



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 14-74

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 any per capita payment authorized by the Tribe may be offset by amounts owed to the Tribe or its enterprises; and

WHEREAS, only a Tribal governmental department (Department) or a Tribal enterprise (Enterprise) shall be entitled to per capita offset under the provisions of this Ordinance; and

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts the attached amendments to the Squaxin Island Tribal Code 2.36.095;

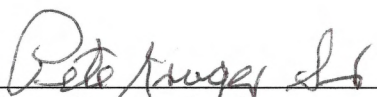
NOW BE IT FURTHER RESOLVED, that the attached amendments shall be implemented, and construed liberally, to achieve the intent of making the payments to the Tribal government or Tribal enterprise.

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 24th day of October, 2014, at which time a quorum was present and was passed by a vote of 10 for and 0 against, with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Pete Kruger Sr., Secretary



Arnold Cooper, Vice Chairman

PROCEDURE FOR ATTACHMENT OF PER CAPITA PAYMENTS

Amend Budget Ordinance (2.36.095) by adding a new paragraph "E".

E. Any per capita payment authorized under this chapter, other than those payments made pursuant to 2.36.095(C)(a), may be offset by amounts owed to the Tribe or its enterprises. The process and procedure for such offset shall be as follows:

1. Only a Tribal governmental department (Department) or a Tribal enterprise (Enterprise) shall be entitled to per capita offset under the provisions of this Ordinance.
2. Any debt owed by a Tribal member to a Department or Enterprise must be a minimum of ~~sixty (60)~~fifteen (15) days delinquent before the Department or Enterprise shall be entitled to seek per capita offset. Departments and Enterprises shall be entitled to seek per capita offset for any and all debts or judgments incurred by a Tribal member any time after July 1, 2004.
3. The Department or Enterprise shall file with the Squaxin Island Tribe Finance Department (Finance Department) a certified statement indicating the Tribal member whose per capita offset is being sought, and the dollar amount of such offset. The certified statement shall be filed a minimum of ~~sixty (60)~~fifteen (15) days prior to any regularly scheduled per capita payment date. A copy of the certified statement shall be served on the Tribal member by sending such certified statement both regular and certified mail to the last known mailing address of the Tribal member, as kept by the Squaxin Island Enrollment Officer.
4. The Finance Department shall honor any timely filed per capita offset request made by a Department or Enterprise. For each regularly scheduled per capita payment date, no more than fifty percent (50%), of the per capita payment a Tribal member may be entitled to shall be offset, and/or withheld, and paid to the party requesting the offset. The fifty percent (50%) offset shall be after the withholding of any taxes, where appropriate, and such offsets shall continue until such time as the total amount due and owing the Department or Enterprise is paid in full.