

IN THE NOOKSACK TRIBAL COURT OF APPEALS
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON

ELEANOR J. BELMONT, et al.,

Plaintiffs,

v.

ROBERT KELLY, et al.,

Defendants.

Court No. 2014-CI-CL-007

**BRIEF RE: STATE OF NOOKSACK
TRIBAL JUDICIARY AND
EMERGENCY MOTION FOR MISC.
RELIEF**

CARMEN S. TAGEANT,

Plaintiff,

v.

ROBERT KELLY, et al.,

Defendants.

Court No. 2016-CI-CL-003

DEBORAH EILEEN GLADSTONE
ALEXANDER, et al.,

Plaintiffs,

v.

ROBERT KELLY, et al.,

Defendants.

Court No. 2016-CI-CL-004

ROBERT JAMES RABANG, et al.,

Plaintiffs,

v.

KATRICE ROMERO,

Defendant.

Court No. 2016-CI-CL-____

STATE OF THE NOOKSACK TRIBAL JUDICIARY

As various of the above-captioned Plaintiffs have maintained for months, the holdover Nooksack Tribal Council (“Holdover Council”) has lacked any Constitutional authority to transact any business or take an official action on behalf of the Nooksack Indian Tribe. Nooksack Bylaws, Art. 1, § 4. Yesterday, the Tribe’s trustee, the U.S. Department of the Interior, confirmed this reality in a decision sent to Chairman Robert Kelly by Principal Deputy for Indian Affairs Lawrence Roberts. **Appendix A.**

Interior explained in its decision:

As you know, the Nooksack Tribal Council (Council) lacks a quorum to conduct tribal business as required by the Nooksack Tribe’s (Tribe) Constitution and Bylaws. Four Council members’ terms expired in March 2016¹, and an election was never held to fill their seats. The Council currently consists of four members . . . [P]ursuant to the Tribe’s Constitution and Bylaws, the Council must have five fully elected officers to take action . . .

I am writing to inform you and the remaining Council members that **the Department will only recognize those actions taken by Council prior to March 24, 2016, when a quorum existed, and will not recognize any actions taken since that time because of a lack of a quorum.**

We will not recognize any actions until duly elected officials are seated in accordance with the Tribe’s Constitution and Bylaws. **This includes recent actions by you and two Council members to enjoin the authority of the Northwest Intertribal Court System (NICS). Since the NICS was authorized by a quorum of the Council to adjudicate matters prior to March 24, 2016, we will continue to recognize judicial decisions issued by the NICS. . .**

The BIA stands ready to provide technical assistance and support to the Tribe to carry out elections ‘open to all members of the Nooksack Tribe, eighteen years of age or over’ regardless of county residency, to vote fill the four vacant seats. Please be advised that elections inconsistent with Nooksack law will not be recognized by the Department.

Id. (emphasis added).

¹ The four seats are those of Ex-Vice Chairman Rick George, Ex-Treasurer Agripina Smith, Ex-Councilmember Lona Johnson, and Ex-Councilmember Katherine Canete.

Interior's decision—which operates as binding, non-IBIA appealable federal law pursuant to Nooksack Constitution Article VI, § 1²—also invalidates the Holdover Council's actions after March 24, 2016 to:

1. Terminate Tribal Court Chief Judge Susan Alexander on March 28, 2016³,
2. Appoint Ray Dodge to replace her as “Chief Judge” by June 13, 2016⁴, and
3. Appoint Milton G. Roland as “Judge Pro Tempore” by October 2016⁵.

NTC § 10.03.010 provides that “[a] Chief Judge and associate judges shall be appointed by the Tribal Council . . .” *See also* NTC § 10.03.020 (magistrate judges);

Mr. Dodge and Mr. Roland lack authority to serve as Nooksack Tribal Court Judges, having not been appointed by a legal quorum of the Tribal Council. *Id.*; Appendix A. Therefore, any action they take as “Judge” is null and void. *See Nat’l Bank of Wash. v. McCrillis*, 15 Wn.2d 345, 349 (1942).

