

TRIBAL COUNCIL ACT 14.1

AN ACT RELATING TO
TRIBAL FINANCE

BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL

SECTION 1.0 – TITLE AND CODIFICATION

This Chapter shall be known as the Snoqualmie Tribal Finance Act of 2002 and shall be codified as Title 14, Chapter 1 of the Snoqualmie Tribal Code.

SECTION 2.0 – STATUTORY AUTHORIZATION

The aboriginal and inherent sovereign power of the Snoqualmie Indian Tribe is vested in the Snoqualmie Tribal Council. The Snoqualmie Tribal Council has the authority to safeguard and promote the peace, safety, moral, and general welfare of the members of the Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and to provide for the enactment and enforcement of the laws of the Tribe. This authority includes the Council's ability to adopt laws or resolutions intended to manage the economic affairs and enterprises of the Tribe, to set aside and to spend Tribal funds for Tribal purposes, to adopt laws regulating the procedure implemented by Tribal agencies and Tribal officials, and to regulate and license the conduct of business activities within the Tribe's jurisdiction. Snoq. Tr. Const. Art. VIII, Sec. 1(a), (e), (f), (j), (o), (p), and (t).

SECTION 3.0 – PURPOSE AND SCOPE

The purpose of this Chapter is to enact Tribal requirements for the management of the financial functions for the Snoqualmie Indian Tribe. There is established an Office of Finance for the Snoqualmie Indian Tribe. The Office of Finance shall be headed by a Chief Financial Officer. The principal purpose of the Office of Finance shall be to manage the accounting and finance functions of the Snoqualmie Indian Tribe and to assure that all funds are properly accounted for in accordance with generally accepted or legally required accounting principles and methods.

SECTION 4.0 – DEFINITIONS

There are no words or phrases that require statutory definition as part of this enactment.

SECTION 5.0 – POWERS AND DUTIES GENERALLY

Specifically, the Chief Financial Officer shall be responsible for:

- (a) Providing an accounting and reporting system that will accumulate and report appropriate revenues, expenses, assets, liabilities, and related quantitative information.

- (b) Assuring the integrity of financial information concerning Tribal activities and resources.
- (c) Preparing financial reports based on generally accepted accounting principles, or other appropriate bases as may be applicable to Federally recognized Indian tribes.
- (d) Quantifying and interpreting the effects of planned transactions and other economic transactions on the Snoqualmie Indian Tribe.
- (e) Assuring protection of the assets of the Tribe through internal control, internal auditing, and proper insurance coverage.
- (f) Supervising and coordinating the preparation and issuance of required reports for Tribal Officials and government agencies.
- (g) Maintaining banking arrangements, receipt and disbursing funds of the Tribe and its programs.
- (h) Recommending the appointment of independent public accountants and the extent and scope of their audit work.
- (i) Establishing and supervising a sound program of cash management involving both receipts and disbursement of funds.
- (j) Forecasting fund and cash positions at future dates as a guide to their availability and need.
- (k) Overseeing with the assistance of the Contracts and Grant Manager the budgeting functions of the Tribe and providing assistance as necessary with various program budgets.
- (l) Informing program managers and department heads of the status of program funds and budgets.
- (m) Acting as Financial Advisor to the Tribal Council.
- (n) Supervising the preparation and issuance of employee payrolls.
- (o) Establishing and implementing a sound plan of organization for assigned financial administration functions.
- (p) Determining the necessary manpower for performing assigned functions.
- (q) Selecting and maintaining qualified personnel in subordinate positions within the Office of Finance and recommending compensation for the same.

- (r) Establishing and issuing plans, policies and procedures governing the performance of assigned activities.
- (s) Performing all functions at the lowest cost, consistent with effective performance.
- (t) Performing any additional functions as delegated by the Council and the Chiefs.

SECTION 6.0 – PRINCIPAL DEPOSITORY

Funds under the control of the Snoqualmie Indian Tribe shall be deposited in such institutions as deemed appropriate by the Snoqualmie Tribal Council upon the recommendation of the Tribe's Chief Financial Officer.

