

**COQUILLE INDIAN TRIBAL
CODE**

**Chapter 166
Tribal Council Service Fund**

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Chapter 166
Tribal Council Service Fund of the Coquille Indian Tribe

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166.010 Authority

The Tribal Council of the Coquille Indian Tribe is authorized by the Constitution of the Coquille Indian Tribe to enact ordinances. Article VI — Tribal Council, Section 1. Power provides that “There shall be a Tribal Council which shall have the power to exercise all legislative authority except that vested in the General Council, and all executive authority of the tribe, including the right to delegate authorities as the Tribal Council deems appropriate...” Article VI — Tribal Council, Section 3. Tribal Council Procedures, Subsection b, 8 provides that “All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Coquille Indian Tribe shall be embodied in ordinances. The ordinances shall be collected and made available to Tribal members and others affected upon reasonable request.”

166.020 Purpose and Intent

The purpose of this Ordinance is to establish a fund and set requirements to recognize Tribal members who have served on the Tribal Council of the Coquille Indian Tribe with remuneration. It is the intent of the Coquille Tribal Council that the income from the fund will provide for the long-term management and benefits of the fund.

166.030 Background

The Tribal Council is empowered to exercise legislative and executive authority for the Tribe. The Tribal Council has the ultimate responsibility for the exercise and protection of the Tribe’s inherent sovereignty, powers, rights, and assets. The Tribal Council is the entity recognized by the United States government for trust responsibility and obligation to the Tribe and its members. In the exercise of its powers and authority, the Tribal Council assumes broad and comprehensive responsibility for the governance, social, cultural, and economic well being of the Tribe. The Coquille Tribal Council provides guidance and direction to meet diverse Tribal needs, concerns, and matters through legislation, regulation, policy, management direction and oversight, and resource allocations. Members of the Tribe who serve on the Coquille Tribal Council devote much personal time, energy, and effort to fulfill their Council responsibilities, and also forego contributions to Social Security that might provide them a benefit in their retirement. It is the desire of the Tribal Council that members of the Tribe who have successfully completed terms as members of the Tribal Council be recognized for their devotion, contributions, time, energy, and effort in service to the Tribe, and also be compensated for lost Social Security benefits.

166.040 Establishment of the Tribal Council Service Fund

There is hereby established the Tribal Council Service Fund (the “Fund”) of the Coquille Indian Tribe. The Fund shall be a non-expendable trust fund that generates investment earnings to be used in accordance with this Ordinance.

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166.050 Policy

It is the policy of the Tribe to provide for prudent management, planned contributions, and approved uses to assist elder Tribal members in meeting their financial needs on a sustained basis.

1. Contributions

The Fund will have a distinct principal from which earnings will be derived to meet the purpose of the Fund. The Fund will be established from contributions, appropriations, or donations of available revenues from the Tribe and other sources to be placed in the corpus of the Fund. Thereafter, the Fund will grow from available unexpended annual Fund revenues and additional contributions designated by the Tribal Council. The Fund is authorized to receive grants, gifts, and donations, provided that any restrictions on the use of such funds are acceptable to the Tribal Council and are consistent with the purpose and intent of the Fund. Contributions to the Fund from available revenues shall be made in accordance with Section 166.350 of this Ordinance.

2. Custody

Contributions, assets, and earnings of the Fund shall be placed in custody in a bank account, brokerage account, or trust account of an institutional trust company or any combination thereof, approved by the Tribal Council.

3. Management of Fund Assets and Earnings

Assets placed in the Fund shall be managed in accordance with an Investment Policy Statement (IPS) approved and adopted by the Tribal Council. The IPS shall provide for optimum return on investment, commensurate with the risk levels approved by the Tribal Council to meet the purposes of the Fund. The Fund assets may be invested in any securities specifically allowed by the IPS. Fund assets may be invested under a common IPS and may be commingled with assets of other Tribal funds having similar time horizon, liquidity, and risk constraints.

4. Authorized Use of the Fund.

The only authorized use of the Fund shall be to provide remuneration to Tribal members who have successfully completed service of their elected terms as members of the Coquille Tribal Council.

5. Appropriation Procedures

The process for appropriating earnings from the Fund for its intended use is by the annual Tribal budget approved by the Tribal Council. The amount to be appropriated

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may be determined by an actuarial analysis, availability of funds, and prior year experience. It is the intent that only the earnings of the Fund assets will be available for appropriation.

6. Restrictions on Spending

Expenditures from the Fund shall not exceed the fund balance and earnings available during a budget year.

7. Trust Fund Balance

The fund balance shall be reviewed on a periodic basis to assure that Fund balance and earnings are sufficient to meet the needs and purposes for which the Fund is established in accordance with Section 166.350 of this ordinance.

