



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 11- 69

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 Tribal Council finds that regulation of Budget Ordinance is essential to the health and welfare of the Squaxin Island Tribe and its members.

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts the following amendments to the Budget Ordinance:

- 1. Section 2.36.090 Regular and emergency budget amendments and over-expenditures** shall be revised to read as follows:

D. (2) In the Chairman's judgment, a threat exists to the health, welfare, or security of the Tribe and its members, or an emergent and unforeseeable need or opportunity has arisen that cannot be timely met with budgeted funds, that requires an expenditure of funds in excess of the approved budgeted amount; provided, if from (a) gaming revenues under 2.36.095(A)(2) or if from (b) other economic enterprise distributions under 2.36.095(C) from any source, and is anticipated to be a recurring expenditure, it will automatically be included as a charge against the subsequent fiscal year budget;

E. Emergency Amendments. The Tribal Council retains the emergency power to reprogram any tribal funds if it is determined that a substantial threat exists to the Squaxin Island Tribe, its resources, or its rights, or in the event an emergent and unforeseeable need or opportunity has arisen that cannot be timely met with budgeted funds. If the Council takes such emergency action, it shall within thirty (30) days, call a special Council session for the purpose of formally recording their action and for amending the budget and budget authority resolution--where necessary--to accommodate their changes and to authorize an amended balanced budget. Nothing in this chapter shall require the Chairman, the Council, or any other tribal official, acting during such an emergency, to publicly disclose any information that could adversely impact the legal and/or political standing of the Squaxin Island Tribe.

2. Section 2.36.095 Enterprise revenue distribution shall be revised to read as follows:

B. Up to one million dollars (\$1,000,000.00) per year in net gaming revenues distributed from gaming enterprises shall be exempt from the allocation herein with up to five hundred thousand dollars (\$500,000.00) distributed as per capita payments and the remainder distributed for special projects and programs and unbudgeted expenditures in .090(D)(2), in amounts determined by the Tribal Council.

C. (1) Cigarette excise and tobacco products taxes will be distributed as follows:

a. Fifteen (15) percent will be distributed to eligible senior tribal members as per capita payments.

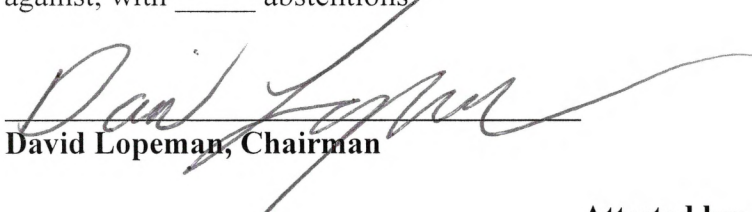
C. (2) Profits will be distributed by the following formula beginning in FY2006:

b. Fifteen (15) percent as determined will be distributed to eligible senior tribal members as per capita payments.

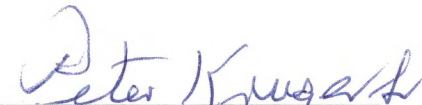
3. All other sections of the Budget Ordinance shall remain.

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 ____ day of _____, 2011, at which time a quorum was present and was passed by a vote of ____ for and ____ against, with ____ abstentions.


David Lopeman, Chairman

Attested by:


Peter Kruger, Sr., Secretary


Arnold Cooper, Vice Chairman

2.36.090 Regular and emergency budget amendments and over-expenditures.

A. Approved Budget Line Item Over-Expenditures. In no case shall the approved budget be modified except as provided for in this section. However, budgets are recognized as being plans to guide expenditures, to meet stated and specific programs objectives, and that actual circumstances may make minor adjustments necessary to responsibly apply the budgeted funds to the program objectives. Adjustments to line items within the limits set out below are subject to the approval and oversight of the appropriate authority. In any case, no adjustments shall be made to restricted funds without following the regulations attached to those funds.

B. Department Director Authority. The director of a Tribal department shall be authorized to overspend any line item, except line items that exclude indirect, such as; major contracts, capitalized and pass-through expenditures, within a program's budget by the greater of five hundred dollars (\$500.00) or ten (10) percent of the line item without prior approval as long as the total expenditures for that program do not exceed the total authorized budget. All modifications must be justified and submitted to the Executive Director and Comptroller for approval and presented to the Squaxin Island Budget Commission for review at the next meeting.

C. Squaxin Island Budget Commission Authority. The Squaxin Island Budget Commission shall be authorized to approve a Director's request made through the Executive Director and Comptroller to over-spend a budgeted line item within a tribal program by not more than twenty-five (25) percent as long as a written plan is presented demonstrating where sufficient savings will be realized in other line items within same programs to avoid exceeding the budget limit for the entire program.

D. Emergency Over-Expenditures or Unbudgeted Expenditures. The Chairman may approve a payment for budget over-expenditures or unbudgeted expenditures requiring full commission approval, only with the following provisions:

1. The obligation cannot be canceled by returning the goods purchased, lawfully canceling a contract for services, or by releasing the Tribe from the obligation in some other legal manner and nonpayment of the obligation would cause significant harm to either the reputation or credit rating of the Tribal Council or the Squaxin Island Tribe; or
2. At In the Chairman's discretion judgment, a threat exists to the health, welfare, ~~and~~ or security of the Tribe and its members, or an emergent and unforeseeable need or opportunity has arisen that cannot be timely met with budgeted funds. -that requires an expenditure of ~~budgeted~~ funds in excess of the approved budget ~~ed~~ amount ~~of funds that have not been budgeted;~~ provided, if from (a) gaming revenues under 2.36.095(A)(2) or if from (b) other economic enterprise distributions under 2.36.095(C) from any source, and is anticipated to be a recurring expenditure, it will automatically be included as a charge against the subsequent fiscal year

budget:

The Chairman's approval of such an over-expenditure or unbudgeted expenditure must be in writing and must include his or her rationale for approving the obligation or payment. The Chairman shall also convene a Squaxin Island Budget Commission meeting within seven days of his approval of such an expenditure to prepare an amendment to the budget, incorporating the emergency expenditure and, if necessary, reducing other budgeted expenditures to maintain a balanced budget. The Chairman shall also report the unbudgeted expenditure to the Tribal Council at the next Council meeting.

