Posted: September 1, 2022

NOTICE OF CODE AMENDMENTS

The following proposed Codes was passed for First Reading by Tribal Council on August 14, 2022

TITLE: 1 GENERAL PROVISIONS
Chapter 1-6 Public Records

TITLE: 7 ENROLLMENT , COMMITEES, ELECTIONS AND REFERUMDUMS
Chapter 7-8 Gaming Facility Operational Review Board

The Tribal Council has determined amendments are needed for **Chapter 1-6 Public Records** and **Chapter 7-8 Gaming Facilities Operation Review Board.**

Tribal Council hereby approves the amendments to both Codes 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:

October 9, 2022

Please visit www.ctclusi.org for complete draft edits to both Codes for membership to review.

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.

Chapter 7-8 Gaming Facility Operational Review Board

Proposed Amendments

TITLE 7 – ENROLLMENT, COMMITTEES, ELECTIONS AND REFERENDUMS

CHAPTER 7-8 GAMING FACILITY OPERATIONAL REVIEW BOARD

7-8-1 Purpose

The purpose of this Code is to establish a Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribes) Gaming Facility Operational Review Board (Board) for purposes of overseeing the operations of the Three Rivers Casino and Hotel.

7-8-2 Authority; Establishment

Article 1, Section 1 and Article VI, Section 2 of the Tribes' Constitution authorizes the Tribal Council to exercise executive authority. Tribal Council may establish boards or committees to assist the Tribal Council in carrying out its responsibilities to provide quality services to the tribal membership and to develop, maintain and protect the assets and interests of the Tribes. The Tribal Council hereby exercises this authority and establishes a Gaming Facility Operational Review Board.

7-8-3 Definitions

For purposes of this Chapter, the following terms shall have the following meanings:

(a) "Class II Gaming" shall have that meaning set forth in the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, *et seq*.

(b) "Class III Gaming" shall have that meaning set forth in the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, *et seq*.

(c) "CTCLUSI" means the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

(d) "CTCLUSI Gaming Commission" means the Gaming Commission established pursuant to Chapter 5-2 of the CTCLUSI Tribal Code.

(e) "Executive Gaming Management" means, collectively, at least two (2) individuals who (a) have the customary authority and responsibilities associated with the positions of chief executive officer and chief financial officer, (b) have held a comparable position for at least thirty-six (36) months in one or more casinos located in the United States that are substantially the same as or exceed in size of

gaming floor and amenities those of the Gaming Facility, and (c) are licensed, qualified and found suitable by all appropriate Gaming Agencies.

(f) "Gaming Agencies" means the NIGC and the CTCLUSI Gaming Commission.

(g) "Gaming Assets" means (a) all real and personal property associated with the Gaming Business in which the Tribe has any right, title or interest, and (b) to the extent not included in (a), (i) all assets of the Tribe or any affiliate of the Tribe used in a Gaming Business, (ii) all cash, cash equivalents, receivables and other assets generated by the businesses or assets referred to in clauses (a) and (b)(i), and (iii) all proceeds, incomes and profits from any of the assets referred to in clauses (a) and (b) of this definition.

(h) "Gaming Business" shall mean, collectively, (a) any Class II Gaming or Class III Gaming conducted by or on behalf of the Tribe or any affiliate of the Tribe, and (b) except to the extent leased by the Tribe to a person that is not an affiliate of the Tribe, (i) all dining, food service and preparation, recreation, retail, entertainment, lodging, hospitality, transportation, or other trade, business or commercial activities, or non-gaming amenities conducted at the Gaming Facilities (but, for the avoidance of doubt, excluding any businesses located in a building or structure that is detached from the Gaming Facilities and that do not conduct, gaming entertainment, lodging or hospitality activities), and (ii) all dining, food service and preparation, recreation, retail, entertainment, lodging, hospitality, transportation, or other trade, business or commercial activities conducted at any hotel located at the Gaming Facility.

~~(i)~~ "Gaming Facility" means the Three Rivers Casino and Resort Florence and the Three Rivers Casino Coos Bay.

