

Ordinance Number 2.100. Amended by Resolution No. 82-120 dated March 29, 1982; Resolution No. 84-42, dated November 19, 1983; Resolution No. 84-79, dated January 15, 1984; Resolution No. 85-07, dated October 20, 1984; Resolution No. 89-127 dated June 17, 1989; Resolution No. 90-87, dated March 17, 1990; General Council Vote, February 2, 1991; Resolution No. 92-050, dated December 21, 1991; Resolution No. 99-279, dated August 21, 1999; Resolution No. 2003-329, dated July 25, 2003, and Resolution No. 2005-361, dated September 16, 2005; Resolution No. 2009-433, dated November 20, 2009.

Original Date: August 28, 1980
Subject: Tribal Council Rules of Procedure

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The purpose of this ordinance is to provide for Tribal Council procedures as authorized by Article V, Section 2 of the Siletz Constitution, adopted June 2, 1979, and approved by the Secretary of the Interior on June 13, 1979.

§ 2.100 GENERALLY; DEFINITIONS

(a) General Provisions

The conduct of all meetings of the Tribal Council shall be governed by these Rules of Procedure, including when the Council sits as a Board of Directors for Health, Gaming, or any other entity of the Tribe, provided the Tribal Council may establish alternate rules for a particular entity in the Ordinance establishing that entity. All questions of procedure shall be decided by the Chairman, or by majority vote of the Tribal Council if there is any objection to the ruling of the Chairman. A Tribal Council member, upon becoming a member of the Tribal Council, shall be oriented with regard to his or her ethical obligations under the Tribal Council Ethics Ordinance and oriented as to their duties as a member of the Tribal Council.

Adopted 8/28/80

Amended: 3/29/82, 1/15/84, 10/20/84,
6/17/89, 3/17/90, 2/2/91, 12/21/91,
8/21/99, 7/25/03, 9/16/05, 11/20/09

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(b) Definitions

(1) "Closed Session" as that term appears at Article V, Section 2(E) of the Siletz Constitution, shall mean a session of the Siletz Tribal Council which is not open to the general public, but instead is limited to tribal members, their families, tribal employees, contractors and consultants, and other persons invited to attend by the Tribal Council. Closed Tribal Council sessions shall be commenced and adjourned by motion duly passed and shall not be recorded, except by Motion of the Tribal Council. No final or official Tribal Council action shall be taken in closed session.

(2) "Conflict of Interest" for purposes of this ordinance means an action taken by a member of the Tribal Council which is in conflict with the Tribal Council member's obligation to take actions in the best interest of the Siletz Tribe and the tribal membership. In most cases a conflict of interest arises because a Tribal Council member has taken action in his or her self or personal interest rather than in the interest of the Tribe or tribal membership as a whole. A conflict of interest does not arise when Tribal Council members disagree about a course of action or decision to take on a particular issue, and a Tribal Council member holds a sincere belief on the issue that differs from other Tribal Council members.

(3) "Executive Session" as that term appears at Article V, Section 2(E) of the Siletz Constitution means a session of the Tribal Council which is closed to all persons except Tribal Council members, necessary staff as designated by the Tribal Council, and express invitees. Executive Tribal Council sessions shall be commenced and adjourned by motion duly passed and shall not be recorded. No final or official Tribal Council action shall be taken in executive session.

(4) "Immediate Family" means father, mother, son, daughter, husband, wife, brother, sister, any other person in a similar relationship, and any person living in the Tribal Council member's household.

(5) "Personal Interest" for purposes of this ordinance means an action taken by a Tribal Council member which is intended to benefit the Tribal Council member and/or his or her immediate family rather than the Siletz Tribe or tribal membership as a whole. A Tribal Council member may still be determined to be acting out of personal interest when he or she acts on a matter involving a general class of the tribal membership if the Tribal Council member's action was intended to benefit the member or his or her immediate family, even if the action also

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benefitted other tribal members.¹ Personal interest does not necessarily occur when a Tribal Council acts on a matter or issue that results in an incidental benefit to the Tribal Council member or his or her immediate family.² Personal interest may be determined by an objective review of all of the circumstances surrounding and factors relevant to an action taken by a Tribal Council member.

(6) “Special Advisor” means any person or entity, other than a Tribal Council ad hoc committee, appointed by the Tribal Council to investigate an allegation of unethical conduct against a Tribal Council member. The Tribal Council may contract with an outside entity or person to be the Special Advisor.

