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ORDINANCE OF THE GOVERNING BODY

OF THE

SAUK-SUIATTLE INDIAN TRIBE

Ordinance No. 12/24A/07: TRIBAL COUNCIL REMOVAL ORDINANCE

THEREFORE BE IT ENACTED BY THE TRIBAL COUNCIL OF THE SAUK-SUIATTLE INDIAN TRIBE, AS FOLLOWS:

WHEREAS, The Sauk-Suiattle Tribal Council is the duly constituted governing body of the Sauk-Suiattle Indian Tribe, by authority of the Constitution and Bylaws, approved by the Secretary of the Interior on September 17, 1975 and in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat.984); and

WHEREAS, the Sauk-Suiattle Indian Tribal Council is the duly elected governing body of the Sauk-Suiattle Indian Tribe; and

WHEREAS, in accordance with the Tribal Constitution and Bylaws of the Sauk-Suiattle Indian Tribe, it shall be the duty of Tribal Council to protect and preserve the people of the Sauk-Suiattle Indian Tribe as provided in Article II, Section 1(a) including the promulgation of laws and ordinances pursuant to Article VII, Section 1(P); and

WHEREAS, in order to maintain and provide the peace, health and general welfare of the Sauk-Suiattle members, the Tribal Council is committed to the responsible and prudent use of any and all tribal funds; now

THEREFORE, BE IT ENACTED THAT, the Sauk-Suiattle Tribal Council hereby asserts its right as a sovereign power, pursuant to the Sauk-Suiattle Constitution Article V, Sections 1-5 to determine how internal policies should be implemented for Tribal Council Removal Ordinance; now

BE IT FURTHER ENACTED THAT, this Ordinance is to set forth uniform procedures to be followed by the Tribal Council in carrying out the provisions of the Tribal Council Removal Ordinance; now

BE IT FINALLY ENACTED THAT, the Tribal Council Removal Ordinance shall be approved in accordance with the following procedures:

TRIBAL COUNCIL REMOVAL ORDINANCE

SECTION 1. AUTHORITY

This Ordinance is enacted pursuant to authority vested in the Tribal Council by Article VII, Section 1(N) of the Sauk-Suiattle Constitution.

SECTION 2. PURPOSE

This Ordinance is intended to provide procedures for (1) the declaration of a vacancy and appointment of replacement of a Tribal Council member position pursuant to the Sauk-Suiattle Constitution Article V, Sections 1 and 4; (2) removal of a Tribal Council member and appointment of a replacement member pursuant to Article V, Sections 2 and 4; and removal of a Tribal Council member and appointment of a replacement member pursuant to Article V, Sections 3 and 4.

SECTION 3. DEFINITIONS

- 3.01 **Felony.** For purposes of this Ordinance, means a serious crime in any federal, state or Indian court (usually punishable by imprisonment for one year or more or by death). Such an offense may be termed a “major crime,” “general crime” or “serious crime” by certain jurisdictions.
- 3.02 **Gross neglect of duty.** For purposes of this Ordinance, means a serious, repeated, or prolonged lack of diligence or care in one’s duties; or a conscious, voluntary act or omission in reckless disregard of one’s duties.
- 3.03 **Malfeasance.** For purposes of this Ordinance, means a wrongful or unlawful act.
- 3.04 **Misconduct.** For purposes of this Ordinance, means a corrupt violation of assigned duties by malfeasance, misfeasance, or nonfeasance.
- 3.05 **Misdemeanor in office.** For purposes of this Ordinance, means a crime in any federal, state or Indian court that is less serious than a felony and that is usually punishable by fine, penalty, forfeiture or imprisonment for less than one year that is related to the individual’s official duties as a tribal council member. Such an offense may be termed an “infraction.”
- 3.06 **Misdemeanor involving dishonesty.** For purposes of this Ordinance, means a crime in any federal, state or Indian court that is less serious than a felony and that is usually punishable by fine, penalty, forfeiture or imprisonment for less than one year that relates to bad faith, untruthfulness. Such an offense may be termed an “infraction.”
- 3.07 **Misfeasance.** For purposes of this Ordinance, means excessive, malicious, or negligent exercise of powers.
- 3.08 **Nonfeasance.** For purposes of this Ordinance, means the failure fulfill the duties assigned.

SECTION 4. AUTOMATIC REMOVAL

4.01 Grounds

Any member of the Tribal Council who dies, resigns, loses tribal membership, is found guilty of a felony (during his or her term), or is found guilty of a misdemeanor involving dishonesty (during his or her term) shall be removed from the Council.