(ij) "National Indian Gaming Commission" or "NIGC" means the National Indian Gaming Commission as established by the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, *et seq*.

(jk) "Three Rivers Casino and Resort – Florence" means, collectively, the casino and hotel properties and related retail, dining, parking, and entertainment facilities commonly known as the "Three Rivers Casino Florence" owned or operated by the Tribe or any affiliate of the Tribe, and any replacements, additions or improvements thereof, located on lands held in trust by the United States of America for the benefit of the Tribe in Lane County, Oregon (including any future improvements or expansions thereof).

(kl) "Three Rivers Casino Resort - Coos Bay" means the Class II Gaming facility (and any related retail, dining, parking and entertainment facilities) commonly known

as the "Three Rivers Casino Coos Bay" owned or operated by the Tribe or any affiliate of the Tribe, and any replacements, additions, or improvements thereof, located on lands held in trust by the United States of America for the benefit of the Tribe in Coos County, Oregon (including any future improvements or expansions thereof).

7-8-4 Membership

(a) The Board shall consist of a minimum of five (5) members with relevant experience and skills as determined by the sole discretion of the Tribal Council. Membership shall be as follows:

(1) ~~At least o~~One (1) member of Tribal Council, who shall serve as a liaison to the Tribal Council and who shall report to Tribal Council each month;

(2) At least two members shall have Executive Gaming Management experience at Gaming Facilities that are not owned by the Tribes~~,~~ or substantially equivalent experience as determined by Tribal Council, such experience could include finance, law, and/or human resources;~~,~~ and~~;~~

(3) Two at large positions, at least one of which shall be an enrolled member of the Tribe, ~~for which there shall be no specific requirements~~who shall have pertinent experience as determined by the Tribal Council, which could include experience in finance, law, and/or human resources.

(b) Board Members shall obtain high security gaming licenses from the Gaming Commission prior to being seated on the Board.

(c) Current Tribal Council members, except for the one position described above, and current employees and contractors of the Three Rivers Casino Resort – Florence, the Three Rivers Casino Resort - Coos Bay, and the CTCLUSI Gaming Commission shall not be eligible to serve on the Board.

(d) Any member of the Tribal Council may attend a Board meeting, ask questions, and participate in an executive session~~,~~ unless a conflict of interest exists, but does not have voting authority as part of the Board.~~.~~

7-8-5 Appointments and Oath of Office

The Tribal Council shall appoint the members of the Board. Members of the Board are required to take and file an oath of office at the first regular Tribal Council meeting following their appointment, administered by the Tribal Chief or Tribal Chairman or designee.

7-8-6 Terms of Office

The Board position terms shall be staggered as follows:

(a) Position 1 shall be filled by a member of the Tribal Council, who will serve until their term ends on Tribal Council.~~;~~

(b) The first vacancy to be filled after December 15, 2019 shall be entitled Position 2. The first person to fill this vacancy after December 15, 2019 shall serve one three year term, all subsequent Position 2 terms shall be four years.

(c) The second vacancy to be filled after December 15, 2019 shall be entitled Position 3. The first person to fill this vacancy after December 15, 2019 shall serve one four year term, all subsequent Position 3 terms shall be four years.

(d) The third vacancy to be filled after December 15, 2019 shall be entitled Position 4. The first person to fill this vacancy after December 15, 2019 shall serve one three year term, all subsequent Position 4 terms shall be four years.

(e) The fourth vacancy to be filled after December 15, 2019 shall be entitled Position 5. The first person to fill this vacancy after December 15, 2019 shall serve one four year term, all subsequent Position 5 terms shall be four years.

(f) Board Members serving in positions 2, 3, 4 and 5 may serve an additional six months, or longer, beyond their term, if necessary to prevent a vacancy on the Board.

7-8-7 Duties

The Gaming Facility Operational Review Board shall:

(a) Maintain oversight and protection of the Gaming Business and Gaming Assets.