(7) “Tribal Chairman” shall mean the Chairman of the Siletz Tribal Council. In any matter under this ordinance where the Tribal Chairman is the Tribal Council member alleged to have engaged in unethical conduct, the Vice-Chairman shall act in the capacity of Chairman under this ordinance. If both the Chairman and Vice-Chairman are accused of such conduct, the Treasurer shall act in the capacity of Chairman under this ordinance or the remaining Tribal Council members shall approve one of their members to act in the capacity of Chairman for purposes of this ordinance. If the Chairman, Vice-Chairman and Treasurer are accused of such conduct, the Secretary shall act in the capacity of Chairman under this ordinance of the remaining Tribal Council members shall approve one of their members to act in the capacity of Chairman for purposes of this ordinance.

§ 2.101 MEETINGS

(a) Regular Meetings. Regular meetings of the Tribal Council shall be held each month at a time and place to be decided by vote of the Tribal Council. If the date of the regular meeting conflicts with a national, state or tribal holiday or election, or for other good cause, the meeting shall be rescheduled one week later. At least five (5) days notice of the meeting time and place shall be given to the tribal membership, including posting in each Area Office and publication in the tribal newsletter where possible.

¹ A non-inclusive list of when personal interest occurs includes the following examples: 1) the member votes for a pay raise for a specific department because that member’s child will benefit, when otherwise the member would oppose the pay raise; 2) the member votes on amendments to make recall of Tribal Council members more difficult when the member knows a recall petition is being circulated against him or her.

² A non-inclusive list of when personal interest would not be implicated includes the following examples: 1) a member who is an elder votes in favor of an elder's Christmas bonus; 2) a member votes to establish a tribal youth program that his or her daughter may participate in.

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(b) **Special Meetings.** Special meetings of the Tribal Council may be called by the Chairman at his or her discretion. Upon written request of three or more members of the Tribal Council, the Tribal Council shall call a special meeting within three (3) days. No special meeting shall be called without twelve (12) hours' notice to each member. Notice shall be in writing or by telephone. This notice may not be waived unless each member of the Tribal Council does so in writing. Special meetings of the Tribal Council may take place in the form of conference telephone calls, as long as the other requirements of this section are met. In such event, and upon request of any tribal member, the special meeting shall be broadcast by speakerphone in the Tribal Council Chambers for interested tribal members.

(c) **Waiver of Notice.** In the event a Tribal Council member becomes temporarily incapacitated and unable to perform their duties, the Tribal Council member shall be asked to sign a form waiving on their behalf, during their period of incapacity, the requirement of notice in subsection (b) of this Section and other notice provisions of this Ordinance. A Tribal Council member may withdraw this waiver at any time upon written notice delivered to the Tribal Council Executive Secretary. In the event a Tribal Council member is incapacitated and unable or unwilling to execute a waiver form, the Tribal Council, by two-thirds vote of the entire Tribal Council, may vote by Motion to temporarily waive notice to said Tribal Council member during the period of his or her incapacity. Any such action taken under this Section shall be subject to appeal to the Tribal Court by the Tribal Council member affected. [Added, Tribal Council Resolution No. 2003-329, July 25, 2003].

§ 2.102 ORDER OF BUSINESS

(a) The following order of business shall be observed at each meeting of the Tribal Council:

- (1) Call to Order by the Chairman and Invocation.
- (2) Roll call by the Executive Secretary or Tribal Council Secretary.
- (3) Approval of Agenda.
- (4) Approval or correction of Minutes of prior Tribal Council meeting or meetings.
- (5) Business matters.
- (6) Adjournment.

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§ 2.103 AGENDA

The agenda shall be prepared by the Chairman. He or she must include any item submitted upon the written request of three or more members of the Tribal Council. The agenda shall identify as clearly as possible the specific matters that are to be considered by the Council. The agenda shall be provided to Tribal Council members not less than five days prior to any regularly scheduled meeting.

§ 2.104 RECESS

The Tribal Council may recess a meeting at any time by motion and continue its meeting to a later time, without giving further notice. Roll call shall be taken when the meeting reconvenes.

§ 2.105 QUORUM

Five members of the Tribal Council shall constitute a quorum. A quorum shall be required for any official action of the Tribal Council, including passing motions and adopting ordinances and resolutions.

