

NOOKSACK TRIBAL COUNCIL

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

RESOLUTION #20- 170
December 1, 2020

TITLE: LAND USE PLANNING COMMITTEE

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 Nooksack Tribe has recruited an Economic Development and Planning Director in support of the Tribe's goal to develop of a system for future planning of tribal lands, inclusive of multiple departments and community for positive growth; and

WHEREAS, the approval is being sought to form a Land Use Planning Committee of Tribal department leadership and/or key staff, and to support the planning and development of the Nooksack Indian Tribal lands. This Land Use Planning Committee would also support the planning and development of the Nooksack Economic Development and Planning department to ensure projects are also community driven.


NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby sanctions the Land Use Planning Committee which consists of: Housing Director, Health Clinic Director, Economic Development and Planning Director, Land Reality Employee, Natural Resources Employee, Business Manager, General Manager, Legal Department, or their designees; and

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 8 were present, constituting a quorum of a duly called meeting thereof held on this 1 day of Dec., 2020 and that the above Resolution #20-170 approving the **Land Use Planning Committee**, was duly enacted by the Council Members vote of: 7 FOR, 0 OPPOSED, and 0 ABSTENTIONS, and since its approval this resolution has not been altered, rescinded, or amended in any way.

Dated this 1 day of December, 2020.



Ross Cline, Sr., Chairman
Nooksack Tribal Council

ATTEST:



Frank Leyva, Secretary
Nooksack Tribal Council

NOOKSACK LAND USE & PLANNING ADVISORY COMMITTEE BYLAWS

ARTICLE I NAME AND DURATION

Section 1. Name. In accordance with Article VI, Section 1(F) of the Constitution and Bylaws of the Nooksack Indian Tribe, the Tribal Council (“Council”) may select subordinate boards, establish associations, and organizations for the benefit of the Nooksack Indian Tribe. The Nooksack Tribal Council shall name this committee the Nooksack Land Use and Planning Advisory Committee (“Committee”).

Section 2. Duration. The Committee shall be established upon the Council’s appointment of members. The Committee shall remain established until such time as the Council takes formal action to dissolve the Committee.

ARTICLE II PURPOSE

Section 1. Purpose. The purpose of this Committee is to provide information, feedback, and/or recommendations to the Council. The Committee shall only be in an advisory capacity and the subject matter of the Committee will be related to the following:

- To provide policy direction and oversight and to deliberate and make recommendations on legislative matters relating to: planning and land use, including comprehensive planning, community development, zoning, design, and land use regulations; incentive zoning, and transit development;
- Provide updates and implementation recommendations for land use plans, development regulations and maps, including Land Use and Building Code.
- Collaborates with departments and other committees on land use issues.
- Monitors and responds to development proposals and proposed plans.
- Provides staff support to the Nooksack Planning Commission by advising the Commission of technical and legal information to allow for informed and consistent decision-making.

ARTICLE III REPRESENTATION

Section 1. Representation. The Committee shall be represented by the following members:

- General Manager of Nooksack Indian Tribe
- Health Department Director;
- General Manager of Market Center;
- Housing Director;

- Economic Development & Planning Director;
- Economic Development & Planning Department Representative (Land Realty Employee);
- Natural and Cultural Resources Director;
- Office of Tribal Attorney Director; and
- or the designee of any of the above.

Section 2. Term. The terms of office for the Committee members shall be coterminous with their employment by the Nooksack Indian Tribe or the Nooksack Market Center as may be applicable; or, at the will of the Tribal Council.

Section 3. 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 4. Removal of a Member. A member may be removed from the membership of the Committee by a majority vote of a quorum of the Council at which a quorum is present.

Section 5. Conflict of Interest. No member of the Committee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence or judgment or action in the performance of official duties. No such member shall use information to which they have access to advance the financial or other private interests of themselves or others. No such member shall accept any valuable gifts, whether in the form of services, loan, thing or promise from any person who is interested, directly or indirectly in business dealings with the Nooksack Indian Tribe or grant any improper favor or service. No such member shall appear in behalf of private interests before any agency of the Nooksack Indian Tribe or represent other interests in any action or proceedings against the interests of the Nooksack Indian Tribe. A member may appear before private or tribal agencies in the performance of tribal or civil obligations.

Section 6. 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 policies of the Committee. The Chairperson shall sign all correspondence, resolutions, reports to Council 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 at 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 no later than the third Wednesday of January at such time and 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 business day 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.

Section 2. Regular Meetings. The regular meetings of the Committee shall be held no less than quarterly. The Chairperson shall notify members of the Committee, interested

members of Tribal Council, and other relevant staff and/or members of the community no less than seven (7) days in advance of the meeting and shall include in the written notice, the time, date and place of the meeting and the meeting agenda, including other documents necessary for the conduct of business of the Committee.

- 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 designate 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.** All meetings of the Committee shall be open unless closed by the Chairperson following vote of the Committee.
- Section 6. 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 7. Quorum.** At any meeting of the Committee, five (5) members present shall constitute a quorum, and the Committee may proceed to transact any business that may come before it. 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 8. Order of Business.** All business and matters before the Committee shall be transacted in conformance with Robert’s Rules of Order (Newly Revised).
- Section 9. 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, where they will be made available to the Council.

ARTICLE VI AMENDMENTS

These Bylaws may be recommended for amendment upon the affirmative vote of a majority of the total membership of the Committee at any meeting, provided, however, that (1) no amendment shall be adopted unless at least seven (7) days written notice thereof has previously been given to all members of the Committee. Notice of amendment shall identify the section or sections of the Bylaws proposed for amendment and, if applicable, shall include the proposed replacement working of the section or sections to be amended. Upon the approval of any amendment by the Committee, the proposed amendment shall be forwarded by the Chairperson to the Council for consideration and action. If the amendment is approved by the Council, the Chairperson of the Committee shall incorporate the changes into the Committee's Bylaws.

APPROVED AND ADOPTED

This 1st day of December 2020.