

TITLE 2
COMMITTEES AND COMMISSIONS

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**TITLE 2
COMMITTEES AND COMMISSIONS**

CHAPTER I – GENERAL PROVISIONS

2.01.010 Title

This Title, adopted by Resolution 84-2006 and codified in this chapter shall be known as the "Commissions and Committees Code" of the Nisqually Indian Tribe. (Res. 84-2006).

HISTORICAL AND STATUTORY NOTES

This Title enacted by Tribal Council Resolution 84-2006, September 11, 2006.

2.01.020 Purpose

The public's trust in their government may be sustained only as long as the public remains involved in the deliberations essential to responsible decision-making by that government. The Tribal Council wishes to preserve this public trust by openly seeking advice, ideas and recommendations from the Nisqually Tribal Community. Accordingly, the Council wishes to provide equal opportunities for public service and encourages Tribal members to serve on commissions and committees to the Council. Furthermore, the Council believes the performance of these commissions and committees can be enhanced by creating and by administering them according to a consistent policy.

2.01.030 Definitions

The following words, whenever used in this Title, shall have the meanings set forth in this section:

- (a) "Advisory Body" means any group created by the Tribal Council to provide advice to the Tribal Council or to perform a specific task or functions. An "advisory body" must be established by either an ordinance or a resolution. Advisory bodies include commissions and committees.
- (b) "Commission" means any advisory body created by the Tribal Council to exist for longer than two years. A "commission" is delegated specific decision-making authority by the Tribal Council.
- (c) "Committee" means any advisory body created by the Tribal Council to exist for longer than two years. A "committee" does not have decision-making authority. Committees created by the Tribal administration that are composed only of tribal employee staff members are not covered by this chapter. Fish Commission Elections and Terms are not subject to this chapter.

- (d) “Immediate family” means persons in the relationship of parent/child, sibling, or spouse.
- (e) “Sub-committee” means a sub-committee of the Tribal Council. A “sub-committee” is created by the Tribal Council which shall prescribe the sub-committee’s authority, procedures and term. A sub-committee may be either standing or ad hoc. Sub-committees are not covered by this chapter.
- (f) "Statute" means any law approved as to form by the Tribal Council and adopted pursuant to applicable tribal law as part of the Tribal Code.

HISTORICAL AND STATUTORY NOTES

Subsection (c) of this section amended by Tribal Council Resolution No. 7- 2009 dated February 18, 2009.

2.01.040 Scope of provisions

This Title shall apply to any advisory body including commissions and committees, and any other advisory group over which the Council has appointing authority or jurisdiction. Nothing in this Title shall be interpreted or applied so as to create any power, duty or condition in conflict with any other Tribal statute. This Title does not apply to Tribal Council sub–committees.

2.01.050 Effect of provisions.

Each existing commission or committee shall be deemed abolished six months from and after the effective date of this Title unless the advisory body has been previously established by a statute or resolution and their by-laws have been approved by Tribal Council. Advisory bodies not previously formally established must be re-established by ordinance or resolution in conformity with this chapter before the expiration of said six months, or they will be deemed abolished. A standing committee shall be a permanent committee. A special purpose committee shall have its term set by the Tribal Council, which term shall not exceed one year.

2.01.060 Commission and committee creation procedures

- (a) Each commission created by the Tribal Council shall be created by a statute and each committee created by the Tribal Council shall be created by a resolution, specifying:
 - (i) The commission's statutory authority, if any;
 - (ii) The commission's or committee's purpose;
 - (iii) The commission's or committee's membership consistent with Section 2.01.080;
 - (iv) The commissioners' or committee members' terms of office, consistent with Section 2.01.100;
 - (v) The commission's or committee's organization and procedures, consistent with Sections 2.01.110 through 2.01.230;
 - (vi) Any necessary exceptions, consistent with Section 2.01.230; and

- (vii) The repeal of any statute or resolution in conflict with the statute or resolution that created the commission or committee.
- (b) A statute creating a commission may be amended, repealed or superseded only by a subsequent statute. A resolution creating a commission may be amended, repealed or superseded only by a subsequent resolution.
- (c) The Council Secretary shall send a copy of each statute or resolution creating a commission or committee to each tribal department directly affected by such statute or resolution.
- (d) A model resolution for the creation of commissions and committees is incorporated in this chapter in Section 2.01.250.

