



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 01-98 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 the tribal members, and with protecting and managing the lands and treaty resources and rights of the Tribe; **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 desires to distribute a per capita payment to the Squaxin Island Tribal members in an amount up to 15% of the distributable Little Creek Casino net revenue funds,

WHEREAS the Squaxin Island Tribal Council has developed and desire to approve the attached Revenue Allocation Plan which details the distribution of said funds; and

WHEREAS, the Squaxin Island Tribal Council desires to use 85% of the distributable Little Creek net revenue funds to fund governmental services and programs; and

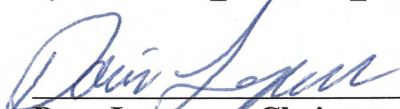
NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council does hereby approve the designation of up to 15% of the distributable Little Creek Casino net revenue funds for use as per capita payments to the Squaxin Island Tribal members;

BE IT FURTHER RESOLVED, that the Squaxin Island Tribal Council hereby approves the attached Revenue Allocation Plan; and


BE IT FINALLY RESOLVED, that the Squaxin Island Tribal Council hereby approves the designation of 85% of the distributable Little Creek net revenue fund for governmental services and programs.

CERTIFICATION


The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 8 day of **November, 2001**, at which time a quorum was present and was passed by a vote of 5 for and 1 against with 0 abstentions.



Dave Lopeman, Chairman

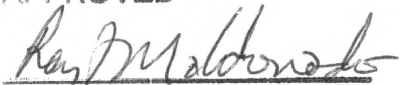
Attested by: 

Pete Kruger, Sr., Secretary



Andy Whitener, Vice Chairman

APPROVED



SUPERINTENDENT, OPA

11/13/01
DATE



SQUAXIN ISLAND TRIBE

Squaxin Island Tribe REVENUE ALLOCATION PLAN

The Revenue Allocation Plan is established to provide enhanced governmental and social services, and permit per capita payments to all enrolled Squaxin Island Tribal members. The plan will provide that at least 85% of the Tribe's net revenues from enterprise operations including revenues distributed from gaming enterprise, will be used for enhanced services. The Tribe may adopt implementing regulations consistent with the terms of this Revenue Allocation Plan.

The Tribe shall ensure that not more than 15% of net revenues from enterprise operations including revenues distributed from gaming enterprises will be used for per capita payments to its members. Per capita distributions shall be payable to individuals who are enrolled members of the Tribe as of the end of the fiscal year ending immediately prior to the date of distribution.

For Tribal members who are under age 18 (minors), the Tribe will deposit the per capita distribution into an investment account held in the member's name, such distribution shall vest immediately in the beneficiary until the beneficiary attains the age of Eighteen (18). Any income shall be accumulated and added to principal. A Tribal member may request up to 100% of funds available in his/her account on or after but not before their 18th birthday. The request must be presented in written form to the account custodian and will be processed for disbursement.

For Tribal members who are considered, by a court of competent jurisdiction, to be legally incompetent or incapacitated, the Tribe will deposit the per capita payments into an investment account held in the member's name, such distribution shall vest immediately in the beneficiary. Any income shall be accumulated and added to principal. Disbursements may be made to an incompetent or incapacitated person or to his or her legal guardian under such conditions as the Squaxin Island Tribal Council or a court of competent jurisdiction prescribes, including a full accounting of all expenditures. Expenditures from this account will be used solely for the health, education or welfare of the Tribal member.

With respect to incompetent or incapacitated Tribal members, payments for the health, safety or welfare of such individuals shall be requested by the individual's legal guardian on an as needed basis. Such request shall be made to the Squaxin Island Tribal Council, and the burden shall be upon the requesting party to show the need for such payment. If the Tribal Council shall deny the request, then the individual's legal guardian may appeal the issue to the Squaxin Tribal Court.

To prevail in the Squaxin Tribal Court, the petitioner must prove, by a preponderance of the evidence, that the Tribal Council acted arbitrarily or capriciously. The decision of the Squaxin Tribal Court shall be final and there shall be no appeal therefrom. In any such

appeal, remedies shall be limited to equitable remedies, and in no case shall monetary damages or costs be awarded against the Tribe, its officers, employees or agents. Denial of a request for funds for a incompetent or incapacitated person shall be based upon the determination that the requester failed to meet his/her burden of proof, that such a request is not in the best interest of the incompetent or incapacitated member, or that the funds may be needed for future uses which outweigh the current request and therefore the funds should remain unspent.

Proof of the need requested shall be submitted by the proposed recipient in writing and may include a written statement by the requesting party and any other written documentation supporting the request.

Proof of expenditure of the requested funds, if disbursed, shall be provided by the recipient to the Tribal Council. Failure to use the funds as approved may lead to a Squaxin Tribal Court action brought by the Tribal Council to recover the funds for the account of the incompetent person, the removal of the party misusing the funds as the legal representative, and / or the denial of future requests.

Any disputes with respect to the Allocation Plan and the per capita distribution program shall be presented to the Tribal Council. If the complaining party remains unsatisfied by the determination of the Tribal Council then the matter may be appealed to the Squaxin Tribal Court. The standards for review and limitation on remedies shall be as set forth above.

The Tribe will inform each Tribal member and/or guardian regarding tax liability. In addition, the Tribe may withhold from a distribution sufficient funds to pay any tax liability created by the payment.

The Squaxin Island Tribal Council may designate a trustee and or delegate the responsibilities necessary to implement this Revenue Allocation Plan.

All revenues allocated shall be used for one or more of the following:

- a) fund government operations or programs;
- b) fund the general welfare of the tribe or its members;
- c) fund tribal economic development;
- d) fund charitable donations;
- e) fund operations of local government; and / or
- f) fund per capita payments as provided herein.

CERTIFICATION OF GOVERNMENTAL ACTION

The undersigned, Superintendent of the Olympic Peninsula Agency, hereby certifies that this Revenue Allocation Plan of the Squaxin Island Tribe was duly adopted by the governing body of the Tribe and constitutes an enforceable Resolution of the Tribe duly adopted.



Superintendent Ray Maldonado

11/13/01

Date