Charter of The Consolidated Borough of Quil Ceda Village

ARTICLE I
INCORPORATION; FORM OF GOVERNMENT;
POWERS AND BOUNDARIES

Section One. Incorporation.

The unincorporated area of Quil Ceda on the Tulalip Indian Reservation, within the geographic limits now established herein or that may hereafter be established in the manner provided by law, shall be and is hereby declared pursuant to Tulalip Ordinance No. 111 to be the Consolidated Borough of Quil Ceda Village, a municipal body politic and corporate, in perpetuity, of the Tulalip Tribes under the name of the Consolidated Borough of Quil Ceda Village; hereinafter "the Village".

Section Two. Form of Government.

The municipal government provided by this charter shall be known as the council-manager form of government. Pursuant to the provisions of and subject only to the limitations imposed by the constitution and laws of the Tulalip Tribes of Washington and by this charter, all powers of the Village shall be vested in Village council, herein referred to as council, which shall enact local legislation, approve budgets, determine policies, and appoint the Village manager and such other officers deemed necessary and proper for the orderly government and administration of the affairs of the Village, as prescribed by the constitution, applicable laws, and ordinances hereafter adopted by the Village. All powers of the Village shall be exercised in the manner prescribed by this charter or, if the manner is not so prescribed, then in such manner as may be prescribed by ordinance. The Village shall be a political subdivision of the Tulalip Tribes as that term is defined by federal law and shall be entitled to all the powers and benefits of that designation.

Section Three. Powers of Village.

The Village shall have all general and specific powers granted to municipal and quasi municipal corporations by the various states of the United States and the laws of the Tulalip Tribes of Washington and by its Charter, including but not limited to the

taxing and police powers, the powers of annexation and eminent domain, the power to protect the public safety, health and welfare of all persons within the Village, and the power to contract together with all the implied powers necessary to carry into execution all the powers herein granted. In addition, the Village shall have all the powers and privileges of a political subdivision of an Indian tribal government.

Section Four. Intergovernmental relations.

The Village may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more Indian tribes, states or political subdivisions or civil divisions or agencies thereof, or the United States or any agency thereof, or with any private entity or agency.

Section Five. Boundaries.

The boundaries of the Village shall be as established in **Exhibit A** to the Charter, being the boundaries established at the time this charter takes effect, or such boundaries as may be established to increase or decrease the territory within the Village thereafter in the manner authorized by law.

Section Six. Debts, Immunity from Suit.

The Village is an agency, instrumentality, political subdivision and arm of the Tulalip Tribes and shall possess the same immunity from suit as is possessed by the Tulalip Tribes; provided that this immunity may be waived only by duly adopted written resolution of the Village Council; and further provided that the immunity shall not be available to the Village in any suit brought by the Board of Directors of the Tulalip Tribes; and further provided that the debts and liabilities of the Village shall not be the debts of the Tulalip Tribes.

Section Seven. Suit

The Village shall have the power to bring suit in its own name and, where approved by resolution of the Board of Directors, in the name of the Tulalip Tribes, in any court of competent jurisdiction.

Section Eight. Purposes.

The purposes of this incorporation shall be as follows: To provide responsible local government to the Consolidated Borough of Quil Ceda Village consistent with the

needs of the area of development within its borders as it now exists or shall in the future be increased within the boundaries of the Tulalip Indian Reservation and to provide the persons and enterprises located within the Village and the people of the Tulalip Indian Reservation with the opportunity to organize their human and natural resources to provide for their economic security and to provide for the health, safety and general welfare of the people of the Village and the Reservation.

ARTICLE II
VILLAGE COUNCIL

Section One. Powers of council.

All powers of the Village not in conflict with the laws and constitution of the Tulalip Tribes and subject to the limitations of this charter, shall be vested in the Village council, which shall enact appropriate legislation and do and perform any and all acts and things that may be necessary and proper to carry out these powers or any provisions of this charter.

Section Two. Electing, Removal and Composition.

The council shall consist of a president and two council members elected by a majority vote of the Board of Directors of the Tulalip Tribes of Washington. The president and council members may be removed by the Board of Directors of the Tulalip Tribes in the same manner as they are elected.

Section Three. Term of President of Village Council.

The term of office of the president shall commence at the first regular meeting of the council following appointment, beginning in 2001, and shall be for one year.

