

## TITLE 1 - GENERAL PROVISIONS

### CHAPTER 1-7 RULES OF PROCEDURE, TRIBAL CODE AMENDMENT AND CODIFICATION

#### 1-7-1 General

##### Rule 1 Definitions

- (a) “Agency” means the Siletz Indian Agency of the United States Department of Interior, Bureau of Indian Affairs, Siletz, Oregon.
- (b) “Amendment” means an amendment to the Code proposed for adoption by the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (Tribes) Tribal Council as provided by these rules.
- (c) “Code” or “CLUSITC” means the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians Tribal Code.

##### Rule 2 Purpose and Effect of Rules

These rules shall govern the amendment, organization and codification of the Code of the Tribes. Any violation of the procedures specified in these rules shall, in and of itself, have no legal effect on any Code amendment adopted by the Tribal Council and shall not be construed by the Tribal Court or otherwise to influence in any way the force and effect of any of the provisions of or amendments to the Code of the Tribes.

#### 1-7-2 Amendment of Code

##### Rule 3 Process

- (a) A proposed amendment to the Code shall be in writing and presented to the Tribal Council. Any proposed amendment shall include:
  - (1) the reason for the proposed amendment;
  - (2) the specific action the proponent wishes the Tribal Council to take on amendment; and
  - (3) the Code Sections which would be amended (each numbered) or a statement that the amendment would create new Sections.
- (b) If the Tribal Council passes a proposed amendment to the Code for first reading, notice of the proposed amendment shall be published in the Tribal Newsletter and the text of the amendment shall be posted in the Administration Building, Tribal Hall, Outreach Offices, on the Tribes’ website and at Three Rivers Casino for twenty-eight (28) days, during which time Tribal members may provide comment. The notice in the

Tribal Newsletter shall include the title of the Code section to be amended and the date of the Tribal Council meeting at which the proposed amendment is expected to be considered for final passage, and shall state that copies of the proposed amendment are posted in the Administration Building, Tribal Hall, Outreach Offices, on the Tribes' website and at Three Rivers Casino.

(c) After the expiration of the twenty-eight (28)-day period for Tribal members to provide comment on a proposed Code amendment, the proposed amendment will be presented to the Tribal Council for a second reading, at which time the Tribal Council will consider any comments provided by Tribal members and take final action. Except as specifically provided in this Code, an amendment to this Code shall not be adopted unless it has been considered by the Tribal Council during at least two meetings.

(d) With the unanimous consent of the Tribal Council present, the Tribal Council may consider and enact an amendment to the Code at a single meeting, without multiple readings, posting and comment period, if the amendment is technical in nature and does not effect a substantive change to the Code.

(e) With the unanimous consent of the Tribal Council members present, the Tribal Council may adopt an amendment to the Code to address an emergency at a single meeting, without multiple readings, posting and comment period, or with such abbreviated notice of the proposed amendment as the Tribal Council finds to be practicable under the circumstances. In case of an emergency, the resolution adopting an amendment to the Code shall state in a separate section the description of the emergency and a finding as to why the emergency cannot be adequately addressed by the established process in section 1-7-2(b)-(c).

### 1-7-3 Codification of Code

#### Rule 4 Codification

Following the date of adoption of these rules, any amendments or other revisions to the Code by the Tribal Council that affect codification, organization, references, formatting or other structural features of the Code shall be as follows:

(a) Organization, Chapters, Titles:

The Code shall be organized in groups of "Chapters" with similar subject matter. Each subject matter grouping shall be designated as a "Title" of the Code, and shall be identified by a whole number. For example, the second Title of the Ordinance covering Rules of Procedure shall be designated Title 2.

(b) Numbering and Division of Chapters:

Chapters (formerly identified as Ordinances) shall be designated an identifying number under its Title grouping and shall adhere to the following numbering system: Each Chapter shall be identified by the Title number followed by a dash (-) and the whole number designated sequentially for that Chapter. For example, the first Chapter in the

first Title of the Code shall be identified as Chapter 1-1, the next as Chapter 1-2 and so on. When necessary, Chapters may be further delineated into "Subchapters" followed by "Parts" which are not numbered but rather identified by name.

(c) Identification and Division of Sections:

Chapters, Subchapters or Parts are further divided into Sections which shall adhere to the following numbering system: Each Section shall be identified by the Title number followed by a dash (-), then the Chapter number followed by a dash (-), and the whole number designated sequentially for that Section. For example, the first Section of Chapter 1-1 shall be identified as CLUSITC 1-1-1, the next as 1-1-2, and so on. Sections may be divided into Subsections which shall be designated sequentially by small letters in parentheses in alphabetical order. Subparts of these subsections shall be designated by whole numbers in parentheses. Subparts may be further divided into Sub-subparts designated by capitol letters in parentheses. These Sub-subparts may be broken down further indicated by (i), (ii), etc.

Rule 5 Standard Format

The standard format for the Code Codification is shown below:

Title 1  
Chapter 1-1

Subchapter  
Part  
1-1-Section

(a) Subsection  
    (1) Subpart

(b) Subsection  
    (1) Subpart  
        (A) Sub-subpart  
        (B) Sub-subpart  
            (i)  
            (ii)

Rule 6 Example

An example of the codification system is as follows:

**TITLE TITLE 1 - GENERAL PROVISIONS**

**CHAPTER CHAPTER 1-1 ADMINISTRATION OF TRIBAL COURT**

**SUBCHAPTER      PRELIMINARY PROVISIONS**

**SECTION** 1 -1 -1 Constitutional Authority

This Code is adopted pursuant to the authority vested the Tribal Council under Article I - Section 1 and Article VI - Section 2 of the Constitution of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

**Subsection** (a) The Tribal Court shall have jurisdiction over all offenses enumerated in this Code or in other enactments of the Council.

**Rule 7** Expansion of Code

Any new Chapters added to certain Titles by the Tribal Council shall be designated identifying numbers that follow sequentially from the Chapters already identified in the Title. For example, if Title 5 has three Chapters in it (designated Chapters 5-1, 5-2 and 5-3) the next Chapter added to that Title shall be designated Chapter 5-4.

**Rule 8** References and Citations

Any references to the Code in any regulation, policy, resolution, Tribal Court opinion or other material adopted or produced by any department or entity of the Tribes following any duly adopted re-codification, reorganization or other changes in the material referenced shall conform to and reflect such changes to the extent necessary and practical. When referencing or citing a provision of the Code, such provision may be referenced or cited as follows: the letters CLUSITC followed by the appropriate Title, Chapter and Section numbers, and where applicable, the letters and numbers of the referenced subsection in parentheses. For example, when citing subsection (a) above, the citation should read CLUSITC 2-1-2(a).

**Rule 9** Conversion Chart

[RESERVED]

## APPENDIX A

### LEGISLATIVE HISTORY AND EDITORIAL CHANGES

**RULES OF PROCEDURE, TRIBAL CODE AMENDMENT AND CODIFICATION**

**LEGISLATIVE HISTORY AND EDITORIAL CHANGES**

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians adopted Ordinance No. 033A revising the Rules of Procedure, Tribal Code Amendment and Codification Code, in a Tribal Council meeting on February 23, 2011. Vote was 6 (for), 0 (against) and 1 (absent).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the "Rules of Procedure, Tribal Code Amendment and Codification", Resolution No. 01-097, Ordinance No. 033, on December 17, 2001 at a special Tribal Council meeting. Vote was 6 (for), 0 (against) and 0 (abstaining).

00301302.DOC;2