

WARM SPRINGS TRIBAL CODE

CHAPTER 10

AMENDED AND RESTATED WARM SPRINGS TRIBAL ORDINANCE NO. 67

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AMENDED AND RESTATED WARM SPRINGS TRIBAL ORDINANCE NO. 67

WHEREAS, the Constitution and Bylaws of the Confederated Tribes of the Warm Springs Reservation of Oregon adopted, pursuant to the Indian Reorganization Act, sets forth authority of the Tribal Council to appropriate tribal funds and provides for a tribal budget; and

WHEREAS, it is necessary to set forth uniform procedures for interpretation of and carrying out the appropriation authority contained in the Tribal Constitution and Bylaws; now, therefore,

BE IT ENACTED by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon pursuant to Article V, Section 1(u) of the Tribal Constitution that there is hereby enacted the following Ordinance No. 67, to be known as the “Warm Springs Tribal Appropriations Ordinance.”

WARM SPRINGS TRIBAL APPROPRIATION ORDINANCE

ARTICLE I

Preamble

The purpose of this Ordinance is to set forth uniform procedures to be followed by the Tribal Council and Tribal Administration in carrying out the provisions of the Tribal Constitution and Bylaws relating to authority to appropriate funds for use on the reservation.

ARTICLE II

Appropriation Approved by Popular Referendum

Pursuant to the provisions of Article V, Section 1(t), as amended, and Article VI of the Tribal Constitution, appropriations may be submitted to the tribal members for approval pursuant to popular referendum. Once the appropriation of such funds is approved in accordance with the procedures set forth in Article V of the Constitution, such funds may be expended for such purposes for which they were appropriated and shall remain available for expenditure for such purpose until expended.

ARTICLE III

Appropriation by the Tribal Council Outside of the Budget

Pursuant to the authority of Article V, Section 1(t), as amended of the Tribal Constitution, the Tribal Council has the authority, subject to review by the Secretary of Interior, to appropriate not to exceed \$25,000 in any one fiscal year for any purpose for which funds were not appropriated for expenditure pursuant to the tribal budget. In the event that additional funds are needed for a purpose for which tribal funds were not appropriated for expenditure pursuant to tribal budget,

the Tribal Council may appropriate additional sums provided that the total appropriation for that purpose pursuant to the budget and the appropriation shall not exceed \$25,000. Once appropriated, such funds shall remain available for expenditure until expended.

ARTICLE IV

Annual Budget

Section (1) Authorization of Proposed Budget. Prior to October 1 of each year, the Tribal Council shall by motion authorize the posting of a proposed tribal budget to be effective for the following calendar year. Such proposed budget shall state the estimated revenues to be received from all sources and the proposed expenditures by category as provided in Article IV, Section (2) of this Ordinance.

Section (2) Budget Categories. The proposed budget authorized for posting by the Tribal Council shall be budgeted expenditures delineated in the following categories: (1) Operations; (2) Community Assistance; (3) Enterprises; (4) Capitalized Items; (5) Special Projects. In addition, there shall be posted and available to tribal members at the public hearing(s) a detailed breakdown of all proposed expenditures within each major category.

Section (3) Posting of Budget. A copy of the proposed budget shall be posted not later than October 1 of each year and for a continuous period of not less than 30 days thereafter in not less than three (3) public places on the Reservation, one of which places shall be at the tribal administrative offices.

Section (4) Public Hearings. One or more public hearings for purposes of discussing the proposed budget shall be held on the Reservation not less than fifteen (15) nor more than forty-five (45) days after the date of initial posting of the proposed budget. Notice of such public hearing(s) shall be given by: (I) Regular mail to all adult tribal members not less than ten (10) days prior to the date of the hearing(s); (II) Posting at the same location as the proposed budget is posted; and (III) Publication in the tribal newsletter or newspaper.

Section (5) Appropriation of Tribal Funds. Following the public hearing(s) and not later than December 1 of each year, the Tribal Council shall take action by resolution to appropriate tribal funds for expenditure pursuant to the proposed budget. Based on the comments received from the members, the Tribal Council may amend or reduce the proposed budget but shall not appropriate tribal funds in excess of the total amount of the proposed budget as posted.

