

Ordinance No. 2.600. Amended by
Resolution No. 2015-310, dated October 16, 2015.

Date Adopted: March 20, 1993
Subject: Codification of Ordinances

CODIFICATION ORDINANCE

Siletz Tribal Code §2.600

§2.600 PURPOSE AND AUTHORITY

The purpose of this ordinance is to establish a system of codification for the Ordinances and other controlling documents of the Confederated Tribes of Siletz Indians of Oregon. This codification system is designed to provide for a logically consistent ordering of the Ordinances and other government documents of the Siletz Tribe, and also contains a format and referencing system to ensure that there is one consistent, authoritative version of the Siletz Tribal Code. The authority for this Ordinance is the Constitution of the Confederated Tribes of Siletz Indians of Oregon.

§2.601 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

(a) **"Footer"** shall mean standardized, formatted text that appears at the bottom of every page of a document.

(b) **"Governing documents"** shall mean those documents, other than Tribal Ordinances, that have a binding legal effect on the Tribe, tribal members, Committees or Departments of the Tribe, or tribal officials and employees, and shall include but not be limited to, the Tribe's Constitution, Tribal Council Rules of Procedure, Confederated Tribes of Siletz Indians of Oregon v. State of Oregon Consent Decree, the Personnel Policy, and the Tribal-State Indian Child Welfare Act Agreement.

(c) **"Header"** shall mean standardized, formatted text that appears at the top of every page of a document.

(d) **"Secretary"** shall mean the Secretary of the Tribal Council of the Confederated Tribes of Siletz Indians of Oregon, or such other person as may from time to time be designated recordkeeping responsibility by the Tribal Council pursuant to §2.605 of this Ordinance.

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(e) **"Tribal Council"** shall mean the Tribal Council of the Confederated Tribes of Siletz Indians of Oregon.

(f) **"Tribe"** shall mean the Confederated Tribes of Siletz Indians of Oregon.

§2.602 ESTABLISHMENT OF A TRIBAL CODIFICATION SYSTEM

There is hereby established a codification system for the organization of and reference to all Siletz Tribal Ordinances and other governing documents. This codification system and the persons responsible for its maintenance are set out in the sections below. All Ordinances previously adopted by the Tribe shall, within a reasonable time from the adoption of this Ordinance, be reformatted and renumbered to be consistent with the codification system set out herein, as well as, where practicable, other governing documents.

§2.603 ORGANIZATION OF THE SILETZ TRIBAL CODE

(a) Name of Code: The codification of Ordinances and other governing documents pursuant to this Ordinance shall be referred to as the "Siletz Tribal Code."

(b) Organization by Subject Matter. The Siletz Tribal Code shall be organized in groups of Ordinances and/or governing documents with similar subject matter. Each subject matter grouping shall be designated as a chapter of the Siletz Tribal Code, and shall be identified by a whole number. For example, the second chapter of the Siletz Tribal Code, covering Tribal Government, shall be designated as Chapter 2.

(c) Numbering of Ordinances and Governing Documents: Ordinances and other governing documents shall be identified by the following numbering system: Each Ordinance or governing document shall be identified by the Chapter number followed by a decimal point and the two or three-digit number designated for the first section of that Ordinance. Subsequent sections of the Ordinance shall be numbered consecutively after the first section. Additional ordinances within each subject matter chapter shall begin their numbering sufficiently far from the last section number of the previous ordinance to permit room for amendment of existing Ordinances to add new sections. For example, the first section of the STEDCO Charter, entitled "Authority," shall be identified as Siletz Tribal Code §7.01.

(d) References and Citations: When referencing or citing a provision of the Siletz Tribal Code, such provision shall be referenced or cited as follows: The letters "STC" followed by the appropriate chapter and section number, and where applicable, the letters and numbers of the relevant subsection in parentheses. For example, when citing to this section of the

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Codification Ordinance, the citation will read "STC §2.603(d)." Whenever a reference is made to the Siletz Tribal Code, or to any portion of the Code, or to any Ordinance or governing document of the Confederated Tribes of Siletz Indians of Oregon, codified therein, the reference shall apply to all amendments, corrections and revisions made at the time this Ordinance is originally adopted or any time thereafter.

(e) Establishment of Subject Matter Chapters and Numbers. This Ordinance hereby establishes the following subject matter chapters, which shall include the ordinances and/or governing documents set out beneath it identified by the numbering system following this section. Not all of the Ordinances listed below have been adopted yet by the Tribe. Those not yet adopted are listed as "reserved," meaning that the Chapter and number so designated shall be reserved for the Ordinance named, if such Ordinance is thereafter adopted by the Tribe.

