

Title 21
Code Enactment Ordinance

Section 21.001. Authority.

The Hoh Constitution, Article IV, Section 1, authorizes the Hoh Tribal Business Committee to pass ordinances governing and regulating the conduct of tribal members and tribal affairs.

Section 21.002. Purpose.

The purpose of this ordinance is to establish and set out the specific procedures for adoption, amendment, or repeal of tribal code sections, often called ordinances. The procedure for the conduct of Hoh Tribal Business Committee government business is set out in the Hoh Tribal Business Committee Procedure Code. The previous legislative actions of the Hoh Tribal Business Committee up to the date of enactment of this Code are hereby ratified by the Business Committee.

Section 21.003. Scope.

- (a) When ordinances are Required. All final decisions or actions of the Hoh Tribal Business Committee on matters of general and permanent interest to the Tribe or its members shall be set out and enacted in an Ordinance.
- (b) Ordinances, once enacted under this Code, may be amended or repealed in whole or in part pursuant to this ordinance.

Section 21.004. Introduction of New Ordinances.

- (a) Any Hoh Tribal Business Committee member may introduce or propose a new ordinance, or amendment or repeal thereof. If an ordinance or ordinance subject is discussed or proposed but is not yet in draft form, tribal legal counsel shall prepare an initial ordinance draft for Business Committee review and discussion. The Business Committee may refer a new proposed ordinance to tribal legal counsel for review and analysis; in such case tribal legal counsel shall submit a written report of their review to the Business Committee.
- (b) The Hoh Tribal Business Committee may make changes in a draft or proposed ordinance at any time prior to its final adoption by the Business Committee.

Section 21.005. Content of Ordinances.

All ordinances shall conform to the following format and content; *provided*, that any ordinance which basically meets the following elements shall be valid:

- (a) Ordinance number, which shall be assigned by an appropriate tribal employee or by tribal legal counsel upon adoption of the ordinance;
- (b) The date of adoption (or amendment where appropriate) and Business Committee Resolution number;
- (c) The subject matter of the ordinance;
- (d) The title of the ordinance;
- (e) A statement of authority and purpose;
- (f) The text of the ordinance;
- (g) Signature and certification of the Business Committee Chairperson and Secretary.

Section 21.006 Initial Consideration of Proposed Ordinance.

- (a) A proposed ordinance shall be read out loud in an open Business Committee meeting when it is initially introduced or, at the discretion of the Business Committee, at a later date and time. Subsequent readings of a proposed ordinance shall be deemed waived unless a Business Committee member requests a second or additional reading.
- (b) The Business Committee shall conduct an initial review or discussion of a proposed ordinance at a Business Committee meeting. If the Business Committee decides to make changes to the initial proposed ordinance before soliciting public tribal comment, tribal legal counsel shall make such changes and return the proposed ordinance to the Business Committee for additional initial review.

Section 21.007. Tribal and Community Comment on Proposed Ordinance.

- (a) Once the Hoh Tribal Business Committee has completed its initial review and made modifications, if any, to a proposed ordinance, the ordinance shall be published on the tribal website for a public comment period of thirty (30) days. The Business Committee may extend the public comment period upon request or on its own initiative. Tribal administration shall make all reasonable and appropriate steps to notify tribal

membership that a proposed ordinance is available on the tribal website for review and comment. Upon request, a tribal member shall be provided a hard copy of a proposed ordinance.

- (b) The Hoh Tribal Business Committee may hold a workshop on any proposed ordinance at its discretion, and may open a proposed ordinance for discussion and tribal member comment at any Business Committee meeting.
- (c) Where a proposed ordinance may affect or impact the community above and beyond tribal members, the Business Committee shall solicit comments on a proposed ordinance from the community and tribal administration shall make reasonable efforts to inform the community that a proposed ordinance is available for review and comment.

Section 21.008. Business Committee Action on Proposed Ordinance.

