

TRIBAL COUNCIL ACT 2.1

AN ACT RELATING TO TRIBAL

COUNCIL PROCEDURES

BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL

SECTION 1.0 - TITLE AND CODIFICATION

This Chapter shall be known as the Snoqualmie Tribal Council Procedures Act and shall be codified as Title 2, Chapter 1 of the Snoqualmie Tribal Code.

SECTION 2.0 - STATUTORY AUTHORIZATION

The aboriginal and inherent sovereign power of the Snoqualmie Indian Tribe to govern 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 authority to adopt laws regulating the procedure of the Council itself. Snoqualmie Tribal Constitution, Art. VIII, Sec. 1 (G),(O).

SECTION 3.0 - PURPOSE AND SCOPE

The purpose of this Chapter is to enact provisions of law that establish and define the procedures of the Tribal Council.

All Tribal Council members are expected to comply with the Constitution and all applicable provisions of this Code, and at all times act ethically, impartially and in the best interest of the Tribe as a whole.

SECTION 4.0 - DEFINITIONS

**TRIBAL COUNCIL REFERRED TO AS THE FULL TIME COUNCIL** members includes Tribal Chairperson and nine (9) Elected Council members.

**FULL TIME COUNCIL OFFICERS** members includes Tribal Chairperson, Vice Chair, Secretary and Treasurer.

**STIPEND** is a fixed regular payment for services or to defray expenses. It is often distinct because it does not necessarily represent payment for work performed; instead it represents a payment that enables somebody to be exempt from salaried employment in order to undertake a tribal government role.

**NON-TRIBAL MEMBER** means any person who is not enrolled as a Snoqualmie Tribal member.

**CONSTITUTION** means the Constitution of the Snoqualmie Tribe of Indians which was as amended on the 24th day of June, 2006.

## SECTION 5.O - DUTIES OF TRIBAL COUNCIL OFFICERS

Tribal Council is the legislative body described in Article V - Tribal Officers - Sections 2 -5 of the Constitution.

## SECTION 6.O - DUTIES OF FULL TIME TRIBAL COUNCIL, TRIBAL ELDER, ALTERNATES, AND COUNCIL CHIEFS

- 6.1 Full time Tribal Council Members are elected tribal government officials and are required to keep regular office hours, within the guidelines of the tribal administration hours, Monday – Friday, on site, and shall include weekends, evenings, and travel as required.
  - 6.1.1 Full time Tribal Council requires the consistent exercise of discretion, independent judgement, maintain objective attitude in decision making and must have critical thinking skills. Must be able to understand tribal government programs funded by grants and contracts being brought forward for Tribal Council consideration. Provide input into matters coming before the Tribal Council. Support all decisions of the Tribal Council. Diligently carry out assignments on behalf of the Tribal Council. Conduct themselves professionally and ethically in all matters and provide a positive community role model. Promote cooperation and teamwork among Tribal Council, staff, and all other work units and members of the Tribe.
- 6.2 Alternate Tribal Council Members are elected tribal government officials.
  - 6.2.1 Alternate Tribal Council requires the consistent exercise of discretion, independent judgement, maintain objective attitude in decision making and must have critical thinking skills. Must be able to understand tribal government programs funded grants and contracts being brought forward for Tribal Council consideration. Support all decisions of the Tribal Council.
- 6.3 Tribal Elder is a permanent lifetime position on Tribal Council.
  - 6.3.1 Tribal Elder Member requires the institutional knowledge of the tribe and culture of the tribe. Support all decisions of the Tribal Council.
- 6.4 Council Chiefs.
  - 6.4.1 Council Chiefs requires the institutional knowledge of the tribe and culture of the tribe. Support all decisions of the Tribal Council.

## SECTION 7.O - CONFLICTS OF INTEREST AND DISCLOSURE OF GIFTS

- (a) Conflicts of Interest. Whenever a Tribal Council member believes that a potential conflict of interest exists, the member shall declare the conflict at the start of the discussion of the appropriate agenda item. Once the conflict is declared, the Tribal Council member may participate in the discussion of and vote on the matter.

- (b) Disclosure of Gifts. All gifts accepted by a Tribal Council member on behalf of the Snoqualmie Indian Tribe shall be disclosed to the entire Council. Nothing in this section shall be interpreted to interfere with traditional Snoqualmie Indian Tribes gift giving practices, which are a valued and honored part of the Snoqualmie Indian Tribe cultural life.

