

Coquille Tribe of Oregon



Location: Oregon

Population: 968

Date of Constitution: 1991, as amended 2008

PREAMBLE.

Our ancestors since the beginning of time have lived and died on the Coquille aboriginal lands and waters.

The Coquille Indian Tribe is and has always been a sovereign self-governing power dedicated to:

1. Preservation of Coquille Indian Culture and Tribal Identity.
2. Promotion of social and economic welfare of Coquille Indians.
3. Enhancement of our common resources.
4. Maintenance of peace and order.
5. Safeguard individual rights of tribal members.

Our ancestors have passed on to us a sacred trust and obligation to maintain and safeguard these goals.

In recognition of this sacred responsibility, we, the members of the Coquille Indian Tribe, being a federally recognized Indian tribe pursuant to the Coquille Indian Restoration Act of June 28, 1989, 103 Stat. 91, hereby adopt this constitution in order to re-affirm our tribal government and to secure the rights and powers inherent in our sovereign status as guaranteed to us by federal and tribal laws.

ARTICLE I: AUTHORITY OF GOVERNMENT

SECTION 1. Jurisdiction and Territory. The authority of the government established by this Constitution shall extend over all persons, property, and activities within the jurisdiction of the Coquille Indian Tribe, except as limited by this constitution and federal law.

The jurisdiction of the Coquille Indian Tribe shall extend, to the fullest extent possible under federal laws, over all lands, waters, property, airspace, minerals and other natural resources, and any interest therein, either now or in the future, owned by the Tribe or held in trust by the United States for the Tribe.

SECTION 2. Hunting, Fishing and Gathering Rights. Coquille tribal members may exercise tribal hunting, fishing and gathering rights to the fullest extent possible under federal and tribal laws.

ARTICLE II: MEMBERSHIP

SECTION 1. Requirements. The membership of the Coquille Indian Tribe shall consist of all persons:

- (a) Whose names validly appear on the official tribal membership roll prepared pursuant to the requirements of Section 7 (b) of the Coquille Indian Restoration Act, 103 Stat. 91; provided that such roll may be corrected by the Tribal Council with the approval of the Secretary of the Interior; or,
- (b) Who are descended from a member of the Coquille Indian Tribe and have filed an application for enrollment according to procedures established pursuant to Section 3 of this Article, and have been accepted as members in accordance with the tribal enrollment ordinance.

For purposes of this section, descent from a member of the Coquille Indian Tribe shall include lineal descent from any person who was named on any roll or records of Coquille Indian Tribe prepared by the Department of the Interior prior to the effective date of this Constitution.

SECTION 2. Dual Membership Prohibited. No person who is an enrolled member of any other tribe, band, or Indian community officially recognized by the Secretary of the Interior shall be qualified for membership in the Coquille Indian Tribe, unless s/he has relinquished in writing his/her membership in such tribe, band or community.

SECTION 3. Ordinance. The Tribal Council shall enact an enrollment ordinance establishing procedures for processing membership matters, including application procedures, procedures for correction of the tribal roll, the right to appeal a denied application for membership, procedures for voluntary relinquishment of membership, and procedures governing reinstatement of former members who have relinquished membership.

SECTION 4. Loss of Membership. The Tribal Council shall by ordinance prescribe rules and regulations governing involuntary loss of membership. The reasons for such loss shall be limited exclusively to failure to meet the requirements set forth for membership in this Constitution; provided that nothing in this section shall prohibit a member from voluntarily relinquishing membership in the Coquille Indian Tribe.

SECTION 5. Enrollment Prohibition. No person who is not of Coquille Indian descent shall be entitled to membership in the Coquille Indian Tribe pursuant to Section 1 of this Article or by adoption.

ARTICLE III: GENERAL COUNCIL

SECTION 1. Powers. There shall be a General Council, comprised of all duly enrolled members of the Coquille Indian Tribe who are eighteen years of age or older, which shall have the power to:

- (a) Elect Tribal Council members.
- (b) Amend this Constitution as provided by Article VII of this Constitution.
- (c) Make advisory recommendations to the Tribal Council upon a majority vote of those actually voting at a General Council meeting.

SECTION 2. Procedures. The General Council shall hold meetings in accordance with the following procedures:

- (a) The General Council shall meet at least twice a year at a time and place to be set by the Tribal Council.
- (b) Special meetings of the General Council may be called by the Tribal Council upon two (2) weeks notice to the membership of the General Council. Such notice shall include an agenda which specifies the items to be discussed at the meeting. The Tribal Council may call such meetings upon its own motion. The Tribal Council must call a General Council meeting upon presentation of a properly verified petition signed by one-third (1/3) or more of the General Council of the Coquille Indian Tribe.
- (c) The agenda for the General Council meetings shall be set by the Tribal Council; provided that any member of the General Council may submit in writing items to the Tribal Council for consideration for the agenda. Additionally, the Tribal Council in each agenda must include time for more discussion of items from the floor regardless of whether said items appear on the agenda.
- (d) The Tribal Council Chairperson shall chair General Council meetings. In his/her absence, the Tribal Vice Chairperson shall chair the meeting. If both the Tribal Chairperson and Vice Chairperson are absent, the Chief shall chair the meeting.