2.01.080 Membership qualifications and nomination

- (a) Eligibility. Each member of a commission or committee shall be an enrolled adult Nisqually Tribal member except that non-tribal members may be appointed to a commission or committee when the commission or committee is established jointly with another entity or entities. Staff members may be assigned to work with advisory bodies as necessary. To ensure diversity, the Council may limit the number of members of a family or families serving on a commission or committee to two. Additional specific qualifications may be established by the Tribal Council in the statute or resolution creating the commission or committee.
- (b) Appointments. The Council shall nominate and approve all members of commissions and committees as provided in Section 2.01.210.
- (c) Alternate Members. No alternate members shall be appointed to serve on any commission or committee unless deemed necessary by the Tribal Council.

2.01.090 Application for appointment

Any person seeking appointment to any advisory body to which the Tribal Council makes appointments may submit to the Council a written application expressing his or her interest in serving on such advisory body on a form approved by the Tribal Council. Appointments will be made giving consideration to experience, education and skills of the applicant. A model application form is attached as an appendix to this Title and hereby incorporated herein.

2.01.100 Terms of office

- (a) Terms Generally. All terms of members of commissions or committees shall be staggered. Terms shall begin upon appointment. All commissions or committees shall have numbered positions. Positions 1 and 2 shall initially be appointed for one

year. Positions 3, 4 and 5 shall initially be appointed for two years. All subsequent terms of all members shall be for two years. A person appointed to fill the term of a member who has been removed shall finish the existing term of the member being replaced in order to retain staggered terms. A member of a commission or committee shall not serve more than two consecutive terms in the same position.

- (b) Commission Members. Each commission member whose term is not set by statute shall serve for a term of two years.
- (c) Committee Members. Each committee member whose term is not set by statute shall serve for a term of two years.
- (d) Removal. Upon recommendation of the advisory body's Chairman or the majority of the advisory body's membership, or a member of the Tribal Council, any individual commission, committee, or special advisory board member may be removed from office by a vote of the Tribal Council favoring such removal.

HISTORICAL AND STATUTORY NOTES

This section amended by Tribal Council Resolution No. 85-2008, dated September 16, 2008.

2.01.110 Officers

Each commission and committee shall elect its chairperson, vice-chairperson and secretary by a majority vote at its first regular meeting with a quorum as defined in Section 2.01.140. Commission and committee officers shall be elected during the first meeting of the commission or committee and each February thereafter, or as otherwise set by statute.

2.01.115 Fiduciary Duty

All members of commissions and committees are deemed to have fiduciary duties and responsibilities to the Nisqually Indian Community. All members shall comply with all codes of conduct for tribal officials adopted by the Tribal Council.

2.01.120 Meetings

- (a) Open and Public. Each advisory body meeting shall be open and public, except authorized executive sessions. All commissions and committees shall hold regular meetings, the time and place for which shall be determined by a majority of the members, as specified in the commission's or committee's bylaws and approved by the Tribal Council. All advisory bodies shall adopt regular meeting schedules annually and post them publicly. The chair of all advisory bodies shall send 24 hour notice of special meetings to all members unless all members concur on the need to meet earlier. All advisory body meetings shall be held at locations which are accessible to the public and which are functional for, usable, and accessible to

physically handicapped persons to the maximum extent feasible. All advisory bodies shall endeavor to hold meetings on tribal premises when possible.

- (b) Executive Sessions. No advisory body shall hold an executive session, or any meeting excluding the public, without first receiving written authorization from the Tribal Council. The Tribal Council shall be represented at all executive sessions held by any advisory body.