SECTION 7.0 – SUBSIDIARY DEPOSITORIES

- (a) Subsidiary depositories used for investment of Tribal funds shall be determined by comparative analysis of candidate institutions. The bidding and selection process in investment depositories shall be conducted by the Office of Finance, subject to review by the Tribal Council, on a regular basis.
- (b) Other subsidiary depositories may be designated for the purpose of efficient regulation and management of Tribal business in a particular locale. Subsidiary depositories provided for under this subsection shall maintain a checking/general banking relationship with the Snoqualmie Indian Tribe and shall be approved, upon recommendation of the Chief Financial Officer, by resolution from the Tribal Council. The resolution shall contain the name of the financial institution, the purpose of the depository, and the names of those persons authorized to conduct transactions with the depository.
- (c) Subsidiary depositories may also include financial institutions such as s brokers/dealers who provide consulting and management of Tribal funds, designated by categories defined to meet long-term and/or short-term investment goals established by the Tribal Council.

SECTION 8.0 – CONTROL OF DEPOSITED FUNDS

- (a) All funds received and held by the Tribe through provisions of Federal and State grants and contracts shall be deposited in government insured or guaranteed accounts or in instruments of the United States Government.
- (b) Funds derived by Snoqualmie Tribe economic development activities or by Tribal law may be invested in alternative depositories who consult and manage short- and long-term investment strategies.

SECTION 9.0 – REQUIREMENTS FOR APPROPRIATIONS OF FUNDS GENERALLY

- (a) All appropriations of funds shall be provided for by law. The appropriation bill shall include the source of funds, the amount of funds, and the purpose for which the funds are being appropriated.
- (b) Any restricted grants, contracts or donated funds received by the Snoqualmie Indian Tribe shall be used only for those purposes and under the conditions for which the funds are made available. These funds shall not be appropriated by the Council, but shall be subject to review by the Council.

SECTION 10.0 – ANNUAL APPROPRIATIONS

- (a) In September of each year, the Funds Services Committee of the Tribal Council, upon direction of the Tribal Administrator and with advisement for the Chief Financial Officer, shall formulate an annual appropriations bill. The bill shall contain the budgeted annual revenue and expenditures from the general fund, enterprise fund, and trust fund for the executive, legislative, and judicial branches of government. The bill shall identify the individual sources of revenue for each branch of government. The sources of revenue may be based upon estimates. The budgeted expenditures formulated as provided for in this subsection shall not exceed total estimated revenues.
- (b) Upon completion of the annual appropriations bill, the Chairman of the Funds Services Committee, or their designee, shall present the bill to the full Council for consideration and passage.
- (c) The Tribal Administrator, with advisement from the Chief Financial Officer, shall be responsible for proposing amendments to the annual appropriations law based upon material changes in real or estimated revenues and expenditures that affect the total amounts budgeted. Any amendments shall be presented to the full Council for consideration and passage.

SECTION 11.0 – INVESTMENTS OF JUDGMENT FUNDS; GENERALLY

Any investment of judgment funds shall be pursuant to 25 U.S.C. § 162a. The use or distribution of said funds shall be in accordance with 25 C.F.R. § 87.1, *et seq.*

SECTION 12.0 – RESERVATION OF RIGHTS; INVESTMENT OF JUDGMENT FUNDS

The Snoqualmie Tribal Council reserves the right, within statutory authority and limitations, to recommend to the Secretary of the Interior preferred financial institutions for the investment of judgment funds.

SECTION 13.0 – INVESTMENT OF SURPLUS FUNDS

Surplus funds from Tribal operations may be invested by the Chief Financial Officer, upon direction of the Tribal Administrator and with the consent of the Chiefs in accordance with section 16.0 of this Chapter.

SECTION 14.0 – SELECTION OF INVESTMENT INSTITUTION

- (a) During the course of preparing the annual budget recommendation, the Chief Financial Officer shall propose allocations to consider appropriate uses of Tribal funds including, but not limited to:
- (1) Use of funds to conduct normal governmental and enterprise activities to be conducted during the affected budget period;
 - (2) Reserves set aside for specific anticipated use, such as future per-capita allocations to Tribal members. Reserves of this nature must consider liquidity and security as well as investment income.
 - (3) Significant amounts to be placed in a long-term (permanent fund) investment program designed to produce optimum increases over the longer term.
 - (4) Shorter term investments in United States government guaranteed, insured, or issued instruments. Such investments must be allocated in such a manner as to comply with all applicable provisions of grants and contracts with Federal, State, and other governments.
- (b) The Chief Financial Officer shall circulate a Request for Proposals (“RFP”) for the purpose of determining the best banks, investment funds, investment advisors, broker dealers, fund managers or other entities who may assist the Tribe in preserving and protecting Tribal funds while maximizing income potential from their investment. Responses to the RFP shall be presented to the Tribal Council for their review and selection of investment advisors and/or depositories upon the recommendation of the Chief Financial Officer.