§ 2.106 DECISIONS AND VOTING; INCAPACITY OF TRIBAL COUNCIL MEMBER

(a) Decisions; Voting. Decisions of the Tribal Council other than adoption, amendment or repeal of tribal ordinances shall be by majority vote of the members present at a meeting, except where otherwise required by the Constitution or tribal ordinance. A vote of two-thirds (2/3) of the sitting members of the Tribal Council shall be required to adopt, amend or repeal a tribal ordinance. Voting shall be by roll call vote and the ayes, nays and abstentions shall be recorded in the minutes. No Tribal Council member shall vote on any matter or take any other action as a member of the Tribal Council where such action or vote would violate that member's ethical obligations under the Tribal Council Ethics Ordinance.

(b) Incapacity of Tribal Council Member. All duties and responsibilities connected with status as a Tribal Council member shall be suspended during any period of incapacity as set out in Section 2.101(c) of this Ordinance. [Added, Tribal Council Resolution No. 2003- 329, July 25, 2003].

§ 2.107 OPEN MEETINGS

(a) Open Meetings. All meetings of the Tribal Council shall be open to the membership of the Confederated Tribes of Siletz Indians of Oregon; however, the Tribal Council may recess at its discretion to discuss any matter in a closed or executive session. The motion calling for

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such session shall state the general subject matter to be discussed. No final or official action may be taken in the executive session. The Chairman shall call the meeting back to order after the executive session. Revealing matters discussed in executive session that are confidential shall be deemed grounds for discipline under the Tribal Council Ethics Ordinance, including but not limited to expulsion of the Council member.

(b) Executive Session. "Executive Session" as that term appears at Article V, Section 2(E) of the Siletz Constitution means a session of the Tribal Council which is closed to all persons except Tribal Council members, necessary staff as designated by the Tribal Council, and express invitees. Executive Tribal Council sessions shall be commenced and adjourned by motion duly passed and shall not be recorded, except by Note of the Tribal Council. No final or official Tribal Council action shall be taken in executive session.

(c) Closed Session. "Closed Session" as that term appears at Article V, Section 2(E) of the Siletz Constitution, shall mean a session of the Siletz Tribal Council which is not open to the general public, but instead is limited to tribal members, their families, tribal employees, contractors and consultants, and other persons invited to attend by the Tribal Council. Closed Tribal Council sessions shall be commenced and adjourned by motion duly passed and shall not be recorded, except by vote of the Tribal Council. No final or official Tribal Council action shall be taken in closed session.

§ 2.108 ORDINANCES

(a) When Required. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in an ordinance.

(b) Content of Ordinances. Each ordinance shall contain the following items, but any ordinance which basically meets the requirements of this section shall be valid:

- (1) Number will be assigned by the appropriate employee upon adoption of the ordinance);
- (2) The date of adoption (and amendment where appropriate);
- (3) The subject matter;
- (4) Title;
- (5) Statement of purpose and authority;
- (6) The text of the ordinance;

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- (7) A statement of repeal if appropriate, identifying the number, date and title of the ordinance repealed;
 - (8) The date of adoption and the votes for, against and abstaining;
 - (9) The signature of the Tribal Chairman or presiding officer and date;
 - (10) Attestation and date by the Tribal Secretary.
- (c) Introduction. Any Tribal Council member may introduce a proposed ordinance.
- (d) First Reading. A proposed ordinance shall be read out loud in open Tribal Council meeting when it is introduced or at a later meeting if the Tribal Council so decides.
- (e) Second Reading. A proposed ordinance shall be read by title only at the next Tribal Council meeting following the first reading, except that it shall be read out loud in full or in part at the request of any Tribal Council member.
- (f) Waiver of Second Reading. The Tribal Council may waive the second reading requirement if it finds it to be in the best interest of the Tribe to do so. The motion to waive the second reading shall state the reason for so doing and that reason shall be recorded in the minutes.
- (g) Changes to Proposed Ordinance. Changes may be made in a proposed ordinance at any time prior to its adoption.
- (h) Adoption. Proposed ordinances shall be considered for adoption after the second reading or, if the Tribal Council waives the second reading, after the first reading. Adoption of the ordinance shall be upon motion and second. Discussion shall be held on the motion until the question is called for.
- (i) Effective Date. An ordinance shall become effective immediately upon its adoption, but it may have a later date if the Tribal Council so provides.
- (j) Amendment of Adopted Ordinances. Existing, adopted ordinances may be amended by resolution. Amending resolutions shall be adopted in the same manner as other resolutions except that any Council member may require than an ordinance be amended in the same manner in which the original ordinance was adopted. The date and number of the resolution amending the ordinance shall appear on the title page of the ordinance, as well as on each page thereof.

