

OPEN FOR COMMENT

# Proposed amendment to Personnel Management Ordinance

The Tribal Council, in consultation with the Tribal Attorney's Office, has proposed several amendments to the Personnel Management Ordinance. The first reading of the amendments to the Personnel Management Ordinance was presented at the January 12, 2000 Tribal Council meeting.

The purpose of the amendments is to clarify the Executive Officer's responsibility for developing personnel policies and procedures governing employment with the Tribe and to set forth broad guidelines for the development and content of such policies and procedures. Among other things, the amendments eliminate specific policy language from the Ordinance as such policy language is more appropriately included in a human resource manual and/or employee handbook (including the selection of employees, compensation, accrual of annual and sick leave, criteria and time for conducting performance evaluations, and working hours).

The Tribal Council believes the Ordinance amendments will assist the Tribe in continuing to carry out the operation of the work of the tribal government in an efficient manner and in providing a professional and positive work environment for tribal employees.

For a copy of the proposed Ordinance amendments please contact the Tribal Attorney's Office at (503) 879-2265. Tribal Council invites comment on the proposed amendments. Please send your comments to the Tribal Attorney's Office, 9615 Grand Ronde Road, Grand Ronde, OR 97347.

**Comments must be received by March 3, 2000.**

OPPORTUNITY FOR COMMENT

# Performance Report due to HUD

Under the Native American Housing Assistance and Self-Determination Act of 1996, Housing and Urban Development (HUD) will provide grants to Indian tribes/Indian Housing Authorities for the development and operation of low-income housing in Indian areas. Grants are made to eligible recipients under the Indian Housing Block Grant Program. To be eligible for the grants, respondents must submit an Indian Housing Plan that meets the minimum requirements of the Act, and submit performance reports and maintain records for HUD monitoring. The Grand Ronde Tribal Housing Authority (GRTHA) submitted an Indian Housing Plan that was approved by HUD. The Annual Performance Report covering the 1998 and the 1999 grants is due to HUD by February 29, 2000.

Tribal members are hereby notified that comments on the Annual Performance Report are welcome and copies of this report can be obtained by calling GRTHA at (503) 879-2401, or 1-800-422-0232, extension 2401. Copies can also be picked up at the GRTHA office.

**Comments must be submitted in writing to GRTHA no later than 5:00 p.m., February 15.**

**All comments will be incorporated into the final Report.**

OPEN FOR COMMENT

# Proposed Tribal Council Ordinance amendments

The Tribal Council in consultation with the Tribal Attorney's Office has proposed amending the Tribal Council Ordinance to include the following provisions:

**AUTHORITY TO INDEMNIFY**

(a) Except as provided in subsection (d), the Tribe may in its discretion indemnify an individual who is made a party to a proceeding because of conduct by the individual while he is or was a Tribal Council member against liability for reasonable expenses of litigation, including, but not limited to, costs, any judgment, and other reasonable costs of defense, incurred in the proceeding if:

- (1) he conducted himself in good faith; and
- (2) he reasonably believed:
  - (i) in the case of conduct in his official capacity with the Tribe, that his conduct was in the Tribe's best interests; and
  - (ii) in all other cases, that his conduct was a least not opposed to the Tribe's best interest; and
- (3) he had no reasonable cause to believe that his conduct was unlawful.

(b) A Council member's conduct with respect to an employee benefit plan for a purpose he reasonably believed to be in the best interests of the participants in and beneficiaries of the plan is conduct that satisfies the requirement of subsection (a)(2)(ii).

(c) The termination of a proceeding by judgment, order, settlement, conviction, or upon a pleas of no contest or its equivalent is not, of itself, determinative that the Council member did not meet the standard of conduct described in this Section.

(d) The Tribe may not indemnify a Council member under this Section:

- (1) in connection with a proceeding by or in the right of the Tribe in which the Council member was adjudged liable to the Tribe; or
- (2) in connection with any other proceeding charging improper behavior under the Tribe's Ethics Ordinance in which he was determined to have violated the Ethics Ordinance.

(e) The Tribe may pay for or reimburse the reasonable expenses incurred by a Council member who is a party to a proceeding in advance of final disposition of the proceeding if:

- (1) the Council member furnishes the Tribe with a written affirmation of his good faith belief that he has met the standard of conduct described in (a) above;
- (2) the council member furnishes the Tribe with a written undertaking, executed personally or on his behalf, to repay the advance if it is ultimately determined that he did not meet the standard of conduct; and
- (3) a determination is made that the facts, then known to those making the determination, would not preclude indemnification under this subchapter.

(f) The undertaking required by subsection (e)(2) must be an unlimited general obligation of the Council member but need not be secured and may be accepted without reference to financial ability to make repayment.

(g) Determinations and authorizations of payments under this Section shall

be made in the manner specified.

(h) The Tribe may not indemnify a Council member unless authorized in the specific case after a determination has been made that indemnification of the Council member is permissible in the circumstances because he has met the standard of conduct set forth above. The Tribal Council must make this determination by majority vote of a quorum consisting of Council members not at the time parties to the proceeding. If a quorum of the Council cannot be obtained under this subsection, then this determination shall be made by special legal counsel selected by majority vote of a quorum of the Council (in which selection Council member who are parties may participate).

(i) Authorization of indemnification and evaluation as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible.

(j) Indemnification of Officials, Employees and Agents.

- (1) an Official of the Tribe who is not a Council member is entitled to indemnification to the same extend and in the same manner as a Council member.
- (2) in its discretion, the Tribe may also indemnify and advance expenses to an employee, or agent of the Tribe who is not a Council member, consistent with public policy, by general or specific action of the Tribal Council or by a contract approved by the Tribal Council.

**INSURANCE**

The Tribe may purchase and maintain insurance on behalf of an individual who is or was a Council member, Official, employee, or agent of the Tribe, or who, while a Council member, Official, employee, or agent of the Tribe, is or was serving at the request of the Tribe as a Director, Officer, partner, trustee, employee, or agent of another Corporation, partnership, joint venture, trust, employee benefit plan, or other enterprise, against liability asserted against or incurred by him in that capacity or arising from his status as a Director, Officer, employee, or agent, whether or not the Tribe would have the power to indemnify him against the same liability under Section ( ).

The first reading of the proposed amendments to the Tribal Council Ordinance was presented at the December 15, 1999, Tribal Council Meeting.

The purpose of the amendments is to authorize and enable the Tribal Council to indemnify Council members and other officials of the Tribe for claims asserted against them or losses incurred by them in connection with their status as an official of the Tribe.

Tribal Council invites comment on the proposed amendments. Please send your comments to the Tribal Attorney's Office, 9615 Grand Ronde Road, Grand Ronde, OR 97347. **Comments must be received by February 15, 2000.**