.
- (h) Solicit for personal use gratuities, favors, gifts, or anything of monetary value from any entity or person with whom they interact in their official capacity for the Tribe.
- (i) Per 2 CFR 200.318(c), retain for personal use unsolicited gratuities, favors, gifts, meals, or anything of monetary value exceeding \$100 from any entity or person with whom they interact in their official capacity for the Tribe, except for Subordinate Organizations, unless approved by Tribal Council by resolution.

5. Penalties

Any Agent of the Tribe who violates any provisions of this Ordinance shall be subject to disciplinary action, up to and including termination, and civil and criminal liability, depending on the severity of the offense. The Tribe shall have authority to bring criminal or civil action to enforce this paragraph.

6. Waiver

Unless otherwise provided under this Ordinance, the provisions of this Ordinance may be waived by resolution of the Tribal Council when, in the Tribal Council's judgment, the circumstances warrant.

**160.020 – Jurisdiction**

1. This Ordinance applies to the Coquille Indian Tribe as defined herein. This Ordinance does not apply to the Tribe's Subordinate Organizations. However, financial records of Subordinate Organizations shall be available to the Tribal Council at all times. Tribal Council may delegate the authority to obtain financial records. Subordinate Organizations must adopt their own written financial standards.
2. The Chief Financial Officer shall implement this Ordinance and observe all requirements imposed. The Chief Financial Officer shall review this Ordinance periodically and recommend any necessary revisions to the Tribal Council. The Executive Director, with input from the Chief Financial Officer, shall implement this Ordinance through regulation and policy in accordance with CITC Chapter 120.

**160.030 – Additional Requirements for Financial Covered Employees**

1. Following hire and every three years thereafter, all Financial Covered Employees shall undergo a Financial Background Check. The results of the Financial Background Check shall be controlled at all times by the HR Director, and the HR Director shall be responsible for ensuring that all required checks are performed.
2. If, in the opinion of the HR Director, any results of the Financial Background Check indicate an uncertainty or potential concern as to the ability of any Covered Employee to faithfully execute their job duties, the HR Director shall share the specific results of the Financial Background Check with the Chief Financial Officer, or if the concerns relate to the Financial Background Check of the Chief Financial Officer or Highest Executive Officer, the Secretary/Treasurer of the Tribal Council.
3. The Chief Financial Officer or Secretary/Treasurer will determine what additional or changes to Internal Controls may be necessary to address the uncertainty or concern identified by HR Director from the Financial Background Check.



**160.100 – Custody of Funds**

1. All depository accounts shall be in the name of the Coquille Indian Tribe and must be opened or closed by the Tribal Council Chairperson, Chief Financial Officer, and Highest Executive Officer or their designees.
2. Individuals with administrative and transactional authority over Tribal depository accounts must be approved by the Chief Financial Officer and Executive Director with written notice provided to the Tribal Council.
3. All funds of the Tribe, not otherwise invested or employed, shall be deposited in financial institutions insured by the Federal Deposit Insurance Corporation (FDIC). Account balances exceeding FDIC coverage must be otherwise insured in a manner equivalent to FDIC coverage.

**160.200 – Accounting Standards**

1. All financial resources and other assets of the Tribe shall be accounted for and reported in accordance with GAAP.
2. The accounting records of the Tribe shall be the property of the Coquille Indian Tribe.
3. The fiscal year for the Tribe shall be the calendar year.
4. All sources and uses of funds shall be allocated based on the purpose for which they were received or incurred, in a fair and uniform manner, and in accordance with approved budgets or agreements.