(b) Supervise the Chief Executive Officer ~~and the Chief Financial Officer~~ for the Tribe's Gaming Facilities~~,~~ and make ~~joint~~ decisions ~~with the Tribal Council~~ regarding the hiring, promotion, termination and salary adjustments of the Chief Executive Officer and the Chief Financial Officer for the Gaming Facility. In making ~~joint~~ decisions, each member ~~of Tribal Council and each member~~ of the Board shall have one vote~~, provided that the Tribal Council Board member (Position 1) may only vote once~~. A majority of ~~Tribal Council and~~the Board votes shall decide the matter, provided that votes are cast by a quorum of ~~Tribal Council and~~ the Board. Once adopted by the Board, the decision shall be brought to the Tribal Council, which will then review and approve or deny the decision of the Board.

(c) Review and approve the annual budget for the Tribe's Gaming Facilities. A majority of the Board votes shall approve the budget, provided that votes are cast by a quorum of the Board. Once adopted by the Board, the budget shall be brought to the Tribal Council, which will then review and approve or deny the decision of the Board.

~~(b)~~

~~(c) Make final decisions regarding the hiring, promotion, termination and salary adjustments of all departmental directors for the Tribe's Gaming Facilities.~~

(d) Authorize the execution of contracts for budgeted capital purchases for goods for the Tribe's Gaming Facilities that are in excess of $25,000.00 per annum, but less than $300,000.00 per annum, in the approved annual budget, and which do not include a waiver of sovereign immunity or arbitration provisions. Transactions shall not be segregated to avoid authorization requirement.

(e) Authorize the execution of contracts for services provided to the Tribe's Gaming Facilities that are in excess of $25,000.00 per annum, but less than $300,000.00 per annum, in the approved annual budget, and which do not include a waiver of sovereign immunity or arbitration provisions. Transactions shall not be segregated to avoid authorization requirements.

(f) Provide financial information to the Tribal Governmental Chief Financial Officer upon Request.

(g) Provide a monthly written report to the Tribal Council which shall include the following: (1) financial statements for the prior month; (2) all purchases in excess of $5,000 for the prior month; (3) updated player's data and associated metrics;~~,~~ and~~;~~ (4) such other information as the Tribal Council may request.

~~(g)~~

7-8-8 Chief Financial Officer

The Chief Executive Officer shall not limit the ability of the Chief Financial Officer to provide information directly to the Board and/or the Tribal Council or otherwise interfere in the ability of the Chief Financial Officer to conduct their work duties independently and impartially.

7-8-~~9~~8 Appointment of Chairperson, Vice-Chair and Board Staff Duties

(a) The Board shall elect a Chairperson and Vice-Chair annually.

(b) The Chairperson shall:

(1) Issue notice of meetings;
(2) In consultation with the Chief Executive Officer and the Chief Financial Officer, prepare proposed agendas for all meetings;
(3) Preside at all meetings;
(4) Ensure that minutes of all meeting are kept; and

(5) Make quarterly reports to the Tribal Council.

(c) The Vice-Chair shall assist the Chairperson in the performance of any duties and carry out the duties other Chairperson in his or her absence.

(d) A staff person for clerical support only shall be designated by the Chief Executive Officer of the Tribal Government to assist the Chairperson and Board and to ensure archival of all meeting records within the Tribal Government records retention software.

7-8-109 Meetings

The Board shall meet no less frequently than once per month and may establish a more frequent meeting schedule as required by business needs, including meetings for the purpose of review and approval of annual budget for the Tribe's Gaming Facilities.

(a) All regular meetings require three (3) days' written notice. Notice shall be delivered to each Board member by mail, facsimile or e-mail as established by the Board. Notice shall include the date, time, place and an agenda for the meeting.

(b) Meetings shall generally be closed, except to members of the Tribal Council, however, the Board may invite guests to attend meetings as necessary to conduct business, and may also invite members of the General Council to attend meetings or portions of meetings that are intended to provide information about the Tribe's Gaming Business to the General Council.

(c) The Chief Executive Officer and the Chief Financial Officer for the Gaming Facilities shall attend meetings and will provide documentation to review as necessary, which shall be provided to the Board no less than five days prior to meetings.