More problematically, until “duly elected officials are seated in accordance with the Tribe’s Constitution and Bylaws,” the Holdover Council cannot take any lawful authority to appoint a legitimate Chief Judge or Pro Tem Judge to the Tribal Court. Appendix A; NTC § 10.03.010. And “the Tribal Council has a nondiscretionary general

² *See, e.g., Winnemucca Indian Colony v. U.S. ex rel. Dep’t of Interior*, No. 3:11-CV-00622-RCJ, 2011 WL 3893905, at *5 (D. Nev. Aug. 31, 2011) (“The final BIA action subject to judicial review is its decision to recognize [certain tribal officials or not].”).

³ Memorandum from Hon. Susan M. Alexander, former Nooksack Tribal Court Chief Judge, to Samantha Wohlfeil, Reporter, the Bellingham Herald (Apr. 21, 2016), *available at* <http://media.bellinghamherald.com/static/downloads/AlexanderMemo.pdf> (explaining how she was fired “as [she] was preparing a final draft of [her] ruling” to compel the Tribal Council election”).

⁴ *See generally* Nooksack Tribal Council Advertises for Chief Judge (Apr. 27, 2016), *available at* <https://turtletalk.wordpress.com/2016/04/27/nooksack-tribal-council-advertises-for-chief-judge/>.

⁵ Emails already on file with this Court indicate that from June 2016 through August 2016, the Tribal Council or Tribal Court purportedly searched for somebody to be appointed to serve as Judge Pro Tem, in replacement of former Nooksack pro Judge Randy Doucet. August 18, 2016 Email from Nooksack Court Clerk Betty Leathers to Michelle Roberts (“We are continuing our efforts to engage a pro tem judge to hear matters on which Chief Judge Dodge recused himself immediately after he was appointed.”); July 26, 2016 Email from Ms. Leathers to Ms. Roberts (“We are making arrangements for a pro tem judge to hear matters that Ray Dodge is conflicted out of, and we anticipate getting finalization . . .”); July 11, 2016 Email from Ms. Leathers to Ms. Roberts (“We are trying to make arrangements for a pro tem judge to hear these matters. At the present time, we cannot set these matters for hearing.”).

duty imposed by the Constitution of the Nooksack Indian Tribe to appoint one or more people as judges to the Tribal Court.” *Belmont v. Kelly*, Order Regarding the Petition for Writ of Mandamus, at 3 (Nooksack Ct. App. June 18, 2016).

As the Holdover Council cannot presently fulfill that nondiscretionary Constitutional duty “because of a lack of a quorum” (Appendix A), this Court must continue to uphold its “sworn duty and responsibility to enforce the laws and constitution of the Nooksack Tribe.” *In re Gabriel S. Galanda v. Nooksack Tribal Court*, Order on Motion to Enforce Contempt Order, at 2 (Nooksack Ct. App. July 25, 2016); *see also Belmont v. Kelly*, Order Regarding the Petition for Writ of Mandamus, at 3 (construing Article VI § 2 of the Nooksack Constitution to require that a tribal court be established and maintained).

MOTION

The *Belmont*, *Tageant*, *Gladstone*, and *Rabang* Plaintiffs have all suffered “injury to [their] constitutional rights of equal protection and due process as a result of the Tribal Council’s” massive conspiracy to subvert justice since February 2016. *Belmont v. Kelly*, Order Regarding the Petition for Writ of Mandamus, at 3. Each of these 331 Nooksack member Plaintiffs still need remedies.

The *Belmont* Plaintiffs await a ruling from the Tribal Court on their **January 29, 2016** Emergency Petition for Writ of Mandamus, to compel the election for the “[f]our Council members’ terms [that] expired in March 2016.”⁶ Appendix A (also “four vacant

⁶ As detailed in the Second Declaration Of Michelle Joan Roberts In Support Of Petition For Writ Of Mandamus (May 16, 2016), at 2, there are four motions that have been pending before the Trial Court dating back to January 2016, including a Motion for Default and Motion for Declaratory Judgment. *See generally Belmont v. Kelly*, Order Regarding the Petition for Writ of Mandamus. Although the declaratory judgment motion seeks to declare that the Holdover Tribal Council cannot take legal action under the Nooksack Constitution and Bylaws and the *Belmont* Plaintiffs reserve the right to resuscitate that motion here, they are chiefly concerned with their Emergency Petition for Writ of Mandamus. They, like Interior, are chiefly concerned with the need for a Constitutionally required election for four vacant Council seats.

seats”). It was that Petition upon which Judge Alexander was prepared to rule when she was terminated by Holdover Council Defendants on March 28, 2016. The matter remains fully briefed and ready for ruling.