2.01.130 Bylaws

Procedures for the conduct of business by each commission or committee not specified in the commission's authorizing ordinance or the committee's authorizing resolution shall be contained in bylaws adopted by the commission or committee and submitted to the Tribal Council for final approval. A set of model by-laws is incorporated in this chapter in Section 2.01.260.

2.01.140 Quorum

A majority of the voting members of each commission or committee shall constitute a quorum, and no act of any commission or committee shall be valid unless at least a majority of those members constituting a quorum concur therein; provided, however, that for five-member commissions or committees, an affirmative vote of at least three of the voting members of the commission or committee shall be required. Any act of any commission or committee shall be accomplished by a roll call vote when such a vote is requested by any member in attendance.

2.01.150 Minutes of meetings

Official minutes recording the motions entertained and actions taken at each commission or committee meeting shall be prepared and submitted by each commission and committee to the Tribal Council, the Council Secretary, and the Tribal administrative office within one month of the meeting. The minutes shall reflect who is in attendance. If a member is absent the minutes shall reflect whether the member received prior notification of the meeting.

2.01.160 Reports

- (a) Each committee and commission shall provide quarterly written reports to the Tribal Council and to the Tribal Chief Executive Officer. The reports shall highlight the activities, accomplishments and future goals of the commission or committee and shall utilize the following report format:
 - (i) Role(s) of the commission or committee;
 - (ii) Meeting dates, time and location, or in the alternative, provide a copy of meeting minutes;
 - (iii) Commission or committee structure;
 - (iv) Commission or committee staff (designated staff or staff assigned through department);
 - (v) Attendance;

- (vi) Annual goals and accomplishments (reporting year goals and attainment of those goals; summary of reporting year activities including special projects and projects and workshops or seminars that members have attended, if applicable);
 - (vii) Future goals; and
 - (viii) Recommendations.
- (b) A final report, containing a summary of activities and projects undertaken by an advisory body and any final recommendations to the Tribal Council, and any other information requested by the Council, shall be submitted by each advisory body to the Council and Tribe's chief executive officer before expiration of the advisory body's life.
- (c) In addition to the quarterly reports or final report, any commission or committee may submit progress reports and recommendations to the Tribal Council and the tribal administrative office at any time.
- (d) Tribal Council may, in its discretion, replace members of a committee or commission, with the exception of the Fish Commission, that fails to provide two consecutive quarterly written reports.
- (e) In furtherance of the Tribe's goal to protect all natural resources, quarterly reports and the final report may be submitted to the Tribal Council and Chief Executive Officer electronically.

2.01.170 Expenses

The members of each commission, committee or special advisory board may receive reimbursement for travel and other expenses incurred while on official business of the Nisqually Indian Tribe when such reimbursement is approved in advance by the Tribal Council and funds are available.

2.01.180 Tribal staff support

The Tribal Council shall, when feasible and upon request, provide that each commission or committee be assisted by the Tribal department most closely related to the function of such commission, committee or special advisory board, and may designate as staff support to such commission or committee the head of such department. The department head may designate his or her representative to serve as staff support. Availability of staff support shall be subject to availability of time and/or funds.

2.01.190 Vacancies--Reporting

- (a) A vacancy shall exist and shall be reported in writing by the advisory body's chairperson to the Tribal Council, the Council Secretary, and the member vacating his or her seat whenever an advisory body member fails to attend three regular meetings

without good cause entered in the minutes. The vacancy may be waived by an affirmative vote of the committee excusing the absence.

- (b) Any notice of resignation shall be submitted in writing to the advisory body's chairperson and forwarded by the chairperson to the Tribal Council and the Council Secretary. Any vacancy caused by the death, disability or any other circumstance shall be reported in writing by the advisory body's chairperson to the Tribal Council and the Council Secretary.
- (c) Whenever the Council receives knowledge of a vacancy, from whatever source, it shall proceed to fill the vacancy pursuant to Section 2.01.210.

