

# **COQUILLE INDIAN TRIBAL CODE**

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

### **Chapter 190 Tribal Government Relations**

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**190.010 General**

To set forth uniform guidance for the Tribal government to ensure that in all communication and working relationships with other governments and Tribal Members, Tribal government is professionally and correctly represented, and that the interests of the Tribe are appropriately protected.

**190.020 Background and Intent**

1. Background

(a) The Tribal Council has recognized that as a government, the Tribe shall develop working relationships with other governments. In addition, individual members of the Tribe will need access to Tribal government to obtain information and services.

(b) The Tribal Council is concerned that all Tribal representatives and work units conduct themselves in the most professional and cooperative manner. In addition, that representation of the Tribe and its positions and business be consistent and correct at all times.

(c) It is the intent of the Tribal Council that this Ordinance will lead to effective and consistent direction to all Tribal representatives and work units in the conduct of business and in relations with Tribal members and other governments.

(d) Relationships with Tribal Members and other governments are the responsibility of the Tribal Council. The Tribal Council shall conduct all formal relations with these parties in the conduct of Tribal business, except as otherwise authorized by Ordinance or Resolution.

2. Definitions

(a) “Grant or Funding Agreement” means a contract or other legally binding document with an exclusive primary purpose of transferring funds from one party to another

**190.030 Jurisdiction (reserved)**

**190.040 Definitions**

“Data / Inquiry Request” means a request or demand from any Other Government to either inspect or review data in the possession of the Tribe or any Tribal Entity or to access or visit property owned or possessed by the Tribe or any Tribal Entity.

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“Other Governments” means any duly authorized government body or agency other than the Coquille Indian Tribe.

“Properties owned or possessed by the Tribe or any Tribal Entity” includes fee lands and lands held in trust by the Federal government for the Tribe’s benefit, regardless of whether such lands are leased.

“Tribal Entity” means any entity that is wholly owned by the Tribe. (Policy option: any entity that is majority owned by the Tribe.).

**190.100 Professionalism in Governmental Relations**

All members of the Tribal Council, committees and employees are expected to conduct themselves professionally in all dealings with Tribal Members, other governments and other entities. In all matters, these relations are to be conducted courteously and in a spirit of cooperation.

**190.110 Public Information**

1. The Executive Director shall establish a public information program to ensure continuity of all information released by the Tribal organization to the public and to provide that all Tribal Members are kept informed about Tribal Government, its programs and the important matters being dealt with. Specific goals of the public information program shall be:

- (a) Provide an effective access point for Tribal Members and other entities to request information about the Tribe.
- (b) Provide for an informed membership which can effectively guide the development of Tribal Government.
- (c) Ensure that Tribal Members are informed of programs and services available to them.
- (d) Ensure that Tribal Government reports effectively to Tribal Members.

**190.120 Fair and Equal Access to Services**

Tribal Members shall be entitled to receive fair and equal access to available Tribal services and programs operated for their benefit.

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**190.130 Public Relations**

The Executive Director shall assist the Tribal Council in carrying out an effective program of public relations to promote the image of the Tribe.

**190.140 Legal Counsel**

The Executive Director and Tribal Attorney shall assist the Tribal Council, as requested, in the selection and employment of legal counsel. The Tribal Council delegates the authority to manage or direct the work of contracted legal counsel to the Tribal Attorney; *provided*, that the Tribal Council may rescind or temporarily suspend this delegation by a duly adopted resolution. Unless the Tribal Council directs otherwise by resolution, the Tribal Attorney shall not direct the work of contracted legal counsel for the Coquille Gaming Commission. Invoices from legal counsel for authorized work performed in accordance with approved Tribal budgets shall be approved for payment by the Tribal Attorney.

**190.150 Intergovernmental Coordination**

1. The Tribal Council shall be the primary contact of the Tribe in dealings with other governments. The Tribal Chairperson or other members of the Tribal Council, as designated by the Tribal Council, shall act as primary spokespersons of the Tribe. The Executive Director shall assist the Tribal Council in communications with other governments as to the positions, needs and goals of the Tribe.

2. Except as described in CITC 190.150(3), all Other Governments must direct initial Data / Inquiry Requests on any matter to the Coquille Tribal Council Chairperson and to the Chairperson's designees.

3. The rule described in CITC 190.150(2) does not apply to:

a. Communications between Tribal officials and employees and Other Governments regarding the implementation or funding of Tribally approved projects or grants or the day-to-day implementation of Tribal, Tribal Entity, intergovernmental or Other Government programs or projects;

b. Tribal officials who are authorized to speak with Other Governments on particular matters, such as (but not limited to) the Tribal Historic Preservation Officer.

c. Communications between Tribal legal representatives and any judicial or administrative adjudicating body;

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- d. Communications and data necessary to conduct the Tribe's annual financial audit, indirect cost rate negotiations, or compliance and other reviews as required by agreements with Other Governments;
- e. Intergovernmental meetings approved by the Tribal Council;
- f. Public or invitation only events approved by the Tribal Council;
- g. Communications with Other Governments approved by the Tribal Council Chairperson;
- h. Communications necessary for Tribal or Tribal entity employees to perform their authorized job duties;
- i. Communications mandated by applicable law.

**190.155 Grant or Funding Agreements with Other Governments**

The Executive Director shall authorize grant or funding agreements with other governments transferring less than \$100,000 to the Tribe, unless the use or approval of such grants or funding agreement requires an appropriation of Tribal funds. Grants or funding agreements transferring \$100,000 or more to the Tribe or requiring an appropriation of Tribal funds, shall be authorized by resolution of the Tribal Council.

**190.160 Agreements with the Federal Government**

1. Except as provided under 190.155 above, the Tribal Council shall authorize all agreements with the Federal Government by Resolution. Prior to authorizing any agreement with the Federal Government, the Tribal Council or Executive Director shall ensure that such agreement:

- (a) Contains no provision that in any way diminishes or waives any Trust obligation of the Federal Government.
- (b) Clearly sets forth the expectations of the Tribe for the roles and services to be performed by the Federal Government with respect to such agreement.
- (c) Accepts no obligation on the part of the Tribe which cannot be met with Federal or Tribal resources available to carry out the provisions of such agreement.
- (d) Is consistent in all respects with established Tribal goals and priorities.

**190.170 Waiver of Sovereign Immunity**

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Notwithstanding any other provision of Tribal law, any waiver of the Tribe's sovereign immunity must be explicitly made by the Tribal Council, by resolution, and the terms and conditions of such waiver explicitly set forth in such resolution. Any waiver not following these specific procedures shall be invalid. No waiver of sovereign immunity shall be implied from any act or agreement that fails to comply with these procedures.

**190.180 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.

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