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§ 2.109 RESOLUTION

(a) When Required. All final decisions of the Tribal Council on matters of temporary interest shall be by resolution.

(b) Content of Resolution. Each resolution shall contain the following items, but any resolution which basically meets the requirements of this section shall be valid:

- (1) Number will be assigned by the appropriate employee upon adoption of resolution);
- (2) The date of adoption;
- (3) The subject matter;
- (4) The title "resolution";
- (5) Statement of authority;
- (6) Statement of purpose (optional);
- (7) The text of the resolution;
- (8) An adoption clause stating that the procedures of this ordinance were followed, the date of adoption and the number of votes for, against and abstaining;
- (9) The signature of the Tribal Chairman, Vice-Chairman or presiding officer, as appropriate;
- (10) Attestation by Tribal Secretary.

(c) Adoption. A proposed resolution shall be stated out loud prior to being voted on. Adoption of a resolution shall be upon motion and second. Discussion shall be held on the motion before the question is called for.

(d) Effective Date. A resolution shall be effective immediately upon its adoption, but it may have a later effective date if the Tribal Council so provides.

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§ 2.110 **MINUTES**

It shall be the duty of the Secretary to keep written minutes of Tribal Council proceedings. These minutes shall include the names of all the Tribal Council members present and the presiding officer, all motions, proposals, resolutions and ordinances and their disposition, the results of all votes, the vote of each member by name and the subject of any discussion on any matter and reference to any document discussed. The Tribal Council's staff may be responsible for preparing the minutes, but the minutes shall be approved by the elected Tribal Secretary prior to final typing and distribution. The draft minutes shall be sent to all Tribal Council members and the tribal attorney prior to approval.

§ 2.111 **COMMITTEES**

The Tribal Council may establish any committees necessary to assist it in carrying out its duties under the Constitution. Provision for standing committees shall be by ordinance; provision for ad hoc committees shall be by resolution. The number of members and manner of appointment shall be set forth in the ordinance or resolution as well as the purpose, authority, durations and duties of the committee. Committee members must be tribal members if the committee is to exercise delegated authority of the Tribal Council. Appointments to Committees shall take place on the first Tribal Council meeting each year following the general election. Appointments shall not exceed one year.

§ 2.112 **LIMITATION ON DEBATE**

Any Council member may move that a time limit be set for a number of minutes a person may speak on a particular agenda item. Debate shall be limited to the subject matter of the agenda item under consideration.

§ 2.113 **TRIBAL COUNCIL OFFICERS**

(a) Election of Tribal Council Officers; Presiding Officer. After each annual election for Tribal Council members, the Tribal Council shall elect from its members a Tribal Chairman, Vice-Chairman, Secretary and Treasurer, at a regular or special meeting. In the absence of the Chairman, the Vice-Chairman shall preside over the Council and have all the powers and duties of the Chairman. In the absence of the Vice-Chairman, the Treasurer shall preside over the Council and have all the powers and duties of the Chairman. In the absence of the Treasurer, the Secretary shall preside over the Council and have all the powers and duties of the Chairman. In the absence of the Chairman, Vice-Chairman, Treasurer, and Secretary, the members of the Council present shall elect a presiding officer by majority vote. In the absence of the Secretary, the Chairman shall appoint a member of the Tribal Council to act as Secretary. [Amended by Resolution 90-87, March 17, 1990; Resolution No. 2009-433, November 20, 2009].

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(b) Duties of Tribal Council Officers. The Officers of the Siletz Tribal Council shall have the following duties and responsibilities:

- (1) Tribal Chairman. The Chairman of the Tribal Council shall preside over all meetings of the Tribal Council and of the general membership. The Chairman shall perform all the duties of the Chairman under the Siletz Constitution and tribal law, and shall exercise all authority delegated to him or her by the Tribal Council. The Chairman shall have a vote in all actions of the Tribal Council under this Ordinance and under tribal law. The Chairman shall be the official spokesperson of the Siletz Tribe and the Tribal Council, unless otherwise delegated, and shall be the official representative of the Tribe with other governments.
- (2) Vice-Chairman. The Vice-Chairman of the Tribal Council shall assist the Chairman when called to do so or when necessary to carry out the duties and responsibilities of the Tribal Council. The Vice-Chairman shall preside at all tribal and Tribal Council meetings in the absence of the Chairman. In such case, the Vice-Chairman shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.
- (3) Secretary. The Secretary of the Tribal Council shall be responsible for all correspondence of the Tribal Council and for ensuring a complete and accurate account of all matters transacted at Tribal Council and tribal meetings. The Secretary shall be responsible for completing and maintaining an official copy of the minutes of all tribal and Tribal Council meetings, and for keeping an accurate record of all resolutions and ordinances passed by the Tribal Council or the tribal membership.
- (4) Treasurer. The Treasurer of the Tribal Council shall be responsible for overseeing by tribal employees, through the General Manager of the Tribe, of the accounting for, receiving, receipting for, depositing, preserving and safeguarding all funds in the custody or under the control of the Tribal Council or the Siletz Tribe, and for maintaining the accuracy of all tribal financial records and accounts. The Treasurer shall be responsible for making an annual report to the Tribal Council and membership of the financial condition of the Tribe which complies with applicable law and regulations. The Treasurer shall be bonded, the cost of furnishing such bond to be an expense of the Tribe. [Amended by Reso. No. 2009-433, November 20, 2009].

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(c) Removal of Tribal Council Officers. Officers may be removed for violations of the Tribal Council Ethics Ordinance, neglect of duty, or gross misconduct, in accordance with the procedures provided in the Tribal Council Ethics Ordinance.

§ 2.114 LITIGATION

Any and all litigation, whether on behalf of the Siletz Tribe, the Tribal Council, individual Tribal Council members, any tribal entity or on behalf of the tribal membership, and whether taking place before a court, administrative agency, or elsewhere, shall be authorized only by resolution of the Tribal Council. The Tribal Chairman shall have no authority to initiate litigation on behalf of the Tribe, the Tribal Council, individual Tribal Council members, the tribal membership, any tribal entity or as trustee for the Tribe, Tribal Council or tribal membership, in the absence of a resolution of the Tribal Council.

§ 2.115 ORDER

The Chairman shall be responsible for assuring that order is maintained during all meetings of the Tribal Council. In fulfilling this responsibility, the Chairman may designate a sergeant-at-arms or other designee. Any unreasonable loud or disruptive noise or conduct which obstructs the work of the Tribal Council shall be cause for removal by the sergeant-at-arms. The Chairman shall warn a person to cease his or her disorderly conduct before ordering his or her removal.

§ 2.116 RECORDS

(a) Records of Tribal Council meetings, including agendas, approved minutes, adopted resolutions and adopted ordinances shall be kept as set out in this section.

- (1) Agendas and Minutes file. Agendas and minutes as approved of all Tribal Council meetings shall be compiled in chronological order. Files shall be maintained on an annual basis, conforming to the Tribe's fiscal year.
- (2) Resolutions. Resolutions shall be compiled in two separate files, one by chronological order and one by subject heading.
 - (A) Chronological File. The original of each resolution passed by the Tribal Council shall be compiled in chronological order in a Resolution Chronological File. The Tribal Secretary shall assign a resolution number to each resolution upon its passage by the Tribal Council. The number shall identify the fiscal year and the appropriate chronological order of the resolution. (For example,

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the first resolution passed in Fiscal Year 1980 would be assigned the number 80-01.)

- (B) Resolution Subject File. A copy of each resolution shall be compiled by subject heading in a separate Resolution Subject File. The Tribal Secretary shall assign a subject heading to each resolution upon its passage by the Tribal Council. (For example, "personnel", "Housing Improvement Program", "Election of Officers", etc.).
 - (C) Index. A chronological and subject heading index shall be maintained for all Tribal Council resolutions and shall appear in the front of both the Resolution Chronological File and the Resolution Subject File.
- (3) Ordinances. Ordinances shall be compiled in two separate files, one by chronological order and one by subject heading.
- (A) Ordinance Chronological File. The original of each ordinance passed by the Tribal Council shall be compiled in chronological order. Each ordinance will be assigned a number upon its passage by the Tribal Council. The number shall identify the fiscal year and the appropriate chronological order of the ordinance. (For example, the first ordinance passed in Fiscal Year 1980 would be assigned the number 80-01.)
 - (B) Ordinance Subject File. A copy of each ordinance shall be compiled by subject heading in a separate Ordinance Subject File. Each Ordinance will be assigned a subject heading upon its passage by the Tribal Council. (For example, "Elections", "Enrollment", "Hunting and Fishing".) Separate headings shall be established for Ordinances Repealed and Ordinances Amended, so that the regular subject headings contain only the current ordinances as amended.
 - (C) Index. A chronological and subject heading index shall be maintained for all ordinances and shall appear in the front of both the Ordinance Chronological File and the Ordinance Subject File.
- (4) Location of Files. The original of all the files described in this section shall be kept in the offices of the Tribal Council. Identical copies shall be kept in the Siletz Area Offices. Copies of all additions to the files shall be