Section Four. Terms of council members.

The term of office of each Village councilmember shall commence at the first regular meeting of the council following election, and shall be for one year.

Section Five. Qualifications.

The president and councilmembers shall be adult citizens of the United States, shall be duly elected members of the Board of Directors of the Tulalip Tribes at the time of their appointment and shall not hold any other public or private office that in any way conflicts with the office of president or council member.

Section Six. Duties of President.

The President:

(a) Shall be the chairperson of the council and preside over its meetings; the president may make and second motions and shall have a voice and vote in all its proceedings;

(b) Shall be recognized as head of the Village government for all ceremonial purposes but shall have no regular administrative authority or duties;

(c) Shall govern the Village by proclamation during times of riot, civil insurrection, major disaster, and times of great public danger.

Section Seven. President pro-tempore.

The council shall designate one of its members as president pro-tempore, who shall serve in such capacity at the pleasure of the council. The president pro-tempore shall perform the presidential duties during absence or disability of the president.

Section Eight. Salaries of President and council members.

While council members serve on the Board of Directors of the Tulalip Tribes , council members shall receive no salary for their service on the Village Council but may receive a meeting stipend as may be established by the Tulalip Board of Directors.

The annual salaries of any council president or council member who shall not be a member of the Board of Directors shall be the same salary as received by a member of the Tulalip Tribes Board of Directors annually, until changed by an Ordinance or Resolution of the Tulalip Tribes.

Section Nine. Induction of president and council into office.

At the first regular meeting following election, the council shall hold a meeting for the purposes of inducting a newly appointed president or council members and organizing the council.

Section Ten. Vacancies in council and office of president.

The Board of Directors by a majority vote of its members, shall within forty-five (45) days of resignation, removal, retirement, death or incapacity of a council member

or president fill a vacancy, including the office of president, by electing a person to serve in the office. Prior to a Board election to fill a vacancy, the remainder of the Village council may elect, by unanimous vote, any person to act in an interim capacity any adult to serve as a replacement for the vacated position. No interim councilmember shall serve in the interim position more than 45 days.

Section Eleven. Council meetings.

The council shall meet regularly at such times and at such places as may be prescribed by its rules, but shall hold regular meetings for which public notice has been given no less frequently than one (1) time each calendar month. All meetings of the council to conduct official business shall be open to the public; provided, that meetings involving any commercial dealings of the Village, consideration of bids, and any personnel actions of the Village may be in a closed session.

Section Twelve. Special meetings.

Special meetings may be called by the president or two members of the council, with reasonable written notice given to all members of the council.

Section Thirteen. Rules of procedure; journal.

The council shall determine its own bylaws, rules and order of business subject to the provisions of this charter. It shall keep a journal of its proceedings, and the journal shall be open to public inspection during regular office hours.

Section Fourteen. Quorum; ayes and nays.

A majority of the members of the council shall constitute a quorum. The vote on any question shall be by ayes and nays and shall be entered in the journal. At the request of any member of the council, a roll call vote shall be taken.

Section Fifteen. Consideration of petitions.

Any leaseholder of the Village or other person may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council in the regular course of business within forty-five (45) days.

Section Sixteen. Interference in administrative service.

Neither the council nor any of its members shall direct or request the Village manager or any of his subordinates to appoint or remove any person to or from office,

or take part in any manner in the appointment or removal of officers and employees in the administrative service of the Village. Except for the purpose of inquiry, the council and its members shall deal with the administrative service of the Village solely through the Village manager, and neither the council nor any member thereof shall give orders to any subordinates of the Village manager, either publicly or privately. However, nothing in this section shall be construed as prohibiting the council while in open sessions from fully and freely discussing with or suggesting to the Village manager anything pertaining to the Village affairs or the interests of the Village. Violation of this section shall be cause for removal from office of any member of the council found, after hearing before the Board of Directors, to have committed a violation of this section. Removal shall require a majority vote of the Board of Directors.

Section Seventeen. Conduct of council as to powers authorized by charter when no procedure established by law.

Whenever it is prescribed herein that any power, duty, or procedure shall or may be exercised, performed, or adopted in the manner established by any law of the Tribes, and there is no procedure established by law therefor, then the council may prescribe such procedure.

ARTICLE III
VILLAGE MANAGER

Section One. Appointment of Village manager.

