

TITLE 2 - RULES OF PROCEDURE

CHAPTER 2-10 DEBT SET-OFF

2-10-0 GENERAL PROVISIONS

2-10-1 Findings

(a) The Tribes' Tribal Council finds that because of expanded economic development, the number of Tribal programs and enterprises providing services and products to members of the Tribes has increased greatly. As a result, the indebtedness of the Tribes' Tribal members to these programs and enterprises has also increased.

(b) The increase has resulted in a number of accounts receivable owed to the Tribes by members and employees. The effect of this amount of accounts receivable is to restrict the availability of program services and products to other Tribal members and employees. The Tribal Council finds that it is its duty to find ways to expedite the repayment of debts to the Tribes so that these programs and enterprises can best provide services and products for more tribal members and employees.

2-10-2 Definitions

(a) "Debtor" - a tribal member who owes money to the Tribes in repayment of a service, benefit, loan or good provided by the Tribes or a department or entity thereof, and who has failed to make a scheduled periodic payment or who has failed to pay a Tribal bill or invoice for a period of at least thirty (30) days.

(b) "Pension" - the Tribal Elders' Pension and Tribal Elders' Supplemental Security Income as set forth in Chapter 5-10 of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians' Tribal Code.

(c) "Unrestricted Payment" - any payment made by the Tribes or any enterprise, corporation, entity or agency of the Tribes to a tribal member, which is not limited in its use to a specific purpose.

2-10-3 Debtor List

At the end of each fiscal quarter, the department head of every Tribal program or enterprise shall forward to the Chief Financial Officer a list of Tribal members currently indebted to such program or enterprise, including the amount of such indebtedness.

2-10-4 Notice

Within ten (10) days after receiving debtor lists from Tribal programs and enterprises, the Chief Financial Officer shall cause a notice to be sent out to each Tribal member on the debtor lists, which notice shall be substantially in the following form:

"Tribal records show that you owe the (name of tribal program) the sum of \$ _____ as of (date) and that you are either thirty (30) days late with payment or have missed a scheduled periodic payment. Unless it is paid in full immediately, or you negotiate a new payment plan with the (name of tribal program), it will be withheld from your share of the next Tribal pension or other unrestricted payment. The amount withheld will then be credited towards your debt. If you believe the amount of the debt shown to be incorrect or if you have any other reason to question the debt, you must file an action in Tribal Court to contest this matter within seven (7) days after the date of this notice. If you do not bring such an action, the amount of debt will be withheld from your pension, dividend or other unrestricted payment."

2-10-5 Tribal Court Action

If an action is commenced in the Tribal Court within the time period set out above, a hearing shall be held within five (5) days after the filing of the action to determine the validity of the debtor's claim. The Tribal Court shall have the discretion to order the debt paid in a single or multiple payments. The decision of the Tribal Court shall be final.

2-10-6 Debt Set Off

(a) If no action is commenced in the Tribal Court within the time period set out above, or if the action is determined in favor of the Tribes by the Tribal Court, the Tribal Accountant shall withhold the amount indicated in the Notice to the Debtor from the next available pension payment or unrestricted payment to the Debtor.

2-10-7 Severability

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances is not affected.

2-10-8 Effective Date

This Chapter shall be effective from the date of its adoption by the Tribes' Tribal Council to all existing or future Accounts Payable.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

DEBT SET-OFF

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians adopted Ordinance No. 081A Revising CLUSITC Section 2-10-3(b) to Correct Reference to CLUSITC Chapter 5-10, in a Tribal Council meeting on March 30, 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 "Debt Set-Off" Code, Resolution No. 07-070, Ordinance No. 081, at a regular Tribal Council meeting on June 10, 2007. Vote was 5 (for), 0 (against) and 0 (abstaining).

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