



# SQUAXIN ISLAND TRIBE

Route 1, Box 257 Shelton, Washington 98584

Phone 426-9781

RESOLUTION NO. 82-6

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 and in support of the approved Traffic Code.

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby amends the Squaxin Island Exclusion Ordinance to read as set forth below:


### 3.2 Emergency Exclusions (Page 4)

In cases involving immediate danger to the life, health, morals, or property of the Tribe, or any of its members, and where a delay would result in irreparable damage, any tribal law enforcement officer on the Squaxin Island Indian Reservation may remove a non-member and/or any property of such non-member bodily from tribal land, including land leased to the Squaxin Island Housing Authority, either before or after the non-member has been excluded by the Tribal Court as provided in paragraph 2.2 above. The officer executing the order shall use only so much force as it 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. The officer shall notify the judge of the Tribal Court and the Superintendent of the Olympic Peninsula Agency of the Bureau of Indian Affairs, or his or her deputy or assistant, of the emergency exclusion as soon after removal as possible.

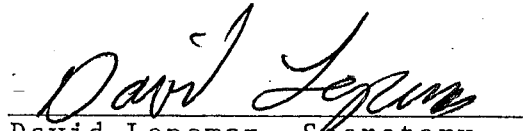



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The Squaxin Island Tribal Council does hereby certify that the foregoing resolution was adopted at the regular meeting of the Squaxin Island Tribal Council held on this 27th day of February, 1982, at which time a quorum was present and passed by a vote of 4 for and 0 against.

  
David Whitener, Chairman

ATTESTED BY:

  
David Lopeman, Secretary

  
Evelyn Allen, Vice Chairman

## EXCLUSION ORDINANCE

### 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.

1.2 Grounds for exclusion. Non-members may be excluded for commission of one or more of the following acts within the exterior boundaries of the Squaxin Island Indian Reservation:

1.1 Wrongful possession or taking of natural resources, including fish, shellfish, wildlife, trees, minerals, water, and other natural resources;

1.2 Interference with, or threat to interfere with, lawful business activities of the Squaxin Island Tribe, including, but not limited to, intentional attempts to discourage lawful business relations between the Tribe and its clients and/or customers through any means, including the legal processes of any courts;

1.3 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;

1.4 Acts contrary to applicable tribal, state or federal criminal laws, to be proved by conviction or a preponderance of the evidence, when such acts show a wilful disregard for personal or property interests, including, but not limited to, assaults on other persons and intentional destruction of property.

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

2. Hearings, notice.

2.1 Notice of proposed exclusion. Any member of the Squaxin Island Tribe (petitioner) may initiate the exclusion process by directing the Tribal Court Clerk to note the issue for hearing. The Court Clerk shall then set a n exclusion hearing in Tribal Court, and cause notice to be served on the non-member (respondent), by registered mail or personally. If mailed, such notice shall be presumed to have been received three days after dispatch. The hearing shall be no less than five days after receipt of such notice, PROVIDED, that if the tribal member requesting the hearing states upon oath that an emergency exists, the Court Clerk may take extraordinary measures in relief of that emergency pursuant to Section 3.2 below.

2.2 Exclusion hearing. Upon proper notice, Squaxin Island Tribal Court shall hold a hearing to decide whether a respondent shall be excluded from the Squaxin Island Reservation. The Tribal Council shall be a party to the case, as well as the petitioner and the respondent. All parties may be represented by counsel, and may present evidence and testimony.

If the respondent fails to appear at the hearing, the Tribal Court shall 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 court shall order the response 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 exclusion or non-exclusion, the Tribal Court shall issue an appropriate order, either specifying the nature and duration of the exclusion and any special conditions, or denying exclusion.

2.3 Appeals. Any person aggrieved by the decision of the Tribal Court may appeal such a decision as provided in the Squaxin Island Rules of Appellate Procedure, PROVIDED, that the standard for reversal shall be met only if it is shown by a preponderance of evidence that the Tribal Court acted in an arbitrary or capricious manner, or its ruling was clearly erroneous based on the record as a whole.

2.4 Change of Status. Any person excluded from the reservation may petition the Tribal Court for a change in such status. The Tribal Court 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 Court may also order such a hearing if an order of exclusion was entered in the absence of respondent, and respondent 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 Court shall refer the matter to the

Superintendent of the Olympic Peninsula Agency of the Bureau of Indian Affairs for appropriate action, or to the United States Attorney. If, after a reasonable time after such reference no effective action has been taken to enforce the exclusion order, the judge shall refer the matter to the Tribal Council, which shall take 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, a judge of the Tribal Court, with the 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 officer 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 Court 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 Court, the judge 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 officer for the purpose of attending the hearing before the Tribal Court. The 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.