(d) The Director of the CTCLUSI Gaming Commission or designee shall be required to attend meetings and will advise the Board regarding regulatory matters and the regulatory impacts of matters before the Board as necessary.

(e) Special meetings may be called by any member of the Board when business must be done prior to the next regular meeting. No special meeting shall be held without twenty-four (24) hours' notice to each Board member unless waived in writing.

(f) The Board may recess at its discretion to discuss any matter in closed or executive session: Provided, that the general subject matter to be discussed in such closed or executive session is expressed in the motion calling for such session. All personnel matters and all matters relating to the internal activities of Board members shall be discussed or decided only in closed session. A report of any decisions made related to such matters shall be included in the minutes.

7-8-110 Confidentiality

Board Members must agree to sign a confidentiality agreement that states that they understand and agree that as a Board member they must hold as confidential all information learned in the course of their board member status concerning the confidential business of the Tribes. Further, as a Board member, they understand that by signing the confidentiality agreement, they will not violate the confidentiality of any person(s) or provide confidential information or documents to anyone not authorized by the Tribes. If it has been determined that a Board member has violated this confidentiality agreement, that Board member will be removed as more fully stated below.

7-8-121 Removal of Board Members

(a) By majority vote, the Tribal Council may remove any Board member for the following reasons:

(1) Acting, or attempting to act, beyond the scope of their authority;

(2) Creating a disruptive atmosphere;

(3) Violation of their confidentiality agreement;

(4) Violating Tribal law;

(5) Lack of confidence; or

(6) For convenience.

(b) A Board member shall automatically be removed if, during their term, they are found guilty of or enter a plea of no contest or guilty to any felony or misdemeanor offense under federal, state, or Tribal law.

(c) A Board member shall automatically be removed if, during their term, they fail to maintain suitability for a high security gaming license.

7-8-132 Quorum

A majority of the Board members must be present, either in person or by telephonic or video participation, to constitute a quorum. Board action is valid only by majority vote with a quorum present.

7-8-143 Personal Conflicts of Interest

No Board member may vote on any action directly involving a member of his or her immediate family. A Board member may take part in discussion and count toward a

quorum regarding action involving a member of his or her immediate family. Immediate family members include father, mother, adoptive mother, adoptive father, daughter, son, spouse, person in a spousal relationship, brother, sister, stepbrother, and stepsister.

7-8-154 Compensation

(a) Board members may be compensated for their services on the Board in an amount to be determined by Tribal Council at the time of appointment.

(b) Board members who are employees and contractors of the Tribes shall not be compensated in excess of their salary. Board members who are Tribal Council members shall not be entitled to compensation.

(c) Authorized travel shall be paid subject to the travel requirements specified by Tribal Policy.

7-8-165 Rules; Records

The Board may adopt rules for the transaction of its business, subject to Tribal laws, and shall keep a record of its agendas, transactions and findings, which shall be a public record unless otherwise deemed confidential and not subject to public disclosure under applicable law.

7-8-176 Severability

If a court of competent jurisdiction finds any provision of this Code to be invalid or illegal under applicable federal or Tribal law, such provision shall be severed from this Code and the remainder of this Code shall remain in full force and effect.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

GAMING FACILITY OPERATIONAL REVIEW BOARD

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved and emergency amendment to Chapter 7-8 Gaming Facility Operational Review Board for approval by Resolution – 21 -148 on November 24, 2021. Vote was 6 (for) 0 (against) and 0 (abstaining). Ordinance No. 078D adopted.

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved amendments to Chapter 7-8 Gaming Facility Operational Review Board for final approval by Resolution – 20 -009 on January 29, 2020 . Vote was 7 (for) 0 (against) and 0 (abstaining). Ordinance No. 078C adopted.

