



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 14-33

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**, for decades, the Bureau of Indian Affairs ("BIA") and the Indian Health Service ("IHS") have underpaid tribes and tribal organizations that contract to operate IHS clinics and hospitals and BIA law enforcement, realty, housing and other government programs, and the underpayments are in the Tribes' fixed contract support costs; and

**WHEREAS**, in 2012, the Squaxin Island Tribe filed administrative contract-based claims with the BIA and IHS seeking, respectively, \$379,141 from BIA for FY 2006, and \$824,707 from IHS for FY 2006-2010; and

**WHEREAS**, the agencies likely owe the Tribe money for additional years; and

**WHEREAS**, for the BIA claim, the Tribe is part of a class action pursuant to the U.S. Supreme Court decision in *Ramah Navajo Chapter v. Salazar*, and the BIA is currently devising a methodology for determining each tribes' claims with an eye towards resolution; and

**WHEREAS**, for the IHS claim, the Tribe is not part of a class action and must take independent action if it wants to obtain money; and

**WHEREAS**, the Tribe desires to actively pursue its IHS claims; and

**WHEREAS**, researching, litigating and/or settling the IHS claim would require a significant time commitment of the Tribe's Legal Department, and would replace much other legal work that is important to the Tribe; and

**WHEREAS**, retaining outside counsel with connections in Washington, D.C., as well as the assistance of an expert financial witness, is the most effective way to proceed against IHS; and

**WHEREAS**, the Tribe's Legal Department will assist outside counsel so as to defray costs and fees whenever possible;

**NOW THEREFORE BE IT RESOLVED**, the Tribe will not take affirmative action on the BIA claim for the time being, since the Tribe is part of the class and it understands that the BIA is actively working on the methodology for determining and ultimately paying out claims; and

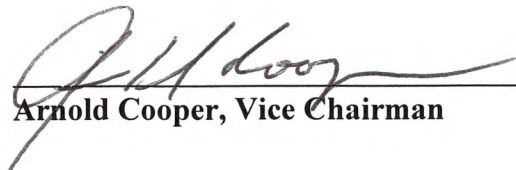
**BE IT FURTHER RESOLVED**, the Tribe will retain the law firm of Sonosky, Chambers, Sachse, Miller & Munson LLP to prosecute and/or settle all of the Tribe's IHS claims and hereby approves the attached contract.

#### 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 22 day of May, 2014, 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:   
\_\_\_\_\_  
Pete Kruger, Secretary

  
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Arnold Cooper, Vice Chairman