The council shall appoint an officer of the Village who shall have the title of Village manager and shall have the powers and perform the duties provided in this charter. No Village president or council member or member of the Board of Directors of the Tulalip Tribes shall hold the position of Village manager while at the same time holding Village or elective office.

Section Two. Qualifications; compensation.

The Village manager shall be chosen by the council on the basis of executive and administrative qualifications, with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as herein set forth. Compensation of the Village manager shall be fixed by the council.

Section Three. Powers and duties.

The Village manager shall be the chief executive of the administrative branch of

the Village government; shall be responsible to the council for proper administration of all affairs of the Village; and to that end, subject to the provisions of this charter, shall have power and/ or be required to:

(a) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the Village are observed;

(b) Appoint and, when he deems necessary for the good of the service, remove or suspend all officers and employees of the Village except as otherwise provided by this charter, by law, or by personnel rules adopted pursuant to this charter; and authorize the head of a department or office subject to direction and supervision of the Village manager to appoint and remove subordinates in such department or office; in selecting employees of the Village, the manager and other Village managers and supervisors shall be bound by the Indian preference laws of the United States; provided, that the Village may contract with the Tulalip Tribes to provide services to the Village without being bound by such preference laws.

(c) Prepare the annual budget estimates and submit them to the council, and be responsible for the administration of the budget after adoption;

(d) Keep the council advised at all times of the affairs and needs of the Village, and make reports annually, or more frequently if requested by the council, of all the affairs of the Village;

(e) Supervise purchasing for all departments of the Village;

(f) Perform such other duties as may be prescribed by this charter or required of the Village manager by the council, not inconsistent with this charter;

(g) Furnish a surety bond to be approved by the council, such bond to be conditioned on the faithful performance of duties; the premium of the bond shall be paid by the Village.

Section Four. Acting Village manager.

If the Village manager is absent from the Village, is unable to perform his duties, or is suspended by the council, or if there is a vacancy in the office of Village manager,

the council shall appoint an acting Village manager to serve until the Village manager returns, until the disability or suspension ceases, or until another Village manager is appointed and qualifies, as the case may be.

Section Five. Removal.

The council shall contract with the Village manager for a definite term and may remove the Village manager by a majority vote of its members. Severance pay will be at the discretion of the council. The action of the council in suspending or removing the manager shall be final and conclusive on everyone, it being the intention of this charter to vest all authority and fix all responsibility for such suspension and removal in the council.

ARTICLE IV
ADMINISTRATIVE DEPARTMENTS

Section One. Administrative departments and officers.

The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct, and operation of the several offices and departments of the Village as established by this charter, for the creation of additional departments, divisions, offices, and agencies, and for their alteration, or abolition. These offices and departments shall include, but not be limited to administration, revenue, police, fire, and public works. The Tulalip Tribal Courts shall have jurisdiction over and provide judicial services to the Village; provided, this section shall not be interpreted to waive the immunity of the Village.

The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to office, departments, or agencies. Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more officers created or authorized by this charter.

The council shall provide the number, titles, qualifications, powers, duties, and compensation of all officers and employees of the Village.

Section Two. Village clerk.

The council shall appoint an officer of the Village, with the title of Village clerk, who shall give notice of all council meetings; keep the journal of the council's proceedings, authenticate by the clerk's signature, and record in full in books kept for the purpose all ordinances and resolutions; and perform such other duties as shall be

required by this charter or by ordinances. The Village clerk will serve at the pleasure of the council.

Section Three. Village treasurer, Audits.

The council shall appoint an officer of the Village, with the title of Village treasurer, who shall receive and have custody of all the money of the Village and shall keep and save the money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws, and ordinances and on whom legal garnishments and demands may be served. The Village treasurer will serve at the pleasure of the council. The council shall annually appoint a general auditor with the concurrence of the Tulalip Board of Directors. The annual audit shall be available to the Board of Directors at the same time it is made available to the Council.

Section Four. Village attorney.

The council shall appoint a Village attorney who shall be the chief legal adviser of all offices, departments, and agencies and of all officers and employees in matters relating to their official powers and duties. It shall be the duty of the Village attorney to perform all services incident to the position as may be required by statute, by this charter, or by ordinance. The Village attorney will serve at the pleasure of the council.