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sent to the Tribal General Manager, the Siletz Area Offices and the Siletz Agency by the Tribal Chairman and it shall be the responsibility of the Area Supervisors to see that the Area Offices' files are kept current. The Area Offices' files shall be available for review and copying by tribal members. A reasonable fee may be charged for reproduction costs.

[Amended by Resolution No. 2009-433, November 20, 2009].

- (5) Recording Devices. Video and sound equipment may be used as tools to keep accurate records. Upon approval of the minutes the audio tapes of any Tribal Council meeting may be disposed of.

§ 2.117 COMPENSATION OF TRIBAL COUNCIL MEMBERS

(a) Authorization. This Section is authorized by the ballot measure adopted by the General Council on February 7, 1981, as amended by the ballot measure adopted by the General Council on February 2, 1991, which state:

"Subject to the availability of funds, Tribal Council members shall receive payment of \$7.88 per hour for time spent working on official Tribal Council duties beginning January 1, 1991. Tribal Council duties include attendance at tribal meetings, serving as tribal delegates to state, regional and national Indian organizations, and other work specifically authorized by vote of the Tribal Council.

This hourly payment shall be adjusted each year, on January 1, in a percentage amount equal to the cost-of-living allowance (COLA) increase granted to federal and tribal employees.

The Tribal Council has adopted and published Ordinance Number 80-04 on August 28, 1980, and amended this ordinance on 3/29/82, 1/15/84, 10/20/84, and 6/17/89, which regulates these payments. Accurate and complete records shall be kept and made available to the General Council on a regular basis."

The purpose of this Section is to set forth the rules and standards which govern compensation of Tribal Council members in accordance with the directives of the ballot measures. [Amended by vote of General Council, Feb. 2, 1991]

(b) Duties Compensated. Tribal Council members shall be compensated at the rate established under subsection (a) of this section for performance of the following duties:

- (1) Attendance at the following tribal activities:

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- (A) Tribal Council meetings;
 - (B) General Council meetings;
 - (C) Tribal or General Council telephone sessions;
 - (D) Workshops;
 - (E) Trainings;
 - (F) Subcommittee meetings and activities;
 - (G) Standing Committee meetings and activities;
 - (H) Subcommittee or standing committee telephone sessions;
 - (I) Conferences with supervisors and/or staff;
 - (J) Meetings of regional or national Indian organizations when delegated by Tribal Council resolution;
 - (K) Meetings of federal, state, or local government agencies when delegated by Tribal Council resolution;
 - (L) Meetings of civic or religious organizations when delegated by Tribal Council resolution; and
 - (M) Meetings of Indian governments and/or agencies.
- (2) Execution of the following Tribal Council tasks, as delegated by the Tribal Council:
- (A) Preparation of written minutes of the Tribal Council or General Council;
 - (B) Preparation of reports;
 - (C) Preparation of financial documents;
 - (D) Preparation of other documents;
 - (E) Conducting interviews;

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- (F) Check signing (2 hour minimum for each day checks are actually signed); and
 - (G) Other official executive or administrative functions as designated by the Tribal Council.
- (3) Preparation for Tribal Council meetings and Tribal Council duties, including the following:
- (A) Reading and review of documents; and
 - (B) Research.

Unless otherwise provided, Tribal Council compensated duties do not include personal consultations or discussions with tribal members or other members of the public.

(c) Duties of Chairman. The Tribal Chairman shall keep those office hours necessary to perform the duties required of a Tribal Council member and those special duties which are uniquely the responsibility of the Tribal Chairman. Those duties which are uniquely the Tribal Chairman's include the following:

- (1) Meeting with tribal members about problems and concerns;
- (2) Serving as liaison between the tribe and other tribes, agencies and governments;
- (3) Working with the General Managers of Tribal entities on day to day issues, as directed by the Tribal Council;
- (4) Generally serving as the head of the tribal government; and
- (5) Chair all General Council meetings.

[Amended by Resolution No. 2009-433, November 11, 2009].

