



# SQUAXIN ISLAND TRIBE

Route 1, Box 257 Shelton, Washington 98584  
Phone 426-9781

RESOLUTION NO. 81-23

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe of Indians by the authority of the Constitution and By-laws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

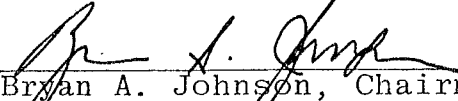
WHEREAS, the Tribal Council has by resolution adopted the Exclusion Ordinance, Resolution No. 80-06 (1980); and

WHEREAS, the Squaxin Island Tribal Council finds it necessary and appropriate to amend the Exclusion Ordinance, for the purpose of protecting and managing tribal real property and other tribal assets;

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby amends the Squaxin Island Exclusion Ordinance to read as set forth in the attached "Exclusion Ordinance, Proposed Amendment."

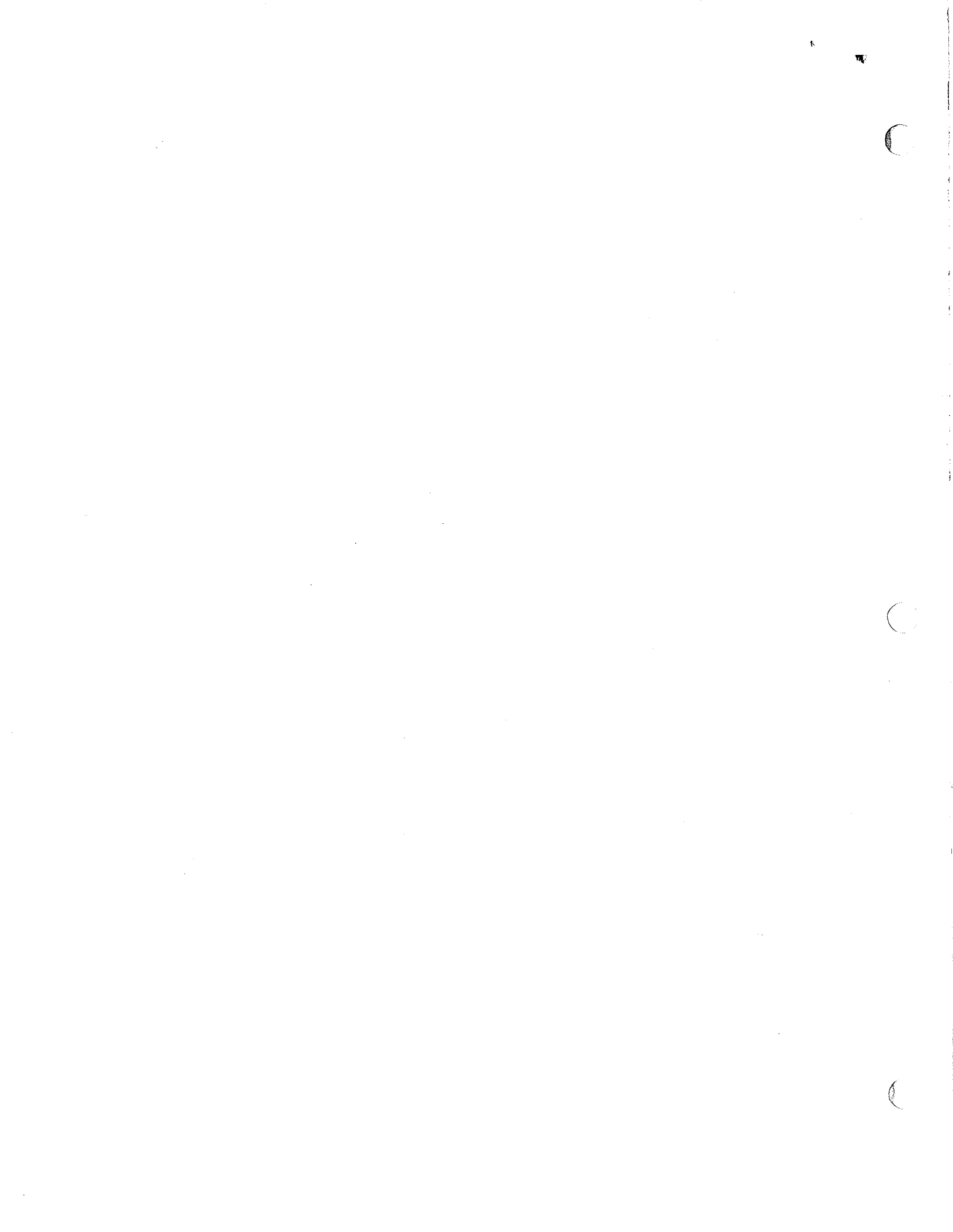
## CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the above Resolution was adopted at a regular meeting of the Squaxin Island Tribal Council held on this 21<sup>st</sup> day of March, 1981, at which time a quorum was present and passed by a vote of 4 for, 0 against.

  
Bryan A. Johnson, Chairman

  
Dave Whiteher, Vice-Chairman

  
ATTESTED BY: Dave Lopeman, Secretary



EXCLUSION ORDINANCE  
PROPOSED AMENDMENT

1. Who may be excluded.

1.1 Any person who is not a member of the Squaxin Island Tribe, except persons authorized by federal law to be present on tribal land, may be excluded from the Squaxin Island Reservation when the Tribal Council finds that the person has committed an act specified as a ground for exclusion in Section 1.2 of this Ordinance.