ARTICLE IV: REFERENDUM, INITIATIVE AND RECALL

SECTION 1. Initiative. The General Council shall exercise the power of initiative by submitting to the Election Board a petition signed by at least one-third (1/3) of the members of the General Council, setting forth a proposed ordinance or resolution. Upon verification of the petition by the Election Board, the proposed ordinance or resolution shall be submitted by the Election Board to a vote of the General Council at a regular or special election which must be held within sixty (60) days of the verification by the Election Board. The vote of a majority of those actually voting in the election shall be conclusive and binding on the Tribal Council; provided that at least thirty percent (30%) of the qualified tribal members have voted in the election.

SECTION 2. Referendum. The General Council shall exercise the power of referendum by submitting to the Election Board a petition, signed by at least one-third (1/3) of the members of the General Council, setting forth any proposed or previously enacted ordinance or resolution of the Tribal Council for reconsideration by the General Council. Upon verification by the Election Board, the proposed or previously enacted ordinance or resolution shall be submitted by the Election Board to a vote of the General Council at a regular or special election which must be held within sixty (60) days of said verification. The

vote of a majority of those actually voting shall be conclusive and binding on the Tribal Council; provided that at least thirty percent (30%) of the qualified tribal members have voted in the election.

SECTION 3. Recall. The General Council shall exercise the power of recall of elected tribal officials who are guilty of improper conduct or gross neglect of duties as provided by the election ordinance. The procedure for recall of elected tribal officials shall be set forth in the election ordinance. In such an election, the vote of a two-thirds (2/3) majority of those actually voting in that election shall be conclusive and binding on the Tribal Council; provided that at least thirty percent (30%) of qualified tribal members have voted in the election.

ARTICLE V. ELECTIONS AND NOMINATIONS

SECTION 1. Eligible Voters. All enrolled members of the Coquille Indian Tribe who are eighteen years of age or over on the date of the election shall have the right to vote by secret ballot in that election.

SECTION 2. Time of Election. Elections for the Tribal Council shall be held the third week of October each year.

SECTION 3. Qualifications of Candidates. Any enrolled member of the Coquille Indian Tribe who will be eighteen (18) years of age or older on the date of the election.

SECTION 4. Nominations. The General Council shall hold a meeting at least five (5) weeks before election day for the purposes of nominations of candidates for the Tribal Council. The only agenda item to be considered at this meeting is the nomination of candidates. Nominations shall be made from the floor at the General Council meeting.

Write-in candidates shall be allowed for all tribal offices and the Election Board will provide space for write-in candidates on each ballot.

SECTION 5. Election Board. The Tribal Council shall appoint an Election Board which shall be composed of three (3) members and two (2) alternates. All Election Board members must be enrolled members of the Coquille Indian Tribe. The duties of the Election Board shall be to supervise the elections, determine the validity of tribal petitions, and perform other such duties as are provided for in the election ordinance.

SECTION 6. Election Ordinance. The first Tribal Council elected pursuant to this Constitution shall enact an election ordinance within six (6) months of their initial election. The ordinance shall include but not limited to provisions for secret balloting, absentee voting, validation of tribal petitions and the settlement of any and all election disputes including the right to appeal to the Tribal Court.

ARTICLE VI: TRIBAL COUNCIL

SECTION 1. Power. There shall be a Tribal Council which shall have the power to exercise all legislative authority except that vested in the General Council, and all executive authority of the Tribe, including the right to delegate authority as the Tribal Council deems appropriate. The Tribal Council's authority shall include but shall not be limited to the authority to employ legal counsel, the choice of said counsel and fixing of fees to be subject to the approval of the Secretary of Interior as long as required by federal law, the power to prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Tribe and the power to negotiate with the federal, state and local governments. The Tribal Council shall have the power to submit proposed amendments to this Constitution to the Secretary of Interior as provided in Article VIII of this Constitution.

SECTION 2. Future Powers. The Tribal Council of the Coquille Indian Tribe may exercise such powers as may be returned to it in the future by the Secretary of the Interior, or by any other duly-authorized official or agency of government.