Section (6) Transfer of Authority to Expend Funds Within the Budgets. After the effective date of any Tribal Council resolution appropriating tribal funds for expenditure pursuant to a proposed budget, there shall be no transfer of authority to expend funds from one budgeted item to another within the budget except as follows:

(1) Transfer Within Major Categories: There may be a transfer of authority to expend funds from one budgeted expenditure to another within any of the five major categories set forth in Article IV, Section (2), of this Ordinance with the approval of the Secretary-Treasurer of the Tribal Council if the amount of such transferred authority to expend funds does

not exceed \$25,000 and with the approval of the Tribal Council if the amount of the transferred authority to expend funds exceeds \$25,000.

(2) Transfer Between Categories. There may be a transfer of authority to expend funds between any of the five major categories set forth in Article IV, Section (2), of this Ordinance only with the approval of the Tribal Council.

Section (7) Expenditure Not Required. The appropriation of tribal funds for expenditure pursuant to a proposed budget shall not obligate the Confederated Tribes, the Tribal Council or Tribal Administration to make any expenditures for which funds are appropriated.

ARTICLE V

Supplemental Budget

The Tribal Council may from time to time propose a supplemental budget. The proposed supplemental budget shall be subject to the same requirements as set forth in Article IV of this Ordinance for an annual budget except that the resolution appropriating tribal funds for the expenditure pursuant to the supplemental budget may be adopted by the Tribal Council at any time after the public hearing(s) and not less than thirty (30) days before the effective date of the supplemental budget and the date of initial posting of the proposed supplemental budget shall be not less than ninety (90) days prior to the effective date of the proposed supplemental budget.

ARTICLE VI¹

Appropriation of Available Funds by the Tribal Council

Pursuant to the Provisions of Article V, Section 1(f) of the Tribal Constitution, the Tribal Council has the authority to appropriate available funds for public purposes. Available funds for the purpose of this Ordinance shall be funds which originate from some source other than the General Fund of the Tribes. Such available funds may be appropriated by the Tribal Council by resolution.

¹ By motion, on June 12, 1996, the Tribal Council amended Ordinance 67 by eliminating Article IV, Section 8 which heretofore provided

Section (8). Carry-Over of Budgeted Funds. Once appropriated pursuant to tribal budget, funds remain available for expenditure until expended and shall be subject to the authority for transfer provided in the foregoing section (6) of this Article IV

On March 12, 1997, the Tribal Council passed a motion reconsidering and rescinding its action of June 12, 1996. The Tribal Council thereafter adopted Resolution 9341 providing for certain carryovers of authorized expenditures. Following that action, the Tribal Council, by motion, eliminated Article IV, Section 8 of Ordinance 67.

ARTICLE VII

Enterprise Funds

Appropriation and expenditure of funds of Tribal business enterprises established pursuant to Article XII of the Tribal Corporate Charter shall be made in accordance with the Plan of Operation of the individual enterprise and shall not be subject to the terms of this Ordinance.

ARTICLE VIII

Appropriation of Funds for Per Capita

Tribal Council shall have the authority to appropriate funds for purposes of per capita distribution to the enrolled members of the Confederated Tribes subject to such conditions and restrictions as may be contained in the resolution appropriating such funds.

ARTICLE IX

Initiative and Referendum

All resolutions of the Tribal Council appropriating tribal funds shall be subject to the Initiative and Referendum provisions in Article VI of the Tribal Constitution, except that any appropriation not exceeding \$25,000 in any one fiscal year for any purpose pursuant to Article V, Section 1(t) as amended of the Tribal Constitution shall not be subject to such Initiative and Referendum.

CERTIFICATION

The undersigned, as Secretary-Treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon hereby certifies that the Tribal Council is composed of 11 members, of whom ___ constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this ___ day of _____, 1996; and the foregoing resolution was passed by the affirmative vote of _____ members, the Chairman not voting; and that the said resolution has not been rescinded or amended in any way.

Raymond F. Calica, Sr.
Secretary Treasurer

Gordon E. Cannon
Superintendent