ARTICLE V
APPOINTIVE BOARDS AND COMMISSIONS

Section One. Appointive boards and commissions.

The council may by ordinance create, change, and abolish boards or commissions as in its judgment are required, or as are now or hereafter provided by law, and may grant to them such power and duties as are consistent with the provisions of this charter.

Section Two. Ex officio members.

The president and Village manager and all members of the Board of Directors shall be an ex officio member, without voting privileges, of all Village boards and commissions.

ARTICLE VI
FINANCE AND TAXATION

Section One. Fiscal year.

The fiscal year of the Village shall commence on the first day of each calendar year and end on the last day of each calendar year.

Section Two. Tax system; use of Tribal services.

The council may by ordinance provide a system not inconsistent with the provisions of this charter, for the assessment, levy, and collection of all Village taxes. The council shall have power to avail itself of any law of the Tulalip Tribes now or hereafter in force, and comply with the requirements thereof whereby assessments may be made by the Tribes and taxes collected by the tax collector of the Tribes for and on behalf of this Village.

Section Three. Submission of estimates to council; scope of Village manager's estimate.

On or before the second regular council meeting in September of each year, or on such date in each year as shall be fixed by the council, the Village manager shall prepare and submit in writing to the council the estimates of each department and the Village manager's own personal report and recommendations and estimate as to the probable expenditures for the next ensuing fiscal year, stating the amount in detail required to meet all expenditures necessary purposes, including interest and sinking funds and outstanding indebtedness, if any, an estimate of the amount of income expected from all sources in each department, and the probable amount required to be raised by taxation to cover such expenditures, interest, and sinking fund.

Section Four. Preparation and tentative adoption of budget; publication of budget and notice of meeting to fix tax levies.

The council shall meet annually prior to fixing tax levies where necessary and make a tentative budget of the estimated amounts required to pay the expenses of conducting the business of the Village for the ensuing fiscal year. The budget shall be prepared in such detail as provided by law, and, together with a notice that the council will meet for the purpose of making tax levies in accordance with the budget at the time and place set out in the notice, shall be published in the official public media of the Village once a week for at least two (2) consecutive weeks following the tentative adoption of such budget.

Section Five. Public hearing and adoption of budget.

The council shall, at the first regular meeting in September, at the time and place designated in the notice, hold a public hearing at which any taxpayer may appear and

be heard in favor of or against any proposed expenditure or tax levy. After conclusion of the public hearing, the council shall finally determine and adopt estimates of proposed expenditures for the various purposes as set forth in the published proposal, and such adopted estimates will constitute the budget for the next fiscal year. The council may insert new items or may increase or decrease the items of the budget. It may not vary the titles, descriptions, or conditions of administration specified in the budget. Before inserting any additional item or increasing any item or appropriation, the council must cause to be published, at least once in the official newspaper of the Village, a notice setting forth the nature of the proposed increase and fixing a place and time not less than ten (10) days after publication at which the council will hold a public hearing thereon.

The council shall adopt a budget on or before the Fifteenth (15th) day of November of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing year.

Section Six. Exceeding adopted budget.

Nothing in this article shall be construed to limit the power of the council to appear before the Tulalip Tribes or any other duly authorized tribal body for the purpose of requesting authorization to exceed the adopted budget for emergency or unanticipated expenditures.

Section Seven. Adoption of ordinances fixing tax rates.

On the day set for making tax levies, but not later than the third Monday in October, the council shall meet and adopt an ordinance levying on the assessed valuation of certain property within the village, sales conducted within the village, business conducted within the village, and all other matters upon which taxes may be lawfully assessed within the village, the taxes which are necessary to provide for the purposes for which the Village is incorporated; provided that the tax burden borne by persons and entities for transactions within the village shall not exceed the tax burden imposed upon property, transactions, persons and entities within any incorporated municipality within Snohomish County, Washington.

Section Eight. Additional taxes for special purposes.

The council shall have the power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the Village and an additional amount deemed to be advisable and necessary for any public or municipal purposes within the Tulalip Indian Reservation.

Section Nine. Tax exemptions.

All the property, and transactions, including leaseholds, within the Village shall be subject to taxation, except these properties and transactions which are exempt from taxes under the laws of the United States and the laws of the Tribes.

Section Ten. Transfer appropriations.

