



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 12-46

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 its 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 the regulation of business activities on all lands within the jurisdiction of the Squaxin Island Tribe is essential to the health and welfare of the Squaxin Island Tribe and its members; and

**WHEREAS**, the Squaxin Island Tribal Council has the power and authority to administer any funds or property within the control of the Tribe under the Constitution of the Squaxin Island Tribe; and

**WHEREAS**, it is the best interests of the Tribe that it lease equipment/system from De Lage Landen Financial Services, Inc. ("DLL") for the Squaxin Island Tribe to use at various locations within the Squaxin Island Reservation, whose general address is 10 SE Squaxin Lane, Shelton, Washington 98584 ("Equipment Leases"); and

**WHEREAS**, Equipment Lease #HFS353963-001 is expiring, and other Equipment Leases will be expiring at various times and the Tribe may desire to renew them; and

**WHEREAS**, it is necessary for the Tribe to waive its inherent sovereign immunity to the extent necessary to make the terms and conditions of the Equipment Leases mutually enforceable by the parties to them; and

**WHEREAS**, the Squaxin Island Tribal Council will authorize the Tribe's Chairman, or in his absence the Executive Director, to sign Equipment Leases on behalf of the Tribe; and

**NOW THEREFORE BE IT RESOLVED**, that the Tribe is authorized to enter into the following Equipment Lease with DLL: #HFS353963-001 (attached) for the Squaxin Island Tribe, whose general address is 10 SE Squaxin Lane, Shelton, Washington 98584; and

**BE IT FURTHER RESOLVED**, that the Tribe waives its inherent sovereign immunity to the following extent for the instant Equipment Lease with DLL, and for future Equipment Leases as they expire:

Limited waiver of sovereign immunity. The Tribe agrees to a limited waiver of sovereign immunity during the term of the Lease Agreement plus six months, only as to claims brought by the Lessor to enforce the contract and, if damages are involved, only up to and not exceeding the amount of lease payments owed (including interim rent) plus the residual value of the equipment as determined by Lessor, plus reasonable attorney's fees and court costs owed under the Lease Agreement. Any such claims shall be brought in federal court in Pennsylvania or Washington, applying Pennsylvania law.

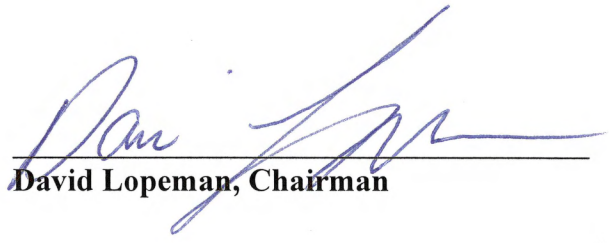
; and

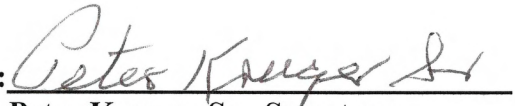
**BE IT FURTHER RESOLVED**, the Squaxin Island Tribal Council authorizes the Tribe's Chairman, or in his absence the Executive Director, to sign the Equipment Lease on behalf of the Tribe; and

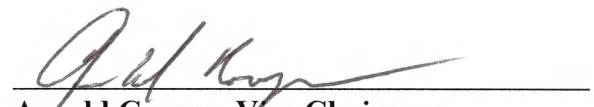
**NOW THEREFORE IT FINALLY BE RESOLVED**, Resolution No. 10-91 is hereby rescinded and substituted with this Resolution #12-46

**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 26<sup>th</sup> day of July, 2012, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.

  
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**David Lopeman, Chairman**

Attested by:   
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**Peter Kruger, Sr., Secretary**

  
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**Arnold Cooper, Vice Chairman**