**160.210 – Budgets**

1. All revenues and expenditures of the Tribe shall be authorized pursuant to budgets approved by the Tribal Council by resolution. The Tribe's adopted budget should achieve Retro-budgeting for the Budget Period, or include in the adopting resolution an explanation as to why Retro-budgeting was not achieved and plan for achieving Retro-budgeting in budgets for subsequent Budget Periods.
2. Tribal budgets are to be developed and recommended to the Tribal Council jointly by the Highest Executive Officer and Chief Financial Officer. A Tribal budget must be passed by resolution of the Tribal Council prior to any funds being Obligated or spent for the Budget Period.
3. Basic Budget Requirements
  - (a) Budgets shall include all anticipated revenues, expenditures and Fund Balances for the Budget Period. The budget shall be provided in such detail as to clearly identify

the resources available for all Programs and purposes and shall include the following:

- (1) Estimated or actual balances by Fund or group of similar Funds at the beginning of the Budget Period.
  - (2) A breakdown of the anticipated sources of revenue and anticipated expenditures by Fund or group of similar Funds for each major Program or purpose.
  - (3) Estimated balances by Fund or group of similar Funds as of the end of the Budget Period. A budget shall not be considered valid or eligible for authorization by the Tribal Council if it shows a negative General Fund Balance in aggregate.
  - (4) Reconciliation or other references to how anticipated expenditures in the budget relate to budgeted expenditures for other Budget Periods, such as reconciling expenditures in a calendar year budget against expenditures in a multi-year strategic budget.
  - (5) Any Obligations requiring appropriations that will extend beyond the Budget Period.
  - (6) Budget notes and any other information that the Tribal Council may request.
  - (7) New positions included in the budget compared to the previous Budget Period.
- (b) Budgets may be based upon actual expenditures from a previous comparable Budget Period, or upon budgeted expenditures from a previous comparable Budget period, provided that the budget for the Budget Period is developed using Zero-Based Budgeting whenever a strategic plan is adopted.
4. Budget Implementation and Management
- (a) Budget Authority
- (1) The Highest Executive Officer has overall management authority over their respective adopted budget, and shall be authorized to approve the expenditure of funds pursuant to the adopted budget, subject to any further requirements of Tribal law.
  - (2) The Highest Executive Officer may delegate all or any portion of their budget authority to other Agents of the Tribe, provided that such delegation shall be in writing and communicated to the Chief Financial Officer, specifying the specific individual delegated and the scope of the delegate's authority.
  - (3) Where it is for the efficiency and benefit of the Tribe, the Highest Executive Officer may enter into agreements that extend beyond the current Budget Period, provided that any such agreements comply with the provisions of this ordinance and any further requirements of Tribal law.

(A) Any such agreements that span multiple years shall include a provision that purchases are subject to appropriations being made by the Tribal Council for each Budget Period.

(B) Any such agreements shall be noted in the approved budget as requiring commitments in future Budget Periods.

(b) Budget Revisions

(1) Absent express Tribal Council approval by motion or resolution, no budget revision may cause an increase in the total amount appropriated from Discretionary Funds.

(2) The Highest Executive Officer may reallocate and adjust budgets within the approved budget for Cost Centers under their authority within the total amount of funds available for each Cost Center, provided that:

(A) Such adjustments to do not create new, discontinue, or significantly alter the original purpose of the approved budget.

(i) For purposes of this paragraph, a budget would be significantly altered from its original purpose if it were transferred to another Division, Fund, or to another Program with dissimilar objectives, as determined by the Chief Financial Officer using their professional judgment. Questions and concerns around this – need further clarification

(ii) Budget adjustments for grants, contracts or compacts do not violate the terms and conditions of those agreements.

(c) Availability of Appropriations

(1) The authority to spend funds appropriated pursuant to the budget shall match the Budget Period, subject to the following exceptions:

(A) Carryover funds from grants or contracts awarded for the accomplishment of particular work or projects within a grant period that differs from the Budget Period will be carried over for the completion of approved grant objectives within the grant period.

(B) Tribal funds appropriated for a specific project or purpose, other than ongoing operations, shall remain available for expenditure until that specific project or purpose is completed. The Chief Financial Officer shall determine the availability of appropriations for incomplete projects or purposes under this Ordinance.

(C) Any unexpended prior year Discretionary funds which are available for multiple Programs or projects to be allocated at the Council's discretion, will be pooled for re-budget in the next Budget Period based on needs and priorities and in accordance with any restrictions that may apply.