Meanwhile, the Holdover Council is administering a recently commenced Referendum Election to disenroll the *Belmont* Plaintiffs—the so-called “Nooksack 306”—“immediately for their failure to provide proper evidence establishing their claim for enrollment[.]” **Appendix B.**⁷ The Referendum Election is an attempted end-around the various injunctions against disenrollment. *See Belmont v. Kelly*, Order Regarding the Petition for Writ of Mandamus, at 3; Order Denying Motion To Expand Jurisdiction, at 1 (Nooksack Ct. App. August 29, 2016); Order Granting Requests to Join April 15, 2016 Motion and Be Subject to June 28, 2016 Order (Nooksack Ct. App. Sept. 21, 2016); Second Amended Order Granting Requests to Join April 15, 2016 Motion and Be Subject to June 28, 2016 Order (Nooksack Ct. App. Sept. 22, 2016) (“Appellate Injunction Orders”); *Belmont v. Kelly*, Court No. 2014-CI-CL-007, Order (Nooksack Tribal Ct. Feb. 26, 2015). Indeed, the “Official Referendum Election Ballot” admits that the Tribal Court “entered an order on February 26, 2015, requiring the parties to maintain the ‘status quo’ pending disposition of the IBIA proceedings.” *Id.* The Referendum Election is scheduled to occur on November 4, 2016. *Id.*

If that were not blatant enough, **the Holdover Council has begin to issue Notices of Involuntary Disenrollment to the *Belmont* Plaintiffs**, despite no less than *four* existing injunction Orders from the Nooksack Judiciary. Appellate Injunction Orders; *Belmont v. Kelly*, Order (Nooksack Tribal Ct. Feb. 26, 2015). **Appendix C.** For example, Sofia Peatro, a *Belmont* Plaintiff who is named in this Court’s Second Amended

Order Granting Requests to Join April 15, 2016 Motion and Be Subject to June 28, 2016 Order, has been mailed a Notice of a November 10, 2016 disenrollment “meeting before the Tribal Council.” *Id.* **The Holdover Council is simply ignoring the injunctions now.**

Plaintiff Tribal Councilwoman Carmen Tageant also awaits a Tribal Court hearing on the Motion For Preliminary Injunction and Declaratory Judgment that she filed on **April 25, 2016**, to “prevent the Tribal Council from conducting, and concluding an illegal Special Election to recall her from her position on the Nooksack Tribal Council.” *Tageant v. Kelly*.⁸ Councilwoman Tageant was, according to Interior, “allegedly recalled via an election in April.” Appendix A, n.1. She can still obtain a declaratory judgment that her recall was illegal under Article IV, § 4 of the Nooksack Constitution.

The *Gladstone* Plaintiffs likewise await a Tribal Court hearing on their **August 22, 2016** Motion For Permanent Injunction, because “Defendants purportedly disenrolled [them] without . . . any opportunity for a hearing . . . and/or without ‘any procedural rules governing disenrollment proceedings’ having been ‘approved by the Secretary of Interior as provided for in the Nooksack Constitution.’” *Roberts v. Kelly*, No. 2013-CI-CL-003, at 9 (Nooksack Ct. App. Mar. 18, 2014). Plaintiffs also have sued for declaratory judgment regarding their purported disenrollment by the Holdover Council, which occurred after March 24, 2016, and thus transpired illegally “because of a lack of a quorum.” Appendix A.⁹ After the Court Clerk rejected their Motion papers, the

⁷ “Official Referendum Election Ballot” materials profess to come from a Nooksack Indian Referendum Committee, but utilize the Tribe’s Post Office Box 67 and instruct voters to call the Holdover Council’s Chief of Staff with “questions regarding the Referendum Election.” **Appendix B.**

⁸ Councilwoman Tageant’s Complaint and motion papers are available at: <https://turtletalk.wordpress.com/2016/04/27/new-materials-in-nooksack-disenrollment-election-disbarment-disputes/>. Plaintiffs can make any Tribal Court filings, or attempted filings, available to this Court upon request, in appreciation of the Clerk’s continued contempt and obstruction of this Appeals Court.