#### SECTION 8.0 - MEETINGS OF THE TRIBAL COUNCIL

The Snoqualmie Tribal Council shall meet in regular, special, working group and/or emergency sessions:

- (a) Quorum: A quorum for the purpose of transacting official Tribal business shall consist of a majority (five) of the voting members of the Tribal Council.
- (b) All meetings of the Tribal Council will utilize as a guide the most recent version of Roberts Rules of Order, unless the Roberts Rules of Order conflict with the Snoqualmie Tribal Constitution or other Tribal law, whereby the Tribal Constitution or law would be the controlling authority. Within ninety (90) days following the elections, all elected Tribal Council members must successfully complete the following training sessions:
- Roberts Rules of Order
  - Ethics Training
  - Leadership Training

These trainings shall be updated on an annual basis and the records verifying compliance with these training requirements shall be maintained by the Secretary of Tribal Affairs.

- (c) Regular meetings: The Tribal Council shall meet in official session a minimum of thirty-six (36) times a year, or more frequent intervals, at such time and place as shall be established and announced in accordance with the notice provisions of this Chapter.
- (d) Work Sessions: The Tribal Council shall hold mandatory work sessions to review and prepare for official Tribal Council Meetings.
- (e) Special Projects: The Tribal Council may assign special working groups.
- (f) Notice: Notice of the regular Council meetings shall be prepared by the Secretary of Tribal Affairs Office and shall be provided to all Council members. Notice shall be provided via electronic mail or by personal delivery. In the event that an emergency or special Council meeting is called, the Secretary of Tribal Affairs shall immediately notify all Council members of the special or emergency meeting through any means possible.
- (g) Prepared Formal Statements/Documents: When any Council member or other speaker makes a formal statement at a meeting by reading from a document or prepared written summary of a statement, the document or summary must be distributed at that meeting to all members and a copy shall be maintained by the Secretary of Tribal Affairs as official records of the Tribal Council meeting.
- (h) Non-Tribal members shall not be allowed to attend Tribal Council meetings unless

requested to do so by the Tribal Council.

- (i) Tribal members shall be allowed to attend all Tribal Council meetings, except for when the Council meets in Executive Session.
- (j) Special Emergency Meetings: May be called by the Tribal Chairperson or majority of the Tribal Council.
- (k) Executive Sessions: The Tribal Council may meet in executive session to discuss matters involving personnel, litigation, negotiations, and/or confidentiality.
- (l) Phone Participation: Phone participation will be considered and approved by Tribal Council on a case by case basis. Phone participation must be a two-way conference call and must be setup with the Tribal Secretary. Council members who participate via phone may be allowed to vote.

#### SECTION 9.0 - ORDINANCES AND ACTS

All final decisions shall be embodied in ordinances or acts approved by Tribal Council Resolution and codified by the Tribal Secretary. A resolution is a law that proclaims or gives directive and is duly enacted by the Tribal Chairperson and the Tribal Secretary. Such enactments shall be available for inspection by members of the Tribe. Enacted ordinances shall be in the same form as required by the Snoqualmie Tribe Codification policies.

#### SECTION 10.0 - RESOLUTIONS

All final decisions where a formal expression is needed shall be embodied in a resolution and certified by the Tribal Chairperson and Tribal Secretary, noted in minutes, and shall be available for inspection by members of the Tribe. Enacted resolutions shall be in the same form as required by the Snoqualmie Tribe Codification Statute.

#### SECTION 11.0 - CERTIFICATION

All acts, ordinances and resolutions shall be dated and numbered, cite the appropriate authority, and include a certificate showing the presence of a quorum and the number of members voting for and against the proposed enactment. Roll call votes shall reflect the names and votes of individual council members. All acts, ordinances and resolutions shall conform with the Snoqualmie Tribe Codification Statute.

#### SECTION 12.0 - GENERAL COUNCIL APPEAL PROCESS AND PROCEDURES FOR REMOVED TRIBAL COUNCIL MEMBERS

##### 12.1 EXPULSION/ REMOVAL

Expulsion/ removal is a severance action afforded the Tribal Council in the Constitution to police its own members. Expulsion is the means by which the Tribal Council removes for cause a Tribal Council member from service before the end of their elected term. Cause for expulsion as outlined in the Snoqualmie Constitution Article VII -Vacancies and Removals, Section 2(C) Expulsion states the following;

- (a) Neglect of Duty

- (b) Gross Malfeasance
- (c) Gross Misconduct

After a Tribal Council member has been expelled from the Tribe Council by that deliberative body, there is one last avenue of appeal - the General Council.

