

COQUILLE INDIAN TRIBAL CODE
Chapter 410

**Establishment of Nasomah Health Group and
Adoption of Articles of Incorporation**

410.010 General

1. Purpose

This Ordinance is enacted for the purpose of authorizing, ratifying and adopting the Articles of Incorporation for the Nasomah Health Group, and for formally establishing the Nasomah Health Group as an independent, wholly Tribal owned corporation. The Nasomah Health Group is being chartered to establish, implement, operate and manage a self-funded health insurance program for the Tribe, Tribal members and employees of Tribal enterprises, agencies, corporations and departments, and for the purpose of maximizing the effective and efficient use of health insurance and other funding for the benefit of the Nasomah Health Group's participants.

2. Background and Intent

The Constitution of the Coquille Indian Tribe was approved by eligible voters of the Tribe on August 27, 1991, and approved by the Secretary of the Interior on September 9, 1991. The Coquille Tribal Council, pursuant to Article VI, § 1 of the Constitution and Tribal Ordinance 100.010, is empowered to exercise all legislative and executive authority of the Coquille Tribe, except as limited by the General Council through the Constitution.

The Tribe and its various programs, agencies, enterprises and corporations rely on a variety of funding sources and programs for the provision of health insurance to Tribal members and to employees. The Tribal Council, upon investigation, has determined that such resources could be maximized and utilized more efficiently if organized and operated through a single program, wholly owned by the Tribe. The Tribal Council has further determined that it would be in the best interest of the Tribe to organize and operate such programs through an independent, free-standing Tribal corporation, organized and chartered pursuant to Tribal law.

410.020 Jurisdiction

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1. Scope of Jurisdiction

The provisions of this Ordinance shall apply to all lands of the Coquille Indian Tribe, the service area of the Coquille Indian Tribe, as defined in the Restoration Act, and to all members of the Tribe and all employees of the Tribe and its enterprises agencies and corporations who may be eligible for coverage under the Nasomah Health Group program or programs.

2. Enforcement Authority

Authority for the enforcement of this Ordinance shall vest with the Coquille Indian Tribal Council, which may delegate such authority.

3. Judicial Authority

The Coquille Tribal Court may hear such cases that are relevant to this Ordinance, provided that nothing in this Ordinance shall be construed to have waived the sovereign immunity of the Coquille Indian Tribe or the derivative sovereign immunity of the Nasomah Health Group.

410.100 Definitions.

The definitions set out in the Articles of Incorporation for the Nasomah Health Group are hereby incorporated by reference in their entirety.

410.200 Authorization, Ratification and Adoption of Articles of Incorporation

The Tribal Council of the Coquille Indian Tribe, pursuant to the authority vested in the Tribal Council by the Tribal Constitution, hereby authorizes, ratifies and adopts the Articles of Incorporation for the Nasomah Health Group, which Articles are attached hereto and incorporated by reference into this Ordinance in their entirety. The Nasomah Health Group is hereby established

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as a distinct corporate enterprise of the Coquille Indian Tribe, wholly owned by the Tribe and managed by its own Board of Directors, pursuant to the terms and provisions set out in the Articles of Incorporation.

410.300 Sovereign Immunity

As a wholly owned, Tribal chartered corporation, carrying out its business and affairs as an instrumentality and for the benefit of the Coquille Indian Tribe, the Nasomah Health Group shall derive all immunities from suit and from taxation as are possessed by the Coquille Indian Tribe. As set out in the Articles, the Board of Directors of the Nasomah Health Group has the authority to waive the sovereign immunity of the Nasomah Health Group, but such waiver is effective and valid only if undertaken pursuant to the procedures set out in the relevant provisions of the Articles of Incorporation. Nothing in this Ordinance or in these Articles shall be construed to be a waiver of the sovereign immunity of either the Nasomah Health Group or the Coquille Indian Tribe. Further, the Nasomah Health Group does not have the authority to waive any immunity of the Coquille Indian Tribe, or any of the Tribe's other agencies, enterprises or corporations.