



NOOKSACK TRIBAL COUNCIL

4979 Mt. Baker Hwy, Suite G.
PO Box 157
Deming, WA 98244

RESOLUTION #19-154
December 18, 2019

TITLE: CULTURAL COMMITTEE BYLAWS AND MEMBER APPOINTMENTS

WHEREAS, the Nooksack Indian Tribe is a party to the Treaty of Point Elliot dated January 22, 1855, 12 Stat. 927, and is a sovereign, federally-recognized Indian Tribe; and

WHEREAS, the Nooksack Tribal Council is the governing body of the Nooksack Indian Tribe in accordance with Article III, Section 1 of its Constitution and Bylaws approved by the Deputy Assistant Secretary of Indian Affairs on September 24, 1973, as amended; and

WHEREAS, the health, safety, welfare, education, economic security, employment and preservation of cultural and natural resources are primary goals and objectives of the Nooksack Indian Tribe; and

WHEREAS, the Council is desirous of creating a Cultural Committee to act in an advisory capacity to the Tribal Council; and

WHEREAS, the committee's subject matter will consist of: historic preservation; development and implementation of a Cultural Historic Preservation Code; cultural ceremonies; help develop school curricula on the history and culture of the Nooksack Tribe; and

WHEREAS, the attached Nooksack Tribal Cultural Committee Bylaws serve the Tribe's best interests, and the interests of the Tribal members.

NOW THEREFORE BE IT RESOLVED, the Tribal Council approves of the creation of the Nooksack Tribal Cultural Committee and the attached Bylaws; and

BE IT FURTHER RESOLVED, the Tribal Council hereby appoints the following to the Cultural Committee:

TRIBAL MEMBERS (4)

- Tammy Cooper-Woodrich
- Clayton Roberts
- Lawrence Bailey
- Katrice Rodriguez

TRIBAL ELDERS (2)

- George Swanaset, Sr.
- Sandra Joseph

COMMUNITY MEMBERS (2)

- George Swanaset, Jr.
- Trevor Delgado

BE IT FURTHER RESOLVED, that the Chairman (or other councilperson in his/her absence) is hereby authorized and directed to execute this resolution and any documents connected here within, and the Secretary (or other councilperson in his/her absence) are authorized and directed to execute the following certification.

CERTIFICATION

I, the undersigned do hereby certify that the Nooksack Tribal Council is composed of eight (8) members, of which 7 were present, constituting a quorum of a duly called meeting thereof held on this 18 day of Dec 2019 and that the above Resolution #19-154 approving the CREATION OF THE CULTURAL COMMITTEE, THE BYLAWS, AND THE ABOVE-NAMED APPOINTMENTS was duly enacted by the Council Members vote of: 6 FOR, 0 OPPOSED, and 0 ABSTENTIONS, and since its approval this resolution has not been altered, rescinded, or amended in any way.

Dated this 18 day of December, 2019.

Ross Cline SR

Ross Cline, Sr., Chairman
Nooksack Tribal Council

ATTEST:

Frank Leyva

Frank Leyva, Secretary
Nooksack Tribal Council

NOOKSACK TRIBAL CULTURAL COMMITTEE BYLAWS

ARTICLE I NAME AND DURATION

- Section 1.** **Name.** The name of this Committee shall be the Nooksack Tribal Cultural Advisory Committee (“Committee”).
- Section 2.** **Duration.** The Committee shall be a standing committee whose duration shall be perpetual or until these Bylaws are revoked, rescinded, or otherwise terminated by official Tribal Council action.

ARTICLE II PURPOSE

- Section 1.** **Purpose.** The purpose of this Committee is to provide information, feedback, and/or recommendations to the Cultural Department Director. The Committee shall act in an advisory capacity and any decisions of the Cultural Department, its Director, or others, based on the Committee’s information, feedback, and/or recommendations shall not be appealable to the Committee. The subject matter of the Committee will be related to the following:
- A. Nooksack Tribal historic preservation issues upon request.
 - B. Development and implementation of a Tribal Cultural Historic Preservation code.
 - C. Nooksack Tribal Cultural events.
 - D. Pursuant to Substitute HB 1495 (2005) and in collaboration with local school districts, development of curricula pertaining to the history and culture of the Nooksack Indian Tribe.
 - E. Any matter of public interest with regards to Nooksack Tribal Historic preservation and protection of cultural resources.

ARTICLE III REPRESENTATION

- Section 1.** **Composition.** The Council shall appoint eight (8) members to the Committee. The Committee members shall consist of four (4) tribal members who have knowledge of past and present cultural and traditional ways of the Nooksack Tribal people while recognizing the cultural diversity within the tribe. The Committee members shall also consist of at least two (2) tribal elders and at least two (2) community members at large.
- Section 2.** **Term.** Terms shall be staggered. For initial appointments, the Council shall appoint three (3) members for a three (3) year term, three (3) members for a two (2) year term, and two (2) members for a one (1) year term. Thereafter, each member’s term shall be for a period of three (3) years.

