

# **COQUILLE INDIAN TRIBAL CODE**

## **Chapter 144**

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

#### **Tribal Council Committees**

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**144.010      General**

1.      Purpose

To set forth uniform policies and procedures for the establishment of Committees to advise the Tribal Council, to clarify relationships of Committees within the Tribal Government structure, and provide guidance for the conduct of Committee business, and to authorize additional duties as assigned by the Tribal Council.

2.      Background

The Tribal Council has determined that Committees will be established to advise the Tribal Council on the needs of the membership, opportunities to advance goals and concerns or risks which should be addressed.

Committee members and Committee Chairs are appointed by the Tribal Council.

3.      Definitions

As utilized herein, the terms are defined as follows;

- (a)      "Ad hoc Committee" means a committee established by the Tribal Council for a special purpose and a finite period of time.
- (b)      "Standing Committee" means a Tribal committee established by the Tribal Council to deal with a general area of interest and which will exist for an indefinite period of time.
- (c)      "Committee" does not include the Election Board, which is authorized by the Tribal Constitution and regulated by the Tribal Election Ordinance, Chapter 194.

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**144.020      Jurisdiction**

(RESERVED)

**144.030      General Policy**

1. Committees shall be established to advise and assist the Tribal Council in carrying out its responsibilities to provide services to the Tribal membership, and to perform any additional assigned duties.

2. Each committee is to:

(a) Act in an advisory capacity to the Tribal Council in identifying needs of the Tribe, and recommending courses of future action.

(b) Give reports to the Tribal Council on its work no less frequently than twice per year.

(c) Undertake any other duties and responsibilities as assigned by the Tribal Council.

(d) Communicate and coordinate with the Tribal Executive Director and staff on matters related to assigned areas of responsibility.

(e) Communicate with other organizations to gain information and understanding within the assigned area of interest.

(g) Coordinate and exchange information with other committees on areas of interest.

3. Unless the Tribal Council expressly provides otherwise by ordinance or resolution, committees does not have the authority to:

(a) Contractually bind the Tribe;

(b) Speak publicly on behalf of the Tribe;

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- (c) Duplicate duties assigned to Tribal Administration staff;
- (d) Obligate or encumber any Tribal budget or depository account;
- (e) Assume any implied authority; or,
- (f) Hear any appeal or reconsideration of administrative staff decisions.

4. Except for those powers reserved to Tribal Council herein, the Tribal Council gives the Tribal Executive Director the responsibility and the authority to monitor and report to Tribal Council about Committee and Committee member compliance with this Ordinance, *provided*, that the Tribal Council may, by motion or otherwise, assume this responsibility when it would be in the best interests of the Tribe to do so.

**144.100 Establishment of Committees**

1. The Tribal Council may establish standing and ad hoc committees as provided in this Ordinance. All committees established by this ordinance shall be accountable to the Tribal Council. The Tribal Council shall designate a title for each committee that it establishes. All titles of committees must indicate association with the Tribe by including the phrase "the Coquille Indian Tribe" in its title. The organization of all committees shall be in conformance with the provision of this ordinance.

2. All committees shall be established by bylaws, which must be adopted by Tribal Council resolution as provided in this Ordinance. Committee bylaws must specify the:

- (a) Name of the committee
- (b) Duties and powers of the committee, in addition to those set forth in this Ordinance
- (c) Number of committee members
- (d) Special committee membership criteria, if applicable

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3. An error in committee bylaws will not invalidate that committee's existence.
4. Whenever possible, all committee bylaws will be read in harmony with this Ordinance.
5. Committee bylaws must be adopted, amended and repealed in the same manner that is then prescribed for the adoption, amendment and repeal of Tribal ordinances.

**144.110 Membership**

1. Unless the Tribal Council provides otherwise in committee bylaws, each committee shall be composed of a minimum of three (3) members, including the committee Chairperson. The Tribal Council will appoint committee members. Unless a committee's duly adopted bylaws state otherwise, the majority of committee members must be members of the Coquille Indian Tribe.
2. Unless committee bylaws provide otherwise, no Tribal staff member may serve as a member on a committee that is in an advisory role to that staff member's program.
3. Tribal Council representatives may participate on committees. No member of the Tribal Council may serve on an Election Committee. Members of the Tribal Council may not serve as a chairperson of a committee. Except for the Election Committee, each committee should have at least one Tribal Council member.
4. Members must be at least 18 years of age unless committee bylaws state otherwise
5. Standing committee members shall be appointed for three years. This three year appointment will automatically renew unless the Tribal Council votes to remove a particular committee member.
6. Members shall attend all committee meetings unless they give written or verbal notice to the chairperson as soon as possible prior to the meeting.
7. Upon resignation or removal of a member or upon other vacancy by a member, the member shall deliver all papers, records, books and other items in the member's possession that relate to the committee to his or her successor or the committee chairperson.

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8. Vacancies

- (a) Any vacancy shall be filled by appointment as described in CITC 144.110(1).
- (b) Vacancies shall occur when a member resigns for any reason or is removed.

9. Removal of Members

(a) A committee member may be removed for conduct that discredits the committee or that adversely affects the committee's ability to conduct business, including, without limitation, unexcused absences from at least three consecutive meetings.