The Snoqualmie Constitution states the following:

**Article VII - Vacancies and Removals, Section 2. Expulsion (c.)**

A Council member who has been removed shall have the right within thirty (30) days of the vote for removal to file an appeal to the General Council. In the event of such an appeal, the Tribal Council shall promptly call a special meeting of the General Council, at which special meeting, it shall be decided whether the removed officer shall be permanently removed. Failure to obtain a quorum of the General Membership at such a special meeting shall be considered affirmation of removal of any officer.

## 12.2 PROCEDURE

The General Membership Special Meeting to hear the appeal of a Tribal Council member who has been removed shall be conducted in accordance with the rules of procedure in this section.

### 12.2.1 NOTICE OF PRE-APPEAL REVIEW

Prior to the commencement of a Special Meeting of the General Membership at which the Council member who has been removed shall appeal to the General Council, the Tribal Council shall afford the Council member who has been removed written notice of the date, time and place for a Pre-Appeal Review.

### 12.2.2 PRE-APPEAL REVIEW

At the Pre-Appeal Review, the Tribal Council member who has been removed may review, without harassment, all documents pertaining to the appeal to the General Council, but shall not be permitted to copy documents and shall not be permitted to be accompanied by any legal counsel or other representative. Present with the Tribal Council member who has been removed will be the Snoqualmie Tribal Council Secretary, a member of the Snoqualmie Tribal Public Safety Department and a witness determined and arranged by the Snoqualmie Tribal Secretary. Full and undeterred access shall be provided to the Council member who has been removed.

### 12.2.3 NOTICE OF INTENTION TO APPEAR AT THE PRE-REVIEW

The Tribal Council member who has been removed shall give confirmation to the Tribal Secretary to appear at the Pre-Appeal Review in writing, which may be delivered electronically, within three (3) days before the set date. Failure to do so shall be deemed a waiver of the right to a Pre-Appeal Review.

### 12.2.4 SPECIAL MEETING OF THE SNOQUALMIE GENERAL COUNCIL NOTICE

Promptly after such time as the Pre-Appeal Review takes place, or the failure of the Tribal Council member who has been removed to confirm appearance at the Pre-Appeal Review,

whichever is later, the Tribal Secretary shall send the council member who has been removed and General Council Members a written notice which states the nature of the Special Meeting of the Snoqualmie General Council the date, time and place. The notice shall be served not later than ten (10) days prior to the Special Meeting.

#### 12.2.5 FORM AND DATE OF SERVICE

All notices and papers sent to the Tribal Council member who has been removed shall be sent by electronic mail followed with a paper copy delivered by Federal Express or similar delivery service or delivered in person. All correspondence between the Council member who has been removed and the Snoqualmie Tribal Council shall be signed by the Snoqualmie Tribal Council Secretary. The effective date of the notice shall be the date of its delivery or attempted delivery at the last known address as reflected in the records of the Tribal Secretary of the Tribal Council member who has been removed.

#### 12.2.6 PRESIDING OFFICER

The presiding officer at the Special Meeting of the Snoqualmie General Council shall be the Tribal Chairperson. The Tribal Chairperson shall ensure adherence to the policy and procedures outlined herein.

#### 12.2.7 PRESENTATION

Both the Tribal Council and the Tribal Council member who has been removed shall present to the General Council assembled by oral and or documentary evidence. Witnesses, if any, shall be called. Neither the Tribal Council nor the Tribal Council member who has been removed may be represented or accompanied by any legal counsel or attorney.

#### 12.2.8 QUESTIONS

The presiding officer will entertain written questions submitted from the General Membership. Five (5) questions shall be chosen by the Tribal Council and five (5) questions shall be chosen by the Council member who has been removed. Both the Tribal Council representative and the Tribal Council member who has been removed may answer each question.

##### (a) QUESTION WRITING

Ten (10) minutes will be allowed for writing questions to the Tribal Council and the Tribal Council member who has been removed.

##### (b) SUBMISSION AND COLLECTION

Written questions will be collected and last call will be given. The written questions will be collected and placed in separate boxes, one labeled to Tribal Council's questions, the other to the Tribal Council member questions who has been removed.

##### (c) SELECTING QUESTIONS

A Tribal Council representative will blind draw five (5) questions and the removed Tribal Council member will blind draw five (5) questions.

(d) RESPONDING

Three (3) minutes per question totaling fifteen (15) minutes for the responding session each. The removed Tribal Council member shall respond first and Tribal Council will respond second.

(e) CLOSING STATEMENTS

The Tribal Council member who has been removed shall present a closing statement. The Tribal Council shall present a closing statement second.

### 12.2.9 SECRET BALLOT VOTE

At such time as the Tribal Council representative and Tribal Council member who has been removed have completed their respective presentations, the Tribal Chairperson shall call for a vote by secret ballot of the General Council.