SECTION 3. Tribal Council Procedures

- (a) Members of the Tribal Council shall conduct themselves in a professional manner and shall avoid engaging in any behavior which would compromise the integrity of the Coquille Indian Tribe.
- (b) The Tribal Council shall hold meetings and take actions in accordance with the following procedures which it may augment or diminish by its own rules so long as such rules do not conflict with any provisions of this Constitution:
 - (1) Regular meetings of the Tribal Council shall be held pursuant to the Tribal Council ordinance; provided that notice of regular meetings shall be published in the tribal newsletter and posted in a conspicuous place at the tribal administrative office.
 - (2) Special meetings of the Tribal Council may be called by the Tribal Chairperson at his/her discretion, but the Chairperson must call a special meeting upon receipt of written request of two (2) or more Tribal Council members. If after such written request the Chairperson fails to call a special meeting within one (1) week of said request, the Tribal Court shall have jurisdiction to direct that a meeting be called and conducted. No special meeting shall be called without at least forty-eight (48) hours notice to each member of the Tribal Council, unless each member agrees to waive the notice requirement.
 - (3) The Tribal Council shall consist of seven (7) duly elected members. Four (4) members of the Tribal Council shall constitute a quorum. There must be a quorum present for the Tribal Council to conduct business. Matters of business shall be decided by majority vote, except where otherwise required by this Constitution or by the Tribal Council's own rules as set forth by ordinance. The Chairperson shall vote only in case of a tie.
 - (4) The Officers of the Tribal Council shall consist of a Chairperson, a Vice Chairperson, a Chief and a Secretary/Treasurer. All members of the Tribal Council, including Tribal Officers, shall be elected by vote of the General Council.
 - (5) The members first elected to the Tribal Council under this Constitution pursuant to Section 9(b) of the Coquille Restoration Act, 103 Stat. 91,

shall hold office until their successors are duly elected and installed following the Tribal Council election in October 199-.

At the Tribal Council election in October 199-, the Chairperson, the Secretary/Treasurer and one (1) Representative shall be elected to three year (3) terms; the Vice Chairperson and one (1) Representative shall be elected to two (2) year terms; and the Chief and one Representative shall be elected to one (1) year terms. Thereafter, in order to maintain the concept of staggered terms of office, Tribal Council members shall be elected to three (3) year terms. The annual election shall be held the third week of October of each year.

- (6) The duties of the Chairperson shall include presiding over all Tribal Council and General Council meetings. The Chairperson shall also perform all duties of the chair and exercise any authority delegated to him/her by the Tribal Council. The Vice Chairperson shall assist the Chairperson when called upon to do so by the Chairperson. In the absence of the Chairperson, s/he will preside at Tribal Council and General Council meetings and when so presiding, s/he will have all the rights, duties, privileges and responsibilities of the Chairperson including the duty to vote only in the event of a tie. The Chief shall be the primary cultural and spiritual representative of the Tribe. Additionally in the absence of both the Chairperson and Vice Chairperson, the Chief shall preside at all meetings of the Tribal Council and General Council.
- (7) All meetings of the Tribal Council shall be open to all tribal members; however, the Tribal Council may recess at its discretion to discuss any matter in an executive session. The executive session shall consist of tribal council members and other invited persons necessary to the discussion. The Tribal Council must express in a motion calling for an executive session the general subject matter to be discussed in the executive session. The Tribal Council shall not take any final or official action on the matter in the executive session.
- (8) All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Coquille Indian Tribe shall be embodied in ordinances. The ordinances shall be collected and made available to tribal members and others affected upon reasonable request.
- (9) All final decisions of the Tribal Council on matters of temporary interest or relating to specific individuals shall be embodied in resolutions. The resolutions shall be collected and made available to tribal members and others affected upon reasonable request.
- (10) A written record shall be kept of Tribal Council proceedings. The record shall be open for inspection by all members of the Coquille Indian Tribe during regular business hours in accordance with established tribal council procedures.
- (11) The Tribal Council and other officials of the Tribe shall not deny to any person within its jurisdiction freedom of speech, press or religion or the right of peaceful assembly. The Tribal Council and other officials of the Tribe shall not deny to any person the equal protection of tribal laws or

deprive any person of liberty or property without due process of law. The Tribe shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968.

SECTION 4. Conflict of Interest

- (a) No member of the Tribal Council may be employed by the tribal administrative office while serving as a member of the Tribal Council.
- (b) No Tribal Council member will vote on any matter in which s/he or a member of her or his immediate family has a direct personal interest, including but not limited to, employment contracts, project funding and appointment to tribal committees. A Tribal Council member who is attending the meeting but unable to vote because of a conflict of interest will nevertheless count toward the quorum necessary to conduct business.

For purposes of this provision, “immediate family member” is defined as father, mother, son, daughter, husband, wife, brother, sister or any other relative living in the same household.

SECTION 5. Vacancy on Tribal Council. If a member of the Tribal Council including Tribal Council Officers shall die, resign, or be found guilty of a felony or a misdemeanor involving dishonesty in any tribal, state or federal court, or be removed from office for any other reason, the Tribal Council shall declare that member’s position on the Tribal Council vacant.