- (a) Upon completion of the public comment period for a proposed ordinance, the Business Committee shall consider the proposed ordinance for formal adoption at a Business Committee meeting. Adoption of the proposed ordinance shall be by motion and second. Discussion shall be held on the motion until the question is called for.
- (b) Adoption of a proposed ordinance by the Business Committee shall require an affirmative vote of at least two-thirds of the entire Business Committee.
- (c) The Business Committee may make further changes to a proposed ordinance during discussion after a motion has been made, by amendment. The Business Committee may return a proposed ordinance to tribal legal counsel for further modification and, depending on the nature and extent of any proposed amendments to the proposed ordinance, may also send the proposed ordinance out for further review and comment by the tribal community, with the length and nature of any such additional comment period to be set by the Business Committee.
- (d) An ordinance adopted by the Business Committee shall become effectively immediately upon its adoption unless the Business Committee designates a different effective date.
- (e) Upon adoption or amendment, the ordinance shall be published on the Tribe's website by the Tribal Business Committee Secretary or another person or office designated by the Business Committee.

Section 21.009. Amendment of Tribal Ordinances.

- (a) A tribal ordinance may be amended upon motion by any Business Committee member. The member may submit a proposed amendment or, upon request, tribal legal counsel shall draft a proposed amendment concept for Business Committee consideration.
- (b) A proposed amendment, if not technical or ministerial in nature, shall be published on the Tribal Website for comment for a period designated by the Business Committee. At the conclusions of the public comment period, the Business Committee may take action to adopt the proposed amendment.
- (c) Amendments to existing tribal ordinances shall be adopted by majority vote of the Business Committee.

Section 21.010. Emergency Adoption of Ordinances or Amendments.

- (a) The Business Committee, by a vote of two-thirds of the entire Business Committee, may temporarily adopt a proposed ordinance or an amendment to an existing ordinance if an emergency threat to the public health or safety of the Tribe, Tribal Reservation or tribal community is declared by the Business Committee.
- (b) Any such emergency adoption of an ordinance or amendment to an existing ordinance shall be immediately referred to go through the regular ordinance adoption or amendment process.
- (c) This emergency legislative process shall not be used to avoid or replace the regular ordinance adoption or amendment provisions of this ordinance. In no event shall an emergency adoption of an ordinance or amendment to an existing ordinance be valid for more than six months unless the Business Committee finds by majority vote that exigent circumstances prevented regular adoption or amendment of the ordinance, and that the public health or safety emergency continues to exist.
- (d) Reasonable efforts shall be made by the Business Committee to inform tribal membership of the emergency adoption or amendment of any ordinance and the reasons for such adoption or amendment, including but not limited to publication on the tribal website, and tribal member input shall be solicited regarding any such ordinance or amendment to an existing ordinance.

Section 21.011. Repeal of an Ordinance.

The Business Committee may repeal an ordinance by majority vote. The Business Committee shall publish its intent to repeal an ordinance on the Tribe's website for thirty days and shall solicit comments on the proposed repeal. Once repealed, the ordinance shall be removed from the Tribe's website, except for a notation listing the ordinance and that it was

repealed, with the date of repeal and Resolution number. Any proposed reenactment of a repealed ordinance shall go through the new ordinance enactment process.

Section 21.012. Availability and Distribution of Tribal Ordinances.

- (a) All Tribal Codes and Ordinances shall be published and available on the Tribe's website. The Business Committee Secretary, with the assistance of tribal legal counsel, shall be responsible for keeping all Tribal Codes and Ordinances up to date and current, and for maintaining the official record of the Tribal Code. The Business Committee Secretary shall certify in appropriate cases that a copy of an ordinance is the official law of the Hoh Indian Tribe.
- (b) Tribal legal counsel shall keep a record of the legislative history of all tribal ordinances and codes showing all changes that have been made to an ordinance over time, as well as documentation of initial enactment of an ordinance.
- (c) Copies of current tribal ordinances shall be made available to tribal members free of charge, and to others at a copying cost to be set by tribal administration.