- (a) To affirm the action of the Tribal Council expelling the removed Tribal Council member from the Tribal Council for cause.
- (b) To overturn the Tribal Council's action and restore the removed Tribal Council member to his/ her Council position and reinstate to Tribal Council for the remainder of their elected term.

### 12.2.10 VOTING COMMITTEE

Snoqualmie Tribal Council shall appoint a voting committee from the floor. The Voting Committee shall consist of the Snoqualmie Tribal Secretary, two tribal members, and one non-tribal member.

### 12.2.11 VOTING COMMITTEE DUTIES

The Voting Committee shall ensure that ballots are distributed to valid voters, collect the ballots and count and record on a large paper in the presence and view of the assembled General Council such votes.

### 12.2.12 COMPLETION OF THE SECRET BALLOT VOTE

At the completion of the count, the Tribal Chairman shall announce the vote. The paper on which was recorded the vote count and all ballots shall be placed in an envelope and sealed and kept in Tribal Records by the Snoqualmie Tribal Secretary.

### 12.2.13 GENERAL COUNCIL RESOLUTION

The final vote shall be recorded in a General Council Resolution.

#### 12.2.14 NOTIFICATION TO THE TRIBAL COUNCIL MEMBER WHO HAS BEEN REMOVED

A copy of the General Council Resolution shall be provided by electronic mail to the Tribal Council member in question, followed with a paper copy delivered by Federal Express or similar delivery service.

#### 12.2.15 FINAL AND PERMANENT

The vote of the General Council at the Special Meeting exhausts all avenues of appeal for the Tribal Council member who has been removed. The vote is final and binding.

#### 12.2.16 IN THE EVENT THE TRIBAL COUNCIL MEMBER IS REINSTATED

In the event the vote is to reinstate the Tribal Council member, the Tribal Council member shall be immediately reinstated for the remainder of their elected term. The Tribal Council member's stipend shall also be reinstated as of the date of the Special Meeting of the Snoqualmie General Council. There shall be no back pay.

#### 12.2.17 ADJOURNMENT

The Tribal Chairperson will adjourn the Special Meeting of the Snoqualmie General Council.

### SECTION 13.0 - VOLUNTARY RESIGNATIONS FROM TRIBAL COUNCIL

- (a) Resignations from Tribal Chairperson, Tribal Council, or Alternate Council positions shall be submitted in writing to the Tribal Council Secretary.
- (b) Any Tribal Council member other than the Chairperson must resign from their current position prior to the election notice to the General Council in order to declare an intent to run for the position of Chairperson. The Tribal Council member remains in his/her position with full voting rights until such time as the election is held at which point the position is vacated for the person who may be elected to fill that position.
- (c) Alternate Council member must resign from their current position prior to the election notice to the General Council in order to declare an intent to run for office for a Full Time Tribal Council Position. The current Alternate Council member remains in his/her position until such time as the election is held at which point the position is vacated for the person who may be elected to fill that position.

### SECTION 14.0 - VOLUNTARY RESIGNATION AS AN OFFICER OF THE TRIBAL COUNCIL

Resignations from Vice Chairperson, Secretary and/or Treasurer from their official capacity shall be submitted in writing to the Tribal Chairperson who shall immediately call the Tribal Council to hold an officer election for the vacant officer position. The person resigning their officer position shall remain on Tribal Council.



SECTION 15.0 - PROVISIONS AS CUMULATIVE

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

SECTION 16.0 - REPEAL PROVISIONS AND CONFORMING AMENDMENTS

Any laws or resolutions found to be inconsistent with this legislative act are repealed to the extent of their inconsistency.

SECTION 17.0 - SEVERABILITY

The provisions of this Chapter are severable and if any part or provisions 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 18.0 - 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 9TH DAY OF MAY, 2002 IN SESSION DULY MET, WITH 8 FOR, 0 AGAINST, AND 0 ABSTAINING. TRIBAL COUNCIL ACT 06-02.

FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 29TH DAY OF SEPTEMBER, 2011 IN SESSION DULY MET WITH 5 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO.152-2011.

FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 7TH DAY OF FEBRUARY, 2013 IN SESSION DULY MET WITH 8 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO.15-2013.

FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 19TH DAY OF MARCH, 2015 IN SESSION DULY MET WITH 7 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO.6-2015.

FURTHER AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 29<sup>TH</sup> DAY OF FEBRUARY, 2016 IN SESSION DULY MET WITH 5 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 26-2016B.

CODIFIED AS AMENDED BY THE TRIBAL SECRETARY ON THE 29<sup>TH</sup> DAY OF FEBRUARY, 2016.

  
TRIBAL SECRETARY