The Village manager, subject to the approval of the council, may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within the last three (3) months of the fiscal year, the council may transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another.

Section Eleven. Claims or demands against the Village.

The council shall prescribe by ordinance the manner and limitations of time in which claims or demands against the Village shall be presented, audited, and paid.

Section Twelve. Transfer of sums from any funds to principal and interest funds.

Whenever the interest or principal reduction funds for the bonded indebtedness of the Village are insufficient to pay the interest or any principal payment on the bonded indebtedness when due, the council shall direct the transfer from the general fund or any other fund having monies therein to such interest or principal funds, the necessary amounts of money to pay the interest or principal payment due on the bonded indebtedness, and the amount so transferred shall be returned to the respective funds from which the transfer was made whenever sufficient monies have accrued in the bonded indebtedness funds.

Section Thirteen. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the

purpose for which it is made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Section Fourteen. Independent annual audit.

Prior to the end of each fiscal year, the council with the concurrence of the Tulalip Board of Directors shall designate certified public accountants who, as of the end of the fiscal year, shall make an independent audit of the Village government and shall submit their report to the council, the Board of Directors, and to the Village manager. All such audit reports shall be a matter of public record. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the Village government or of any of its officers. They shall not maintain any accounts or records of the Village business, but within specifications approved by the council, shall post audit the books and documents kept by the Village in any separate or subordinate accounts kept by any other office, department, or agency of the Village government.

ARTICLE VII
ORDINANCES AND RESOLUTIONS

Section One. Council to act by resolution or ordinance.

The council shall act by resolution or ordinance.

Section Two. Actions requiring an ordinance.

In addition to those actions required by law or other provisions of this charter to be done by ordinance, the following acts of the council shall be done by ordinance:

(a) Adopting or amending an administrative code, or establishing, altering, or abolishing any Village department, office or agency;

(b) Providing for a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed;

(c) Levying taxes, except as otherwise provided herein;

(d) Granting, renewing, or extending a franchise;

(e) Regulating the rate charged by a public utility for its services;

(f) Authorizing the borrowing of money;

(g) Conveying or leasing, or authorizing the conveyance or leasing, of any lands of the Village.

(h) Adopting, with or without amendment, ordinances proposed under the initiative power; and

(i) Amending or repealing any ordinance previously adopted, except as otherwise provided herein.

(j) Exercising the powers of eminent domain and annexation within the Tulalip Indian Reservation.

Acts other than those referred to in this section may be done either by ordinance or resolution.

Section Three. Ayes and nays to be recorded.

The ayes and nays shall be taken on the passage of all ordinances and resolutions and entered in the journal of council proceedings.

Section Four. When majority vote required.

A majority vote of all the members of the council shall be necessary to pass any ordinance or resolution having the effect of an ordinance.

Section Five. Enacting style.

The enacting clause of all ordinances passed by the council shall be in these words: [”Be it ordained by the council of the Consolidated Borough of Quil Ceda Village as follows:”].

Section Six. Reading or posting and passage of ordinances and resolutions; effective date.

All proposed ordinances and resolutions having the effect of ordinances shall either be read in full or posted in a public place at least twenty-four (24) hours prior to their adoption. If any amendments are proposed to a posted ordinance, such

amendments shall be read in full prior to adoption of the ordinance.

A measure may be placed upon final passage at the same meeting as when introduced, by unanimous consent of the council.

Measures without an emergency clause shall take effect and become operative thirty (30) days after the date of their passage.

Section Seven. Emergency measures; effective date.

An emergency measure is one necessary for the immediate preservation of the public peace, health, or safety, in which the emergency is set forth and defined. An emergency measure may be placed upon its second reading and final passage at the same meeting as when first introduced, on the affirmative vote of all members of the council.

An emergency measure shall take effect immediately on its passage.

Section Eight. Signing of ordinances and resolutions.

All ordinances and resolutions shall be signed by the president and attested to by the Village clerk.

Section Nine. Publication of ordinances and resolutions.

All ordinances and resolutions having the effect of ordinances, except emergency measures, shall be published once in the official public media of the Village within twenty (20) days of their passage before they become effective and operative.

Emergency ordinances that have been passed by the necessary unanimous vote of the council shall be published one time in the official media of the Village within Fourteen (14) days after their passage.

Section Ten. Revision of ordinances and resolutions.

