

SQUAXIN ISLAND TRIBE

Resolution No. 97-53
of the
Squaxin Island Tribal Council

WHEREAS, the Squaxin Island Tribal Council is the governing Body of the Squaxin Island Indian Reservation by 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;

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

WHEREAS, the Constitution and By-Laws of the Tribe and its reserved powers, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members;

WHEREAS, under Article III and Section 1 of the Constitution and By-Laws of the Tribe and under its inherent and reserved powers, the Squaxin Island Tribal Council is authorized to adopt and or amend ordinances and policies;

WHEREAS, as a consequence of the litigation in the Squaxin Island Tribal Court, Cause No. SQI-CI94-12-191 titled *Rhonda Foster v. Squaxin Island Tribe*, recently compromised and settled, the nature and scope of the Tribe's waiver of immunity to suit and the avenue for redress for matters relating to employment is unresolved. As a companion to the compromise and settlement in that case and to resolve the uncertainties brought about by that case, the Squaxin Island Tribe desires to create an Employment Court, a court of limited jurisdiction to redress all matters arising from employment relations on the Squaxin Island Reservation. The Squaxin Island Tribe also desires that the Employment Court have exclusive jurisdiction over all matters arising from employment relations on the Squaxin Island Reservation, including but not limited to hiring, discipline, grievances, discharge, harassment of whatever nature, retaliation, and preference matters. The Squaxin Island Tribe also desires to limit the time period for commencing actions in the Employment Court and to limit the remedies available in that Court to injunctive relief and awards of reassignment, reinstatement, back pay and or benefits. The Squaxin Island Tribe also desires to limit all awards of damages, including compensatory and punitive damages to an amount no greater than Five Thousand Dollars.

WHEREAS, the Squaxin Island Tribe has various ordinances and policies addressing grievance and disciplinary matters, including the Squaxin Island Court Procedures Ordinance last amended

April 13, 1995 (Resolution 95-32), the Squaxin Island Tribe Human Resources Operating Manual dated 1997, the Squaxin Island Tribe Employee Handbook dated October 11, 1996, the Little Creek Casino Squaxin Island Employee Handbook, and the Squaxin Island Gaming Enterprise Personnel Policies dated August 1, 1997. The Squaxin Island Tribe desires to amend those ordinances and policies to be consistent with its intent to create an Employment Court with exclusive jurisdiction over matters arising from an employment relation on the Squaxin Island Reservation, limited access and limited remedies as stated above. The Squaxin Island Tribe also desires to create an Employee Mediation Panel for casino employees as the last administrative step in all matters arising from an employment relationship with the Little Creek Casino. The Squaxin Island Tribe also seeks to divest the Tribal Council of direct action or participation in individual employee employment matters but to continue in its role in providing policy direction.

WHEREAS, the Squaxin Island Tribal Council finds that the creation of an Employment Court together with the limits on access and awards is in the best interest of the Squaxin Island Tribal Community.

THEREFORE BE IT RESOLVED, the Tribal Council amends the Squaxin Island Court Procedures Ordinance last amended April 13, 1995 (Resolution 95-32), the Squaxin Island Tribe Human Resources Operating Manual dated 1997, the Squaxin Island Tribe Employee Handbook dated October 11, 1996, the Little Creek Casino Squaxin Island Employee Handbook, and the Squaxin Island Gaming Enterprise Personnel Policies dated August 1, 1997, consistent with the direction contained herein effective this day, October 1, 1997.

THEREFORE BE IT RESOLVED, the Tribal Council acknowledges that the ordinance and policies as amended dated October 1, 1997, constitutes a legal, valid and binding obligation of the Tribe enforceable by its terms through a limited waiver of sovereign immunity.

THEREFORE BE IT RESOLVED, the Council directs the Squaxin Island Legal Department to take all actions necessary to prepare the amendments to the previously stated ordinance and policies consistent with the direction contained herein and to return said amendments on or before October 16, 1997.

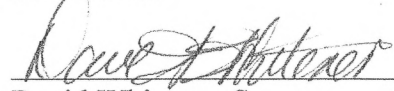
THEREFORE BE IT RESOLVED, that the amendments described herein are necessary for the immediate preservation of the public peace, health, or safety, or support of the tribal government and its existing public institutions, and takes effect immediately.

FINALLY BE IT RESOLVED, that the Squaxin Island Tribal Council hereby authorizes Chairman David Whitener, Sr. to take any and all acts necessary to obtain the necessary federal, state or local approvals, if any, required for the amendments.