- (2) Approval by the appropriate authority of grants or contracts awarded during the Budget Period but not included in the adopted budget, shall constitute appropriation and authority to modify the budget accordingly, when such award is available for expenditure.
- (3) The Tribal Council reserves the authority to approve grant or contract agreements requiring an appropriation of matching or other funds not included in the adopted budget.
- (4) The Highest Executive Officer shall reduce any appropriations of Discretionary funding for the Budget Period in an amount equal to the additional grant revenue received so that the overall spending authority remains unchanged, provided that any such reduction of Tribal funds does not violate the terms or conditions of any applicable funding agreement.

(d) Budget Restatements

- (1) The Tribal Council may authorize direct revisions or amendments to the adopted budget at any time by authorizing changes to programs, services, and benefits and through the adoption of new or revisions to existing ordinances by resolution.
- (2) For all changes to programs, services, and benefits and for all changes to Tribal ordinances that are adopted by the Tribal Council subsequent to adoption of the budget for that Budget Period, the Chief Financial Officer or their designee will evaluate and advise the Tribal Council as to the budget appropriations that should be included in the authorizing resolution implementing the change.
- (3) Significant revisions or amendments to the Budget as determined by the Chief Financial Officer shall be labeled as Restated Budgets for the Budget Period.
- (4) The Chief Financial Officer shall maintain the official record of budget appropriations, revisions, and restatements.

**160.220 – Procurement**

- 1. The acquisition of all goods and services by the Coquille Indian Tribe shall conform to the provisions contained herein. If there are any procurement transactions that arise that in the CFO's opinion are not addressed by this ordinance or regulations, the Tribal Council will approve the transaction by resolution.
- 2. Procedures set forth pursuant to this Ordinance shall not conflict with to applicable federal procurement standards found in the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards currently codified in 2 CFR 200. In addition, any official responsible for authorizing procurement using federal funds shall be responsible for compliance with any other rules and regulations that are a condition of the funding source.

3. Each Agent authorized to acquire goods and services on behalf of the Coquille Indian Tribe shall ensure that all purchases are necessary for conducting Tribal business and take all reasonable care to ensure that the best available products and services are purchased at the best available prices. Further, all Procurement Actions shall comply with this Ordinance.
4. Tribal and Indian Preference
  - (a) Goods and services to be acquired shall, when practical, be specified in sufficient detail to make price the deciding factor in selection of the successful bidder. All procurement decisions shall be based on the best interests of the Tribe. Lowest price is not required to be the deciding factor in selecting the awardee. Other factors may be considered, including but not limited to, Tribal member or Indian preference, vendor or product performance history, and vendor or product availability.
  - (b) As described in CITC 188 - Tribal and Indian Preference in Employment, the Tribe is dedicated to working hand in hand with its members who demonstrate a desire and capacity to improve their socioeconomic status. The Tribal and Indian Preferences prescribed in CITC Chapter 188 apply to procurements made under this Ordinance. In addition to CITC Chapter 188 and any of its authorized policies or guidelines , preference with respect to contracting shall be applied as follows:
    - (1) Regardless of the Micro Procurement Threshold described in the regulations to CITC 160, the Tribe shall actively solicit bids from known Tribal member-owned businesses whenever purchasing products or services such businesses are known to provide.
    - (2) In the acquisition of goods and services, preference pricing up to 5% above the lowest non-preference bid price shall be afforded to Indian-Owned Businesses that have the ability to provide the necessary quality and quantity of goods or services within the required time frame.
    - (3) In the acquisition of goods and services, preference pricing up to 10% above the lowest non-preference bid price shall be afforded to Coquille Tribal Member-Owned Businesses that have the ability to provide the necessary quality and quantity of goods or services within the required time frame.
    - (4) A business shall be eligible for no more than one of the preferences described in this section, and preference bids will not be increased if the actual preference bid is less than the maximum preference pricing.
5. Procurement Authority vests with Tribal Council. Procurement Authority does not include the authority to waive Tribal sovereign immunity.
  - (a) Procurement Authority vested with the Tribal Council is hereby delegated to the Tribal Attorney, subject to authorized appropriations in the Tribal budget, for the

exclusive purpose of allowing the Tribal Attorney to contract confidential services integral to fulfillment of that position's duties.