Ordinances or resolutions having the effect of ordinances shall not be revised, reenacted, or amended by reference to title only, but such ordinances or resolutions to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provide herein for the adoption of ordinances and resolutions.

Section Eleven. Repealing or suspending ordinances or resolutions.

No ordinance, or resolution having the effect of an ordinance, or section thereof shall be repealed or suspended except by ordinance or resolution adopted in the

manner provided herein.

Section Twelve. Filing, recording, and certification of ordinances and resolutions.

All ordinances and resolutions shall be filed and safely kept by the Village clerk and duly recorded and certified by the Village clerk in books kept for the purpose. Recorded copies thereof certified by the Village clerk or the originals thereof shall be prima facie evidence of the contents of such ordinances or resolutions and of the due passage and publication of the same, and shall be admissible in evidence in any court or in any proceeding where the contents of such ordinances or resolutions are in question. Nothing herein contained shall be construed to prevent the proof of passage and publication of any ordinance or resolution in the manner otherwise prescribed by law.

Section Thirteen. Adoption by reference.

The council may enact the provisions of a code or public record theretofore in existence without setting forth such provisions, but the adopting such code or public record by reference; provided, such ordinance shall be published in full. At least three (3) copies of the code or public record shall be filed in the office of the Village clerk and kept available for public use and inspection. A code or public record enacted by reference may be amended in the same manner.

No penalty clause shall be enacted by reference thereto. A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting reference.

Section Fourteen. Codification of ordinances.

Any or all ordinances of the Village that have been enacted and published in the manner required at the time of their adoption, and that have not been repealed, shall be compiled, consolidated, revised, indexed, and arranged as a comprehensive code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than two (2) copies thereof shall be filed for use and examination by the public in the office of the Village clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Amendments to the code shall be enacted in the same manner as ordinances.

ARTICLE VIII
CONTRACTS

Section One. Execution.

All contracts shall be executed by the president in the name of the Consolidated Borough of Quil Ceda Village, except as may otherwise be provided either by this charter or by law, and must be countersigned by the Village clerk, who shall number and register the contracts in a book kept for that purpose.

Section Two. Contracts for Village improvements.

Any Village improvement costing more than twenty-five-thousand Dollars ($25,000.00) shall be executed by a written contract except where such improvement is authorized by the council to be executed directly by a Village department in conformity with detailed plans, specifications, and estimates. All contracts for more than twenty-five-thousand Dollars ($25,000.00) shall be subject to Tulalip contracting preference laws and Ordinances.

Section Three. Purchases.

The Village manager shall contract for and purchase or issue purchase authorizations for all supplies, materials, equipment, and services for the offices, departments, and agencies of the Village.

No bids shall be required for any purchase not in excess of twenty-five-thousand Dollars ($25,000.00). For any purchases from twenty-five-thousand Dollars ($25,000.00) to fifty-thousand Dollars ($50,000.00) inclusive, the Village manager or agents of the Village manager hereunder shall invite written bids from at least three [3] qualified bidders and keep a record of the bids and of the awards of purchase for public examination or inspection.

Every purchase exceeding the sum of fifty-thousand Dollars ($50,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as provided by law, unless the council rejects all bids.

All such purchases shall be subject to the provisions of Tulalip Tribal contracting preference laws and ordinances.

Section Four. Bids.

Advertisements for bids shall distinctly and specifically state the character of the Village improvement contemplated and/or the kind of supplies, materials, equipment,

and services required. Such notice shall be published at least once in the official public media of the Village, not less than thirty (30) days prior to the opening of bids. Bidding will be by sealed proposals only and under such regulations as may be prescribed by the council.

Section Five. Transfer of property.

The Village manager may transfer supplies, materials, and equipment to or between offices, departments, and agencies, subject to such regulations as the council may prescribe.

Section Six. Fraud and collusion.

Any member of the council or any officer or employee of the Village who aids or assists a bidder in securing a contract to furnish labor, material, equipment, supplies, or services at a higher price than proposed by any other bidder, or who favors one bidder over another by giving or withholding information, or who willfully misleads any bidder in regard to the character of the labor, material, equipment supplies, or services called for, or the conditions under which the proposed work is to be done, or who knowingly accepts materials, supplies, or equipment of a quality inferior to that called for by any contract, or who knowingly certified to a greater amount of labor or service performed than has been actually performed or to receipt of a greater amount or different kind of material, supplies, or equipment than was actually received, shall be guilty of a misdemeanor and on condition thereof shall be removed from office or position.