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved amendments to Chapter 7-8 Gaming Facility Operational Review Board for First Reading by Resolution – 19 -116 on November 10, 2019. Vote was (7) (for) 0 (against) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the Amended Gaming Facility Operational Review Board Ordinance in Resolution – 09-057 on June 14, 2009, Ordinance #078B. Vote was 5 (for), 0 (against), and -2 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the Amended Gaming Facility Operational Review Board Ordinance in Resolution – 09-044 on April 12, 2009, Ordinance #078B. Vote was 7 (for), 0 (against), and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the Amended Gaming Facility Operational Review Board Ordinance in Resolution -07-112 on October 14, 2007, Ordinance #078A. Amended was 7-8-3 to require licensing of board members and 7-8-7(d) reflecting the current management structure of the Three Rivers Casino. Vote was 7 (for), 0 (against) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the Amended Gaming Facility Operational Review Board Ordinance in Resolution 07-094 on August 12, 2007, Ordinance #078A. Vote was 5 (for), 0 (against) and 1 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved and enacted the Gaming Facility Operational Review Board Ordinance in Resolution 06-098 on July 31, 2006, Ordinance #078. Vote was 6 (for), 0 (against) and 0 (abstaining).

Chapter 1-6 Public Records

Proposed Amendments

TITLE 1 – GENERAL PROVISIONS

CHAPTER 1-6 PUBLIC RECORDS

1-6-1 Authority and Purpose

(a) The authority for this Chapter is found in the CLUSI Const. Art. VI, Section 2.

(b) The purpose of this Chapter is to set forth formal procedures for Tribal members to request and receive copies of, or access to, certain Tribal government records. The Tribal Council believes that Tribal members have an interest in accessing Tribal documents that affect them or that involve general Tribal government activities. At the same time, the Tribal Council also believes that the Tribal government has an interest in maintaining the sovereignty of Tribal government operations and in ensuring it does not compromise the reasonable confidentiality expectations of Tribal members and Tribal government in their records and activities.

(c) The Chief Executive Officer or his or her designee(s) shall be responsible for implementing this Ordinance. The policy and intent of this Ordinance shall be applied flexibly to accomplish reasonable access to Tribal records while protecting legitimate Tribal and Tribal member interests. The Chief Executive Officer may impose reasonable restrictions on access to, or the use or distribution of Records.

1-6-2 Definitions

For purposes of this Chapter, the following terms shall be defined as follows:

(a) "Law enforcement record" means a record related to the exercise of the authority granted to the Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians Police Department under Chapter 644, Oregon Laws 2011.

(b) "Tribal Administration" means the executive offices of the Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians, and does not include Tribal corporations, Tribal enterprises, or the Gaming Commission of the Tribes.

(c) "Tribal member" means an enrolled member of the Tribes.

(d) "Tribes" means the Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians and for the purposes of this ordinance does not include Tribal corporations, Tribal enterprises, or the Gaming Commission of the Tribes.

(e) "Record" means any item, collection, or grouping of information that is created or maintained by the Tribes, in paper, electronic, or other recorded format.

1-6-3 Retention, Management and Destruction of Records

The Chief Executive Officer shall adopt policies for the retention, management, and destruction of Records. In developing these policies, the value of Records for cultural, historical, legal, administrative, and research purposes will be considered.

1-6-4 Procedure for Access to or Copying of Tribal Records

(a) The Chief Executive Officer or his or her designee(s) shall receive and act upon requests to view or obtain copies of Records. The Chief Executive Officer shall adopt a Public Records Policy to implement this Ordinance, which shall include a fee schedule to be charged for the cost of responding to a request for Tribal Records.

(b) Tribal members requesting Tribal Records shall provide a written request to the Chief Executive Officer on the form adopted for that purpose. The form shall require the requester to identify the Record requested with sufficient specificity to allow the Chief Executive Officer to locate the Record.

(c) Upon receiving a form requesting access to or a copy of a Record and within a reasonable time, the Chief Executive Officer shall send the requester a card, letter, or email acknowledging receipt of the request.

(d) The Administrator shall consult with the Tribes' general counsel to determine whether the Records requested are exempt from disclosure under this Code or are available for viewing by the requester. The Chief Executive Officer will notify the requester as to which of the requested Records, if any, are exempt from disclosure and which, if any, are available for viewing. The Administrator will also provide the requesting party with an estimate of the cost of producing the Records, as established by the fee schedule. The fee schedule shall be included on the form Tribal members use to request access to or copies of Records. Payment must be made prior to the production of any Records.