2.01.200 Filling Vacancies

On or before December 31st of each year, the Council Secretary shall prepare an appointment list of all regular and ongoing commissions and committees, which shall contain the following information:

- (a) A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position;
- (b) A list of all commissions and committees whose members serve at the pleasure of the Tribal Council and the necessary qualifications for each position.
- (c) The Council shall adopt and promulgate a system for providing notice of vacancies to the tribal community.
- (d) Whenever any unscheduled vacancy occurs in any advisory body, whether due to removal, resignation, death, termination, or other causes, a special notice of vacancy shall be posted in the office of the Tribal Council Secretary, and no appointment to fill such vacancy shall be made until at least ten (10) working days have passed after the posting of such notice, except as provided herein.
- (e) A special notice of vacancy shall be placed on the agenda of the Tribal Council within twenty (20) days after the vacancy occurs. Nominations for appointment to fill any such vacancy may be made at any meeting held at least two weeks after the date that the notice of vacancy appears on the Council's agenda, and the final appointment to fill such vacancy shall be made at the next succeeding meeting of the Council, or at any later meeting, as an item on its regular agenda. Notwithstanding the above, when there is only one nomination forwarded by public agency, community organization or other designated sponsor for appointment by the Tribal Council, the nomination may be placed on the Council's agenda.
- (f) Notwithstanding the foregoing, the Council may, if it finds that an emergency exists, fill any vacancy immediately by appointing a person to serve on an acting basis until a final appointment is made, pursuant to this section and Sections 2.01.190 and

2.01.200. Except for emergency appointments, all vacancies shall be filled by persons appointed by the Council to serve for the remainder of the unexpired term. The commission's or committee's recommendations concerning successors may be submitted to the Tribal Council.

- (g) For the purpose of this section, a vacancy shall exist from the date of removal, resignation, death, termination or other completion of the term.

2.01.220 Additional regulations

Each commission, committee and special advisory board shall observe any additional provision deemed necessary by the Tribal Council and included in the advisory body's authorizing ordinance or resolution.

2.01.230 Exceptions

To the extent that any provision of Section 2.01.100 or Sections 2.01.110 through 2.01.220 may be demonstrated to be unfeasible in their application to a particular commission or committee, an exception to Section 2.01.100 or Sections 2.01.110 through 2.01.220 may be granted by the Council only after the exceptions are specified as "exceptions" in the advisory body's authorizing ordinance or resolution.

2.01.240 Public records maintenance

- (a) Records Required. The Council Secretary shall be responsible for the maintaining, publishing and archiving of:
 - (i) Current membership lists recording the name, term of office, and expiration of term of each advisory body's member. The appropriate membership list shall appear inside the jacket of each commission or committee's file, along with a copy of the advisory body's bylaws, if any, and authorizing ordinance or resolution;
 - (ii) All minutes from each commission and committee meeting;
 - (iii) All annual reports, final reports, progress reports or recommendations to the Council from each advisory body; and
 - (iv) All other public documents pertaining to the business of any advisory body.
- (b) Inventory of Vacancies. A complete inventory of all advisory body vacancies shall be conducted by the Council Secretary each month, and a list of such vacancies shall be reported in writing to the Council at the first regularly scheduled Tribal Council meeting of each month.
- (c) Notice of Vacancies. All vacancies caused by expired terms on any advisory body to which the Council makes appointments shall be noticed publicly by the Council Secretary on a quarterly basis.

Nisqually Indian Tribe
Tribal Council Resolution No. ___-20__

A RESOLUTION TO APPROVE FORMATION OF _____
COMMITTEE/COMMISSION OF THE NISQUALLY TRIBE

WHEREAS, the Nisqually Indian Tribe is the successor descendent entity of the Nisqually Nation signatory to the Treaty of Medicine Creek of 1854 (10 Stat. 1132), and unto this day has retained and maintained its Tribal identity, its governing body, and its sovereign powers;

WHEREAS, the Nisqually Indian Tribe is a federally recognized American Indian Tribe organized under its governing Constitution and Bylaws approved by the U.S. Secretary of the Interior on September 9, 1946 and amended on October 28, 1994, pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C. 476;

WHEREAS, the Nisqually General Council is the duly constituted governing body of the Nisqually Tribe, and the Tribal Council is the duly elected representative body of the General Council by the authority of the Tribe’s Constitution and Bylaws, as amended; and

WHEREAS, the Nisqually Tribe finds it necessary to form a commission/committee to advise the Tribal Council as to _____;

WHEREAS, _____ commission/committee shall be formed in compliance with Title 2 of the Nisqually Tribal Code and shall cease operating as a committee _____;

NOW, THEREFORE, BE IT RESOLVED that the Nisqually Tribal Council does hereby form _____ committee/commission.