8. Implementation

The Executive Director is responsible for developing all necessary procedures and actions to carry out the provisions of this Ordinance. The Financial Management Office is responsible for the management and accounting for the Fund.

9. Review

The Executive Director and appropriate staff shall provide for the periodic review of the Fund and shall make recommendations for such changes consistent with the intent and purpose of the Fund. The review may include an actuarial analysis to determine the target Fund balance and contributions needed to provide for authorized expenditures from the Fund in the future.

166.100 Program, Policies, and Procedures

Remuneration provided by the Tribal Council Service Fund is to be distributed with the following considerations:

1. Eligibility

All living enrolled members of the Coquille Indian Tribe who have completed one year on the Coquille Tribal Council and have left the Tribal Council shall be eligible for payments at age 62 years old.

Retired members of the Coquille Tribal Council are eligible for payments from the Tribal Council Service Fund with their spouses at the time of retirement being eligible as successors in interest for the payments.

If a Tribal Council member should become totally disabled, as declared by the United States Social Security Administration or the United States Department of Veterans

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Affairs, before the age of 62, he/she will receive full benefits. Proof of total disability must be submitted to the Financial Management Office of the Tribe.

If a retired Tribal Council Member is re-elected to the Tribal Council he/she would not be eligible for payment from the Tribal Council Service Fund while on the Tribal Council.

Upon the demise of the current or retired Tribal Council member, payments will be made to the decedent's spouse when the spouse reaches the age of 62, or earlier if the spouse is declared totally disabled, as defined above, for the remainder of the spouse's life, or until the spouse remarries or enters into a registered domestic partnership. For the purposes of this Ordinance, a spouse is defined as anyone who has been legally married under the laws of the Coquille Indian Tribe or another jurisdiction for more than one year.

2. Amount

The amount of financial assistance paid to each eligible Tribal member or spouse shall be one hundred dollars (\$100.00) per month for the first year of service and thirty dollars (\$30.00) per month for each additional year of service. Beginning January 1, 2010, the monthly benefit shall be as follows:

Tribal Council Chairman:	\$100 per year of service
Tribal Council Vice-Chairman:	\$100 per year of service
Tribal Council Chief:	\$100 per year of service
Tribal Council Secretary/Treasurer:	\$100 per year of service
Tribal Council Rep. Position 1:	\$100 per year of service
Tribal Council Rep. Position 2:	\$100 per year of service
Tribal Council Rep. Position 3:	\$100 per year of service

The amount of this benefit shall not be decreased without a vote of at least six of the then serving Tribal Council members in favor of the decrease.

3. Method of Payment

The total amount computed for the years of Tribal Council service shall be paid monthly to each retired Tribal Council member. The method of payment shall be by check, direct deposit, or other reasonable method as may be beneficial and consistent with the desires of the Tribal member.

The date of payment shall be the tenth day of each month to all eligible Tribal Council members or their eligible spouses.

The Financial Management Department of the Tribe shall be responsible for disbursement of payments, record keeping of funds distributed, and maintaining an updated list of eligible Tribal Council members and their spouses.

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4. Calculation of Years of Service

Any length of service on Tribal Council of at least one hundred and eighty (180) continuous days shall be treated, for the purposes of calculating this benefit, as one year.

5. Waiver of Benefit

Retired Tribal Council members may, upon written request, waive the payment of financial assistance provided under this Ordinance.

6. Benefits and Other Resources

The benefits paid under this Ordinance, to the extent feasible and allowable, shall not offset, reduce, or otherwise interfere with any other resources or benefits to which a retired Tribal Council member is entitled.

166.200 Program Discretion

The financial assistance and benefits provided by the Coquille Tribal Council Service Fund shall be discretionary and subject to the amount determined and appropriated by the Coquille Tribal Council. The authorization of the Fund and its benefits does not create any liability on the part of the Tribe for any future payments nor shall any Tribal member have any vested right in future benefit payments.

166.300 Fund Administration

The Executive Director is authorized to promulgate any regulations, policies, and procedures for the implementation and administration of the fund, consistent with the provisions of this Ordinance and the Fiscal Management Ordinance (CITC 160), as amended, as may be required.

166.350 Minimum Target Fund Balance

The minimum target fund balance shall be periodically updated by the CFO to establish the amount needed to provide for authorized benefits in perpetuity, with consideration given to historic and projected trends for Tribal enrollment, changes in benefit levels, reasonable estimates for annual rates of investment return, and any other factors considered relevant by the CFO. As it is periodically updated, the CFO will report on the target balance to the Tribal Council, including key inputs, assumptions, and changes to the methodology used to arrive at the estimate.

166.750 Severability

If a court determines any provision of this Ordinance, or its application, to be invalid, the remainder of this Ordinance will continue to be effective.

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History of Amendments to Chapter 166 Tribal Council Service Fund:

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