⁹ The *Gladstone* Plaintiffs’ Complaint is available at: <https://turtletalk.wordpress.com/2016/05/09/new-nooksack-tribal-court-complaint-re-nooksack-government-actions/>.

Gladstone Plaintiffs also filed a Petition For Writ Of Mandamus Or Prohibition before this Court, seeking to have this Appeals Court prohibit the Holdover Council from “taking any further action to disenroll or disenfranchise Petitioners . . .”¹⁰ That Petition remains pending.

The *Rabang* Plaintiffs attempted to file a Complaint with the Tribal Court on October 11, 2016, to prevent Holdover Council from causing them to be evicted from their homes because they are either proposed for disenrollment (Robert Rabang) or were purportedly disenrolled after March 24, 2016 (Margretty Rabang, who is also a *Gladstone* Plaintiff). The Court Clerk rejected the *Rabang* Plaintiffs Complaint out of hand.¹¹

In addition, as many as 160 of the *Belmont* Plaintiffs filed *pro se* Formal Indications Re: Orders in *Belmont*, with the Court in late September 2016 and early October 2016. In addition, Galanda Broadman, PLLC, filed an All Plaintiffs’ Formal Indication Re: June 28, 2016 Order, on behalf every *Belmont* Plaintiff, on October 22, 2016. Likewise, the *Gladstone* Plaintiffs—“similarly situated to Michelle Roberts and the Plaintiffs in *Belmont*”—filed Formal Indications in *Gladstone*, asking this Court to provide them the same relief.

This Court has “Order[ed] the Defendants/Respondents to refrain from taking any further action to disenroll [the *Belmont* Plaintiffs] until (a) a pro tem judge is assigned and a hearing is held on all pending motions in this matter and (b) either Ms. Roberts is allowed to advocate for [them] or civil counsel of [their] choosing is allowed to do so.” Appellate Injunction Orders, *supra*. But it is now established that there is no “pro tem

¹⁰ The *Gladstone* Petitioners’ petition to this Appeals Court is available at <https://turtletalk.wordpress.com/2016/08/31/nooksack-306-clerk-rejects-petition-coa-denies-motion/>.

¹¹ The *Rabang* Plaintiffs’ Complaint is available at <https://turtletalk.files.wordpress.com/2016/10/rabang-v-romero-tribal-court-complaint.pdf>. Plaintiffs allege that Defendant Katrice Romero, Holdover Councilperson Canete’s twin sister, is trying to force them “to vacate Plaintiffs, upon direction of a now defunct Tribal Council.” Complaint (Oct. 11, 2016), at 6.

judge” or other Tribal Court Judge rightfully appointed by the Holdover Council to hear any of the *Belmont* Plaintiffs motions or rule on their January 29, 2016 Emergency Petition for Writ of Mandamus. *See* Appendix A. No new Tribal Court Judge can be appointed “until duly elected officials are seated in accordance with the Tribe’s Constitution and Bylaws.” *Id.* And Holdover Council Defendants again disbarred counsel of Plaintiff’s choosing on October 7, 2016, in clear violation of this Court’s September 21, 2016 Order Regarding Plaintiffs’ Second Motion for Show Cause Order Re: Summary Judgment, Contempt or Mandamus in *In re Gabriel S. Galanda v. Nooksack Tribal Court*. *See id.*, Motion For Show Cause Order Re: Contempt (Oct. 13, 2016), Appendix A thereto (Resolution #16-149).¹²

Given this increasingly unprecedented situation, the *Belmont* and *Gladstone* Plaintiffs now propose that this Court’s Injunction Orders be modified to

1. Cover all of the *Belmont* and *Gladstone* Plaintiffs, and
2. Instruct the Holdover Council Defendants to refrain from taking any further action to disenroll or disenfranchise those Plaintiffs, including without limitation through any Referendum Election, until duly elected officials are seated to fill the four expired and vacant Tribal Council seats in accordance with the Tribe’s Constitution and Bylaws through an election open to all members of the Nooksack Tribe, eighteen years of age or over regardless of county residency and otherwise consistent with Nooksack law.