No later than sixty (60) days prior to the expiration of a committee member's term, the Committee shall provide written notice to the Tribal Council, through the Office of the General Manager, of the upcoming committee member's term expiration so that the Tribal Council may appoint an individual to fulfill the role. In the event the Tribal Council fails to appoint, the individual previously holding the appointment shall retain the position until such time as the Tribal Council appoints a different individual to fulfill the role, reappoints the seated committee member, or removes the committee member.

Section 3. Qualifications. The following qualifications shall apply to membership of this Committee:

- A. No individual may serve on this Committee when such service creates or constitutes a prohibited conflict of interest, as identified in Title 65 – Conflict of Interest and Nepotism Code.
- B. No individual may serve on a committee if that individual has been found to have committed a civil or criminal violation involving moral turpitude.
- C. No individual may serve on a committee if that individual has an outstanding debt owed to the Tribe or any tribal entity unless the debt is satisfied or payment arrangements are accepted.
- D. No individual may serve on a committee if that individual has been removed from a committee within the past three (3) years.

Section 4. Oath of Office. Members shall sign an Oath of Office prior to taking any action or serving in any capacity for the committee. The Oath of Office shall be substantially in the following form:

I, _____, do solemnly (affirm or swear), I will support the Constitutions of the United States and the Nooksack Indian Tribe, and the laws of the United States and of the Nooksack Indian Tribe. I will faithfully, honestly and ethically perform my duties as a member of the committee to which I was appointed and I will seek to protect the best interests of the Nooksack Indian Tribe and its members in the performance of the discharge of my duties to the committee to which I was appointed.

A copy of the Oath shall be forwarded to the Tribal Council, through the Office of the General Manager. The original shall be retained in the official Committee records.

Section 5. Bond. No bond shall be required prior to serving on the Committee.

Section 6. Compensation. Members shall not be compensated for their services unless otherwise approved by the Council.

Section 7. Attendance. Members must notify the Chairperson of the Committee in advance of a scheduled meeting if they are unable to attend. The Chairperson shall

determine if an absence is excusable for reasons such as illness, emergency, or scheduled business or personal travel.

- Section 8. Removal of a Member.** The Committee shall not have the power to remove one of its members. In the event that the Committee deems it advisable that a committee member be removed, the Committee shall provide a written recommendation to the Tribal Council, through the Office of the General Manager. The Tribal Council shall have the sole authority to remove a committee member as it deems appropriate.
- Section 9. Resignation.** Any member of the Committee may resign at any time for any reason by giving notice to the Chairperson. The Chairperson shall forward such notice to the Committee and the Council, through the Office of the General Manager. Any such resignation will take effect upon receipt or upon any date specified therein.
- Section 10. Conflict of Interest.** Each member shall remain free of conflicts of interest and shall maintain compliance with Tribal law, specifically Title 65 – Conflicts of Interest and Nepotism. All records, and any information obtained, through an individual’s service on the committee, shall be records and information owned by the Tribe. A member shall not use information to which they have access to advance their personal, financial, or private interests of themselves or others.
- Section 11. Disqualification for Interest.** No member shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any matter affecting his/her pecuniary interest or pecuniary interests of any corporation, partnership or individuals in which he is directly or indirectly interested. Any member shall withdraw from the meeting during the deliberation or determination of any matter with respect to which they are disqualified and the minutes shall so state. The member may be counted present for the purpose of constituting a quorum. Should any such member not comply with these provisions, their vote shall automatically be void and not counted. Intentional non-compliance shall be considered misconduct and the member shall be subject to removal by the Council.

ARTICLE IV OFFICERS

- Section 1. Officers.** The Officers of the Committee shall consist of a Chairperson and a Vice Chairperson who shall be elected by the Committee annually.
- Section 2. Chairperson Duties.** The Chairperson shall preside at all meetings of the committee, and shall submit such agenda, recommendations, and information at such meetings as are reasonable and proper for the conduct of the business affairs and polices of the Committee. The Chairperson shall sign all correspondence, resolutions, and such other official documents necessary to carry out the business

of the Committee. Unless another member of the Committee is otherwise designated, the Chairperson shall be the official spokesperson for the Committee.

Section 3. Vice Chairperson Duties. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the event of the death, resignation or removal of the Chairperson, the Vice-Chairperson shall assume the Chairperson's duties until such time as the Committee shall elect a new Chairperson.

Section 4. Election. The Chairperson and Vice Chairperson, shall be initially elected from among the members of the Committee a regular meeting of the Committee. Thereafter, the Chairperson and Vice Chairperson shall be elected from among the members of the Committee at each annual meeting of the Committee. Such officers of the Committee shall hold office until the next annual meeting following their election and until their successors are elected and in office. Any such officer shall not be prohibited from succeeding himself/herself.