The Tribal Chairman shall be compensated for all duties performed in his or her official capacity.

(d) Reports. Each Tribal Council member, including the Tribal Chairman, must complete a report of duties performed on a monthly basis on a form approved by the Tribal Council. If satisfactory, the Tribal Chairman shall submit the report to the General Manager for

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payment. If not satisfactory, the Tribal Chairman shall consult with the Council member or Tribal Council as appropriate. All reports are subject to the review of the Tribal Council and will be regularly distributed with the Tribal Council minutes in accordance with Section 2.116 of this ordinance.

(e) Expenses. Tribal Council members shall be reimbursed for expenses incurred in the performance of official Tribal Council duties. Tribal Council members shall be paid for travel time to and from required meetings not to exceed 8 hours per day. Travel approved for destinations other than Council meetings shall be paid for actual travel time. Per diem (meal costs) will be paid as set out in the Operations Manual. [Amended by Resolution No. 2009-433, November 20, 2009].

(f) Compensation Based on Availability of Funds. The compensation described in this Section is subject to the availability of funds to the Tribe.

(g) The Tribal Council shall, by resolution, adopt a budget for payment of Tribal Council members on an annual basis, designating the source and limits of funds to be spent for that purpose. No payments shall be made to Tribal Council members until such a resolution has been adopted.

§ 2.118 VIOLATION PROCEDURE

Alleged violations of the Tribal Council Ethics ordinance shall be processed in the following manner:

- (a) Role of the Tribal Council. The Tribal Council shall be responsible for processing alleged ethical violations under the Tribal Council Ethics Ordinance.
- (b) Ethical Allegations. Allegations of unethical conduct as defined in the Tribal Council Ethics Ordinance by a Tribal Council member shall be presented to the Tribal Council and processed in the following manner:
 - (1) Allegations of unethical conduct against a Tribal Council member shall be made in writing and submitted to the Tribal Council Chairman, *provided* that if an allegation is made against the Tribal Council Chairman, said allegation shall be filed with the Vice-Chairman. Submission to the Tribal Council Executive Secretary shall be construed as delivery to the appropriate Tribal Council officer.
 - (2) A written complaint may be submitted by any person who believes that a Tribal Council member has engaged in unethical conduct as defined by the Tribal Council Ethics Ordinance. The complaint shall specify the Tribal

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Council member against whom a complaint of unethical conduct is being made, and the conduct that is alleged to be unethical. Unless defined elsewhere by general tribal law, “written” for purposes of this ordinance shall mean a document, fax, e-mail, text, or other electronic transmission in the form of writing. A rebuttable presumption shall exist that any document that is transmitted without an original signature comes from the person who owns or controls the account, phone number or other point from which the document transmission originates.

- (3) A Tribal Council member may make an oral allegation of unethical conduct against another Tribal Council member during a regular or special Tribal Council meeting, and a tribal member may make an oral allegation of unethical conduct against a Tribal Council member during a scheduled General Council meeting. Such an oral allegation shall be treated the same as the submission of a written allegation. The Tribal Chairman may ask the person making such an oral allegation questions sufficient to clarify 1) the Tribal Council member against whom the allegation is being made; 2) and the nature of the allegation; or 3) to reduce the allegation to writing.
 - (4) If an allegation of unethical conduct on the part of a Tribal Council member involves action which allegedly wronged a person and the allegation is made by someone other than the person against whom the unethical conduct allegedly occurred, the person against whom the unethical conduct allegedly occurred shall be notified in writing of the allegation and asked to submit their views on said allegation.
- (c) Initial Review of Allegation. The Tribal Council shall perform an initial review in executive session of an allegation of unethical conduct on the part of a Tribal Council member. This initial review may be conducted at the time the allegation is made, or at any subsequent time during a regular or special Tribal Council meeting, *provided* that such review shall take place no later than thirty-one (31) days after it has been submitted. The purpose of the initial review shall be to determine whether the allegation made falls within the scope of the Tribal Council Ethics Ordinance and whether, assuming the facts alleged are true, said facts

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would support a determination of unethical conduct. The Tribal Council member against whom the allegation is made shall not participate in the initial review.