In re Gabriel S. Galanda v. Nooksack Tribal Court, Order Finding Betty Leathers in Contempt, at 9 (Nooksack Ct. App. June 28, 2016); Appendix A (citing Article IV, § 1; *Belmont v. Kelly*, No. 2014-CI-CL-007 (Nooksack Tribal Ct. Jan. 26, 2016).

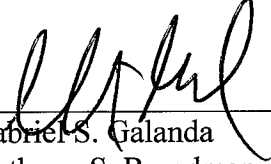
¹² Although Resolution #16-149 is also illegal “because of a lack of a quorum.” Appendix A hereto.

In addition, Councilwoman Tageant requests an Order immediately restoring her to her seat on the Nooksack Tribal Council. *See* Appendix A, n.1.

A proposed Order is filed with this Motion.

Respectfully submitted this 18th day of October, 2016.

GALANDA BROADMAN, PLLC



Gabriel S. Galanda
Anthony S. Broadman
Ryan D. Dreveskracht
Attorneys at Law

Attorneys for the *Belmont, Tageant, Gladstone, and Rabang* Plaintiffs¹³

¹³ *In re Gabriel S. Galanda v. Nooksack Tribal Court*, Order Regarding Plaintiffs' Second Motion for Show Cause Order Re: Summary Judgment (restoring Plaintiffs' counsel's right to practice law at Nooksack).

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of October 2016, I served the foregoing by causing it to be mailed and emailed to the following individuals:

KATIE NICOARA
Northwest Intertribal Court System
20818 44TH Ave. W, Suite 120
Lynnwood, WA 98036-7709

RICKIE ARMSTRONG
Office of Tribal Attorney
Nooksack Indian Tribe
5047 Mt. Baker Hwy
P.O. Box 63
Deming, WA 98244

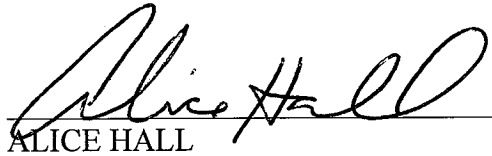
BETTY LEATHERS
Nooksack Tribal Court
4971 Deming Road
Deming, WA 98244

CONNIE SUE MARTIN
Partner-in-Charge
Schwabe Williamson & Wyatt¹⁴
1420 5th Ave., Suite 3400
Seattle, WA 98101

¹⁴ Schwabe Williamson & Wyatt stands—and, since at least early 2013, has stood—in violation of the Nooksack Constitutional requirement in Article VI § 1(d) that attorney employment contracts and related fee arrangements be approved by the Interior Secretary. See October 6, 2016 Letter from Stanley Speaks, Northwest Regional Director, Bureau of Indian Affairs, to Gabriel S. Galanda (confirming that dating back to January 1, 2008, the BIA does not possess any “Schwabe Williamson & Wyatt attorney, legal services or employment contract” with the Nooksack Tribe); Thomas P. Schlosser, “Why Doing Business On Reservations Is Unique,” (June 16, 2000) (Although “Pub. L. 106-179 amends the Indian Reorganization Act provision requiring that attorney contracts with Indian tribes must be approved by the Secretary . . . many tribal constitutions require secretarial approval of attorneys contracts. These statutory changes do not change the tribal constitutional provisions . . .). The Holdover Council’s previous attempt to legislate away that requirement via Resolution is unconstitutional, and provides no legal cover or liability release for Schwabe (or Foster Pepper vis-à-vis Mr. Roland if similarly situated). *Roberts v. Kelly*, No. 2013-CI-CL-003, Opinion at 10 n.13 (Nooksack Ct. App. Mar. 18, 2014) (if “the Tribe and its membership” dislike Secretarial approval, they could seek a “properly adopted amendment to the Nooksack Constitution.”).

The foregoing statement is made under penalty of perjury under the laws of the Nooksack Tribe and the State of Washington and is true and correct.

DATED this 18th day of October.