Certification

I certify that the above Resolution was adopted at a regular meeting of the Nisqually Tribal Council held on the ___ day of _____, 2006 at the Nisqually Tribal Center, at which time a quorum was present and voting _____ FOR _____ AGAINST _____ ABSTENTIONS.

ATTEST:

Chairman

Secretary

STANDARDIZED ADVISORY COMMITTEE BYLAWS

I. INTRODUCTION

The [TITLE] Advisory Committee (the “Committee”) has been established by the Nisqually Tribal Council in Resolution ___-20__ (the “Resolution”) for the purposes of assisting the Tribal Council in addressing issues related to [TITLE]. The Committee’s authority is established and set forth in the Resolution. These Bylaws shall govern the manner in which the Committee conducts its meetings and its business. Nothing in these Bylaws shall be deemed to modify or expand the power and authority conveyed to the Committee in the Resolution.

II. MEMBERSHIP

A. Appointment

Members of the Committee shall be appointed by the Nisqually Tribal Council. Every Committee member must be a member of the Nisqually Indian Tribe, be of at least 18 years of age, and have demonstrated concern and interest in the affairs of the Nisqually people and in [TITLE] issues. One Committee member must have education or experience in the [TITLE] field.

B. Term

Members will serve staggered terms that shall begin upon appointment. All members shall serve in numbered positions. Positions 1 and 2 shall initially be appointed for one year. Positions 3, 4 and 5 shall initially be appointed for two years. All subsequent terms of all members shall be for two years. A person appointed to fill the term of a member who has been removed shall finish the existing term of the member being replaced in order to retain staggered terms. A member shall not serve more than two consecutive terms.

C. Removal

Members may be removed by the Tribal Council for any reason, with or without cause, and at any time, upon recommendation of the Committee’s chair, a majority vote of the Committee’s members, or a member of the Tribal Council.

D. Vacancies

Any vacancies on the Committee will be filled by the Tribal Council.

III. OFFICERS

A. Selection

The Committee shall select from among its members a Chair, Vice-Chair and Secretary.

B. Term

Committee members shall be appointed to positions numbered 1 through 5 and shall serve staggered terms, as described in Section II B above. Officers will be elected by the members and shall thereafter serve two-year terms which will correspond with the term of the member elected.

C. General Duties

The Chair shall generally preside over meetings of the Committee, sign documents on behalf of the Committee when authorized by the committee to do so, and carry out other responsibilities as assigned by the committee or the Tribal Council.

The Vice-Chair shall preside over meetings of the Committee in the absence of the Chair, and carry out other responsibilities as assigned by the Committee or the Tribal Council.

The Secretary shall keep a record of all matters transacted at meetings of the committee, and shall maintain all other records and documents of the Committee.

D. Removal

The Committee may remove an officer from their position as an officer, and thus reinstate them as a non-officer member of the Committee, for cause, by a vote of a majority of the Committee.

IV. MEETINGS

A. Regular

Regular meetings of the Committee shall be held on a schedule adopted annually by the Committee, but shall be held at least six (6) times per year. Meetings shall be held at times and places convenient to a majority of the members of the Committee as decided by the Committee.

B. Special

Special meetings of the committee may be called by the Chair upon his/her own motion or at the request of any member of the Committee when there is an action to be considered. Reasonable notice of each special notice shall be given to each Board member.

C. Location

Meetings of the Committee shall be held at such locations as the Committee may from time to time select. The Committee shall endeavor to hold meetings on tribal premises when possible.

