

SILETZ TRIBAL BROADBAND AUTHORITY

Siletz Tribal Code 15.900

Table of Contents

§ 15.902 PURPOSE 1

§ 15.903 DEFINITIONS 1

§ 15.904 ESTABLISHMENT OF SILETZ TRIBAL BROADBAND AUTHORITY 2

§ 15.906 BROADBAND BOARD MEETINGS..... 4

§ 15.907 JURISDICTION OF SILETZ TRIBAL BROADBAND BOARD 5

§ 15.908 REPORTS TO THE BROADBAND BOARD 6

§ 15.909 DEPRECIATION RATES..... 6

§ 15.910 RIGHT OF ENTRANCE AND INSPECTION..... 6

§ 15.911 INTERNAL RULES AND POLICIES 7

§ 15.912 COMPENSATION & REIMBURSEMENT 7

§ 15.913 BROADBAND BOARD BUDGET 7

§ 15.914 RECORDS AND BOOKS OF THE BOARD..... 7

§ 15.915 DUTIES OF BROADBAND SERVICE PROVIDERS 7

§ 15.916 POWERS OF THE TRIBAL BROADBAND AUTHORITY 8

§ 15.917 BROADBAND MANAGER..... 9

§ 15.918 AMENDMENT 9

SILETZ TRIBAL BROADBAND AUTHORITY
Siletz Tribal Code 15.900

Ordinance Number 15.900.
Resolution No. 2025-181, dated May 15, 2025;

SILETZ BROADBAND AUTHORITY

Siletz Tribal Code § 15.900

PART I
GENERAL PROVISIONS

§ 15.901 AUTHORITY

The Siletz Tribal Council is empowered to exercise the legislative authority of the Confederated Tribes of Siletz Indians pursuant to Article IV, Section 1 of the Siletz Constitution. The Siletz Tribal Council is empowered by inherent sovereign authority to manage the finances, promote the public welfare, and protect the health and safety of the Tribe. Additionally, the power to regulate economic activity within the Tribe’s jurisdiction is an inherent aspect of the Tribe’s sovereignty. The Siletz Tribal Council may create subordinate boards or entities to manage assets of the Tribe. The Siletz Tribal Council shall enact this ordinance to protect the health, safety, and public welfare of the Tribe, its Citizens, and the cultural and political sovereignty of the Tribe.

§ 15.902 PURPOSE

The Siletz Tribal Council desires to form a Tribal Broadband Authority to promote, manage, and offer broadband internet services to members and nonmembers alike. This Ordinance shall establish the boundaries of the delegated authority from the Siletz Tribal Council to the Broadband Board and create rules and procedures for such a Board and for the Tribal Broadband Authority generally.

§ 15.903 DEFINITIONS

- (a) **“Broadband Authority”** means the Siletz Broadband Authority established pursuant to this Ordinance.
- (b) **“Broadband Board”** means the Siletz Broadband Board.
- (c) **“Board Member”** means an individual appointed to serve on the Broadband Board.

SILETZ TRIBAL BROADBAND AUTHORITY
Siletz Tribal Code 15.900

- (d) **“Customer”** means any individual, firm, contractor, organization, or entity who benefits from, uses, or is obligated to pay for broadband services from the Broadband Authority.
- (e) **“Broadband Manager”** means the person employed by the Broadband Board to oversee the operations of the Authority.
- (f) **“Broadband Services”** means the delivery of internet services through a broadband system to customers on and off of the Reservation. This includes all activities incident to the delivery of broadband services, including, but not limited to, development of infrastructure, asset acquisition, construction, maintenance and/or operation of broadband infrastructure.
- (g) **“Member”** means an enrolled member of the Tribe.
- (h) **“Municipality”** means any town, city, or other local government, not including the Tribe.
- (i) **“Nonmember”** means a person not enrolled as a Member of the Tribe.
- (j) **“Rates”** means the charges established by the Broadband Authority for broadband services provided to customers.
- (k) **“Reservation”** means the property comprising the original Siletz Coast Treaty Reservation established by the Executive Order dated November 9, 1855, more particularly described as following: Beginning on the shore of the Pacific Ocean at the mouth of a small stream approximately midway between Umpqua and Siuslaw Rivers (also known as the Siltcoos River); thence easterly to the ridge dividing those rivers and along that ridge or highland to the western boundary of 8 R. T. W., Willamette meridian; thence north along that boundary to a point due east of Cape Look Out; thence west to the Pacific Ocean; thence along the coast of the Pacific Ocean to the point of Origin.
- (l) **“Tribe”** means the Confederated Tribes of Siletz Indians.
- (m) **“Tribal Council”** means the Siletz Tribal Council.