SECTION 15.0 – REQUIREMENTS FOR PLEDGES OF CREDIT OF THE SNOQUALMIE INDIAN TRIBE; GENERALLY

The credit of the Snoqualmie Indian Tribe may be extended to any individual, company, corporation, or association by resolution of the Snoqualmie Tribal Council. The resolution shall contain the name of the entity Tribal credit is being pledged to, the purpose of the credit, the amount of credit being pledged, and the length of time the pledge of credit is to be in effect.

SECTION 16.0 – PLEDGES OF CREDIT REQUIRING WAIVER OF SOVEREIGN IMMUNITY

Any pledge of credit that requires the waiving of sovereignty of the Snoqualmie Indian Tribe shall be effected by resolution of the Tribal Council. The resolution shall state the time the waiver is to be in effect, and such effective time shall rule past any change in the elected Tribal Council. The resolution must contain the information required in section 21.0 of this Chapter.

SECTION 17.0 – GOVERNING ACCOUNTING STANDARDS

Generally accepted accounting principles (GAAP), established by the National Council on Governmental Accounting, the American Institute of CPAs, and the Financial Accounting Standards Board, shall be used in accounting and reporting for the financial activities of the various entities of the Snoqualmie Indian Tribe, unless they conflict with applicable legal requirements.

SECTION 18.0 – COMBINED FINANCIAL STATEMENT REPORTS

At each regular session of the Tribal Council, the Chief Financial Officer shall submit a combined financial statement. The statement shall contain a combined balance sheet showing all fund and account groups, their assets, liabilities, and equity; a general fund statement of revenues and expenditures; a Tribal enterprise statement of revenues and expenditures; a non-Tribal grant expenditure statement; a statement of the Tribal loan fund, showing changes in the fund balance; and a statement of the Tribal judgment fund, showing changes in the fund balance.

SECTION 19.0 – ANNUAL AUDIT STATEMENTS AND REPORTS

Within 120 days, or no more than 150 days, after the end of the Tribal fiscal year, the Chief Financial Officer shall submit audited financial statements and related reports developed in accordance with generally accepted auditing standards and applicable legal requirements to the Tribal Council.

SECTION 20.0 – RETENTION OF RECORDS

The Chief Financial Officer, under the direction of the Tribal Administrator, shall develop and maintain a fiscal records retention program. The records retention program shall identify the records to be retained, the length of time the records are to be retained, and the method of record destruction for those records not retained.

SECTION 21.0 – VERIFICATION AND APPROVAL OF CLAIMS

All appropriate claims against the Snoqualmie Indian Tribe and against its funds shall be verified by the claimant and shall be approved by a Tribal representative who has personal knowledge of receipt of the goods or services before the same are paid.

SECTION 22.0 – DEVELOPMENT AND MAINTENANCE OF POLICIES AND PROCEDURES GOVERNING PROCESSING OF CLAIMS

The policies and procedures covering the processing of claims against the Snoqualmie Indian Tribe shall be developed and maintained by the Chief Financial Officer and Tribal Administrator.

SECTION 23.0 – PROVISIONS AS CUMULATIVE

The provisions of this Chapter shall be cumulative as to existing law.

SECTION 24.0 – REPEAL PROVISIONS AND CONFORMING AMENDMENTS

No provisions of law are expressly repealed by this enactment.

SECTION 25.0 – SEVERABILITY

The provisions of this Chapter are severable and if any part or provision shall be held void by any court of competent jurisdiction, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Chapter.

SECTION 26.0 – NO WAIVER OF SOVEREIGN IMMUNITY

Nothing herein shall constitute a waiver of the Tribe's sovereign immunity.

ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 13TH DAY OF JUNE, 2002 IN SESSION DULY MET, WITH 9 FOR, 0 AGAINST, AND 1 ABSTAINING. TRIBAL COUNCIL ACT 07-02.

AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 23RD DAY OF FEBRUARY, 2012 IN SESSION DULY MET, WITH 4 FOR, 0 AGAINST, AND 0 ABSTAINING. TRIBAL COUNCIL RESOLUTION No. 29-2012.

CODIFIED BY THE SECRETARY OF TRIBAL AFFAIRS ON THE 27 DAY OF February 2012.

N. M. Ripa ^{2/27/12}
SECRETARY OF TRIBAL AFFAIRS