



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 10-24A

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; and

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; and

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

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 Tribal Council makes the following findings: The Tribal government has inherent authority to govern matters relating to probate as central to the Tribe's health, welfare, economic security, culture and existence as an independent political community; establishing a simple and flexible probate procedure in Tribal Court is the most economical and expeditious way to resolve probate matters and is in the best interest of Squaxin Island Tribal members;

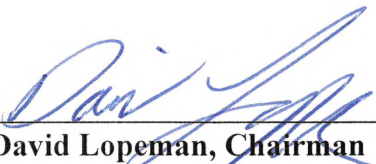
WHEREAS, the purposes of this Probate Code are: to ensure that the property of decedents passes to the rightful heirs or beneficiaries; to encourage Members to plan for the transfer of property upon their deaths by making wills; to comply with the decedents' wishes as much as possible; to comply with Tribal custom and tradition and the wishes of decedents' loved ones to fill gaps when decedents' wishes are unclear; to provide a simple, flexible, efficient and inexpensive method for probating decedents' property; to prevent the transfer of residences on Tribal trust land out of Tribal ownership and control; to protect, when possible and fair, the rights of creditors of decedents; to continue the Tribe's self-governance by, among other things,

providing a way to probate estates in Tribal Court; and to guide the Tribal Court on probate matters and, when necessary, provide Tribal law for state and federal courts to apply when probating the property of Tribal members.

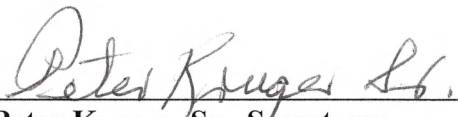
NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts the Probate Code (copy attached hereto).

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 1st day of January, 2010, at which time a quorum was present and was passed by a vote of 5 for and 0 against, with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Peter Kruger, Sr., Secretary

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Arnold Cooper, Vice Chairman

SQUAXIN ISLAND TRIBAL COUNCIL MEETING

Intellectual Property: The Legal Department has arranged for a seminar with Cjeston McFarland regarding protecting cultural Indian property. The meeting is free and will be held at the Museum next Tuesday. The seminar will cover trade marks, copywriting and other protections related to traditional native art and practices, stories, names, songs, etc.

Probate Code: Kevin shared that he was directed by Council to draft a probate code. A draft code had previously been presented to Council on December 10, 2009. Kevin handed out an additional copy to Council. He discussed the continuing need for probate provisions. An issue came up and it has come to a point where this code needs to be in place. Arnold Cooper moved to approve the code. Misti Saenz-Garcia seconded the motion. The motion carried five (5) for and zero (0) against (*Andy was out of the room*). Kevin will return at the next meeting with a resolution.

Enrollment Code: Kevin shared that the Enrollment Code had previously been presented to Council on October 22 and November 12, at the Winter General Body meeting, a by bulk mail. The latest notice requested comments by February 11, with notice that Council would take up the Code for final review and approval at its next regular session February 11.

Youth Code: This was brought up at the last meeting regarding extending the ICW Youth Code to include unborn children. Council had then directed that care should be taken so as not to interfere with a mother's right to chose. To that end, staff discussed extensively how to draft to avoid creating an incentive or a disincentive in a woman's choice. Staff recommends that the incentive issue cannot be readily resolved and that it would be sufficient to express that there is no such intention. Kevin presented a Resolution amending the Youth Code. The code will define "Indian child" as *an unmarried and un-emancipated Indian person who is under eighteen years of age and is a member of an Indian tribe or eligible for membership in an Indian tribe. An "Indian child" includes the unborn child of a Squaxin Island Tribal member. In so defining an Indian child, there is no intention to affect, either positively or negatively, a woman's right to choose whether or not to bear a child.* A further amendment added a definition for "inadequate medical care" meaning "evidence that an Indian child is not receiving adequate medical care, including but not limited to the mother of the unborn child is not receiving adequate prenatal care or the mother of the unborn child is using alcohol or other drugs (prescribed and non-prescribed) to an extent that the fetus or infant is likely to be endangered." The proposed amendments come with a consensus recommendation from the Family Wellness Team. Misti Saenz-Garcia moved to approve **Resolution #10-15** which reflects this change. Marcella Castro seconded the motion. The motion carried unanimously.

Child Care Development Center: Kevin presented the articles and by-laws for the Child Development Center arm: "Friends of the Child Development Center." The CDC Board is ready to receive and approve the draft and is waiting for Council pre-approval. The Child Care Development articles and bylaws had previously been presented to Council in December 2008. This arm will be a non-profit group that will apply for funding and grants for the CDC. Misti Saenz-Garcia moved to approve the articles and by-laws. Marcella Castro seconded the motion. The motion carried unanimously.

Elder non-profit status: Kevin handed out the by-laws for Squaxin Island Elders, Inc. The organization was previously created to find a way for the elders to apply for funding as a charitable organization. Last year a copy of the by-laws were submitted for review and approval by the Elders and Council. They are still in draft form. No action was ever taken. Council directed that the by-