- (b) Procurement Authority vested with the Tribal Council is hereby delegated to the Executive Director for all Procurement Actions needed for carrying out the business of the Tribal government, subject to authorized appropriations in the current Tribal budget, with exception of the following items for which the Tribal Council reserves approval authority to itself, which it shall make by resolution:
  - (1) Selection and engagement of Legal Counsel.
  - (2) Selection and engagement of Independent Auditors.
  - (3) Selection and engagement of other professional advisors to the Tribal Council.
  - (4) Any Procurement Action that exceeds current budget appropriations or is not authorized under an active funding agreement.
- (c) The Highest Executive Officer may delegate his or her Procurement Authority as necessary to acquire goods and services for the Tribe, provided such delegation is in writing and recorded with the Chief Financial Officer.
- (d) The Chief Financial Officer shall ensure compliance with the procurement standards and requirements of this Ordinance. The Chief Financial Officer shall establish and maintain the necessary systems and procedures to monitor and report on Procurement Actions, expenditures and commitments of Tribal funds. The Chief Financial Officer shall ensure that appropriate records and other documentation are maintained to demonstrate adherence to the requirements of this Ordinance. The Chief Financial Officer shall be responsible to ensure that procurement records justify selection and award on the basis of the best value, efficient use of resources, and the best interests of the Coquille Indian Tribe.
- (e) To ensure the protection of the Tribe's interests and the appropriate conduct of business, the Tribal Attorney shall determine those goods and services for which formal written contracts shall be required and the form of such contracts.
- (f) All Procurement Actions shall be made consistent with appropriate and accepted business practices and shall ensure that all suppliers of goods and services are treated professionally and efficiently. It is the accepted business practice of the Tribe to ensure that all professional service contracts where the relationship is expected to continue for more than one year are formally evaluated and compared to bids from other qualified providers not less than once every five years.
  - (1) No individual shall participate in or act upon any procurement in which they have a real or apparent Conflict of Interest as defined by this Ordinance and applicable federal laws.
  - (2) To meet the requirements of the preceding paragraph, all members of the Tribal Council and their direct Employees shall, upon election and in October of each

year thereafter, certify in writing all of their interests, which shall be disclosed to all members of the Tribal Council, the Highest Executive Officer, the Chief Financial Officer, and the Tribal Attorney. The Highest Executive Officer shall establish procedures to identify the interests of other key Employees.

(g) Administrative Waiver

- (1) The Highest Executive Officer may waive the procurement provisions of this Ordinance to the extent that an emergency exists involving the need for protection of life or property.
- (2) The Chief Financial Officer shall ensure that any waiver made under this section is justified and documented.

**160.230 – Borrowing and Leasing as Lessee**

1. Notwithstanding any other provision of this Ordinance, the Chief Financial Officer may approve borrowing and leasing transactions of \$100,000 or less with reasonable repayment terms, provided the Tribal Council has appropriated amounts required to service any such debts. Any other lease, borrowing or financing arrangement must be authorized by Tribal Council resolution.
2. No lands or other assets held in trust by the United States for the benefit of the Coquille Indian Tribe shall ever be given as collateral for any loan or other financing arrangement.
3. The Chief Financial Officer shall maintain a comprehensive record of all debts and financing arrangements, ensure that financial plans, budgets and forecasts include all applicable debt service and repayment obligations, and ensure that the Tribe meets its repayment obligations of such agreements.

**160.240 – Loans, Notes Receivable, and Leasing as Lessor**

Notwithstanding any other provision of this Ordinance, only the Tribal Council may authorize lending or leasing assets to parties or entities separate from the Tribe, including lending or leasing assets to Subordinate Organizations. All loans and leases must be documented in writing by an agreement and/or note. At its discretion, the Tribal Council may authorize loans with or without security. The Tribal Council may delegate its authority to authorize loans, provided any such delegation is part of a duly established Tribal Program with written lending policies and appropriated funding.