If the Tribal Council declares a member’s position vacant within the first two years of the member’s term of office, the Election Board shall initiate proceedings to hold an election to fill that vacancy pursuant to the provisions of the Election Ordinance.

If the Tribal Council declares a member’s position vacant within the last year of his/her term, there shall be a special General Council meeting called within two (2) weeks of the declaration of the vacancy for the purpose of nominations of tribal members to fill that vacancy. The nominees from the General Council shall be presented to the Tribal Council at the next regular meeting following the General Council meeting. The Tribal Council shall appoint a person to fill the vacancy from the list of nominees from the General Council.

SECTION 6. Removal

- (a) Any member of the Tribal Council who, during the term for which she/he is elected or appointed, is convicted of a felony or crime involving dishonesty, in any court of competent jurisdiction, shall automatically forfeit her/his office effective the date of his/her conviction in court.
- (b) Any member of the Tribal Council found guilty of a misdemeanor involving moral turpitude, gross neglect of duty, malfeasance in office or misconduct reflecting on the dignity and integrity of the tribal government shall be removed from office by majority vote of the Tribal Council. Before any vote for removal is taken, the Tribal Council member subject to removal shall be given a written statement of the charges against him or her at least seven (7) days before the meeting of the Tribal Council called to consider the removal action. The accused member shall be given an opportunity to answer any and all charges at the designated Tribal

Council meeting. No Tribal Council member shall preside over the meeting at which his or her removal is being considered. The final decision of the Tribal Council may be appealed to the Tribal Court.

ARTICLE VII. TRIBAL COURT

SECTION 1. Establishment. There shall be a Tribal Court. The development of the Tribal Court will begin within two (2) years of adoption of this constitution by the General Council. The Tribal Court shall consist of one (1) Chief Judge and such Associate Judges and staff as are established by the Tribal Council and designated by tribal ordinance. The ordinance shall set forth the qualifications for the Chief Judge, and the terms of offices and qualifications for the Associate Judges and staff.

SECTION 2. Appointment of Judges. The Tribal Council shall appoint the first Chief Judge within thirty (30) days after the establishment of the tribal court. The term of office for Chief Judge shall be three (3) years. The Tribal Council shall have the authority to appoint the Chief Judge.

The Chief Judge may only be removed for conviction of a felony or misdemeanor involving moral turpitude in court of competent jurisdiction. The process for removal of the Chief Judge is the same for the removal of a member of the Tribal Council as set forth in Article VI, Section 6 of this constitution; provided that a two-thirds (2/3) majority of the Tribal Council must vote for removal.

SECTION 3. Rules of Pleading, Practice and Procedure. The Chief Judge, in consultation with the Tribal Council, shall promulgate rules of pleading, practice and procedure applicable to Tribal Court proceedings.

SECTION 4. Powers. The Tribal Court and such inferior courts as the Tribal Council may from time to time ordain and establish shall be empowered to exercise all judicial authority of the Tribe.

The judicial power of the Tribal Court shall extend to all cases and matters in law and equity arising under this constitution, the laws and ordinances of or applicable to the Coquille Indian Tribe and the customs of the Coquille Indian Tribe; provided that until such time as the Tribal Court is established, the judicial authority of the Coquille Indian Tribe shall vest in the Tribal Council.

SECTION 5. Court of Record. The Coquille Tribal Court shall be a court of record. The Court shall be open for the transaction of business during regular judicial days.

ARTICLE VIII: TRIBAL MEMBERS' BILL OF RIGHTS

SECTION 1. Economic Resources. All members of the Coquille Indian Tribe shall be accorded the opportunity to participate in the economic resources and activities of the Tribe. No per capita payments shall be made to any tribal members.

SECTION 2. Civil Liberties. All members of the Tribe shall enjoy the freedom of worship, conscience, speech, press, assembly, and association.

ARTICLE IX. PROCEDURE FOR AMENDMENT OF CONSTITUTION

This constitution may be amended by a two-thirds (2/3) majority vote of the qualified voters of the Coquille Indian Tribe voting in an election called for that purpose by the Secretary of Interior. The election shall be conducted in accordance with rules and regulations as set forth by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to authorize an election on any proposed amendment at the request of a majority of the Tribal Council or upon the presentation of a petition signed by at least one-third (1/3) of the General Council. No amendment shall be effective until it is approved by the Secretary of Interior.

ARTICLE X. ADOPTION OF THE CONSTITUTION

This Constitution, when adopted by a majority of the qualified voters of the Coquille Indian Tribe who actually vote at an election called for that purpose by the Secretary of Interior, and conducted pursuant to the Department of Interior's regulations, shall be submitted for approval to the Secretary of Interior, and shall become effective the date of such approval.

ARTICLE XI. SEVERABILITY

If any provision of this constitution is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remaining provisions shall continue in full force and effect.