ALICE HALL

APPENDIX A



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 17 2016

The Honorable Robert Kelly, Jr.
Chairman, Nooksack Tribe
P.O. Box 157
Deming, Washington 98244

Dear Chairman Kelly:

As you know, the Nooksack Tribal Council (Council) lacks a quorum to conduct tribal business as required by the Nooksack Tribe's (Tribe) Constitution and Bylaws. Four Council members' terms expired in March 2016, and an election was never held to fill their seats. The Council currently consists of four members.¹ The Nooksack constitution and bylaws provide:

"At any special or regular meeting of the tribal council, five (5) members present shall constitute a quorum and the tribal council may proceed to transact any business that may come before it."²

Accordingly, pursuant to the plain language of the Tribe's Constitution and Bylaws, the Council must have five duly elected officers to take any official action.

In rare situations where a tribal council does not maintain a quorum to take action pursuant to the Tribe's Constitution, the Department of the Interior (Department) does not recognize actions taken by the Tribe. This is one of those exceedingly rare situations. Accordingly, I am writing to inform you and the remaining Council members that the Department will only recognize those actions taken by the Council prior to March 24, 2016, when a quorum existed, and will not recognize any actions taken since that time because of the lack of a quorum.

We will not recognize any actions until duly elected officials are seated in accordance with the Tribe's Constitution and Bylaws. This includes recent actions by you and two Council members to enjoin the authority of the Northwest Intertribal Court System (NICS). Since the NICS was authorized by a quorum of the Council to adjudicate matters prior to March 24, 2016, we will continue to recognize judicial decisions issued by the NICS.

I want to be clear that the Department is not interpreting the Tribe's Constitution or interfering in internal tribal matters. The Department fully respects tribal sovereignty and tribal law. Rather, we are underscoring that pursuant to our government-to-government relationship between the United States and the Nooksack Tribe, we will only recognize action taken in accordance with the Tribe's Constitution and Bylaws.

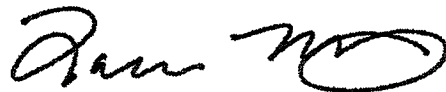
¹ Another Council member was allegedly recalled via an election in April.

² Nooksack Bylaws Article II Section 4.

Under Federal law, the United States has a duty to ensure that tribal trust funds, Federal funds for the benefit of the Tribe, and our day-to-day government-to-government relationship is with a full quorum of the Council as plainly stated in the Tribe's Constitution and Bylaws. As such, the Bureau of Indian Affairs (BIA) will examine any self-determination contracts or funding agreements it has with the Tribe to ensure the Tribe's compliance with all contract provisions. In the event of non-compliance, BIA will take action to reassume the particular Federal services, in whole or in part, and provide direct services to currently enrolled tribal members.

The BIA stands ready to provide technical assistance and support to the Tribe to carry out elections open to "all enrolled members of the Nooksack Tribe, eighteen years of age or over" regardless of county residency, to vote to fill the vacant Council seats.³ Please be advised that elections inconsistent with Nooksack law will not be recognized by the Department. Should you have any questions, please contact my office at (202) 208-7163.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence S. Roberts", with a stylized circular flourish at the end.

Lawrence S. Roberts
Principal Deputy Assistant Secretary –
Indian Affairs

cc: Regional Director Speaks
Northwest Intertribal Court System
Nooksack Tribal Council members

³ Nooksack Constitution Art. IV Section 1. *See Belmont v Kelly*, No. 2014-CI-CL-007 (Nooksack Tribal Ct. Jan. 26, 2016).

APPENDIX B

OFFICIAL REFERENDUM ELECTION BALLOT

Shall the "306" individuals, who were given notice regarding their erroneous enrollment via certified mail, be disenrolled immediately for failure to provide proper evidence establishing their claim for enrollment?

YES	
-----	--

NO	
----	--

BACKGROUND:

The Nooksack Indian Tribe Referendum Committee circulated a referendum petition asking the above question. The Referendum Petition was brought forward with more than the 1/3 required number of eligible voters.

The Tribal Council initiated disenrollment proceedings against nearly 300 individuals for failure to provide proper evidence establishing their original claims for enrollment. In 2014, Tribal Council passed a resolution that approved an amended Title 63 to include court-approved disenrollment proceeding rules. Shortly following passage of the resolution, the Tribal Council forwarded Title 63 to the Bureau of Indian Affairs and the Department of Interior, Northwest Regional Office, and obtained approval for the ordinance in late 2014. The opponents of the ordinance then appealed the approval of the ordinance to the IBIA. The Tribal Court then entered an order on February 26, 2015 requiring the parties to maintain the "status quo" pending disposition of the IBIA proceedings. The IBIA has yet to decide the case.