§ 15.904 ESTABLISHMENT OF SILETZ TRIBAL BROADBAND AUTHORITY

There is hereby established a Siletz Tribal Broadband Authority which shall serve to regulate the creation of tribal broadband, the delivering of broadband services, the maintenance of broadband service infrastructure, the management of broadband rates, and all related matters. The Broadband Authority shall be governed by the Siletz Tribal Broadband Board and managed by a Broadband Manager. The Broadband Authority shall be a separate legal entity from the Tribe but shall be considered an arm of the Tribe and afforded all powers and privileges of such.

SILETZ TRIBAL BROADBAND AUTHORITY
Siletz Tribal Code 15.900

PART II
TRIBAL BROADBAND BOARD

§ 15.905 ESTABLISHMENT OF SILETZ TRIBAL BROADBAND BOARD

(a) There is hereby established a Siletz Tribal Broadband Board to govern the Broadband Authority by making policy decisions, issuing regulations, hearing complaints, overseeing Broadband Authority management, and reporting to the Tribal Council.

(b) The Broadband Board shall initially consist of three members, one of whom shall be a Tribal Council member. Broadband Board members shall serve for a term of three years, with staggered terms. The Broadband Board members shall be appointed by the Chairman of the Tribal Council, upon approval by the Tribal Council. The terms for the initial Board shall be: the Chair shall serve for three years; the Vice-Chair shall serve for two years; and the Secretary shall serve one year. The number of Board members may increase as necessary in the future for the effective governance of the Board and by approval by the Tribal Council but shall never exceed seven (7) members and shall always be an odd number.

(c) At least one member of the Broadband Board shall be a member of the Tribal Council. Other members of the Broadband Board may be members or nonmembers but must have experience in the field of broadband services or business or professional experience relevant to the regulation of broadband services.

(d) The Chairman of the Tribal Council, upon approval by the Tribal Council shall appoint a Chair, a Vice-Chair, and a Secretary of the Broadband Board.

(1) The Broadband Board Chair shall preside over all Broadband Board proceedings; sign all Broadband Board documents, decisions, orders, notices, or other papers on behalf of the Broadband Board; and ensure that Broadband Board policies and procedures are adhered to on all occasions.

(2) The Vice-Chair shall serve as the Chair if the Chair is unable or unavailable to preside over Broadband Board proceedings or execute Chair duties.

(3) The Secretary shall keep detailed minutes of Broadband Board meetings to be furnished to the Tribal Council upon request. The Secretary shall also maintain any documents or papers necessary for the execution of Broadband Board duties.

(e) If any Broadband Board member should die, resign, be removed, or for any reason be unable to serve and a member position is thereby vacant, the Tribal Chairman shall appoint another person to fill the position as soon as possible. The term of office for the newly

SILETZ TRIBAL BROADBAND AUTHORITY
Siletz Tribal Code 15.900

appointed member shall be for the remainder of the term of the vacant position.

(f) A Broadband Board member may be removed by the Tribal Council for neglect of duty, malfeasance, ineffectiveness, or for any crime committed which would impugn the integrity or reputation of the Broadband Board, the Broadband Authority, or the Tribe.

(g) Broadband Board members may be paid reasonable compensation for their time as decided by the Tribal Council.

§ 15.906 BROADBAND BOARD MEETINGS

(a) The Broadband Board shall have regular meetings at a frequency and in a manner established by the initial Broadband Board but at least quarterly and as frequently as necessary for the prompt and diligent management of Broadband Authority business. The Broadband Board Chair shall set the date and time of all such regular meetings.

(b) Procedures for meetings shall be established by the Broadband Board but shall ensure meaningful participation from all Board members.

(c) A quorum of the Broadband Board shall be all three initial members, until such time as the number of members increases beyond three (3) members. All official actions or decisions of the Broadband Board must be made by majority vote.

(d) In case of an emergency involving matters which necessitate immediate or prompt action, the Broadband Manager, the Broadband Board Chair, or a majority of the Broadband Board may call an emergency meeting. Notice of emergency meetings shall be given to all Broadband Board members as soon as practicable and before the meeting is to be held. Notice of emergency meetings may be given in any manner reasonably expected to effectuate notice upon the Broadband Board member. At the beginning of every emergency meeting, the Broadband Board shall determine if an emergency exists. If no emergency exists, the Broadband Board Chair shall either adjourn the meeting or, with unanimous consent of the Broadband Board, conduct the meeting according to the rules of a special meeting.