D. Notice

A schedule of the regular meetings of the Committee shall be provided by the Committee Secretary to each member of the Committee and to the Tribal Council. Any change in the date of a previously scheduled regular meeting shall be communicated to each Committee member and to the Tribal Council a reasonable time in advance of the rescheduled meeting time. The chair shall send 24 hour notice of special meetings to all members unless all members concur on the need to meet earlier.

E. Quorum

A quorum shall consist of 3 members of the Committee at least one of whom must be the Chair or Vice-Chair. No business shall be conducted unless a quorum is present.

F. Meetings Open to Tribal Members

All meetings of the Committee shall be open to all members of the Nisqually Tribe, and other members of the Nisqually Reservation community, except those portions of meetings that are closed by approval of the Tribal Council. The Tribal Council shall be represented at all closed meetings.

G. Conduct of Meetings and Committee Decision Making

Meetings of the Committee shall be conducted in accordance with Roberts Rules of Order. The Committee shall attempt to reach consensus on all decisions, but in those cases where full agreement cannot be reached, official actions of the Committee shall be determined by vote. The affirmative vote of a majority of the Committee shall be required.

H. Attendance

Committee members shall diligently attend Committee meetings. Unexcused absences by any Committee member from three meetings per calendar year shall be cause for removal.

I. Compensation

Committee members shall receive stipends and travel reimbursement in accordance with established tribal policies. However, all travel must be approved by the Tribal Council. All compensation shall be subject to the availability of funds.

J. Administrative Support

The Committee has no authority to direct or supervise tribal staff. However, the Committee may request of the Tribal Council that the Committee be assisted by the Tribal department staff most closely related to the function of the Committee. Such requests must be made in writing. Availability of staff support shall be subject to availability of time and/or funds.

V. RECORDS

A. Minutes

The Secretary shall maintain a permanent volume of minutes of the Committee, and shall provide copies of the minutes of each meeting to each Committee member. Minutes must be approved by the Committee and made available for inspection by the Tribal Council and Tribal members within one month of the meeting. Electronic copies of minutes shall be created for archiving.

B. Committee Actions

The Secretary shall keep a permanent compilation of reports and documents concerning Committee actions.

VI. POWERS

A. Advisory Capacity

The Committee has only those powers and authority granted to it by the Tribal Council in the Resolution. Pursuant to the Resolution, the Committee has been formed by the Tribal Council to assist the Council in an advisory capacity only. Nothing in these Bylaws shall be deemed to amend or extend the power and authority of the Committee beyond that granted in the Resolution.

VII. DUTIES

A. Fiduciary Duties

Members of the Committee shall conduct themselves in accordance with the Nisqually Tribal Standards of Conduct and restricted Activities of Tribal Officials. Committee members have a duty of good faith and fair dealing to the Nisqually people and the Nisqually community, and shall conduct them in accordance with those duties.

VIII. APPROVAL AND AMENDMENT OF BYLAWS

These Bylaws will not be effective until approved by Resolution of the Nisqually Tribal Council. The Committee may amend these Bylaws by a majority vote, but any such amendments will not be effective until approved by subsequent Resolution of the Nisqually Tribal Council. No amendment to these Bylaws will be legally effective where

such amendment would conflict with or extend the authority set forth in the Resolution establishing and authorizing this Committee.

2.01.270 Noncompliance--Penalty.

In addition to any other penalty provided for by law, any willful or knowing failure by any commission, committee or special advisory board to comply with any provision of this ordinance may result in the removal of any or all of the advisory body's members by the Tribal Council.

TITLE 2
COMMITTEES AND COMMISSIONS
CHAPTER II – CONSTRUCTION AND SEVERABILITY

2.100.010 Severability

If any provision or application of this Title is determined upon judicial review to be invalid, such determination does not render such provision inapplicable to other persons or other circumstances nor invalidate any other provisions of this Title.

2.100.020 Repealer

This Title is to be interpreted to supersede and replace all conflicting laws, rules or regulations of the Nisqually Indian Tribe.