(e) The Chief Executive Officer may request additional information from the requester to assist in locating the requested Record. The Chief Executive Officer shall have no obligation to search for a Record if, in the Administrator's view, the request lacks sufficient information to allow the Administrator to locate the Record with reasonable effort.

(f) After the Chief Executive Officer determines that there is sufficient information to locate a Record, the Administrator shall proceed within a reasonable period of time to obtain the Record for copying or review. In doing so, the Chief Executive Officer shall avoid unduly interfering with the regular duties of Tribal employees and Officials that may be in possession of the requested Record.

(g) After conducting a reasonable search for a requested Record, the Chief Executive Officer shall notify the Tribal member requesting access to or a copy of the Record that:

(1) The Record is available for viewing and/or copying (or if not, the reason why it is not available); or

(2) Additional information is needed to locate the requested Record.

(h) Inspection of Records shall be at the office of the Chief Executive Officer or at another location at the Tribal offices during regular business hours. Unless otherwise allowed by the Chief Executive Officer, Records may not be removed from their usual location.

(i) If the requested Record is available on the Tribes' webpage, the Chief Executive Officer shall refer the requestor to the webpage and shall have no further obligation to copy the Record or make it available for viewing.

(j) The Chief Executive Officer is not required to provide electronic versions of Records to requestors.

(k) The Chief Executive Officer shall report quarterly to the Tribal Council on the number of Record requests received, the number of requests satisfied, the costs of satisfying requests, and any recommendations for further legislative action.

1-6-5 Public and Exempt Tribal Records

(a) In furtherance of the Tribes' policy to ensure to its members the right to know about the activities of Tribal government, Records are generally presumed to be available to the Tribal membership.

(b) The following Records are exempt from public disclosure and are not available for copying or viewing:

(1) Drafts or prior versions of a final record. Only Tribal records in their final form are available for public disclosure under the provision of this Code;

(2) Materials kept by the Tribe's Cultural Resources Department which the Department has identified as confidential or identify the location of cultural or archaeological sites. For example, the Department may identify records as confidential because they are personal in nature or relate to a non-public cultural site;

(3) Items which the Cultural Resource Department or Records Administrator determine are too fragile to be handled or copied;

(4) Library materials acquired and preserved solely for reference and research purposes;

(5) Publications received by the Tribes;

(6) Messages on voice mail, text messages, or other telephone message storage and retrieval systems;

(7) Electronic (e-mail) messages;

(8) Calendars and schedules;

(9) Records designated confidential by the Chief Executive Officer, the Tribal Council, or Tribal General Counsel;

(10) Personal information, including telephone numbers, Social Security numbers, and home addresses;

(11) Personnel, payroll, or other employment-related Records (provided that an individual may obtain copies of or view personnel Records relating to him or herself), except as expressly provided by Code;

(12) Medical Records, including Dental and Mental Health Records (provided that an individual may obtain copies of or view Records relating to themself);

(13) Social Service Records, including records relating to a child, relating to an individual;

(14) Foster Care Records;

(15) An individual's Housing Records (provided that an individual may obtain copies of or view Records relating to ~~him or herself~~themself);

(16) Records related to any investigation, pending or threatened litigation, or administrative hearing;

(17) Records from an executive session or other non-public meeting;

(18) Records subject to attorney-client privilege or which might be considered attorney work product;

(19) Records subject to a confidentiality provision;

(20) Records subject to a court order preventing their disclosure;

(21) Investment directives, strategies and actual investment holdings;

(22) Member Services and Finance Department Records relating to an individual (provided that an individual may obtain copies of or view Records relating to him or herself);

(23) Records related to the collection of debts to the Tribes;

(24) Individual ballots or any other election-related document, including challenges to an election result, that includes names and contact information of individual Tribal members;

(25) Tribal court documents (provided that an individual may obtain directly from the Tribal Court copies of Tribal court documents related to a proceeding that the individual is a party to);

(264) Records related to a business or real estate transaction prior to a final decision on the transaction; and

(275) Records, disclosure of which the Chief Executive Officer, the Tribal Council, or Tribal General Counsel determines might divulge legal, political, or business strategies, may otherwise reveal sensitive information to the Tribe or individual Tribal members, or may be an undue burden upon the Tribe to disclose.