(b) Removal of a member shall be by a majority vote of the Tribal Council. The recommendation for removal of a member shall be considered by the Tribal Council after the committee or Tribal Council has:

- (1) Given notice to the member whose removal is under consideration;
- (2) Given the member an opportunity to discuss with the committee the cause for the recommendation for the removal; and
- (3) Voted to recommend removal.

(c) The member shall have an opportunity to testify to the Tribal Council before the Tribal Council votes on his or her removal.

**144.120 Voting**

Each member may cast one (1) vote on each matter being voted upon. No proxies or absentee ballots shall be permitted unless committee bylaws specifically provide otherwise, but committee members participating by telephone may vote.

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A majority (Quorum) of the voting committee members must be present in order to conduct business.

No less than a majority of a quorum may approve official actions.

**144.130 Conflicts of Interest**

1. No committee member may vote on any action being taken by the committee which directly involves a member of his or her immediate family. A voting member may participate in the discussion and count toward the quorum requirements regarding action taken by the committee that involves a member of his or her immediate family. For purposes of this provision, "immediate family" is defined as father, mother, sister, brother, daughter, son, spouse or spouse equivalent or any other person living in the member's household.

2. Committee members must not participate in any activity that poses a conflict of interest, unless they have first fully disclosed that conflict of interest to the Tribal Council, and the Tribal Council passes a motion on the record waiving that conflict. For the purposes of this paragraph a "conflict of interest" will have the same meaning as defined in CITC Chapter 160, "Financial Management" and committee members shall be considered "agents", but only for the purposes of that definition.

**144.140 Appointment of Officers**

The Tribal Council shall appoint a chairperson for each committee that it establishes. Each committee may then select other officers as that body deems appropriate; provided that any other officers shall be elected by majority vote. At a minimum, each committee shall appoint a Vice Chairperson who will fulfill the duties of the Chairperson in his or her absence.

**144.150 Duties of the Chairperson**

The chairperson shall:

1. Issue notice of meetings;

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2. Preside at meetings;
3. Provide reports to the Tribal Council and General Council;
4. Serve as or designate the official representative and spokesperson; and,
5. Ensure compliance with all Tribal fiscal management ordinances and administrative procedures.

**144.160 Meetings**

Committee members may appear by telephone.

Committee meetings must be open to Tribal members, provided that meetings may be closed when a committee is dealing with confidential matters. Committees may invite guests to attend the meetings.

All meetings, except emergency meetings, require seven (7) days notice to the committee members and the Tribal Executive Director. The Tribal Office shall post such notice in a conspicuous place at the Tribal Office. Notice shall include date, time, place and agenda for the meeting.

Emergency committee meetings require twenty-four (24) hours notice to committee members and to the Tribal Executive Director when possible.

**144.190 Compensation and Use of Tribal Facilities**

1. The Tribe will reimburse members for reasonable expenses incurred for official meetings and duties including travel expenses subject to the availability of funds Tribal Council appropriates for this purpose and the requirements of any applicable grants or contracts. Total reimbursement for a committee member must not exceed \$1200 per year, subject to the availability of Tribal appropriations. All reimbursement must have prior approval. Any other compensation of Tribal committee members must have advance Tribal Council approval. Unless the Tribal Council provides otherwise, no committee members will receive stipends for committee-related work.

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2. Under the supervision of the committee chairperson, Tribal committees may have reasonable access to and use of Tribal facilities, office equipment and office supplies, but only to the extent necessary to perform their official duties.
3. Tribal employees may volunteer for committees, provided that such participation does not negatively affect their work performance. Tribal employees volunteering for committees may not claim committee work as hours worked.
4. Tribal employees required to serve on committees under Tribal law or their job description, or by a supervisor, may claim committee work as hours worked. This provision does not waive any overtime approval requirements under the Tribal Personnel Manual.

**144.200 Financial Accountability**

1. Committees receiving Tribal appropriations for operations or other activities must comply with applicable Tribal law and policy before any funds may be disbursed. The committee chairperson shall be primarily responsible for the financial accountability.
2. All donations to committees must be handled and accounted for in accordance with the Tribal Fiscal Management Ordinance, as amended.
3. Committees may not apply for grant or foundation funding without prior approval from Tribal Council and first complying with any Tribal Administration internal review process.

**144.300 Confidentiality**

To qualify as committee members, persons must sign a confidentiality agreement. Committee members must maintain the confidentiality of all confidential and proprietary information of the Tribe, or any entity owned by the Tribe. Committee members must not disclose such information unless the Tribal Council consents in advance to such disclosure. Committee members may divulge confidential and proprietary information with Tribal employees on a need to know basis. Violation of this agreement may result in removal from the committee and possible civil liability.

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**144.400      Committee Reports.**

Committee Chairpersons must submit written semi-annual reports to Tribal Council including, at a minimum:

1.      The names and attendance records of all committee members
2.      A summary of committee actions
3.      A committee budget report, if the Tribal Council has authorized a committee budget; and
4.      Recommendations for Tribal Council action

**144.500      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.

**144.600      Sovereign Immunity**

Nothing in this Ordinance waives, expressly or impliedly, the sovereign immunity of the Coquille Indian Tribe or any of its officers, employees or representatives.