Chapter 1: Constitution and Governing Documents

§1.001 Constitution

§1.100 Indian Civil Rights Act

Chapter 2: Tribal Government

§2.001 Tribal Plan of Operations

§2.100 Tribal Council Rules of Procedure

§2.200 Tribal Council Ethics Ordinance

§2.250 Limited Waiver of Siletz Tribal Sovereign Immunity

§2.300 Enrollment Ordinance

§2.400 Election Ordinance

§2.500 Standing Committee Ordinance

§2.600 Codification Ordinance

§2.700 Tribal Administrative Procedures

§2.800 Personnel Manual

§2.900 Access to and Copying of Tribal Public Records

§2.950 Internal Audit Department

Chapter 3: Tribal Court

§3.001 Tribal Court Rules of Procedure

§3.100 Rules of Criminal Procedure

§3.200 Torts & Indian Civil Rights

§3.300 Community Law Court

§3.50 Tribal Court Rules of Evidence (reserved)

§3.150 Appellate Ordinance (reserved)

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Chapter 4: Finance & Revenue

- §4.001 Budget Procedures Ordinance
- §4.100 Tribal Member Distribution
- §4.200 Distribution of Net Revenues
- §4.300 Administration and Finances (reserved)
- §4.400 Taxation Ordinance (reserved)
- §4.500 Bond Ordinance (reserved)
- §4.600 Tribal Investment Policy Ordinance (reserved)
- §4.700 Transient Lodging Tax

Chapter 5: Employment

- §5.001 TERO Ordinance (reserved)
- §5.100 (reserved)
- §5.200 Right-to-Work Ordinance
- §5.300 Indian Preference Ordinance (Reserved)
- §5.500 Siletz Worker's Compensation Claims Ordinance

Chapter 6: Gaming

- §6.001 Gaming Ordinance
- §6.100 Gaming Charter
- §6.200 Professional Boxing Rules & Regulations (reserved)
- §6.500 Athletic Commission

Chapter 7: Natural Resources

- §7.001 Hunting, Fishing & Gathering Ordinance
- §7.100 Forest Management
- §7.200 Geographic Areas of Tribal Interest
- §7.300 Timber Use Permits Ordinance
- §7.400 Consent Decree (not an ordinance)
- §7.500 Tribal Forest Practices Act (reserved)
- §7.600 Land Use Ordinance
- §7.700 Water Use Ordinance (reserved)

Chapter 8: Domestic Relations

- §8.001 Juvenile Code
- §8.100 Domestic & Family Violence Ordinance
- §8.200 Parental Responsibility Ordinance
- §8.300 Child Welfare Code
- §8.400 Siletz Marriage Ordinance

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- §8.500 Dissolution of Marriage Ordinance
- §8.600 Probate Ordinance (reserved)
- §8.700 Name Change Ordinance

Chapter 9: Tribal Culture and Heritage

- §9.001 Cultural Resource Lands & Sacred Sites
- §9.100 Research Ordinance
- §9.200 Social and Economic Ties Ordinance
- §9.300 Archeological Protection (reserved)
- §9.400 Graves Protection (reserved)

Chapter 10: Health and Human Services

- §10.001 Health Clinic Charter
- §10.100 Health and Sanitation (reserved)
- §10.200 Contract Health Services Ordinance (reserved)
- §10.300 General Assistance (reserved)
- §10.400 Standards for Approving Tribal Foster Homes
- §10.500 Social Services Ordinance (reserved)
- §10.600 Elders Ordinance (Reserved)
- §10.700 Tenas Illahee Charter

Chapter 11: Education

- §11.001 Scholarships ordinance (reserved)
- §11.100 Adult Vocational Training Ordinance (reserved)
- §11.200 JTPA Ordinance (reserved)
- §11.300 Education Ordinance (reserved)

Chapter 12: Criminal Code

- §12.001 Criminal Code
- §12.800 Civil Offense Ordinance
- §12.900 Traffic Ordinance

Chapter 13: Housing

- §13.100 Housing Improvement Program
- §13.200 Tribal Housing Ordinance
- §13.300 Garnishment Ordinance
- §13.400 Mortgage Finance Ordinance

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Chapter 14: Public Health

§14.001 Liquor Control Ordinance

§14.100 Tobacco Ordinance

Chapter 15: Business & Economic Development

§15.001 Siletz Tribal Business Corporation Charter

§15.100 Siletz Gas Station & Mini Mart Charter (reserved)

§15.200 Resource & Technologies Charter (reserved)

§15.300 Corporation Ordinance

§15.800 Business Licensing Ordinance (reserved)

(f) Authority to Expand Siletz Tribal Code. The Siletz Tribal Council shall establish such additional subject matter chapters at any time as the Tribe develops its set of governing laws, and shall insert other Ordinances and/or governing documents in the existing or additional subject matter chapters as needed. This Ordinance shall not be construed as requiring the tribe to enact any specific Ordinance.

(g) Siletz Tribal Code Books. Copies of the Siletz Tribal Code shall be kept in volumes that organize the Code in numerical order as set out above. The Siletz Tribal Council may create as many copies of the Siletz Tribe Code Books and distribute them as it deems necessary. An adequate supply of Code Books shall always be on hand to supply a copy to any tribal member or other person who requests one. The Tribe may charge a nominal fee to cover reproduction and binding costs to persons who request a copy of the Code. A copy of the Siletz Tribal Code shall be available for inspection free of charge at each tribal Area office.

