

P.S.B.

# SQUAXIN ISLAND TRIBE

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



## RESOLUTION NO. 81- 26 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 as the governing body of the Squaxin Island Tribe provides for the creation, administration and enforcement of tribal laws; and

WHEREAS, the Tribal Council has provided for the establishment of Tribal Court to assist the Council in enforcing its laws, Resolution 78-40; and

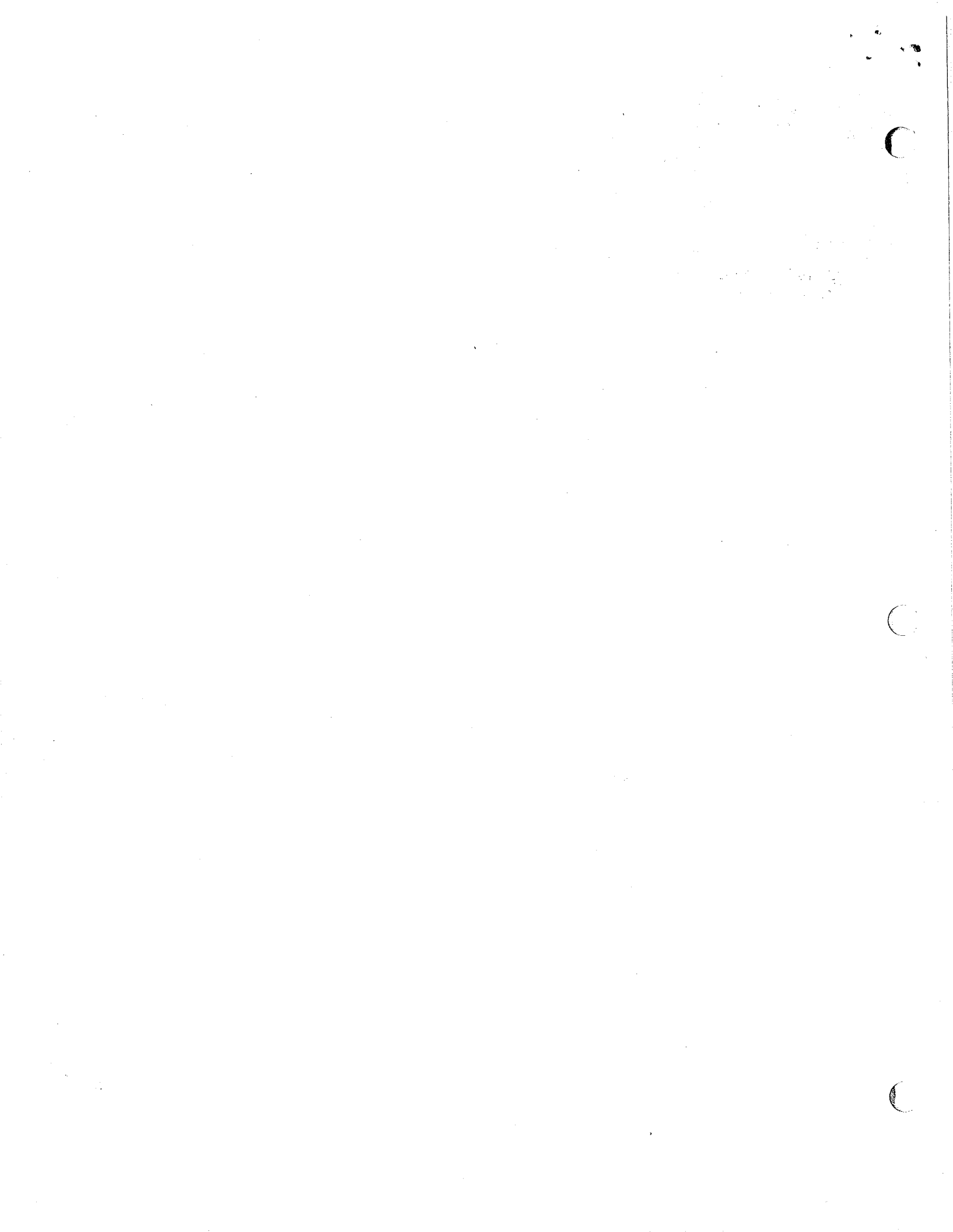
WHEREAS, the Tribal Council wants to clarify the power of tribal court so that the role of the Court is more clearly understood; and

