

TITLE 27
LUMMI NATION CODE OF LAWS
ADMINISTRATIVE CODE

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Table of Contents

Chapter 27.01 Purpose

27.01.010 Purpose.....1

Chapter 27.02 Ordinances, Plans, Programs, and Propositions

27.02.010 Proposed Ordinances1

27.02.020 Plans, Programs, and Propositions.....1

Chapter 27.03 Hearings

27.03.010 Conduct of Hearings1

27.03.020 Administrative Hearings2

27.03.030 Procedure For Administrative Hearings2

27.03.040 Lummi Indian Business Council Action.....2

27.03.050 Hearing Examiners.....2

**TITLE 27
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Chapter 27.01 Purpose

27.01.010 Purpose

This code is enacted to establish a mechanism for the Lummi Indian Business Council to provide public notice and an opportunity for public comment upon proposed ordinances and proposed plans of the Lummi Indian Business Council, and in order to provide a mechanism for the Lummi Indian Business Council to hold certain administrative hearings required by tribal, federal, or state law. The intent of this code is to set formal procedures to announce to the public the proposed plans and proposed ordinances of the Lummi Indian Business Council and receive public comment on these matters. It is also the intent of this code to provide the Lummi Indian Business Council with a method for holding administrative hearings presided over by persons properly trained, who can then present formal findings of fact, conclusions of law, and recommended decisions to the Lummi Indian Business Council in an orderly and speedy manner.

**Chapter 27.02 Ordinances, Plans,
Programs, and Propositions**

27.02.010 Proposed Ordinances

Any ordinance which is proposed to be adopted by the Lummi Indian Business Council shall first be approved for hearing by motion of the Lummi Indian Business Council at a properly called meeting of the Lummi Indian Business Council. Within five (5) working days of this approval, a hearing date shall be set by the Hearing Examiner for a public hearing upon the proposed ordinance. The hearing shall be set for not more than 30 days nor less than 10 days of the date of the meeting and shall be conducted according to section 27.03.010 of this title. Within five (5) working days of the close of the hearing, the Hearing Examiner shall make a written report of the hearing to the Lummi Indian Business Council, which shall then consider the proposed ordinance in the regular course of business.

27.02.020 Plans, Programs, and Propositions

Any plan, program, proposal, or similar action which the Lummi Indian Business Council may consider in its regular course of business may be given a public hearing by the Lummi Indian Business Council. Such public hearing shall be called by motion of the Lummi Indian Business Council at a properly called meeting of the Lummi Indian Business Council, and the procedure for such hearing shall follow section 27.02.010 and 27.03.010 of this title.

Chapter 27.03 Hearings

27.03.010 Conduct of Hearings

Any hearing called under section 27.02.010 or 27.02.020 of this ordinance shall follow this procedure:

- (a) The Hearing Examiner shall open the hearing by announcing the purpose of the hearing and the matters to be considered.
- (b) The proposed ordinance, plan, program, or proposal shall be explained and copies shall be given to those in attendance. The proposed ordinance or other matter may also be read into the record. If the proposal is not read into the record, a copy shall be made a part of the record.
- (c) The members of the public shall be given an opportunity to comment upon the proposal. Such comment may be oral or in writing, and the record shall remain open for two days after the close of the hearing to receive additional written comment. Such comment shall not be under oath.
- (d) The hearing may be continued to a date and time specified by the Hearing Examiner in his or her discretion.
- (e) A tape recorded record of the hearing shall be kept, and shall be a permanent part of the hearing record.

(f) The Hearing Examiner may accept and mark such exhibits as are offered at the hearing.

27.03.020 Administrative Hearings

The following administrative hearings shall be presided over by the Hearing Examiner:

(a) Appeals involving zoning and code enforcement, or utility services, including fees and connections; and

(b) Appeals, requests for determination, and protests involving any competitive bid procedure administered by the Lummi Indian Business Council; and

(c) Such other matters as shall be delegated to the Hearing Examiner by the Lummi Indian Business Council by formal resolution.

27.03.030 Procedure For Administrative Hearings

Administrative hearings under section 27.03.010 of this title shall be contested proceedings. Each member of the Lummi Indian Business Council shall be notified in writing of the hearing date. The Hearing Examiner shall follow the rules for civil trials established in Titles 1 and 3 of the Lummi Code of Laws. Within five (5) working days of the close of the hearing, the Hearing Examiner shall issue proposed findings of fact, conclusions of law, and a recommended decision to the Lummi Indian Business Council.

27.03.040 Lummi Indian Business Council Action

The Hearing Examiner shall file the proposed decision with the Secretary to the Lummi Indian Business Council (recording secretary), who shall send a copy of the proposed decision to each member of the Lummi Indian Business Council and to each party to the proceeding. Unless the Lummi Indian Business Council formally meets within five (5) days of the date of filing with the Secretary, and alters, rejects, or otherwise changes the proposed decision, the proposed decision shall become the final decision for the Lummi Indian Business Council.

27.03.050 Hearing Examiners

The Chairman of the Lummi Indian Business Council shall have the power to appoint such Hearing Examiners as are necessary, provided that a Hearing Examiner must be admitted to practice before the Lummi Tribal Court. Hearing Examiners shall serve without compensation in the absence of a resolution of the Lummi Indian Business Council authorizing such compensation, provided that such Hearing Examiners who are direct or contract employees of the Lummi Indian Business Council when appointed shall continue to receive their regular compensation while serving as Hearing Examiners.

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