(e) The Broadband Board Chair, the Tribal Council, the Broadband Manager, or a majority of the Broadband Board may call a special meeting of the Broadband Board. Notice of special meetings must be delivered by reasonable means at least 48 hours prior to the beginning of a Special Meeting.

(f) The Broadband Board shall establish other rules and procedures for regular, special, and emergency meetings.

SILETZ TRIBAL BROADBAND AUTHORITY
Siletz Tribal Code 15.900

§ 15.907 JURISDICTION OF SILETZ TRIBAL BROADBAND BOARD

(a) The Broadband Board shall have regulatory authority over broadband services within the Reservation and jurisdiction of the Tribe, except as otherwise provided in this Ordinance, other Siletz Tribal Code, or Federal law.

The Broadband Board shall have the power to:

- (1) Promulgate and enforce rules and regulations consistent with this Ordinance, applicable tribal and federal laws, and the Constitution of the Tribe. All rules and regulations are subject to the approval of the Tribal Council.
- (2) Hold investigations, inquiries and hearings concerning any matters covered by the provisions of this Ordinance, subject to rules and regulations as the Broadband Board shall establish, consistent with due process and the laws of the Tribe.
 - (A) Investigations and inquiries may include but are not limited to examining the reasonableness, prudence, or efficiency of any broadband operation, cost, management, decision or function that may affect broadband services.
 - (B) The Broadband Board shall promulgate procedural rules which shall apply in all hearings before the Board.
 - (C) Hearings and investigations may include examining under oath either orally or in writing any person or entity and discovery of physical or electronic data. The Broadband Board may compel testimony and discovery by subpoena to the fullest extent of the Tribe's jurisdiction to do the same.
- (3) Compel obedience to its lawful orders by proceedings of mandamus or injunction or enforcement of a judgment, in the name of the Tribe, in any court having jurisdiction over the parties or over the subject matter, including but not limited to the Tribal Court.
- (4) Employ and compensate experts in assistance of rate adjustments and related investigations, reports, and hearings.
- (5) Delegate to an individual Broadband Board member, to the Broadband Manager or other members of the Broadband Authority staff, such of its functions as may be necessary to administer this Ordinance; provided that the Broadband Board may not delegate its powers to promulgate rules and regulations, or to hear

SILETZ TRIBAL BROADBAND AUTHORITY
Siletz Tribal Code 15.900

or rule upon any complaints filed with the Broadband Board pursuant to this Ordinance.

(6) Supervise all rates, tariffs, fees and charges of all broadband service providers located or operating within the Reservation. The Broadband Board shall have the power to establish, modify, adjust, promulgate, and enforce all rates and rate changes of broadband services. The Broadband Board may hold hearings regarding rate adjustments to adjudicate the reasonableness and fairness of rates and charges.

(7) Exercise all other authority delegated to it by law, and as may be necessary in the implementation of any provision of this Ordinance.

§ 15.908 REPORTS TO THE BROADBAND BOARD

The Broadband Board may require any broadband service provider to file annual reports in such form and content as it requires, and special reports concerning any matter about which the Broadband Board has authority. The Broadband Board may require that reports be verified by an officer of the filing entity. The Broadband Board may require that the financial statements in any report be examined by an independent certified public accountant and the accountant's opinion thereof included in the report. The Broadband Board may require the examination and audit of all accounts and finances of broadband service providers within its jurisdiction.

§ 15.909 DEPRECIATION RATES

The Broadband Board shall fix proper and adequate rates and methods of depreciation, amortization, or depletion, and every broadband service providers shall conform their depreciation, amortization, or depletion accounts to the rates and methods fixed by the Broadband Board.

§ 15.910 RIGHT OF ENTRANCE AND INSPECTION

(a) The Broadband Board and duly authorized officers and employees of the Broadband Authority, during regular business hours, may enter upon any premises of a broadband service provider within the Reservation for the purpose of making examinations and tests and to inspect the accounts, books, papers, and documents for the purpose of exercising any power or duty provided for in this Ordinance, and may set up and use on the premises any apparatus and appliance necessary therefor. Any broadband service provider shall have the right to be represented at the making of the examinations, tests, and inspections. The broadband service provider and its officers and employees shall facilitate the examinations, tests, and inspections by giving every reasonable aid to the Broadband Board and any person or persons designated by the Broadband Board for such duties.

SILETZ TRIBAL BROADBAND AUTHORITY
Siletz Tribal Code 15.900

(b) The Broadband Board may also order the production, at a reasonable time and place, of any books, papers, or records of any broadband service provider operating within the Reservation or providing broadband services to tribal citizens. Alternatively, the Broadband Board may allow the production of verified copies of such books, papers, or records.

