



6 IN THE TRIBAL COURT OF THE NOOKSACK TRIBE OF INDIANS FOR THE
7 NOOKSACK INDIAN TRIBE

8 BELMONT, *et al.*,

No. 2014-CI-CL-007

9 Plaintiffs,

THIRD DECLARATION OF
CHARITY BERNARD

10
11 v.

12 KELLY, *et al.*,

COPY

13 Defendants.
14

15 I, CHARITY BERNARD, declare under penalty of perjury under the laws of the
16 Nooksack Indian Tribe and the State of Washington that the following is true and correct
17 to the best of my knowledge;

- 18
- 19 1. I am over the age of eighteen (18), competent to testify about the matters stated
20 herein, and make this declaration of my personal knowledge.
 - 21 2. I am not a member of the Nooksack Indian Tribe and I am currently employed as
22 Chief of Staff for the General Manager. I have been in this position since August
23 2013.
 - 24 3. As part of my job duties, I am responsible for recordkeeping and maintenance of
25 official tribal records, including resolutions.
 4. Attached hereto as Exhibit A is a true and correct copy of Tribal Council Tribal
Records Policy approved pursuant to Resolution # 03-29 concerning;

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5. I have reviewed the Tribal Council records since the passage of Resolution #03-29 and found no evidence that Resolution #03-29 was rescinded, superceded or otherwise repealed;
 6. As part of my job duties, I ensure that the Tribal Council office is staffed on a daily basis. The Tribe has established a Records Request Form for tribal members (and others) seeking to review Council records. In conjunction with the abovementioned form, the Tribe maintains a log of all such requests.
 - a. I reviewed that log for requests to review and/or copy approved Tribal Council ordinances, Resolution #16-27, #16-28, and actions related to Council meetings for February and/or March 2016. No person has made such a request.

Signed this 10th day of March, 2016 at Deming, WA 98244.

Y 900

CBernard

Charity Bernard, Chief of Staff
Nooksack Indian Tribe



NOOKSACK INDIAN TRIBE

5048 Mt. Baker Hwy • P.O. Box 157 • Deming, WA 98244
Administration: (360) 592-5176 • Fax: (360) 592-5721
Fisheries Fax: (360) 592-5753

Resolution No. 03-29

Title: TRIBAL RECORDS POLICY

WHEREAS, the Nooksack Tribal Council is the duly selected governing body of the Nooksack Indian Tribe of Deming, Washington; as approved on September 23, 1973 by the Deputy Assistant Secretary of Indian Affairs; and,

WHEREAS, the Nooksack Tribal Council is the governing body of the Nooksack Indian Tribe and must protect the Tribe's sovereignty and governmental interests and resources; and

WHEREAS, it is the official policy of the Nooksack Indian Tribe that all tribal members shall have access to certain tribal records; and

WHEREAS, the basis for this policy is that all tribal members have property interests in the tribe and as owners of these interest have a right to review those records; and

NOW, THEREFORE, BE IT RESOLVED, the Nooksack Indian Tribe adopts the Tribal Records Policy.

CERTIFICATION

I hereby certify that the above resolution was presented at a regular/special meeting of the Nooksack Tribal Council held on 3-4-03, at which time a quorum was present and approved by a vote of

7 FOR

0 AGAINST

0 ABSTENTIONS

Tribal Chairman

Agripina Smith, Tribal Secretary

TRIBAL RECORDS POLICY

It is the official policy of the Nooksack Indian Tribe that all Nooksack tribal members shall have access to the following tribal records: resolutions and ordinances, tribal minutes, descriptions of tribal lands, the leasing and exchanges of tribal lands, and grants awarded to the Nooksack Indian Tribe. The basis for this policy is that all tribal members have property interests in the tribe and as owners of these interest have a right to review these records. All requests for disclosure must be in writing. "Access" shall mean by inspection only, unless approved for copying by the Nooksack Tribal Council. Non-Indians and non-member Indians shall not have a right to any item included above, except upon the written permission of the Nooksack Tribal Council.

Divulging the contents of other tribal records, including but not limited to: proprietary information, budgets, personnel records, and enrollment records, is prohibited without prior Nooksack Tribal Council approval.

All individuals shall have access to their personnel records maintained by the Nooksack Indian Tribe or a program thereof upon written request. Such individuals shall also have a right to request amendment of a record pertaining to him or her.

Educational records may be released to parents by written consent of the student or by a written request of the parent, with submission of evidence that the parent or legal guardian has legal custody of the child.

Each Indian tribe decides which of its records are open to tribal members and the public. Federal or state records laws do not apply to tribal records. Tribal records are private records. Even though Congress oversees tribal affairs, the federal Freedom of Information Act does not apply to tribal records. The application of federal or state records laws to tribal records is contrary to the goals of tribal self-government and tribal self-sufficiency.

Nothing in this policy shall be deemed to constitute a waiver by the Nooksack Tribe of its sovereignty, rights, powers, privileges, or sovereign immunity.

Any non-authorized release of a tribal record by a tribal employee will subject the employee to discipline, including but not limited to, demotion, suspension or termination.

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