

## **COMMITTEE STANDARDS**

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## **GENERAL PROVISIONS**

### **1.06.101 Title**

This Ordinance shall be known as the Skokomish Committee Standards Ordinance.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.06.102 Authority**

This Skokomish Policy Committee Standards Ordinance is enacted pursuant to the inherent sovereign authority of the Skokomish Indian Tribe in accordance with the Treaty of Point No Point, the Constitution of the Skokomish Indian Tribe and applicable federal law. Pursuant to Article V of the Constitution, the Skokomish Tribal Council has the authority to enact laws and ordinances governing the conduct of individuals, to provide services for the health, education, and welfare of all persons within the Tribe jurisdiction, and to delegate any powers vested in the Tribal Council to committees.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.06.103 Declaration of Purpose**

The Skokomish Tribal Council, as the governing body of the Skokomish Indian Tribe, recognizes the need to enhance and strengthen the development of the Reservation, supporting community values and goals for achieving complete self-determination and self-governance as a separate sovereign Nation. As a guide to interpretation and application, the purpose of this Ordinance is as follows:

- (a) Describe the authority delegated by the Skokomish Tribal Council to its Policy Committees, Regulatory Committees and Regulatory Commissions; and
- (b) Describe the relationship between the Skokomish Tribal Council and its duly authorized Committees and Commissions; and
- (c) Describe the procedures and requirements to which each Committee must adhere in order to achieve the goals of this Ordinance and the Policies of the Tribal Council.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.06.104 Applicability of Ordinance**

- (a) The provisions of this Ordinance shall apply to all Committees authorized by the Skokomish Tribal Council by Resolution or Ordinance or Code, except the Skokomish Tribal Gaming Commission, which adheres to the Skokomish Tribal Gaming Code, and contains its own procedural provisions as required and approved by the Secretary of the Interior pursuant to the Indian Gaming Regulatory Act of 1988 (IGRA).
- (b) The Parent Policy Committee is excluded from the application of this Ordinance as the Parent Policy Committee is governed by the Head Start Act, 45 C.F.R. 1304.50.
- (c) The Board of Directors of Skokomish Indian Tribal Enterprises and any other such Board which consists of the members of the Skokomish Tribal Council are excluded from application of this Ordinance.
- (d) The Election Committee is excluded from the application of this Ordinance.
- (e) The Budget Committee is excluded from the application of this Ordinance.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.06.105 Definitions**

- (a) Where a term is not defined in this Ordinance, it shall be given its ordinary meaning.
- (b) Terms used in this Ordinance, and regulations adopted under it shall have the following meaning given to them in this section, except where specifically defined or the context clearly indicates otherwise:
  - (1) “Ad Hoc Committee” means a committee established by resolution of the Tribal Council to achieve a particular purpose or goal, and without on-going authorization for activity.
  - (2) “Enrolled Tribal Member” or “Tribal Member” means a person who is an enrolled member of the Skokomish Indian Tribe.
  - (3) “Policy” means a directive of the Skokomish Tribal Council consistent with the Skokomish Tribal Constitution, Skokomish culture and other general principles by which the Tribal Council performs its obligations to the Tribe.
  - (4) “Rule” or “Regulation” means a decision of the Committee which establishes or revokes requirements or standards of an administrative matter under the Committee’s jurisdiction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.06.106 No Waiver of Sovereign Immunity**

All inherent sovereign rights of the Skokomish Indian Tribe as a federally recognized Indian tribe with respect to the existence and activities of any Committee as authorized in this Ordinance are hereby expressly reserved, including sovereign immunity from suit in any tribal, federal or state court. Nothing in this Ordinance nor any action of any Committee shall be deemed or construed to be a waiver of sovereign immunity from suit of the Tribe, or to be a consent of the Tribe to the jurisdiction of the United States or of any state or of any other tribe with regard to the business or affairs of any Committee or the Tribe, or to be a consent of the Tribe to any cause of action, case, or controversy, or to the levy of any judgment, lien, or attachment upon any property of the Tribe, or to be a consent to suit in respect to any Indian land, or to be a consent to the alienation, attachment, or encumbrance of any such land.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