§ 15.911 INTERNAL RULES AND POLICIES

The Broadband Board shall promulgate rules and policies for the internal operations of the Broadband Authority. Such rules and policies shall allow Broadband Authority directors and staff to carry out the legal obligations of the Broadband Authority and shall not conflict or supersede the personnel policies of the Tribe. Such rules and modifications are subject to approval by the Tribal Council.

§ 15.912 COMPENSATION & REIMBURSEMENT

Broadband Board members may be paid reasonable compensation for their time, which may take the form of annual retainer, fees for time, or other measure as determined by the Tribal Council. Broadband Board members may receive reimbursement for expenses reasonably related to the administration of duties.

§ 15.913 BROADBAND BOARD BUDGET

The Broadband Board shall submit to the Tribal Council an annual line-item budget for the fiscal year as part of the regular budgeting cycle. The budget shall be in a format approved by the Tribal Council. Budget modifications in excess of 25% must be amended by resolution of the Tribal Council.

§ 15.914 RECORDS AND BOOKS OF THE BOARD

The Broadband Board shall keep and maintain accurate, complete, and detailed records of all transactions, rates, fees and charges as well as Broadband Board communications, meeting minutes, and an inventory of Broadband Authority property. Records shall be maintained at the Broadband Board office and shall be subject to audit or review by the Tribal Council and shall be audited no less than annually by an independent auditor selected by the Tribal Council. The Broadband Board shall establish rules and policies to protect confidentiality, trade secrets, or other sensitive information within Broadband Board records.

§ 15.915 DUTIES OF BROADBAND SERVICE PROVIDERS

The Broadband Board shall ensure that all broadband service providers within the Board's jurisdiction observe the following duties.

(a) Each broadband service provider shall furnish safe, adequate, efficient, and

SILETZ TRIBAL BROADBAND AUTHORITY
Siletz Tribal Code 15.900

reasonable broadband service without unjust discrimination or preference to all within the Reservation. Every broadband service provider shall furnish, provide, and maintain broadband service, instrumentalities, equipment, and facilities as will promote the safety, health, and convenience of its customers, employees, and the public.

(b) All rates made, demanded, or received by any broadband service provider shall be just and reasonable. Rate calculations shall be made in a transparent and fair manner.

(c) All broadband service providers must comply with Broadband Board decisions, rules, directions, and regulations.

(d) Broadband Service providers must maintain services in extreme conditions, so long as maintenance of service may be done in a safe manner. For example, a broadband service provider may not disconnect service for nonpayment of any customer, and must reconnect services of any customer, whose household income is less than 185% of the federal poverty level; who are bedridden or suffer from a debilitating disease or disability; or in any case in which disconnection would have life-threatening impacts.

§ 15.916 POWERS OF THE TRIBAL BROADBAND AUTHORITY

Subject to the laws of the Tribe, applicable federal law, and rules and regulations adopted under this Ordinance, the Broadband Authority through the Broadband Board is granted the following powers:

- (a) To adopt and use a name;
- (b) To adopt and use a corporate seal;
- (c) To enter agreements, contacts, and relationships with any person, corporation, agency, or other entity;
- (d) To purchase property, chattel, and services for itself or any of its subordinate agencies, subject to procurement and purchasing rules of the Tribe;
- (e) To lease property for business purposes;
- (f) To establish and maintain bank accounts or other financial accounts as necessary for the administration of Broadband Authority business;
- (g) To employ technical and maintenance personnel and such other employees, permanent or temporary, as it may require and to delegate to such officers and employees such powers or duties as the Broadband Board shall deem proper; and

SILETZ TRIBAL BROADBAND AUTHORITY
Siletz Tribal Code 15.900

(h) To take such other actions as are commonly engaged in by corporate bodies of this type as the Broadband Board may deem necessary.

§ 15.917 BROADBAND MANAGER

The Broadband Board shall hire a Broadband Manager to execute the general policies of the Broadband Board and Broadband Authority and to manage the daily activity of the Broadband Authority under the direction of the Broadband Board. The Broadband Board shall establish policies and procedures, giving usual and essential latitude to the Broadband Manager and their delegated employees, but establishing limitations on amounts which may be expended without specific approval by the Broadband Board. The Broadband Manager job description, including the duties of the Broadband Manager, must be approved by the Tribal Council.

§ 15.918 AMENDMENT

This Ordinance shall only be amended by 2/3 vote of the Tribal Council.