



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 10- 25A

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 Squaxin Island Tribe entered an Agreement with the State of Washington and five other federally recognized tribes regarding the manufacture and sale of cigarettes; and

WHEREAS, under that agreement the tribes have committed to the intertribal, intergovernmental regulation of cigarettes they will collectively manufacture; and

WHEREAS, the Squaxin Island Tribe has agreed to the sale of an interest in Skookum Creek Tobacco Co., Inc. to facilitate the collective manufacture of cigarettes;

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council agrees to the terms of the attached two documents relating to the formation of the Native American Development Association and the transfer of an interest in Skookum Creek Tobacco Co., Inc.

BE IT FURTHER RESOLVED, that Section 6.28.100 of the Squaxin Island Tribal Code shall be amended to read as follows:

6.28.100 Special powers and privileges of corporations wholly owned by the Squaxin Island Tribe.

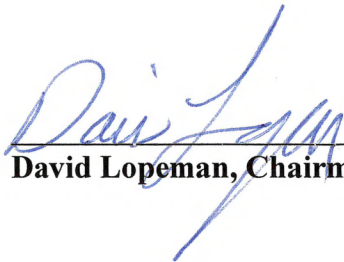
The Squaxin Island Tribe may, from time to time, organize corporations to carry out governmental functions on its behalf, including but not limited to generating revenues to meet governmental needs and purposes. The special powers describe in this section shall only be available to a corporation wholly owned by the Tribe, or a corporation wholly owned by the Squaxin Island Tribe and other federally recognized tribal governments. Such wholly owned corporations:

- A. Shall have any and all of the Tribe's rights, privileges and immunities (including, without limitation, sovereign immunity) concerning federal and state taxes and jurisdiction to the same extent that the Tribe would have such rights, privileges and immunities if it engaged in the activities undertaken by the corporation. Absent consent, such a corporation shall not be subject to taxation by the Tribe, except to the extent that such taxation is necessary and reasonably appropriate to compensate the Tribe for services provided to the corporation by the Tribe;
- B. Shall have the power to sue and is authorized to consent to be sued in the Tribal Court, and other courts of competent jurisdiction; provided, however, that any recovery against such corporation for any such consent shall be limited to the assets of the corporation, and that, to be effective, such corporation must explicitly consent to be sued in a contract or other commercial document which specifies the terms and conditions of such consent; provided however, that consent to suit by a corporation shall in no way extend to the Tribe, nor shall a consent to suit by a corporation in any way be deemed a waiver of any of the rights, privileges or immunities of the Tribe.

NOW BE IT FINALLY RESOLVED, that this Resolution shall be effective only after two additional federally recognized tribes agree to the terms of the attached two documents and all approvals necessary under applicable federal or other law have been obtained.

CERTIFICATION

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at a meeting of the Squaxin Island Tribal Council, held on this 26 day of March, 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, Secretary



Arnold Cooper, Vice Chairman