## **COMMITTEE PURPOSE**

### **1.06.201 Policy Committee Purpose**

All Policy Committees authorized by the Skokomish Tribal Council are advisory to the Tribal Council. The purpose of a Policy Committee is to oversee administrative implementation of the Policies of the Skokomish Tribal Council and adherence to applicable law consistent with the subject matter of said Committee.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.06.202 Regulatory Committee Purpose**

The purpose of a Regulatory Committee is to oversee administrative implementation of the Policies of the Skokomish Tribal Council and adherence to applicable law consistent with the subject matter of said Committee. Regulatory Committees have additional authority as delegated by the Skokomish Tribal Council to make Rules which govern the conduct of community members to ensure efficient management of natural and other resources held by the Tribe.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.06.203 Regulatory Commission Purpose**

The purpose of a Regulatory Commission is to oversee administrative implementation of the Policies of the Skokomish Tribal Council and adherence to applicable law consistent with the subject matter of said Commission. Regulatory Commissions have additional enforcement authority as delegated by the Skokomish Tribal Council and federal law to ensure operational and licensing compliance of matters under the Commission

jurisdiction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **AUTHORIZED COMMITTEES**

#### **1.06.301 Policy Committees Authorized by the Tribal Council**

The following Policy Committees are authorized by the Tribal Council by Resolution:

- (a) Culture and Arts Committee (Authorized by Resolution No. 97-01);
- (b) Economic Development Advisory Committee (Ordinance adopted by Resolution No. 98-22);
- (c) Education Committee (Ordinance adopted by Resolution No. 96-65);
- (d) Enrollment Committee (Ordinance adopted by Resolution No. 82-48);
- (e) Health Committee (Ordinance adopted by Resolution No. 01-02);
- (f) Housing Committee (Ordinance adopted by Resolution No. 07-007);
- (g) Law & Order Committee (Ordinance adopted by Resolution No. 95-57);

Additional Policy Committees may be authorized by the Tribal Council by Resolution.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.06.302 Regulatory Committees Authorized by the Tribal Council**

The following Regulatory Committees are authorized by the Tribal Council by Resolution:

- (a) Fireworks Committee (Ordinance adopted by Resolution No. 97-27);
- (b) Fish Committee (Ordinance adopted by Resolution No. 97-15);
- (c) Hunting Committee (Ordinance adopted by Resolution No. [missing], August 4, 1986).

Additional Policy Committees may be authorized by the Tribal Council by Resolution.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.06.303 Regulatory Commissions Authorized by the Tribal Council**

The Skokomish Tribal Gaming Agency is an authorized Regulatory Commission of the Skokomish Tribal Council and required by the Indian Gaming Regulatory Act of 1988

(IGRA) and the Class III Gaming Compact between the Skokomish Indian Tribe and the State of Washington and its amendments.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **COMMITTEE STRUCTURE**

#### **1.06.401 Committee Membership and Qualification**

- (a) Each Committee shall consist of five (5) members and shall each be Enrolled Tribal Members over the age of 18. Each Committee shall be staffed by the Director of the Administrative Department to which the Committee advises the Tribal Council. The Enrollment Committee shall be staffed by the Tribal Enrollment Officer.
- (b) Each Committee shall have a Committee Chair who is elected annually by the Committee members.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.06.402 Solicitation for Members**

- (a) A Committee with less than five (5) members shall solicit for as many members needed to fill vacancies. The Committee shall direct Committee staff to cause a solicitation to be posted publicly for a period of no less than thirty (30) days. The notice of solicitation shall include the Committee name, a brief description of the subject matter under the Committee's jurisdiction, number of vacancies, a due date for application and contact information for the Committee staff person.
- (b) In the event a Committee has no members (*e.g.*, it is a new Committee or it is a Committee that was disbanded and then reinstated), the Tribal Council may direct the appropriate Director or other Tribal staff to solicit for five (5) members as provided in Section 1.06.402(a).