§2.604 ORGANIZATION OF ORDINANCES AND OTHER GOVERNING DOCUMENTS; ORDINANCE NUMBERING

(a) Ordinance Numbering. Each Ordinance or other governing document shall be designated an identifying number within the system described above. As new Ordinances or governing documents are added to certain chapters, they shall be designated identifying numbers that follow sequentially from the Ordinances/governing documents already identified in that Chapter, leaving room for expansion or amendment of existing Ordinances. For example, if Chapter 2 has three Ordinances in it, the first Ordinance shall be designated STC §2.01 et seq., the third Ordinance shall begin at STC §140, and a fourth Ordinance added to that Chapter would begin a sufficient number of Sections beyond that number to provide for expansion and amendment of the third Ordinance in that Chapter.

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(b) Section, Subsection, and Subpart Identification. Major sections in each Ordinance shall be designated sequentially in alphabetical order by section numbers. Subsections to these major sections shall be designated sequentially in alphabetical order by small letters. Subparts of these subsections shall be designated sequentially by arabic numerals in sequential order. Subparts of these subparts shall be designated sequentially by small Roman numerals. Each Ordinance shall be formatted by indenting each successive sublevel further to the right than the previous level. An example follows:

§2.01 Major section
 (a) Subsection
 (1) Subpart
 (A) Subpart
 (B) Subpart
 (i) Sub-subpart

(c) Header Information. Every page of every Ordinance or governing document shall have a header containing the following information: the name of the Ordinance/governing document centered at the top; the words "Siletz Tribal Code" followed by the designated beginning section number for that Ordinance/governing document below that, followed by an underline that separates the header from the rest of the text.

(d) Footer Information. Every page of every Ordinance or governing document shall have a footer containing the following information: The date the Ordinance/governing document was adopted in the left margin; the date of its most recent amendment, if applicable, in the right margin; the page number centered on the following line; and a line above the footer text separating it from the rest of the text.

(e) Inconsistent Ordinances or Governing Documents. If there are two or more inconsistent copies of an Ordinance or other governing document, the document with the more recent date of amendment shall be presumed to be controlling. All volumes of the Siletz Tribal Code (except for any Master Volumes) shall contain only the most recently amended version of the Ordinances and governing documents that comprise the Siletz Tribal Code.

(f) Renumbering Existing Ordinances and Governing Documents. All existing Ordinances and governing documents, as of the date this is enacted, shall be renumbered to be consistent with the organization system set out in this Ordinance.

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§2.605 RECORDKEEPING; TRIBAL COUNCIL SECRETARY

(a) Tribal Council Secretary. The Tribal Council Secretary, or such other person designated specifically by the Tribal Council, is hereby designated primary responsibility for recordkeeping and updating regarding the Siletz Tribal Code. The Tribal Council Secretary shall be responsible for obtaining an accurate and complete copy of any Ordinance or other governing document adopted or amended by the Siletz Tribe, and for formatting that document in accordance with the requirements of this Ordinance. The Secretary shall then cause copies of the new document to be sent to all persons who have copies of the Siletz Tribal Code and who are on the Tribe's updated list of Code owners, with instructions to insert the document in a certain location in the Code book and, if appropriate, to discard previous versions of that document.

(b) Master Volumes of the Siletz Tribal Code. The Tribal Council Secretary shall maintain at least three Master Volumes of the Siletz Tribal Code: One copy designated for the Siletz Tribal Council, one for the Tribal Administration (General Manager or Chief Executive Officer), and one for the Tribal Court. The Master Volumes shall be maintained so as to keep as complete a legislative record of such Ordinance and governing documents as possible.

- (1) Contents. The Master Volumes shall contain the following: The current, official versions of each Ordinance or governing document, and along with these versions, a complete and orderly legislative history (when available) of each governing document in the Siletz Tribal Code, including drafts of an Ordinance or governing document, resolutions adopted, amending or repealing an ordinance or other governing document, earlier adopted versions of an Ordinance or governing document, any correspondence or memorandums related to the adoption or amendment of an Ordinance or governing document and, where available and practical, written transcripts of the proceedings in which adoption or amendment of that Ordinance or governing document was considered and discussed. Documents may be excluded from such record if they are confidential or subject to a privilege, such as the attorney-client privilege.
- (2) Organization. Ordinances and other governing documents in each master Volume shall be arranged in the same numerical order as the other volumes of the Siletz Tribal Code.
- (3) Validity. The absence of any or all of the above required documents in the Master Volume for an Ordinance or governing document shall have no

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effect on the validity and authority of the Ordinance or governing document.

- (4) Certification. Each valid document of legislative history in the Master Volume shall be certified as such by the Tribal Council Secretary.

(c) Tribal Council Secretary's Power of Certification. The Tribal Council Secretary is hereby empowered to certify as conformed, true copies any copies made for official purposes of any Ordinance, governing document, or other official document on file in the offices of the Siletz Tribe. Certification can be done by any method that makes it clear that the Secretary has certified the document as a conformed, true copy of the document on file, so long as the Secretary's signature is included as part of the certification.

§2.606 LEGAL EFFECTS OF FORMATTING

The use of the format and organization required by this Ordinance shall, in and of itself, have no legal effect, and shall not be construed to influence in any way the force and effect of Siletz Tribal Ordinances and governing documents.