



NOOKSACK TRIBAL COUNCIL

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

RESOLUTION #18-15

March 15, 2018

TITLE: RATIFICATION OF RESOLUTION # 16-92 (CHIEF JUDGE DODGE APPOINTMENT)

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, in March 2016, the Tribe had not yet held election for (4) Council positions and consistent with Tribal law four (4) councilpersons continued to hold the positions as "holdovers" pending election;

WHEREAS, while the (4) councilpersons were in holdover status, the Tribal Council passed Resolution #16-92 on July 20, 2016;

WHEREAS, following the passage of Resolution #16-92, the former Acting Assistant Secretary of Indian Affairs ("AS-IA") issued a series of letters refusing to recognize actions by the Tribal Council following March 24, 2016 due to a late election, which conclusions conflicted with Tribal law;

WHEREAS, following issuance of the former Acting AS-IA's letters, the Chairman of the Nooksack Tribal Council and AS-IA entered into a Memorandum of Agreement wherein, upon the conclusion of a Special Election, the AS-IA would permanently recognize Tribal Council;

WHEREAS, on December 8, 2017, the Election Board certified the results of the General Election, on December 9, 2017, the Councilmembers elect were sworn into office, and the Special Election has concluded; and

WHEREAS, as the former AS-IA's series of letters created unnecessary doubt as to the validity of Resolution #16-92, the Tribal Council desires to eliminate all doubt and resolve the issue of

the validity of Resolution #16-92 by adopting Resolution #16-92 as its own through this current ratification of the previous action.

NOW THEREFORE BE IT RESOLVED, that Resolution #16-92 (CHIEF JUDGE DODGE APPOINTMENT), adopted by Tribal Council on July 20, 2016, is hereby adopted, approved, ratified, and confirmed as valid and binding, as had the same been adopted by this Tribal Council; and

BE IT FURTHER RESOLVED, that the Chairman is hereby authorized and directed to execute this resolution and any documents connected here within.

CERTIFICATION

I, the undersigned do hereby certify that the Nooksack Tribal Council members were polled and voted in accordance with this poll on the listed dates and times, and that the above Polling Resolution #18-15 approving the **RATIFICATION OF RESOLUTION # 16-92 (CHIEF JUDGE DODGE APPOINTMENT)** was duly enacted by the Council Members vote of: 5 **FOR**, 0 **OPPOSED**, 0 **ABSTENTIONS**, and 2 **NO RESPONSE**, subject to the ratification of such action at the next Tribal Council meeting, and since its approval this phone polling resolution has not been altered, rescinded, or amended in any way.



Robert Kelly, Jr., Chairman
Nooksack Tribal Council

ATTEST TO PERFORMING THE PHONE POLL:



Charity Bernard
Chief of Staff