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.06.403 Appointment Procedures**

- (a) Upon the expiration of the solicitation notice period, the Committee staff shall collect all applications and arrange for each applicant to be interviewed by the Committee at the next regularly scheduled Committee meeting. The Tribal Council shall be provided advanced notice of the scheduled Committee meeting and members of the Tribal Council may participate in the interviews.
- (b) The Committee shall make a written recommendation to the Tribal Council for appointment of a new Committee member based upon applicant interviews for the number of vacancies available. The participating members of the

Tribal Council may submit an independent written recommendation or join in the Committee's recommendation.

- (c) The Tribal Council may make an appointment to the Committee based upon the recommendation(s). The Tribal Council shall appoint Committee members by resolution.
- (d) For those Committees with no members, as provided in Section 1.06.402(b), the appropriate Director or other Tribal Staff shall collect all applications and provide them to the Tribal Council. The Tribal Council may then either interview the applicants or simply approve new members by consensus. The Tribal Council shall then appoint Committee members by resolution.
- (e) Only members of the Committee that are duly appointed by resolution, whose terms have not expired, and sitting Tribal Council members may participate in the interview and recommendation process.

Reaffirmed by Resolution No. 17-100 (July 5, 2017); Amended by Resolution No. 17-130 (September 27, 2017)

#### **1.06.404 Terms of Members**

Committee members shall serve terms of staggered three-year periods. In the event that two or more members are appointed to a Committee, the members shall be appointed in a manner consistent with three-year staggering. There shall be no limit to the number of terms a Committee member may serve, except for situations that may arise under Section 1.06.405. Any individual may serve on no more than two Committees.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.06.405 Vacancy, Removal and Resignation**

- (a) *Vacancy.* The Tribal Council may, on its own or at the request of the Committee, declare a position to be vacant if a Committee member is unwilling or unable to fulfill his or her duties, provided:
  - (1) The Tribal Council appoints an Enrolled Tribal Member to fill the vacant position to serve the remainder of the unexpired term; and
  - (2) Appointments to fill vacancies shall be made pursuant to appointment procedures in Section 1.06.403 above; and
  - (3) Notice of any proposed removal pursuant to sub-section (b) below must be in writing, state the reason for the proposed removal and be delivered to the member at least 14 days prior to the review by Tribal Council.
- (b) *Removal.* The Committee may submit to the Tribal Council a written "Notice of Proposed Removal and Declaration of Vacancy" for review pursuant to

sub-section (a) above requesting that a member be removed for the following reasons:

- (1) For failure to attend two consecutive meetings without prior notice to the Committee stating the reason for his or her absence; or
- (2) For good cause stated, including, but not limited to:
  - (A) A violation of the Committee-relevant Ordinance or the Regulations adopted under the Committee; and/or
  - (B) A failure to pay any fines imposed pursuant to the same.

The Committee member who is being removed will be given an opportunity for a hearing by the Tribal Council in his or her defense to show why he or she should not be removed.

- (c) *Resignation.* A member of a Committee may resign the position. Such resignation must be in writing and submitted to the Chair of the Committee and to the Tribal Council.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.06.406 Meetings and Voting**

(a) *Meetings.*

- (1) Committees shall schedule regular meetings at least quarterly. Additional meetings may be scheduled as needed.
- (2) All meetings shall be called by the Chairperson, or by a majority of the members of the Committee, upon two days written notice to each member, stating the place, day and hour of the meeting and any purpose(s) for which the meeting was called.
- (3) For the purpose of conducting business, a quorum (majority of members) shall be required for any meeting.
- (4) For newly established or reinstated Committees, it is the responsibility of the appropriate Director or other Tribal employee staffing the Committee to schedule the first meeting. This meeting should be held as soon as practicable, but in any event no later than sixty (60) days after appointment. The first order of business at this meeting shall be to elect a Chairperson.

- (b) *Voting.* Voting shall be by consensus. If consensus cannot be reached, then a majority vote will prevail. The Committee Chair shall not vote unless a vote results in a tie.



Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.06.407 Compensation and Reimbursement**

- (a) *Compensation.* Committee members may receive compensation for service on a Committee at the discretion of the Tribal Council. The Tribal Council shall authorize such compensation by resolution.
- (b) *Reimbursement.* Committee members shall receive reimbursements consistent with Tribal accounting policies. Committee members may be required to attend training off the Reservation. If such training is required, the training will be paid for by the Tribe and the remaining expenses (food, lodging, gas, etc.) shall be addressed consistent with Tribal accounting policies.

#### **1.06.408 Limitation of Liability**

No individual Committee member shall be held liable for any action taken by a duly authorized Committee of the Skokomish Indian Tribe. All Committees shall be considered an agency of the Skokomish Indian Tribe.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.06.409 Reporting Requirements**

Each Committee shall provide quarterly written report to the Tribal Council of all recommendations, actions and decisions. All Committee meeting minutes shall be forwarded to the Tribal Council.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### **1.06.410 Records**

Each Committee's staff shall compile the complete records of all Committee action including but not limited to meeting minutes, records of recommendations, and actions.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **POLICY RECOMMENDATION TO TRIBAL COUNCIL**

#### **1.06.501 Committee Initiated Recommendation**

A Committee may make recommendations to the Tribal Council on matters under the Committee's jurisdiction including policy, Tribal law and regulation and administrative processes.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.06.502 Initiation by Tribal Member**

A Tribal Member may make recommendations to a Committee for consideration of the Committee and possible recommendation to the Tribal Council. A Tribal Member may make recommendations consistent with the Committee's jurisdiction on matters including policy, Tribal law and regulation and administrative processes. The Committee receiving recommendations from a Tribal Member must inform the Tribal Member, in writing, of the decision of the Committee whether to make a recommendation to the Tribal Council and its reasons for the decision.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.06.503 Recommendation Process**

A Committee shall present its written recommendations to the Tribal Council at a regular Tribal Council Meeting during open session, unless the subject matter of the recommendation is protected by confidentiality.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.06.504 Final Decision by Tribal Council**

The Tribal Council shall have the sole authority to approve or reject recommendations submitted by Committees. Recommendations for action rejected by the Tribal Council or for which no action was taken by the Tribal Council shall not be effective or implemented.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

## **ANNUAL REGULATION ADOPTION**

### **1.06.601 Limited Authority to Adopt Annual Regulations**

Each Regulatory Committee authorized by the Skokomish Tribal Council consistent with this Ordinance and specified in Section 1.06.302 herein, shall have the authority to adopt Regulations for the purposes set out and as directed by the Committee's authorizing Ordinance. Policy Committees have no authority to adopt Regulations governing the actions of individuals.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

## **AD HOC COMMITTEES**

### **1.06.701 Ad Hoc Committee Purpose**

Ad Hoc Committees may be established as necessary by Tribal Council resolution for a special and singular purpose. Ad Hoc Committees will dissolve upon completion of the action for which the Committee was authorized.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.06.702 Authorized Ad Hoc Committees**

The following Ad Hoc Committees are pre-authorized by the Tribal Council by Resolution:

- (a) Ethics Committee (Ordinance adopted by Resolution No. 05-107);
- (b) Hiring Committee (Ordinance adopted by Resolution No. 94-78);
- (c) Personnel Grievance Board (Ordinance adopted by Resolution No. 04-52).

Additional Ad Hoc Committees may be authorized by the Tribal Council by Resolution.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

### **1.06.703 Ad Hoc Committee Structure and Recommendation**

Each Ad Hoc Committee shall be structured and disseminate duties according to its respective authorizing ordinance or Tribal Council Resolution.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

#### Legislative History prior to July 5, 2017

+Adopted by Resolution No. 09-025 (February 4, 2009)  
Amended by Resolution No. 09-080 (May 13, 2009)  
Amended by Resolution No. 12-004 (January 11, 2012)  
Amended by Resolution No. 17-101 (July 5, 2017)  
Reaffirmed by Resolution No. 17-100 (July 5, 2017)

+Ordinance and/or amendments not attached to the resolution in the Skokomish Tribal Archives