**160.250 – Audits**

4. A firm of independent certified public accountants shall conduct an audit of the financial operations and records of the Tribe and its compliance with the

requirements of federal and other awards for each calendar year.

- (a) Such audit and any necessary additional related audits shall be conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States and shall provide for all financial statements and other reports required by the Tribe, the Federal Government and any other funding source.
  - (b) Independent auditors will coordinate and collaborate with the Chief Financial Officer to conduct the audit, but shall take formal direction from the Tribal Council.
  - (c) To the extent that any disagreements exist during the audit regarding any audit finding or the presentation of information within the audit report, such matters shall be resolved by the Chief Financial Officer and the independent auditor as soon as practical to ensure a timely completion of the audit and delivery of the report. The Chief Financial Officer shall report to the Tribal Council any significant disputes with the independent auditor and their resolution.
  - (d) The report of the auditors shall be addressed to the Tribal Council. Unless it is a condition of an agreement to which the Tribe is a party, the Chief Financial Officer may not distribute any audit report without the approval of the Tribal Council.
5. Other audits of more limited scope and not relating to the Tribal, such as periodic audits of employee benefit plans sponsored by the Tribe shall be conducted according to their respective standards and requirements rather than the standards and requirements of this Ordinance.

#### **160.260 – Internal Control**

- 1. Internal controls are an integral part of any organization and an effective internal control environment is essential to ensuring that an organization can achieve its objectives by reducing risk to an acceptable level. As a condition of accepting federal awards, internal controls are required per 2 CFR 200.303 as a standard for financial and Program management.
- 2. The Tribe expects that most good faith concerns that any Agent may have with respect to adherence to this Ordinance and its regulations can be addressed in a simple and straightforward manner through discussion with the Agent's supervisor or those within the supervisor's chain of command.
- 3. The Chief Financial Officer shall contract with an independent third-party to provide anonymous whistleblower reporting services where Agents of the Tribe acting in good faith do not believe that their concern can be addressed through their supervisor or supervisor's chain of command.



- a) The Fiscal management Ordinance Whistleblower Response Team shall:
  - 1) Ensure that all whistleblower complaints, regardless of how they are received, are assessed for merit and applicability to the requirements of the Fiscal Management Ordinance and its regulations.
  - 2) For those complaints found to have merit, investigate the complaint in a timely manner using appropriately independent and qualified persons and prioritizing the confidentiality of complaints while investigations being conducted.
  - 3) Based on the subject of the complaint, recommend appropriate action to the Highest Executive Officer and/or to the Tribal Council for each complaint investigation completed by the Fiscal Management Ordinance Whistleblower Response Team.
  - 4) Prioritizing confidentiality, report to the Tribal Council in on the aggregate number of complaints received and the actions taken by the Fiscal Management Ordinance Whistleblower Response Team.
4. The Chief Financial Officer may conduct reviews of procedures and Financial Records to ensure the financial integrity of Tribal operations. The nature, timing and extent of such reviews shall be decided by the Chief Financial Officer. The selection, scope, and results of such reviews shall be reported to the Tribal Council timely when an area has been identified for review and once the review has been completed.

### **160.300 – Investment Management**

#### **1. Scope**

This section applies to the investment of Tribal monetary assets, excluding assets held in depositories for immediate disbursement. For the purposes of this Ordinance, investment is the ownership of stocks, bonds, or other financial securities with the expectation that over time the investment will earn a return and/or grow in value. The Tribe may use Portfolios to provide for more efficient investment management. Investment involves risk of loss, and the Tribal Council shall approve written investment policies that define acceptable levels of risk for Tribal investments and other requirements for the management of Tribal investments.