4.02 Procedure

The Tribal Council shall meet and review the documentary evidence that an event described in Section 4.01 has occurred. If the Council determines that such an event has occurred, the Council shall document this in the form of a Tribal Council Resolution.

4.03 Replacement

If an event described in Section 4.01 has occurred, a new member shall be appointed in accordance with Section 7.

SECTION 5. REMOVAL BY TRIBAL COUNCIL

5.01 Grounds for Removal. The Tribal Council may remove an individual from the Tribal Council under any of the following conditions:

- a) The member in question has been found guilty of a misdemeanor in office;
- b) The member in question has been found guilty of gross neglect of duty; or
- c) The member in question has been found guilty of malfeasance in office.

5.02 Procedure for Removal.

5.02.010 Notice

- a) Prior to removal by the Tribal Council, the Secretary of the Tribal Council (or other designee) shall provide to the member 14 day's written notice, by certified mail, that the Tribal Council will hold a hearing for the purpose of providing the member an opportunity to show why he or she should not be removed from Council.
- b) The notice shall state which of the grounds described in Section 5.01 is the basis for the removal. and shall also provide copies of all documents which may be considered by the Tribal Council in making its removal decision.

5.02.020 Hearing

- a) At the hearing the member will be given the opportunity to respond to the evidence before the Tribal Council, offer and confront witnesses (if any), and present any additional relevant evidence to the Council. The member shall be given adequate time to present his case.
- b) The member may be represented by legal counsel at his or her own expense.

5.02.030 Decision

- a) Within thirty (30) days after the conclusion of the hearing, the Tribal Council shall decide whether to remove the individual from Council. A decision to remove the individual may only be made by a two-thirds (2/3) vote of the Tribal Council.
- b) The Tribal Council's decision shall be contained in a duly enacted Tribal Council resolution.
- c) The Tribal Council Secretary (or other designee) shall, within five (5) days of any removal decision by the Tribal Council, transmit to the member by certified mail the following:
 - (i) a copy of the resolution of decision; and
 - (ii) a letter describing, in easily understood language the Tribal Council's decision.

Section 5.03 Replacement

In the event the Tribal Council removes a member in accordance with this Section 5, a new member shall be appointed as described in Section 7.

SECTION 6 REMOVAL BY GENERAL MEMBERSHIP

Section 6.01 Grounds for Removal

The general tribal membership may seek to remove a Tribal Council member for misconduct.

Section 6.02 Procedure for Removal

6.02.010 Petition

- a) The general tribal membership must file a petition to remove a Tribal Council member.
- b) The petition must be signed by at least twenty-five percent (25%) of the eligible tribal voters.
- c) The petition must detail the alleged misconduct of the Tribal Council member the petition seeks to remove.
- d) The petition must be delivered to the Secretary of the Tribal Council, or in the event the Secretary is not available or is the subject of the Petition, it may be delivered to the Chairman.

6.02.020 Special Meeting

- a) Upon receipt of a valid petition, the Tribal Council shall schedule a special meeting not later than thirty (30) days from the date of receipt of the petition.
- b) A copy of the petition shall be provided to the named council member no later than ten (10) days prior to the special meeting.
- c) At the special meeting, the named council member shall have an opportunity to respond to the written charges contained in the petition.
- d) At least 30% of the eligible tribal voters must be present at the special meeting to form a quorum.
- e) A majority vote of the eligible voters present at the special meeting shall decide whether such person is to be removed.

6.03 Replacement

In the event the general membership removes a member in accordance with this Section 6, a new member shall be appointed as described in Section 7.

SECTION 7 APPOINTMENT OF REPLACEMENT

7.01 Procedure

If a vacancy on the Tribal Council occurs pursuant to Section 4, 5, or 6, the tribal chairman (except in the event that the tribal chairman is the individual who has been removed, and in that event the vice chairman) shall appoint an eligible tribal member to fill the vacant position, subject to the approval of the Tribal Council.

7.02 Term

The appointed member shall serve until the next general election when a successor will be elected for the unexpired term, as further described in the Election Ordinance.

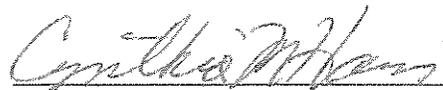
CERTIFICATION

Pursuant to the authority contained in Article VII, Section 1(N) of the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe, ratified by the Tribe on July 19, 1975 and certified by the Secretary of Interior on September 17, 1975, pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), the foregoing Ordinance was adopted on December 12, 2007 at a reconvened Tribal Council meeting held at the Sauk-Suiattle Indian Reservation at which time a quorum was present, by a vote of 4 for, 0 against, 1 abstain, and 2 absent.



Janice W. Mabee, Chairman

ATTEST:



Cynthia M. Harris, Secretary