



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 20- 14 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;

**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;

**WHEREAS**, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government;

**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;

**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;

**WHEREAS**, the Squaxin Island Tribe and the City of Shelton wish to enter into an Interlocal Agreement for the planning and design of reclaimed water and wastewater conveyance facilities;

**WHEREAS**, the grant agreement contains a limited waiver of sovereign immunity regarding any disputes related to the agreement;

**WHEREAS**, in order to induce the City of Shelton to complete and execute the agreement, it is necessary for the Tribal Council to ratify and approve the terms of the agreement; to authorize execution of any and all documents required; to issue a limited waiver of sovereign immunity;

**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Council hereby agrees to enter into the attached agreement with the City of Shelton;

**NOW THEREFORE BE IT RESOLVED**, the Tribal Council specifically limits its waiver of sovereign immunity for the purposes of this agreement to the limited waiver as stated in Section 9 (Limited Waiver of Sovereign Immunity) of this agreement;

9. Limited Waiver of Sovereign Immunity. The Tribe expressly retains all rights and benefits of sovereign immunity. Nothing in this Agreement shall be deemed as a waiver of sovereign immunity or as increasing the Tribe's liability beyond any statutory or other limitation of liability, except as expressly stated in this Section 9.

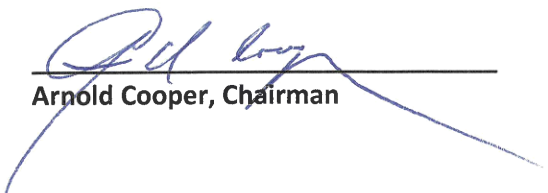
The Tribe hereby grants and provides a limited waiver of sovereign immunity to enforce the terms of this Agreement. This limited waiver of sovereign immunity shall apply in a state court of competent jurisdiction, after the Parties have complied with the Dispute Resolution provisions herein. This waiver does not extend to and is not for the benefit of any third party and shall not be enforceable by any third party or by any assignee of the parties; nor does it extend to any other type of action or to any other forum or regarding any other matter. No award for punitive damages of any kind may be made or enforced against the Tribe. The limited waiver of sovereign immunity shall only apply during the period of performance of this Agreement.

Any payment of a monetary judgment related to this Agreement, or any other defense and/or indemnity obligation related to this Agreement, shall be limited by and to the grant amount of \$392,000.

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Council hereby authorizes the Council Chairman or the Executive Director to do any and all things necessary to effect execution of the 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 10 day of April 2020, at which time a quorum was present and was passed by a vote of 4 for and 0 against, with 0 abstentions.

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

Attested by:   
\_\_\_\_\_  
Jeremie Walls, Secretary

  
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Charlene Krise, Vice Chairman