#### **2. Investment Policy Statements**

All Tribal investments shall be governed by written Investment Policy Statement(s) (IPS) approved by Tribal Council resolution. Investment Policy Statement(s) shall, at a minimum, include:

- (a) Background information regarding the purpose, goals and objectives of the Portfolio(s).
- (b) Portfolio return expectations, investment horizon, liquidity needs, and legal,

regulatory or other constraints.

- (c) Risk tolerance(s) for the Portfolio(s).
- (d) Asset allocation for the Portfolios(s) and permitted variances by asset class.
- (e) Definitions of appropriate benchmarks against which to measure Portfolio performance.
- (f) Duties, responsibilities and Fiduciary status of parties working with or managing the investments or Portfolios.
- (g) Investment selection and monitoring requirements.
- (h) Requirements and restrictions for using invested assets to secure debt.
- (i) Process for periodically reviewing, updating and revising the IPS.

3. Delegation of Authority and Responsibilities

- (a) Chief Financial Officer. Responsibility and authority to invest Tribal monetary assets and manage the Tribe's investment Portfolios is delegated to the Chief Financial Officer, who shall act in accordance with this Ordinance and the written Investment Policy Statement(s). Unless authorized by the Tribal Council in writing, no other person may invest Tribal monetary assets or manage the Tribe's investment program except as provided under the terms of this Ordinance and the procedures established by the investment policy statements. The Chief Financial Officer shall follow a system of controls to protect the invested assets of the Coquille Indian Tribe from misappropriation, theft or misuse.
- (b) Investment Consultant. The Chief Financial Officer may contract the services of investment consultant(s) by resolution to advise and assist the Chief Financial Officer with investment management and reporting, investment policy development and review, Fiduciary education, and, and other duties as assigned by contract, *provided* that no contracted duties conflict with this Ordinance. Any investment consultant(s) must contractually assume the responsibilities of a co-Fiduciary of the Tribal Portfolios and shall receive no compensation directly from Tribal investment accounts or Portfolios. No investment consultant shall have discretionary authority to invest or trade Tribal assets unless expressly authorized by resolution of the Tribal Council.
- (c) Committee. The Tribal Council may establish a committee under Tribal law to provide investment management advice, oversight, analysis and guidance to the Tribal Council and Chief Financial Officer, provided that the duties and powers of any such committee do not conflict with this Ordinance.

4. Standards of Care

- (a) Prudence. All participants involved in the Tribe's investment process, including but not limited to Tribal Officers and Employees and external service providers,

shall act responsibly and apply the standards of the Uniform Prudent Investor Act (UPIA), adopted in 1994 by the National Conference of Commissioners of Uniform State Laws. The UPIA states, in part, that investments shall be made *“using the judgment and care under the circumstances then prevailing that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable safety of their capital.”*

This standard requires the exercise of reasonable care, skill and caution and is to be applied to investments not in isolation but in the context of the total portfolio and as a part of an overall investment strategy, which should incorporate risk and return objectives reasonably suitable to the Tribal Portfolios.

(b) Ethics and Conflicts of Interest. In addition to the provisions of this Ordinance pertaining to Ethical Conduct, Agents involved in the Tribe’s investment process shall refrain from personal business activity that could conflict with the execution and management of the Tribe’s investments, or that could impair their ability to make impartial decisions. These individuals shall disclose to Tribal Council any material personal financial or investments that they or their Extended Family have, which are related to the performance of Tribal investments or Portfolio(s).

(1) For the purpose of this section, material means ownership of 5% or more of any financial security. Any material personal interest in a company representing or being considered for use as a Custodian, money manager, mutual fund, investment pool or investment asset by the Coquille Indian Tribe is considered a Conflict of Interest and shall be addressed in accordance with the process set forth in this Ordinance.

#### 5. Pooling of Funds

Unless otherwise provided by the Tribal Council for any specific investment or Portfolio, Tribal funds may be invested in common (pooled) with the assets of other Tribal funds having similar investment time horizon, liquidity requirements and risk constraints. Such pooling of investment funds may be used when prudent to maximize investment earnings and increase efficiencies with regard to investment pricing, fees safekeeping and administration. Unless otherwise approved by the Tribal Council, the Chief Financial Officer shall proportionally allocate gains and/or losses generated by pooled fund assets to the various individual Tribal funds not less than quarterly.