WHEREAS, the Tribal Council is the entity charged with providing fair Tribal laws controlling persons and actions within its jurisdiction; and

WHEREAS, that when doing so the Tribal Council is mindful of its need to obey and follow the Squaxin Island Tribal Constitution, and the need to provide civil rights to persons within its jurisdiction; and

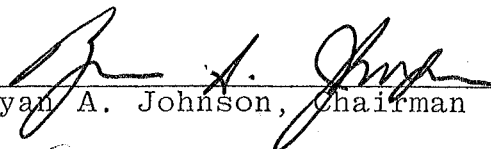
WHEREAS, the role of tribal court is not to interfere with such Tribal Council determinations, but rather to apply Tribal law to particular sets of facts to determine if any violation(s) of tribal law have occurred;


NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Emergency Court Procedures Ordinance, §1. Establishment of Squaxin Island Tribal Court, is hereby amended to confirm to the attached revision, and that this amendment shall apply to all actions taken within the jurisdiction of the Tribe from the date of its enactment.



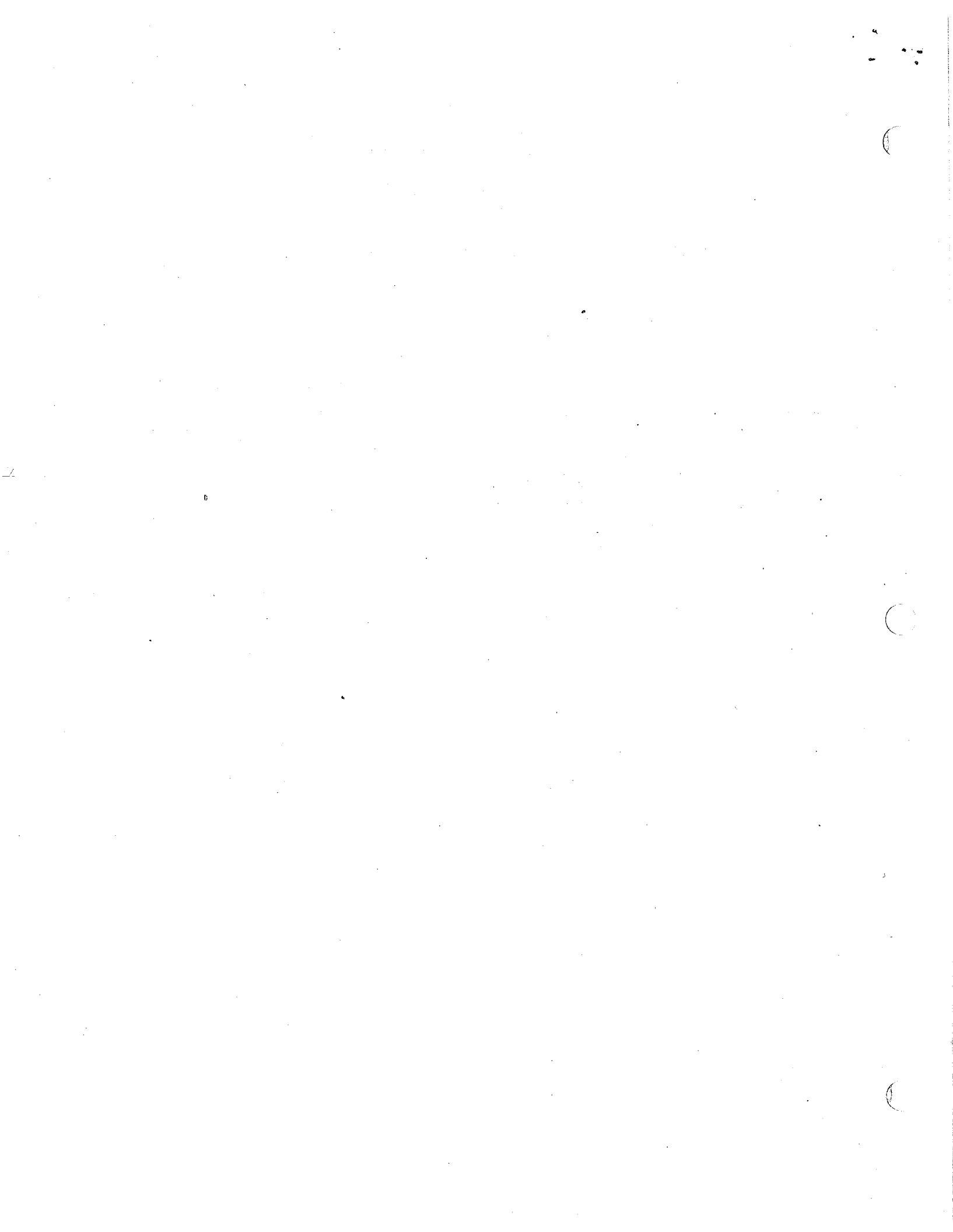
CERTIFICATION

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 25<sup>th</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 Whitener, Vice-Chairman

  
ATTESTED BY: Dave Lopeman, Secretary



## EMERGENCY COURT PROCEDURES ORDINANCE

### 1. ESTABLISHMENT OF SQUAXIN ISLAND TRIBAL COURT

#### Section 1. Authority

The Squaxin Island Tribal Council's authority to adopt this ordinance is found in the Squaxin Island Tribal Constitution and in the inherent sovereign authority of the Squaxin Island Tribe over reservation land and activities.

#### Section 2.. Purpose

The purpose of this ordinance is to ensure peace and order on the Squaxin Island Reservation, to promote the welfare of members of the Squaxin Island community, to safeguard individual rights, and to secure rights and powers which are both inherent in the Squaxin Island Tribe's sovereign status and guaranteed to the tribe by treaty and by the laws of the United States.

#### Section 3. Squaxin Island Tribal Court

There is hereby created a Squaxin Island Tribal Court. The Squaxin Island Tribal Court shall have two divisions, a trial court and an appeals court.

#### Section 4. Powers of the Court

The Squaxin Island Tribal Court shall have only those powers granted to it by the Tribal Council in this and other tribal laws. The Tribal Court shall not have powers of judicial review of Tribal or general Council actions.

- A. The Tribal Court shall have the power to:
1. Interpret and apply tribal law; and
  2. Take all necessary and proper actions to insure that the intent of the Tribal Council is fulfilled, and that the jurisdiction of the Tribal Court to interpret and apply that intent is preserved and protected.

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Section 7. Qualification of Judges

To serve as judge of the Squaxin Island Tribal Court, a person must be an Indian who is (a) at least 21 years old, (b) of good moral character, (c) able to read and write English well, and (d) trained in or willing to undergo training in law and legal procedures.

Section 8. Removal of Judges

A. The Tribal Council may remove a judge of the Tribal Court only for good cause. Good cause for removing a judge shall include, but need not be limited to: Conviction of a felony or an offense involving dishonesty during the judge's term, serious violation of the Rules for Judges Conduct, failure to perform the duties of the judge's office, failure to complete required training, incompetence, and health or psychological conditions which interfere with performance of the judge's duties. The Tribal Council may not remove a judge because it disagrees with actions the judge has taken in an official capacity.

B. Before removing a judge, the council shall give the judge written notice of the charges against him or her. This notice shall be provided at least ten days before a council meeting at which the judge shall have a fair opportunity to hear and confront the witnesses against him or her and to present evidence on his or her behalf. A judge shall not be removed unless a majority of all members of the Tribal Council vote for such removal.

Section 9. Other Personnel

A. The Squaxin Island Tribal Council may appoint a court administrator, who shall be responsible for overseeing the operation of the court system and for administering funds appropriated by the Tribal Council for the court's operation.

There shall be a clerk of the Tribal Court, who shall be appointed by the Tribal Council. The clerk shall be responsible for maintaining all records of the court. Compensation of the clerk shall be provided for in the annual budget adopted pursuant to Section 11.

Section 10. Intertribal Court System

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SQUAXIN ISLAND TRIBAL COURT  
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