

NOTICE OF CODE AMENDMENT

The following proposed Code was passed for First Reading by Tribal Council on October 11, 2020

TITLE: 1 GENERAL PROVISIONS
Chapter 1-15 Executive Management

The Tribal Council has determined amendments are needed for Chapter 1-15 Executive Management; and

The Tribal Council wishes to amend CLUSITC Chapter 1-15 to: revise references to the "Tribal Administrator" to "Chief Executive Officer"; include reference to promotion and encouragement of a culturally inclusive workplace environment consistent with the Tribe's core values; promotion of cooperation between departments and programs; and expands the conflict of interest section to include domestic partners and roommates; and

Tribal Council hereby approves the amendment of Chapter 1-15 Executive Management Code, as set out in the attached Exhibit A hereto, and hereby approves such draft for first reading and posting for a twenty-eight (28) day period

DATE OF THE TRIBAL COUNCIL MEETING AT WHICH THE PROPOSED CODE IS EXPECTED TO BE CONSIDERED FOR FINAL PASSAGE:

December 13, 2020

The notice of the proposed amendment/creation of Code/Ordinance shall be published in the Tribal Newsletter and the text will be posted for public comment for twenty-eight (28) days in the Administration Building, Tribal Hall, Outreach Offices, on the Tribes' website and at Three Rivers Casino (Office of the Gaming Commission). Written comments should be sent to the Tribal Council in care of Jeannie McNeil, CTCLUSI, 1245 Fulton Avenue, Coos Bay OR 97420 or email: jmcneil@ctclusi.org.

TITLE 1 – GENERAL PROVISIONS

CHAPTER 1-15 EXECUTIVE MANAGEMENT

1-15-1 Authority and Purpose

- (a) The authority for this Code is found in CLUSI Const. Art. VI, Section 2.
- (b) To provide for continuity in the management of the operational affairs of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (Tribes), including but not limit to fair and consistent delivery of services to the Tribal membership, to set forth the selection of the Tribal Administrator and- responsibility Executive Director, and to set forth the responsibilities and authority authorities of the position as delegated by the Tribal Council (Council).

1-15-2 Background and Intent

- (a) The Council, as the governing body of the Tribes, has determined that the best interests of the Tribes are best served by providing for a position which shall be delegated the responsibility to carry out the executive functions of the Council.
- (b) The Council has determined that it can best carry out its legislative functions on behalf of the Tribes by providing for the delegation of executive functions to subordinates who shall serve the Council.
- (c) It is the intent of the Council that the Tribal ~~Administrator~~Executive Director position shall provide effective continuity in management and services to tribal members and shall assist and advise the Council in carrying out its legislative duties.

1-15-3 Employment of the Tribal ~~Administrator~~ Executive Director

The Council hereby establishes the position of Tribal ~~Administrator~~Executive Director. The Tribal ~~Administrator~~Executive Director shall be selected by, report to, carry out the executive duties of and serve at the pleasure of the Council. The Council shall determine at the time of selection the qualifications and procedures to be followed for selection, or the following procedures shall be followed:

- (a) The Council will, by resolution, appoint a committee to facilitate advertising and collect and screen applicants.
- (b) The Council may also instruct the committee to interview the final candidates and present recommendations to the Council.
- (c) The Council will interview the final candidate(s) before making a final decision for hiring.

1-15-4 Duties of the Tribal ~~Administrator~~ Executive Director

The Tribal ~~Administrator~~Executive Director shall have the responsibility of implementing

the legislative actions of the Council, to provide for the executive functions of the Council and provide

for the delivery of services on behalf of the Council. The Tribal ~~Administrator~~Executive Director is hereby delegated the authorities as follows:

(a) Administrator's Authorities

(1) To represent the Tribes by name and title, to negotiate, execute and administer agreements and contracts that have been authorized by the Council.

(2) To implement by regulation all legislative actions of the Council, except those directly involving Tribal Council procedures, and establish such other regulations as are necessary to effectively carry out the business of the Tribes in an efficient and effective manner.

(b) Managerial Authority

(1) To exercise direct authority over all work units of the organization, to determine the organizational structure and positions necessary to carry out assigned functions and responsibilities most effectively. To hire, train, promote, assign, compensate, discipline and discharge employees, in accordance with tribal laws, provided that the Council shall concur in the hiring of all department directors.

(2) To establish subordinate work units and positions to carry out all assigned functions, to delegate authority and responsibility accordingly and to hold subordinates accountable for such delegations.

(3) To provide overall direction and control of economic and operational affairs of the Tribes for all assigned functions, to ensure appropriate use of tribal assets and resources, to authorize the expenditure of funds consistent with the adopted tribal budget, recommend depositories and banking relationships, and determine operational priorities and carry out short- and long-term planning and program development as established by the Council.

(4) To provide executive support for all subordinate boards, committees, enterprises and cooperative associations of the Tribes by regulation, review, evaluation and auditing their fiscal affairs.

(5) To determine the applicability of tribal laws and policies to subordinate organizations, committees and the Tribal Court, and to report to the Council any matters of concern related to such organizations.

(c) Codification of Tribal Laws

To codify all legislative acts of the Council within the Tribal Code.

(d) Maintain Legislative Records

To maintain minutes, resolutions, ordinances and other records of the Council.

(e) Law Policy Review

To review all Tribal laws and policies on a regular basis and recommend additions and changes to the Council.

(f) Emergency Authority

Authority to take such emergency actions as are authorized by law to protect life and property, consistent with Tribal law, provided that the Council is immediately notified.

(g) Monitor Matters of Concern to the Tribes

Monitor and ~~report~~ regularly communicate with Council on all internal and external matters, including the provision of services by other governments that impact the Tribes. A written report shall be provided to Council on major goals and activities of all governmental departments no less than bi-annually.

(h) Assist and Advise the Council in Carrying out its Legislative Duties.

(i) Establish Subordinate Work Units

(1) To ensure that employees and the public are informed about the Tribal organization structure, the Tribal ~~Administrator~~ Executive Director shall publish the Organization Structure of the Tribes in the Tribal Newsletter at the beginning of each calendar year and at such other times as any material changes in the structure shall occur, provided that the Council shall be notified of the change in the organizational structure at least thirty (30) days in advance of any material change being implemented.

(2) The organization structure shall include the names of all work units, key positions, number of authorized positions for each unit, delegated functions and responsibilities to be carried on by each unit and the lines of authority and accountability.

(3) The Tribal ~~Administrator~~ Executive Director shall establish a structure according to the following organizational goals:

(A) Focusing resources on direct delivery of services and avoiding unnecessary layers of administration or management.

(B) Responsiveness to the people served and clear lines of accountability and responsibility.

(C) Active, effective and efficient processing of decisions, authorizations, transactions and services.

(D) Efficient use of human and financial resources, integrate programs and services, with effective coordination and avoidance of duplication.

1-15-5 Conflict of Interest

The Tribal Executive Director shall not make a decision in any matter wherein her or she or a member of his or her immediate family – parents, children, spouses, brother, and sisters – has a direct personal interest, including but not limited to employment, contracts, grants, loans, or project funding (“Conflict”). In instances in which a Conflict arises, the Tribal Executive Director shall report to Council, which shall then delegate decision making authority over the issue.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

EXECUTIVE MANAGEMENT

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

On May 12, 2011, tribal administration made technical updates to Tribal Code Chapter 1-15 to correct a citation to the Tribes' Constitution and formatting issues.

The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the "Executive Management" Code, Resolution 00-035, Ordinance No. 025, on May 7, 2000, at a regular Tribal Council meeting. Vote was 5 (for), 0 (against), 1 (abstaining).

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