#### 6. Custody

All securities held in the Portfolios will be custodied with investment banks, brokerages or trust companies regulated by the U.S. Securities and Exchange Commission and in account(s) properly registered to the Coquille Indian Tribe.

#### 7. Access to Invested Assets

Access to invested assets will be limited to individuals the Tribal Council authorizes in writing as signers on the accounts. Funds may only be transferred from and between investment accounts with no fewer than two authorized signers, one of which must not be included in the chain of command of the Chief Financial Officer.

Invested assets will be limited to uses that are governed by a spending policy and included in the adopted budget or otherwise approved by the Tribal Council in writing.

#### **160.400 – Property Management**

1. The Highest Executive Officer and Chief Financial Officer shall jointly establish policies to provide for the safeguarding and maintenance of all real, personal, and intangible property owned or in the possession and care of the Tribe. These policies shall, at a minimum, address custody, appropriate use, disposal, and procedures for preventing damage, loss or theft. The Chief Financial Officer shall ensure that such policies are designed to maximize the value received by the Tribe from its assets and do not conflict with any applicable requirements for property acquired under a grant, contract, or other funding agreement.
2. The Tribe shall hold ownership and title to all property acquired through purchase, donation, or gift until disposed of, or otherwise transferred. No Tribal property may be encumbered without the written consent of the Tribal Council. What is written consent: motion, resolution, either? Also – real property or capital equipment?
3. Records shall be maintained on all real property and Capital Equipment and shall include for each item: description, funding sources, acquisition date, acquisition cost, depreciated value, physical location, any disposition data and other information to provide for effective management.
4. The Chief Financial Officer shall ensure that a physical inventory of all real property and Capital Equipment is taken at least once every two years and that the results are reconciled to the property records.
5. The Highest Executive Officer shall establish Programs for lending property, provided such Programs
  - a) are governed by policies approved by the Tribal Council;
  - b) do not conflict with any applicable funding agreements to which the loaned property is subject, and
  - c) do not conflict with any applicable insurance requirements or restrictions.
6. Tribal property will be provided to Tribal Council members to assist them with carrying out their official duties. Personal use of such property, including Tribal vehicles, laptops, cell phones, and other similar equipment necessary to carrying out official duties, should be limited and incur no additional expense to the Tribe.

7. Employees may be provided with Tribal property to assist them with carrying out their official duties. Personal use of such property, including Tribal vehicles, laptops, cell phones, and other similar equipment necessary to carrying out official duties, should be limited and incur no additional expense to the Tribe.
8. Unless loaned as described in this section or disposed, no Tribal property shall be taken by any Tribal Council Member or committee member for personal use unless approved by the Tribal Council by resolution.
9. Unless loaned as described in this section or disposed, no Tribal property shall be taken by any Employee, volunteer, or others for personal use without express written consent of the Highest Executive Officer.

### **160.500 – Reporting**

The Chief Financial Officer shall establish and maintain systems and procedures to provide for the appropriate collection and reporting of financial data to comply with this Ordinance.

#### **1. Financial Reporting**

(a) Annual Audited Financial Statements: The Chief Financial Officer shall issue annual financial statements for the Tribe prepared in accordance with GAAP and applicable funding compliance requirements and audited by a firm of independent certified public accountants. The financial statement audit shall be conducted in accordance with Section 160.250 of this Ordinance.