1.2 Grounds for Exclusion. Non-members may be excluded for commission of one or more of the following acts;

1.2.1 Wrongful possession or taking of natural resources from the Reservation, including fish, shellfish, wildlife, trees, minerals, water, and other natural resources;

1.2.2 Interference with, or the threat to interfere with, lawful business activities of the Tribe by harassment of the Tribe or its clients and/or customers, for the purpose of discouraging lawful Tribal activities;

1.2.3 Disturbance or destruction of anthropological sites, artifacts, grave sites or any other objects that evidence history and/or culture of the ancestors of present Indians of the South Puget Sound, without tribal authorization;

1.2.4 Any act on the Reservation contrary to governing tribal, state or federal criminal laws, to be proved either by conviction or a preponderance of the evidence that such an act was committed, when such act shows a willful disregard for personal or property interests, including, but not limited to,

assaults on other persons and intentional destruction of property.

1.2.5 Interference with Tribal rights, including inherent sovereign rights, Treaty, Constitutional, and other governmental rights.

1.3 Classes of persons. If grounds for exclusion exist as to a class of persons, who may or may not be known individually, that class may be excluded as a class, and service of notice shall be upon any member of that class with overall responsibility for the conduct of the members of that class with respect to the acts committed that constitute grounds for exclusion.

2. Hearings, notice.

2.1 Notice of proposed exclusion. Any member of the Squaxin Island Tribe may initiate the exclusion process by directing the Secretary of the Tribal Council to place an exclusion hearing on the Tribal Council agenda. The Secretary shall cause notice to be served on the non-member.

Notice shall be served personally, or by registered mail to the person's last known address with a return receipt requested.

The hearing shall be held at a Tribal Council meeting no less than five (5) days after receipt of such notice; PROVIDED, that if the tribal member requesting the hearing states upon oath that an emergency exists, the Council may take extraordinary measures in relief of the emergency pursuant to Section 3.2 below; PROVIDED FURTHER, that if neither method of notice is successful, the hearing shall be held no less than five days after return of the registered mail receipt.

2.2 Exclusion hearing. Upon proper notice, the Squaxin Island Tribal Council shall hold a hearing to decide whether a non-member shall be excluded from the Squaxin Island Reservation. All parties may be represented by counsel, and may present evidence and testimony.

If the non-member fails to appear at the hearing, and the Tribal Council finds from the facts presented that there exist grounds for exclusion as set forth in Section 1, the Tribal Council shall by Resolution order him or her excluded from the Squaxin Island Reservation.

The hearing shall be conducted generally informally, in the character of an administrative hearing. The Council shall order the non-member excluded from the reservation if the evidence and testimony establish by a preponderance of the evidence that the requirements for the exclusion have been met.

Upon a finding of exclusion or non-exclusion, the Tribal Council shall issue an appropriate Resolution, either specifying the nature and duration of the exclusion and any special condition, or denying exclusion.

2.3 Change of status. Any person excluded from the reservation may petition the Tribal Council for a change in such status. The Tribal Council shall order the exclusion of such person discontinued if it finds, after a hearing, held pursuant to the terms of this ordinance, that a change in circumstances exists so that the reasons for exclusion no longer prevail. The Tribal Council may also order such a hearing if an order of exclusion was entered in the absence of the non-

member, and he or she requests such a hearing.

### 3. Enforcement.

#### 3.1 Proceedings for enforcement of orders of exclusion.

If any excluded person does not promptly obey the order of exclusion, the Tribal Council shall refer the matter to the Superintendent of the Olympia Peninsula Agency of the Bureau of Indian Affairs for appropriate action, or to the United State Attorney. If, after a reasonable time after such reference no effective action has been taken to enforce the exclusion order, the Tribal Council shall take other appropriate action.

#### 3.2 Removal of trespassers.

In cases involving immediate danger to the life, health, morals, or property of the Tribe, or any of their members, and where a delay would result in irreparable damage; the Chairman or Vice-Chairman of the Tribal Council, with a concurrence of the Superintendent of the Olympic Peninsula Agency of the Bureau of Indian Affairs, or his or her deputy or assistant, may order any tribal law enforcement office on the Squaxin Island Indian Reservation to remove a non-member and/or any property of such non-member bodily from tribal land, either before or after the non-member has been ordered excluded by the Tribal Council as provided in paragraph 2.2 above. The officer executing the order shall use only so much force as is necessary to effect the removal. If service of the notice provided for in paragraph 2.1 above, has not already been made on the non-member at the time of removal, he or she shall cause the notice to be served as soon after removal as possible.

In all cases where the non-member has not already been ordered excluded by the Tribal Council, the Chairman or Vice-Chairman shall notify the non-member of a place of the reservation boundary where he or she may re-enter in the company of a Bureau of Indian Affairs or tribal law enforcement office for the purpose of attending the hearing before the Tribal Council. The Chairman or Vice-Chairman shall order the officer to accompany the non-member while he or she is on the reservation coming to and leaving his or her hearing.