Section Seven. Personal interest.

No member of the council or any officer or employee of the Village shall have a substantial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract or in the sale to the Village of or to a contractor supplying the Village with any land, or rights or interests in any land, or material, supplies, equipment, or services. Any willful violations of this section shall constitute malfeasance in office, and any officer or employee of the Village found guilty thereof shall thereby forfeit his or her office or position. Any violation of this section with the knowledge, express or implied, of the persons contracting with the Village shall render the contract voidable by the Village manager or the council.

Section Eight. Lease of Village property.

The council may lease any Village land, buildings, or personal property on such

terms and conditions as the council may prescribe. All leases shall be made to the highest responsible bidder, after publication of notice thereof in the official public media of the Village once a week for at least two (2) weeks, stating explicitly the terms and conditions of the proposed lease. At its discretion, the council may reject any and all bids.

Section Nine. Sale of Village property.

The Village may not sell or convey all or any part of its real property. Personal property may be sold or conveyed in the manner provided by law.

ARTICLE IX
FRANCHISES AND PUBLIC UTILITIES

Section One. Franchises.

A person desiring to obtain a franchise to operate a public utility from the Village shall present the franchise desired to the Village council, and it shall be filed among Village records.

If the council deems the granting of the franchise beneficial to the Village, it shall pass a resolution, stating that fact.

A franchise shall not be granted for a longer term than 10 (ten) years.

Section Two. Establishment of municipally owned and operated utilities.

The Village shall have the power to own and operate any public utility, to construct and install all facilities that are reasonably needed, and to lease or purchase any existing utility properties used or useful for public service. The Village may also furnish service to adjacent and nearby territories that may be conveniently and economically served by a municipally owned and operated utility, subject to the limitations of the provisions of the general laws of the state. The council may provide by ordinance for the establishment of such utility and provide for its regulation and control and the fixing of rates to be charged.

The council may be ordinance provide for the extension, enlargement, or improvement of existing utilities, and provide reasonable reserves for such purpose.

Section Three. Establishment of classifications and regulation of rates of public utilities.

The Village shall have full power to and may prescribe just and reasonable

classifications to be used and just and reasonable rates and charges to be made and collected by all corporations rendering public utility service within the corporate limits of the Village as now or hereafter constituted, except public service corporations.

ARTICLE X
GENERAL PROVISIONS

Section One. Publicity of records.

All records and accounts of every office, department, or agency of the Village shall be open for inspection by any person or any representative of the press at all reasonable times and under reasonable regulations established by the council, except the personnel records of employees and records and documents the disclosure of which would tend to defeat the lawful purpose that they are intended to accomplish.

Section Two. Official bonds.

All elected and appointed officers, and such other employees as the council may by ordinance or resolution require to do so, shall give bond in such amount and with such surety as may be approved by the council. The premium on such bonds shall be paid by the Village.

Section Three. Oath of office.

Every officer of the Village, whether elected or appointed under the provisions of this charter, or under any ordinance of the Village, shall, before assuming the duties of the office, take and subscribe an oath required by the Tribes.

Section Four. Short title.

This charter, adopted pursuant to Ordinance 111 of the Tulalip Tribes, shall be known and may be cited as the Charter of the Consolidated Borough of Quil Ceda Village.

Section Five. Plenary and implied powers of council.

The council shall have plenary power to enact and make all proper and necessary ordinances, resolutions, and orders to carry out and give effect to the express as well as the implied powers granted in this charter to the end that a complete, harmonious, and effective municipal government may be initiated, installed, operated, and maintained in the Village, and thereby protect and safeguard the rights, interests,

safety, morality, health, and welfare of the Village and its inhabitants.

ARTICLE XI
CONSTRUCTION OF TERMS

Wherever the context of this charter so requires, the singular number includes the plural, and the plural includes the singular; the word “person” includes a corporation, company, partnership or association, or society, as well as a natural person.

ARTICLE XII
AMENDMENTS

This charter, or any part or article or section thereof, may be amended in the manner provided by the municipal government enabling legislation adopted as Tulalip Ordinance 111.