ARTICLE V MEETINGS

Section 1. Annual Meeting. Annual meetings of the Committee shall be held on the third Wednesday of January at Nooksack Tribal administration conference room, or such other location as may be designated in advance of the Committee; provided, however, that should the said meeting date be a legal holiday, then any such annual meeting shall be held on the next Wednesday thereafter ensuing which is not a legal holiday. At the annual meeting, officers shall be elected, reports of the affairs of the Committee shall be presented for consideration, and any other business may be transacted which is within the purposes of the Committee. A meeting agenda and other documents necessary for the conduct of business of the Committee shall be delivered to the members, the Cultural Department Director, and the Tribal Council through the Office of the General Manager, by electronic mail or regular mail, at least 72 hours prior to the meeting.

Section 2. Regular Meetings. The regular meetings of the Committee shall be held on the third Wednesday of every other month for the first six (6) months, and then on a quarterly basis, at the hour of 11:00 a.m. in the Nooksack Tribal administration conference room or at such other location and time as designated in advance by the Chairperson. In the event that the regular meeting date shall be a legal holiday, an alternate meeting time will be selected by the Chairperson, or delayed until the next regular meeting date, at the discretion of the Chairperson. A meeting agenda and other documents necessary for the conduct of business of the Committee shall be delivered to the members, the Cultural Department Director, and the Tribal Council through the Office of the General Manager, by electronic mail or regular mail, at least 72 hours prior to the meeting.

Section 3. Special Meetings. Special meetings of the Committee may be held upon the call of the Chairperson, or of the majority of the Committee, for the purpose of transacting any business designated in the call, after notification of all members of the Committee by written notice delivered personally or by mail at least 24 hours before the designated time specified in the notice for the special meeting. At such special meeting, no business other than that designated in the call shall be considered.

Section 4. Adjourned Meetings. Any meeting of the Committee may be adjourned to an adjourned meeting without the need for notice requirements of a special meeting, provided that said adjournment indicates the date, time and place of the adjourned meeting. Committee members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

Section 5. All Meetings Open to Tribal Members. All meetings of the Committee shall be open to Tribal members, staff, and other permitted guests. All permitted guests allowed to attend such meeting may be excused for an executive session or as otherwise provided by law. At every meeting, meeting attendees have the opportunity to address the Committee on matters within the Committee's subject matter jurisdiction.

Attendee input and comment on matters on the agenda, as well as attendee input and comment on matters not otherwise on the agenda, shall be made during a time set aside for public comment; provided, however, that the Committee may direct that attendee input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda. The Chairperson may limit the total amount of time allocated for such discussion on particular issues and/or time allocated to each individual speaker.

Section 6. Posting Agendas/Notice. The General Manager (or his or her designee) shall post the agenda for each regular or special meeting of the Committee, containing a brief description of each item of business to be transacted or discussed at the meeting together with the time and location of the meeting. Agendas/notices shall be posted at least seventy-two (72) hours in advance of each regular meeting to all who are involved.

Section 7. Non-Agenda Items. Matters brought before the Committee at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon by the Committee. Those non-agenda items brought before the Committee, which the Committee determines, will require Committee consideration and action shall be placed on the agenda for the next regular meeting.

Section 8. Quorum. The powers of the Committee shall be vested in the members thereof in office from time to time. Five (5) members shall constitute a quorum for the purpose of conducting the Committee's business, exercising its powers and for all

other purposes, but less than that number may adjourn a meeting from time to time until a quorum is obtained. An affirmative vote by a majority of the members present at a regular or special meeting of the Committee at which a quorum is present shall be required for approval of any question brought before the Committee.

Section 9. Order of Business. All business and matters before the Committee shall be transacted in conformance with the most recent edition of Robert's Rules of Order or such other rules of order as Council approves.

Section 10. Minutes. The minutes of the Committee shall be in writing. Copies of the minutes of each meeting of the Committee shall be made available to each member of the Committee no less than one week before the next meeting. Official minutes of the Committee shall remain at the offices of the Tribal Council Secretary and a copy shall be forwarded to the Tribal Council through the Office of the General Manager.

ARTICLE VI REPRESENTATION BEFORE PUBLIC BODIES

Any representation on behalf of the Committee before the Council or public bodies, shall be made by the Chairperson, the Vice-Chairperson in the Chairperson's absence, or a member of the Committee specifically so designated by the Committee.

ARTICLE VII AMENDMENTS

The Tribal Council may amend these Bylaws by a majority vote of a quorum at a duly called meeting.

ARTICLE VIII MISCELLANEOUS

Section 1. Immunity. Nothing in these Bylaws is intended or shall be construed as a waiver of the sovereign immunity of the Nooksack Indian Tribe, its officials, its entities, or employees acting within their official or individual capacities. Committees and or its membership are not authorized to waive the sovereign immunity of the Nooksack Indian Tribe.

Section 2. Other Law Unaffected. The enactment of these Bylaws shall have no effect on existing committees, commissions, boards, or authorities established pursuant to any other previously enacted resolution or Ordinance.

Section 3. Effective Date. These Bylaws shall be immediately in full force and effect following its adoption by the Council.