



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 18-30

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965;

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe;

WHEREAS, the Tribe is a federally recognized Indian Tribe possessing reserved powers, including the powers of self-government;

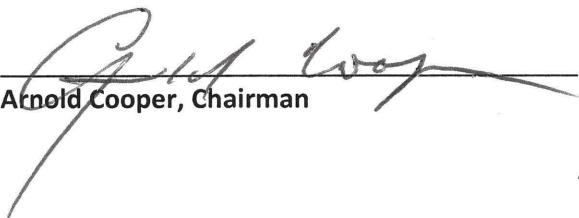
WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

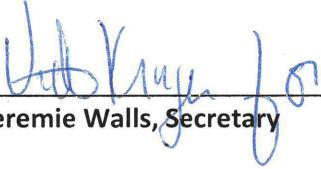
WHEREAS, the Squaxin Island Tribal Council finds that any per capita payment authorized by the Tribe or its Enterprises may be subject to garnishment under the Squaxin Island Tribe Garnishment policy for child support obligations;

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts the attached amendments to the Squaxin Island Tribe Garnishment Policy.

CERTIFICATION

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 24th day of May, 2018, at which time a quorum was present and was passed by a vote of 5 for and 0 against, with 0 abstentions.


Arnold Cooper, Chairman

Attested by: 
Jeremie Walls, Secretary


Charlene Krise
Charlene Krise, Vice Chairman

Squaxin Island Tribe Garnishment Policy

May 24, 2018

I. Introduction

As has been recognized by the Washington State Supreme Court, the immunity from suit traditionally possessed by federally recognized Indian tribes includes immunity from garnishment actions under RCW 6.27. This immunity is not waived where the Tribe conducts a commercial enterprise outside the boundaries of the reservation, absent an express waiver by either the Tribe or Congress. *North Sea Products, Ltd. V. Clipper Seafoods Company*, 92 Wash.2d 236, 595 P.2d 938 (1979).

The Squaxin Island Tribe recognizes the value of maintaining good relations with the business community and with local, state and federal governments. The Tribe also bears the cost of, administrative demands, and the inappropriate demands of private creditors and collection agencies, in acting as a debt collector for others. On balance, the Squaxin Island Tribal Council has established the following policy for garnishments received by the Tribe. This policy applies to all employees of the Tribe and its enterprises, including Tribal members, Indians and non-Indians.

In summary, writs of garnishment and other state-law based procedures to compel from individual (non-public) creditors and collection agents will not be processed.

Writs of garnishment and other state-law based procedures to compel from state and local governments will be processed subject to possible exceptions, so long as the payment is greater than \$100.

Writs of garnishment and other procedures to compel from the federal government will be processed without limitation.

Any per capita payments authorized by the Tribe or its Enterprises may be subject to garnishment under this policy for child support obligations.

II. Garnishment Policy

A. General Procedure Upon Receipt of a Garnishment Demand

1. Garnishment Demand from Private (Non-public) Creditor

When the Tribe receives a garnishment demand from a private creditor there is no requirement to take any action to process the garnishment. The Tribe may so inform the creditor using the form letter provided by Legal.

2. Garnishment Demand from a Local or State Government Agency.

When the Tribe receives a garnishment demand from a local, state or federal government agency, including from an Order of Child Support, it will make reasonable efforts to provide a copy of the demand and a copy of this policy to the named employee or tribal member by mailing copies to the employee or tribal member at his or her last known address. Unless an exception is granted (as detailed below), the Tribe will voluntarily process the garnishment demand 10 days from the date the copies of the garnishment and the copy of this policy were mailed.

It is the employee or tribal member's responsibility to respond and to seek an exception. The Tribe shall not be liable for failure to notify the employee or for processing a garnishment demand where the employee or tribal member has not taken all steps necessary to secure an exception in accordance with this policy.

3. Garnishment Demand from the Federal Government.

When the Tribe receives a garnishment demand from the Federal Government it shall process the writ without limitation.

