



## **NOOKSACK TRIBAL COUNCIL**

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

### **RESOLUTION #18-18**

**March 15, 2018**

#### **TITLE: RATIFICATION OF RESOLUTIONS ADOPTED SINCE MARCH 24, 2016**

**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 positions as "holdovers" pending election;

**WHEREAS**, while the (4) councilpersons were in holdover status, the Tribal Council passed various Resolutions;

**WHEREAS**, prior to and following the passage of said Resolutions, 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 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**, on March 9, 2019, the Acting AS-IA recognized the Nooksack Tribal Council as the governing body of the Nooksack Indian Tribe and recognized the suspension of the March

2018 to allow time for AS-IA to recognize the Council and the validity of any "holdover" Council status as valid caused by that suspension; and

**WHEREAS**, the former AS -IA's series of letters created unnecessary doubt as to the validity of Resolutions adopted by the Nooksack Tribal Council from March 24, 2016 until March 9, 2018, the Tribal Council desires to eliminate all doubt and resolve the issue of the validity of said Resolutions as their own through this current ratification of the previous actions.

**NOW THEREFORE BE IT RESOLVED**, that all Nooksack Tribal Council Resolutions adopted from March 24, 2016 until March 8, 2018 are 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 #18-18 approving the **RATIFICATION OF RESOLUTIONS ADOPTED SINCE MARCH 24, 2016** 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.

  
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Robert Kelly, Jr., Chairman  
Nooksack Tribal Council

**ATTEST TO PERFORMING THE PHONE POLL:**

  
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Charity Bernard  
Chief of Staff