



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 14-76

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 cash and other assistance provided to Tribal members is an essential tool to providing for the health and welfare of the Squaxin Island Tribe and its members; and

**WHEREAS**, the nature of the assistance provided to some of the Tribe's most challenged members has been misconstrued and misunderstood, disrupting other assistance from state and federal agencies; and

**WHEREAS**, the Tribal Council wishes to clarify and establish, to the fullest extent possible, the status of its assistance to these members as tax-exempt under the general welfare doctrine.

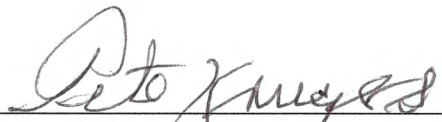
**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Council hereby adopts the attached amendments to the Squaxin Island Tribal Code;

**NOW BE IT FURTHER RESOLVED**, that the attached amendments shall be implemented, and construed liberally, to achieve the intent of making the payments exempt from federal income taxation under the general welfare doctrine.

**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 24<sup>th</sup> day of October, 2014, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.

  
\_\_\_\_\_  
David Lopeman, Chairman

Attested by:   
\_\_\_\_\_  
Pete Kruger Sr., Secretary

  
\_\_\_\_\_  
Arnold Cooper, Vice Chairman

**To be codified under a new chapter in Title 2.**

NEW SECTION 2.60.010 Aged and Disabled Programs

- A. The Tribal Council hereby establishes a program to provide financial assistance to the aged and disabled.
- B. The program established under this section is a needs based program in which eligibility is determined based on the applicant's income, as demonstrated by the applicant being otherwise eligible for Title XVI SSI benefits.
- C. The following individuals are eligible for assistance under this section:
1. A Tribal Elder who is eligible for Title XVI SSI benefits.
  2. A disabled tribal member who is eligible for Title XVI SSI benefits.
- D. The Tribal Council, on an annual basis, shall authorize the distribution of funds, goods, or services to eligible participants in the program, determining an annual amount for each participant after consideration of available funding and the participant's level of income and / or resources.

**Section 2.36.095 (Enterprise revenue distribution) is amended to read as follows.**

- 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. Upon 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 Section 2.36.090(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.
    - 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.
    - 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.

D. Any individual otherwise entitled to receive per capita payments as provided under this section shall be disqualified from receiving all such payments if the receipt of per capita payments would disqualify the individual from tribal, federal, or state assistance programs, the combined value of which exceeds the value of the per capita payments. Per capita payments not made by reason of this subsection shall instead be used to fund government projects and programs.

**Section 2.36.098 is hereby repealed.**