If the referendum passes with the requisite number of "Yes" votes it will be binding on the Tribal Council and Tribal Council shall immediately recommence disenrollment proceedings and the referendum will supersede the Tribal Council decision to seek external approval of Title 63 above that already received.

OFFICIAL REFERENDUM ELECTION BALLOT

NOOKSACK INDIAN TRIBE

November 4, 2016

BALLOTS MUST BE
RECEIVED BY MAIL AT
P.O. Box 63,
Deming, WA 98244

BY 5:00 P.M.
on Friday, November 4, 2016

PLEASE READ THE ATTACHED
INSTRUCTIONS AND FOLLOW
EACH STEP EXACTLY AS
INSTRUCTED.

INSTRUCTIONS

Enclosed is an OFFICIAL BALLOT for the Referendum Election to be held on Friday, November 4, 2016. Only unspoiled Official Ballots received by the deadline, 5:00PM on November 4, 2016, will be counted.

Please read all instructions before executing your ballot.

PLEASE READ CAREFULLY

- ☐ Mark your ballot with a pen, using blue or black ink.
- ☐ Place an **X** or a **✓** (clearly mark) in the box next to your choice.
- ☐ One ballot per red envelope.
- ☐ Fold the ballot and put it into the RED ENVELOPE marked "**ABSENTEE BALLOT**". Seal it.
- ☐ There is an affidavit on the back of the 6x9 inch manila envelope. You **MUST** print your name, sign, add your member number, and date the affidavit on the lines provided.
- ☐ One Absentee Ballot per manila envelope.
- ☐ Put the red "**ABSENTEE BALLOT**" envelope into the 6x9 inch manila envelope. You will need to fold the red envelope to fit it in the manila envelope. Seal it.
- ☐ Your ballot **must be received** (and not just postmarked) by 5:00PM on Friday, November 4, 2016, in order to be counted. No Exceptions. It is the voter's responsibility to ensure that his/her ballot is actually received by the close of polls on election day. Send your ballot as soon as possible to ensure timely receipt.

The deadline for receipt of the Official Ballots for the Referendum Election is 5:00PM on Friday, November 4, 2016. Any ballots received after this time will NOT be counted. **Remember**, all ballots must be received by 5:00PM on Friday, November 4, 2016 at P.O. Box 63, Deming, WA 98244.

If you have questions regarding the Referendum Election that do NOT have to do with policy, you may call the Chief of Staff at (360) 592-5176.

APPENDIX C

IMPORTANT LEGAL NOTICE

NOTICE OF MEETING

DATE: Monday, October 17, 2016

Sofia Peato 2387
7064 N.E. New Brooklyn Rd.
Bainbridge Island, WA 98110
USA

RE: Notice of Involuntary Disenrollment

Please be advised that in accordance with Title 63, section 63.04.001(B)(2), your meeting with the Tribal Council to consider the current Notice of Intent to Disenroll will be scheduled as follows:

MEETING DATE: Thursday, November 10, 2016
TIME: 10:00 a.m.
PLACE: Teleconference

TELECONFERENCE NUMBER: 1 (530) 881-1212
ACCESS CODE: 237-169-185

WARNING: you must confirm your meeting Two (2) business days prior to the Meeting Date. To confirm that you still desire a meeting before the Tribal Council, you must send an email to meeting@nooksack-nsn.gov or call (360) 592-5176 ext. 3114. Failure to timely confirm your meeting will result in your meeting being stricken and Tribal Council will only consider timely filed written materials.

On your meeting date, you are required to call the teleconference number and enter the Access Code prior to your teleconference time and follow any instruction given. Once you are connected, stay on the line until the Councilmembers come on the line. Title 63, including all the provisions regarding the rules and procedures governing your hearing, is posted at Nooksacktribe.org (under the Tribal Court section). You previously received a Notice of Basis for Disenrollment with accompanying attachments, which outlines the evidence relied upon for these actions. Failure to abide by applicable law and/or rules, or failure to attend your meeting at the designated date and time, may result in your disenrollment from the Nooksack Indian Tribe.