#### **(b) Interim Unaudited Financial Reports**

- (1) Quarterly: Unless the Tribal Council grants an extension, the Chief Financial Officer shall issue interim financial reports to the Tribal Council within 60 days following the end of every calendar quarter. Such interim financial reports shall be in a format acceptable to the Tribal Council and may vary from financial statements that comply with GAAP. Interim financial reports shall contain information necessary for the Tribal Council to monitor and gauge the Tribe's financial performance, financial health, and budget compliance. The Chief Financial Officer may include explanatory notes for any major transactions or other financial issues during the reporting period that the Tribal Council should consider and/or take action.
- (2) Procurement Actions with Tribal Member-Owned Businesses or businesses owned by the spouses of Tribal members will be reported to the Tribal Council quarterly in sufficient detail to ensure that Tribal Council members are aware of the nature and aggregate amount of expenditures with such businesses.
- (3) Other Internal: The Chief Financial Officer shall prepare and issue reports for internal use in the format and frequency the Chief Financial Officer deems

necessary and appropriate to provide for the efficient and effective conduct of Tribal business and management of Tribal finances.

- (4) Other External: The Chief Financial Officer shall prepare and issue financial reports as necessary to comply with funding, loan, or other agreements to which the Tribe is a party.

2. Investment Reporting

- (a) Within 60 days following the end of each calendar quarter, the Chief Financial Officer shall provide the Tribal Council with written reports regarding Tribal investments and Portfolios as identified in Section 160.300 of this Ordinance.
- (b) Without limiting the ability of the Tribal Council to request additional information, these reports shall include information about performance compared to benchmarks, management expenses, pertinent market information as it applies to the Tribe's investments, and other information required by the Investment Policy Statement.

**160.550 – Access to Financial Records and Other Information**

1. It is the goal of the Tribe to protect the privacy of Tribal members by securing and limiting access to any personal information about Tribal members that is gathered, processed, or stored by the Tribe. It is also the goal of the Tribe to share relevant and non-confidential information with Tribal members that does not violate the reasonable expectation of privacy of others. To support both of these goals, the Highest Executive Officer and the Chief Financial Officer shall jointly establish regulations for the effective organization, maintenance, storage, retrieval and safeguarding of all Tribal Financial Records.
2. Subject to applicable federal law to the contrary, individual Tribal Council members shall have access to all Tribal Financial Records that the Tribal Council has approved by official action for individual Tribal Council members to access in whatever format in which they are customarily kept by the Tribe.
3. Subject to applicable federal law, Employees of the Tribe may access Tribal Financial Records only if they have a legitimate need to access the financial information in order to perform their official job duties.
4. In accordance with this Ordinance and its regulations, Tribal members, their duly authorized legal guardians, or their duly authorized representatives shall be provided with a copy of any Financial Records in the possession of the Tribe.
5. Nothing in this Section authorizes the disclosure of confidential communications or other records between the Tribe and its legal counsel.
6. At its sole discretion and at any time, the Tribal Council may by resolution designate information as confidential and such information shall not be made available to any

Tribal member, provided that the resolution identifies:

- (a) the information being declared confidential (to the extent that doing so does not disclose confidential information);
- (b) the reason for declaring the information; and
- (c) the time period for which the designation is applicable.

### **160.600 – Insurance and Risk Management**

1. The Chief Financial Officer shall provide for reasonable and necessary insurance coverage from reputable insurers and with sensible coverage limits deductibles, and premiums to prudently protect the interests of the Tribe. Such insurance coverage shall include, at a minimum, the following policies:
  - (a) General liability covering Tribal operations.
  - (b) Errors and omissions liability covering Tribal officers and professionals in conducting Tribal business.
  - (c) Employee fidelity bond or crime policy covering all Employees having access to monies and other liquid financial assets of the Tribe.
  - (d) Property and casualty coverage providing for the replacement of assets lost due to fire, theft or other casualty.
  - (e) Other policies the Chief Financial Officer considers reasonable, necessary, appropriate, and cost effective to protect Tribal interests and mitigate risk of loss.
2. The Tribal Council may establish self-insurance Programs, where such Programs will reduce the overall cost of insuring against losses, without significantly increasing risks.

### **160.700 – Sovereign Immunity**

Nothing in this Ordinance waives the sovereign immunity of the Coquille Indian Tribe or any of its representatives, Officers or Employees.

### **160.800 – 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.

Coquille Indian Tribal Code  
Chapter 160  
Fiscal Management Ordinance

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