1-6-6 Inspection of Tribal Records

(a) Right to view and copy Records:

(1) Only enrolled members of the Tribes have a right to view or obtain copies of Records, unless otherwise required by this Code.

(2) If a Tribal member, who is a party to a judicial or administrative proceeding to which the Tribes is also a party, makes a request to view or receive a copy of a Record that might relate to the proceeding, he or she must submit an original Records request in writing to the Chief Executive Officer and, at the same time, a copy of the request to the Tribal General Counsel.

(b) Records Containing Both Exempt and Nonexempt Information: If any Record contains information which is available for copying or review under this Ordinance; as well as information which is exempt from disclosure, the Chief Executive Officer shall separate the exempt and nonexempt information and make the nonexempt information available for copying or examination, through redaction or other means which makes clear that certain information has been withheld from disclosure.

1-6-7 Appeal of Denials

~~(a)~~ If the Chief Executive Officer denies the request for records, the requestor may~~,~~ ~~in a manner substantially similar to that provided in ORS 192.460 for petitions from denial of the right to inspect or copy public records of a body other than a state agency,~~ within 10 days of the denial petition in writing the Tribal Chair to review the records to determine if they may be withheld from public inspection. The Petition must set forth specific arguments as to why the denial of disclosure was erroneous. The Tribal Chair shall issue a decision within 10 days of the receipt of the Petition. The decision of the Tribal Chair is final and is not subject to review by the Tribal Court.

~~(b) If the Tribal Chair denies a petition to review denial of access to records, the requester may, in a manner substantially similar to that provided in ORS 192.450(2), institute proceedings in the Tribal Court to compel disclosure of the records.~~

~~(c) The Tribal Court may require production of the Record but may not grant any other relief.~~

1-6-8 Law Enforcement Records

(a) Notwithstanding any other provision of the Tribal Code, the Chief Executive Officer shall treat all requests for law enforcement records, whether requested by a member or by a non-member, as though the records were held by the State of Oregon's Department of State Police and as though the request and records were subject to the provisions of ORS 192.410 to 192.505.

(b) If the Chief Executive Officer denies the request for law enforcement records, the requestor may ~~, in a manner substantially similar to that provided in ORS 192.460 for petitions from denial of the right to inspect or copy public records of a body other than a state agency,~~ petition in writing the Tribal Chair within 10 days of the denial to review the law enforcement records to determine if they may be withheld from public inspection. The Petition must set forth specific arguments as to why the denial of disclosure was erroneous. The Tribal Chair shall issue a decision within 10 days of the receipt of the Petition. The decision of the Tribal Chair is final and is not subject to review by the Tribal Court.

~~(c) If the Tribal Chair denies a petition to review denial of access to law enforcement records, the requester may, in a manner substantially similar to that provided in ORS 192.450(2), institute proceedings in the Tribal Court to compel disclosure of the records.~~

1-6-9 Sovereign Immunity

Nothing in this Code shall be construed to have waived the sovereign immunity of the Tribes, or tribal entity, department or program, or any tribal official or employee, except as specifically and explicitly described herein.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

PUBLIC RECORDS

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Court Clerk at the direction of the Chief Executive Officer and with the consent of the Tribes' General Counsel is authorized to administratively correct any reference to Tribal Administrator to Chief Executive Officer on October 11, 2020. These changes are technical in nature and do not effect a substantive change to the Code.

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the revised Public Records Code by Ordinance No. 092A at a Tribal Council meeting on October 24, 2012. Vote was 4 (for), 0 (against), 2 (absent) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the Public Records Code by Ordinance No. 092 at a Tribal Council meeting on December 11, 2011. Vote was 6 (for), 0 (against), 1 (absent) and 0 (abstaining).