- (d) Investigation and Hearing. If the Tribal Council, upon completion of the initial review, determines that the allegation falls within the scope of the Tribal Council Ethics Ordinance and alleges facts which, if true, might support a determination of unethical conduct, the Tribal Council shall refer the allegation for investigation as specified below. The Tribal Council member against whom the allegation is made shall be provided with a copy of the allegation, or if made orally, a written summary of the allegation. Tribal Council determination that an allegation requires further investigation shall not be a final decision of the Tribal Council which must be made in open session.
- (1) Such investigation may be performed by an ad hoc committee of the Tribal Council or by a Special Advisor approved by the Tribal Council. If the Tribal Council does not approve of a Special Advisor, the Tribal Chairman shall appoint one.
 - (2) The investigator, whether an ad hoc Tribal Council committee or Special Advisor, shall have the authority to take testimony under oath, to issue subpoenas, and to compel the production of documents and other evidence. The Tribal Council member against whom an allegation is made, the person allegedly wronged by the Tribal Council member's action, if any, members of the Tribal Council and the tribal attorney shall have the right to be present when sworn testimony is given.
 - (3) The investigator shall notify the Tribal Chairman of the completion of the investigation or of a date when the investigation will be completed. If the investigation will take longer than thirty (30) days to complete, the investigator shall obtain the approval of the Tribal Chairman to extend the investigation for a specified period of time.
 - (4) Any investigation performed under this ordinance shall be completed by the issuance of a written report which summarizes the evidence, gives an opinion on the issue of whether the allegation is true or false and, if said opinion is that the allegation is true, recommends a sanction, if any, to be imposed on the Tribal Council member.
 - (5) Upon receipt of the investigation report, the Tribal Chairman shall send notice, by certified mail, to the Tribal Council member accused of the ethical violation, the complainant, and the person allegedly wronged by the Tribal Council member's actions, if any, setting a hearing date and

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time at a Tribal Council meeting not less than ten (10) and not more than forty-five (45) days from the date of the notice, at which the investigation report will be presented and the hearing will take place. A copy of the investigation report shall be included with such notice, along with a statement declaring that the report shall be kept confidential and not disclosed to any other person provided that the accused Council member and/or the accused Council member's spokesperson may disclose any portion of the report in order to prepare and present a defense to the allegation. [Amended by Resolution No. 2009-433, November 20, 2009].

- (6) The hearing shall take place in executive session, and shall be recorded, *provided*, that the accused Council member has the choice to have the hearing be held in open session. Only the Tribal Council, Tribal Council Executive Secretary, tribal attorney, complainant, person allegedly wronged by the Tribal Council member's actions, if any, Tribal Council member accused of an ethical violation and his or her spokesperson shall be present during the hearing, *provided*, that witnesses may be called into the Tribal Council executive session to testify.
- (7) Deliberation. At the conclusion of the hearing, the Tribal Council member accused of an ethical violation, complainant, and the person allegedly wronged by the Tribal Council member's actions, if any, shall be excused from the executive session so the Tribal Council may review the evidence and consider a decision and sanction, if any.
- (8) Decision. The Tribal Council shall decide in open Tribal Council session, by recorded vote, whether an ethical violation under the Tribal Council Ethics Ordinance has occurred. Said decision shall be made by a vote of 2/3 of the entire Tribal Council. If the Tribal Council decides that an ethical violation has occurred, the Tribal Council shall then decide, by motion, an appropriate sanction, if any, to impose on the Tribal Council member who engaged in the unethical conduct.

§ 2.119 SANCTIONS

The Tribal Council may impose a sanction or sanctions against any Tribal Council member who is found to have engaged in gross misconduct or neglect of duty under the Tribal Council Ethics Ordinance. Such sanctions may include, but shall not be limited to, the following:

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- (a) reprimand, which is defined as a public censure or condemnation administered by the Tribal Council;
- (b) restitution;
- (c) suspension;
- (d) expulsion.

Expulsion must follow the requirements set forth in Article VII, Section 4 of the Siletz Constitution. Suspension shall not exceed three (3) months for any specific violation.

§ 2.120 **APPEAL**

Any Tribal Council member who is found to have violated the Tribal Council Ethics Ordinance and against whom sanctions have been imposed by the Tribal Council shall have a right to appeal such determinations to the Siletz Tribal Court pursuant to the Siletz Tribal Court Rules and Procedures Ordinance. If the Tribal Council determines that an allegation of unethical conduct, gross misconduct or neglect of duty on the part of a Tribal Council member has been submitted for purposes of harassment or for other improper purposes, or is completely without merit, the Tribal Council member against whom such allegation is made at his/her own time and expense may seek damages or other appropriate relief in Tribal Court. [Amended by Resolution No. 2009-433, November 20, 2009].