

SKOKOMISH FOREST DEVELOPMENT AND MANAGEMENT ORDINANCE

Adopted by Resolution No. 130 (January 10, 1977)

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Title

6.06.001 Title

This ordinance shall be known as the Skokomish Forest Development and Management Ordinance.

6.06.002 Definitions

In this ordinance, unless otherwise specifically stated:

- (a) "Council" means the Skokomish Indian Tribal Council;
- (b) "Forest products" means trees, logs, cordwood, timbers, shakes, slash, and all other forms of processed and unprocessed forest vegetation capable of commercial exploitation;
- (c) "Manager" means the General Manager of the Skokomish Forest Management Agency;
- (d) "Reservation" means the lands lying within the boundaries of the Skokomish Indian Reservation in Washington State;
- (e) "Tribe" means the Skokomish Indian Tribe;
- (f) "Member of the tribe" means any person whose name appears on the official roll of the Skokomish Indian Tribe;
- (g) "Agency" means the Forest Management Agency of Skokomish Indian Tribal Enterprises.

6.06.003 Purpose

It shall be the purpose of this ordinance to promote the economic and social welfare of the Skokomish Reservation community by the regulation, management, and development of Skokomish forest resources in a manner consistent with the tribe's overall plan for development of the reservation. It shall further be the purpose of this ordinance to create a forest products enterprise which is capable of development into a fully integrated forest products facility for processing and marketing Skokomish forest resources on a sustained yield basis. Such forest products enterprise shall have as its purpose the maximum use of Skokomish forest resources consistent with principles of conservation, the maximum employment and training of Skokomish people, and the economic and social advancement of the reservation community.

6.06.004 Creation, Authority, Responsibility

There shall be a Forest Management Agency of the Skokomish Indian Tribal Enterprises, which shall have authority and responsibility for administration of this ordinance and advancement of the objectives set forth herein. The Forest Management Agency of SITE shall be a branch of the Skokomish tribal government separate and apart from other branches of the government except as provided in this ordinance. The Skokomish Forest Management Agency shall have its headquarters on the Skokomish Indian Reservation.

6.06.005 Governing Board

The Skokomish Forest Management Agency shall be governed by a Management Board which shall have five members. Persons elected to the Skokomish Tribal Council shall become members of the Management Board upon election to the Tribal Council and shall serve on the board until their respective council terms expire. The Management Board shall conduct all business pursuant to this ordinance at the regularly scheduled Tribal Council meetings at the tribal center. It shall keep accurate records of all proceedings of the Management Board.

6.06.006 Powers of the Management Board

The Management Board of the Skokomish Forest Management Agency shall have the following duties and authority:

- (a) To appropriate or lend tribal funds for the management and development of Skokomish forest resources and for the creation and expansion of a forest products enterprise;
- (b) To appoint a General Manager of the Forest Management Agency and to employ such other persons as the board considers necessary for the administration of this ordinance;
- (c) To determine the use and disposition of surplus funds not needed by the forest products enterprise for operation and expansion;
- (d) To consider and approve the Forest Management Agency's annual plan of operation;
- (e) To provide for orderly dissolution of the Forest Management Agency when:
 - (1) It has accomplished its purpose; or
 - (2) It becomes necessary to avoid continuing financial losses;

- (f) To approve all contracts and leases to which the agency is a party;
- (g) To delegate to the General Manager of the agency authority to manage the agency in accordance with the annual plan of operation and this ordinance.

6.06.007 General Manager

The Management Board shall employ a General Manager, who shall serve at the pleasure of the board. The board shall establish a salary for the manager and shall delegate to him or her sufficient authority to carry out the objectives of this ordinance. The General Manager's responsibility shall include, but need not be limited to, the following:

- (a) Development of an overall plan for management of Skokomish forest resources;
- (b) Negotiation of contracts with the Bureau of Indian Affairs providing for tribal harvest and management of Skokomish forest resources;
- (c) Organization and supervision of a timber harvesting business;
- (d) Processing and marketing of forest products harvested and purchased by the agency;
- (e) Negotiation of loans to the agency and grant contracts for agency activities;
- (f) Development of plans for the operation and expansion of agency enterprises;
- (g) Employment of persons necessary to carry out agency functions;
- (h) Purchase and maintenance of property and equipment necessary for agency functions.

6.06.008 Bonding

All officers and employees of the Skokomish Forest Management Agency who are handling funds shall be bonded to the Skokomish Tribe in an amount and manner to be determined by the Management Board.

6.06.009 Revenues

There shall be a Skokomish Forest Management Fund. The Management Board shall designate a depository for such fund. All revenues from the operation of Forest Management Agency enterprises and all funds borrowed by or granted to the agency, except that amount which is necessary in the daily operation of the agency, shall be deposited in the Forest Management Fund. This fund shall be kept separate from all other funds, tribal and non-tribal. All surplus funds not needed for the operation or expansion of the Forest Management Agency or its enterprises shall be deposited in the General Fund of the Skokomish Tribe.

6.06.010 Yearly Audit and Report

The General Manager shall cause to be conducted a yearly audit of the Forest Management Agency accounts by a person who is not an employee of the agency or of the Tribal Council. Such audit shall be submitted to the Management Board no less than thirty days after the end of the fiscal year. The

Management Board may direct an audit of the agency's accounts at any time.

6.06.011 Annual Plan of Operation

Not less than forty-five days before the end of the fiscal year the General Manager shall submit to the Management Board a plan of operation for the following year. Such plan shall include at least the following information:

- (a) Any planned expansion or reduction in agency facilities, personnel, or general operations;
- (b) Funds required for the continuance or expansion of operations;
- (c) Funds in excess of those needed for continued or expanded operations as described in the plan submitted.

Should the board fail to approve or disapprove the plan within thirty days of its submission to the board, the plan shall be considered approved.

6.06.012 Liability and Sovereign Immunity

No lawful act of any member of the Tribal Council or of the Management Board shall result in any of the members becoming personally liable for the debts of the Skokomish Forest Management Agency or its enterprises. No lawful act of the General Manager or of any other employee of the Forest Management Agency shall result in any of those employees becoming personally liable for the debts of the Skokomish Forest Management Agency or its enterprises. As a branch of the Skokomish tribal government, the Forest Management Agency of SITE shall be entitled to all protections and immunities from suit granted by the laws of the United States to Indian tribal governments; provided that the Management Board, upon the recommendation of the General Manager, may enter into contracts, agreements, or leases which waive the right of the agency to raise the defense of sovereign immunity to suit with regard to certain specific assets of any type or kind in courts with jurisdiction over such assets. General waivers of immunity from suit shall not be entered into.