E. Emergency Amendments. The Tribal Council retains the emergency power to reprogram any tribal funds if it is determined that a substantial threat exists to the Squaxin Island Tribe, its resources, or its rights, or in the event an emergent and unforeseeable need or opportunity has arisen that cannot be timely met with budgeted funds. If the Council takes such emergency action, it shall within thirty (30) days, call a special Council session for the purpose of formally recording their action and for amending the budget and budget authority resolution--where necessary--to accommodate their changes and to authorize an amended balanced budget. Nothing in this chapter shall require the Chairman, the Council, or any other tribal official, acting during such an emergency, to publicly disclose any information that could adversely impact the legal and/or political standing of the Squaxin Island Tribe.

F. Limitations on Amendments. No amendment to the Budget Authority Resolution, or to any authorized or proposed budget becomes valid until such funds are realized. In addition, funds which are not contained in an approved fiscal year budget may not be advanced nor expended, including grant matching fund obligations, unless and until an amendment to the budget is adopted in accordance with this chapter.
(Res. 99-37 §§ 9.1--9.6)

2.36.095 Enterprise revenue distribution.

A. Gaming Revenue Distribution. Revenues distributed from gaming enterprise revenues will be distributed, except as provided in subsection B of this section, as follows:

1. Up to the first fifteen (15) percent as determined by the Squaxin Island Tribal Council will be set aside for distribution to eligible tribal members as per capita payments.
2. The remainder at a minimum of eighty-five (85) percent will be apportioned with the following formula:
 - a. Fifteen (15) percent of the revenue will be deposited into interest bearing account(s) to create a long-term account from which the interest income can be utilized for tribal needs. The account will be managed based on the prudent investment standard and managed by the Tribal Finance Department.
 - b. Fifteen (15) percent of the revenue will be used for the purchase of land that is not directly related to programmatic or enterprise needs. The Tribal Council may apportion such revenues between the on-Island and off-Island sub-accounts; provided, such monies shall be apportioned so as to ensure that the on-Island sub-account maintains a balance of, and is replenished as necessary to maintain a balance of, no less than five hundred thousand dollars (\$500,000.00). Off-Island properties would include purchases in the "Kamilche corridor," habitat conservation areas, and culturally sensitive sites. These properties could be managed properties with rents applied back to the fund or allowed to remain as purchased.
 - c. Thirty-five (35) percent of the revenue will be used for government projects and programs. An approximate equal proportion of funds will be for projects and programs. Allocations for these expenditures will be developed by the budget process for adoption by the Tribal Council on an annual basis.
 - d. Thirty-five (35) percent of the revenue will be used for economic development administered by Island Enterprises, Inc. (IEI). Expenditures for economic development will require Tribal Council approval through an annual operating plan developed by IEI.

B. Up to one million dollars (\$1,000,000.00) per year in net gaming revenues distributed from gaming enterprises shall be exempt from the allocation herein with up to five hundred thousand dollars (\$500,000.00) distributed as per capita payments and the

remainder distributed for special projects and programs and unbudgeted expenditures in .090(D)(2), in amounts determined by the Tribal Council.

C. Other Economic Enterprise Distributions. Revenues distributed from economic enterprises coordinated by Island Enterprises, Inc. (IEI) will be distributed as follows:

1. Cigarette excise and tobacco products taxes will be distributed as follows:

a. Fifteen (15) percent will be distributed to eligible senior tribal members as per capita payments ~~with seventy five (75) percent distributed to seniors apportioned monthly and twenty five (25) percent distributed to nonseniors apportioned annually, except that for FY2005 the amount will be set at two hundred fifteen dollars (\$215.00) and one hundred ten dollars (\$110.00) respectively and in the future, unless there are extenuating circumstances, not fall below these amounts (beginning in FY2006 the above figures will be a combination of excise and profits).~~

b. Eighty-five (85) percent of the revenue will be used for economic development administered by Island Enterprises, Inc. (IEI). Expenditures for economic development will require Tribal Council approval through an annual operating plan developed by IEI.

2. Profits will be distributed by the following formula beginning in FY2006:

a. Each economic venture will establish and maintain a retained earnings balance before further distributions occur. This will generally be set at six months operating expenses, special retained earnings may be set aside for specific purposes, such as expansion.

b. Fifteen (15) percent as determined will be distributed to eligible senior tribal members as per capita payments, ~~with seventy five (75) percent distributed to seniors apportioned monthly and twenty five (25) percent distributed to nonseniors apportioned annually.~~

c. Fifteen (15) percent of the revenue will be deposited into interest bearing account(s) to create a long-term account from which the interest income can be utilized for tribal needs. The account will be managed based on the prudent investment standard and managed by the Tribal Finance Department.

d. Twenty (20) percent of the revenue will be used for government projects and programs with the portion created by tobacco

operations earmarked for education programs. Specific allocations for these funds will be developed by this budget process for adoption by the Tribal Council on an annual basis.

- e. Fifty (50) percent will be used for economic development administered by Island Enterprises, Inc. (IEI). Expenditures for economic development will require Tribal Council approval through an annual operating plan developed by IEI.

| (Res. 05-71; Res. 05-26 (Exh. B); Res. 04-63 §§ 5--7; Res. 02-01 §§ 10.1 and 10.2)