

# COMPREHENSIVE PLAN AND ORDINANCE

Establish a tribal entity to assist entrepreneurs

Create information channels for business development

Recruit member-owned businesses for tribal project - *through housing construction*

Create tribal contracting network - *through HIP projects*

- Design a business credit program for member business assistance

## Transportation

**Elders transportation in all area offices**

- Create passenger transportation service to meet membership needs
- Research and develop an automobile leasing program for tribal members

**Provide sufficient staff fleet service-currently 54 total vehicles**

## Drug and Alcohol Facility

- Acquire/build residential drug and alcohol treatment center
- Initiate detoxification facility

**Establish aftercare facility**

**Expand family involvement in treatment plans**

- Acquire/build residential drug and alcohol treatment center for youth

## Per Capita

- Establish an annual set-aside for per capita distribution
  - Establish a per capita distribution policy
- Distribute per capita to tribal elders**
- Distribute per capita to general membership

## PR Department Accomplishments

- Reorganized the newsletter and published it each month. Since the August/September issue, published it at the first of the month (ongoing)
- Published 1998 annual report in July 1999
- Sent six news releases to four local newspapers and five local radio stations
- Coordinated placement of "In My Opinion" piece in The Oregonian in November
- Designed CTSI ad for boxing program in December
- Conducted two photo shoots for diabetes program posters
- Took photos at more than 35 events
- Developed PR plans for two ongoing projects, reviewed materials, and participated in planning sessions

The Tribal Council is soliciting comments on this ordinance. Written or oral comments should be submitted to the executive secretary to Tribal Council by March 16, 2000.

## TORTS AND INDIAN CIVIL RIGHTS ACT CIVIL ACTIONS ORDINANCE

### Siletz Tribal Code Chapter 16

#### 16.01. DEFINITIONS FOR 16.01 to 16.33.

As used in 16.01 to 16.33, unless the context requires otherwise:

(1) "Agent" means any person who is authorized by the Tribe to act on its behalf and with whom the Tribe has established an agency relationship. The term does not include any individual or corporation who acts pursuant to a contract with the Tribe unless the contract expressly creates an agency relationship.

(2) "Department" means any department of the Siletz Tribal Government.

(3) "General Manager" means the General Manager of the Confederated Tribes of the Siletz Indians of Oregon.

(4) "Governing body" means the Siletz Tribal Council.

(5) "Indian Civil Rights Act" means 25 U.S.C. §§1301-1303, as it has been or may be amended from time to time.

(6) "Tort" means the breach of a legal duty that is imposed by law, other than a duty arising from contract or quasi-contract, which results in injury to a specific person or persons and for which the law provides a civil right of action for damages or for a protective remedy.

(7) "Tribal body" means:

(a) The Tribe, Chinook Winds Casino and Convention Center and any department, corporation, agency, board or commission of the Tribe; and

(b) Any tribal nonprofit corporation that is organized under state or tribal law.

(8) "Tribe" means the Confederated Tribes of the Siletz Indians of Oregon.

#### 16.03. SCOPE OF LIABILITY OF TRIBAL BODY, OFFICERS, EMPLOYEES, AND AGENTS.

(1) The sovereign immunity of the Tribe and all Tribal bodies, employees, officers and agents acting within the scope of their employment duties is waived for the express and limited purpose of actions under this ordinance.

(2) Subject to the limitations of 16.01 to 16.27, every tribal body is subject to action or suit for its torts and those of its officers, employees and agents acting within the scope of their employment or duties, whether arising out of a governmental or proprietary function or while operating a motor vehicle under the authority of the tribal body. The sole cause of action for any tort of officers, employees or agents of a tribal body acting within the scope of their employment or duties and eligible for representation and indemnification under 16.13 shall be an action against the tribal body only. The remedies provided by this ordinance are exclusive of any other action or suit in the Siletz Tribal Court against any such officer, employee or agent of a tribal body whose act or omission within the scope of their employment or duties gives rise to the action or suit. No other form of civil action or suit in the Siletz Tribal Court or in any other court shall be permitted. If an action or suit is filed against an officer, employee or agent of a tribal body, on appropriate motion the tribal body shall be substituted as the only defendant.

(3) Every tribal body is immune from liability for any claim for injury to or death of any person or injury to property resulting from an act or omission of an officer, employee or agent of a tribal body when such officer, employee or agent is immune from liability.

(4) Every tribal body and its officers, employees and agents acting within the scope of their employment or duties, or while operating a tribal motor vehicle under the authority of the Tribe are immune from liability for:

(a) Any claim for injury to or death of any person covered by any workers' compensation law.

(b) Any claim in connection with the assessment and collection of taxes.

(c) Any claim based upon the performance of or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused.

(d) Any claim which is limited or barred by the provisions of any other statute, including but not limited to any statute of ultimate repose.

(e) Any claim arising out of riot, civil commotion or mob action or out of any act or omission in connection with the prevention of any of the foregoing.

(f) Any claim arising out of an act done or omitted under apparent authority of a law, resolution, rule or regulation which is unconstitutional, invalid or inapplicable except to the extent that they would have been liable had the law, resolution, rule or regulation been constitutional, valid and applicable, unless such act was done or omitted in bad faith or with malice.

(5) Sections 16.01 to 16.27 do not apply to any claim against any tribal body or its officers, employees or agents acting within the scope of their employment arising before March 30, 2000. Any such claim may be presented and enforced to the same extent and subject to the same procedure and restrictions as if this ordinance had not been adopted.

(See Ordinance on page 16)