B. Minimum Garnishment

The Tribe will not process garnishment demands from local or state government agencies that result in payments to the garnishor for \$100 or less.

C. Exceptions

Exceptions may be granted, under limited circumstances, to enrolled members of the Squaxin Island Tribe or when a Squaxin Island tribal family would be adversely affected. The employee or tribal member (and, where appropriate, the Squaxin Island tribal member of an affected family) has the sole responsibility for seeking and obtaining an exception.

1. Exceptions for Squaxin Island Tribal Members

An employee or tribal member who is an enrolled member of the Squaxin Island Tribe and who wishes to obtain an exception due to financial hardship that can be determined under the guidelines established within the Tribe, must contact the Tribal Liaison within 10 days from the date copies of the garnishment demand and this policy were mailed or from the date of actual receipt, whichever comes first. The employee or tribal member must actively discuss the garnishment demand, potential resolutions, and reasons for seeking an exception with the Tribal Liaison. The Tribal Liaison may counsel the employee or tribal member and encourage him or her to develop and implement workable payment schedules, which may include voluntary compliance with the garnishment demand or voluntary wage assignment.

If the employee or tribal member does not actively participate, or if the Tribal Liaison determines that an exception is not warranted, the garnishment will be voluntarily processed

The employee or the affected Squaxin Island Tribal member must also present a proposal to the Squaxin Island Tribal Council for approval. The proposal should detail the terms of the exception, including any voluntary wage assignment or other plans to resolve the debt. This proposal must be presented to the Squaxin Island Tribal Council within 30 days from the date copies of the garnishment demand and garnishment policy were mailed or from the date of actual receipt, whichever comes first.

If the employee and the affected Squaxin Island Tribal member do not actively participate, and/or if the Tribal Council denies an exception, the garnishment will be voluntarily processed.

2. Exceptions for Non-Member Employees Who Support a Squaxin Island Tribal Family

If a Squaxin Island Tribal family would be negatively affected by the garnishment and can prove financial hardship as determined by the guidelines established by the Tribe, the garnished non-member employee and the enrolled Squaxin Island tribal member who would be affected must communicate with the Tribal Liaison within 10 days from the date copies of the garnishment demand and this policy were mailed or from the date of actual receipt, whichever comes first. The employee and the affected Squaxin Island tribal member must actively discuss the garnishment demand, potential resolutions, and reasons for seeking an exception with the Tribal Liaison. The Tribal Liaison may attempt to counsel the employee and encourage him or her to develop and implement workable payment schedules, which may include voluntary compliance with the garnishment demand or voluntary wage assignment.

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If the employee and the affected Squaxin Island tribal member do not actively participate, and/or if the Tribal Council denies an exception, the garnishment will be voluntarily processed.

D. Fees

The Tribe may deduct a processing fee \$20 from that portion of the employee's earnings that are garnished [i.e., after withholding the required amount under the writ].

E. Tribal Exemption

The terms of this policy do not apply when the Squaxin Island Tribe or any of its enterprises is the creditor demanding garnishment.

F. Appeal

As a sovereign, it is within the sole discretion of the Tribe to comply with garnishment orders from entities outside the Tribe or to grant exceptions. Therefore, the decision of the Tribe in such cases shall be considered final and there shall be no right to appeal. Individuals may or may not have rights to appeal garnishment orders under the law governing the entity that issued the demand.

G. Legal Representation

The Squaxin Island Legal Department represents the interests of the Tribe. It does not represent individual members. The Legal Department will not defend against a garnishment claim. Individual are encouraged to retain their own attorney.

H. Creditors' Other Avenues to Collect

Please be aware that creditors have a variety of means available to collect on a debt. This policy does not prevent a creditor for pursuing any lawful means to collect a debt, other than an action to compel the Tribe to collect a debt for it. Thus, a creditor might still file a garnishment demand with anyone holding money for the debtor, including, for example, a local bank.

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