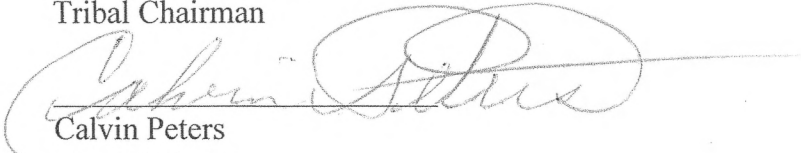
CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted

at a special meeting of the Squaxin Island Tribal Council, held on this 1st. day of October, 1997, at which a quorum was present and was passed by a vote of 4 for, and 0 against with 0 abstentions.

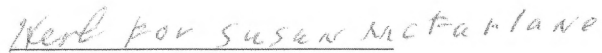


David Whitener, Sr.
Tribal Chairman



Calvin Peters
Vice Chairman

Attest:



Susan McFarlane
Secretary



SQUAXIN ISLAND TRIBE

2nd Original

Resolution No. 97-53
of the
Squaxin Island Tribal Council

WHEREAS, the Squaxin Island Tribal Council is the governing Body of the Squaxin Island Indian Reservation by 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;

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

WHEREAS, the Constitution and By-Laws of the Tribe and its reserved powers, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members;

WHEREAS, under Article III and Section 1 of the Constitution and By-Laws of the Tribe and under its inherent and reserved powers, the Squaxin Island Tribal Council is authorized to adopt and or amend ordinances and policies;

WHEREAS, as a consequence of the litigation in the Squaxin Island Tribal Court, Cause No. SQI-CI94-12-191 titled *Rhonda Foster v. Squaxin Island Tribe*, recently compromised and settled, the nature and scope of the Tribe's waiver of immunity to suit and the avenue for redress for matters relating to employment is unresolved. As a companion to the compromise and settlement in that case and to resolve the uncertainties brought about by that case, the Squaxin Island Tribe desires to create an Employment Court, a court of limited jurisdiction to redress all matters arising from employment relations on the Squaxin Island Reservation. The Squaxin Island Tribe also desires that the Employment Court have exclusive jurisdiction over all matters arising from employment relations on the Squaxin Island Reservation, including but not limited to hiring, discipline, grievances, discharge, harassment of whatever nature, retaliation, and preference matters. The Squaxin Island Tribe also desires to limit the time period for commencing actions in the Employment Court and to limit the remedies available in that Court to injunctive relief and awards of reassignment, reinstatement, back pay and or benefits. The Squaxin Island Tribe also desires to limit all awards of damages, including compensatory and punitive damages to an amount no greater than Five Thousand Dollars.

WHEREAS, the Squaxin Island Tribe has various ordinances and policies addressing grievance and disciplinary matters, including the Squaxin Island Court Procedures Ordinance last amended

April 13, 1995 (Resolution 95-32), the Squaxin Island Tribe Human Resources Operating Manual dated 1997, the Squaxin Island Tribe Employee Handbook dated October 11, 1996, the Little Creek Casino Squaxin Island Employee Handbook, and the Squaxin Island Gaming Enterprise Personnel Policies dated August 1, 1997. The Squaxin Island Tribe desires to amend those ordinances and policies to be consistent with its intent to create an Employment Court with exclusive jurisdiction over matters arising from an employment relation on the Squaxin Island Reservation, limited access and limited remedies as stated above. The Squaxin Island Tribe also desires to create an Employee Mediation Panel for casino employees as the last administrative step in all matters arising from an employment relationship with the Little Creek Casino. The Squaxin Island Tribe also seeks to divest the Tribal Council of direct action or participation in individual employee employment matters but to continue in its role in providing policy direction.

WHEREAS, the Squaxin Island Tribal Council finds that the creation of an Employment Court together with the limits on access and awards is in the best interest of the Squaxin Island Tribal Community.

THEREFORE BE IT RESOLVED, the Tribal Council amends the Squaxin Island Court Procedures Ordinance last amended April 13, 1995 (Resolution 95-32), the Squaxin Island Tribe Human Resources Operating Manual dated 1997, the Squaxin Island Tribe Employee Handbook dated October 11, 1996, the Little Creek Casino Squaxin Island Employee Handbook, and the Squaxin Island Gaming Enterprise Personnel Policies dated August 1, 1997, consistent with the direction contained herein effective this day, October 1, 1997.

THEREFORE BE IT RESOLVED, the Tribal Council acknowledges that the ordinance and policies as amended dated October 1, 1997, constitutes a legal, valid and binding obligation of the Tribe enforceable by its terms through a limited waiver of sovereign immunity.

THEREFORE BE IT RESOLVED, the Council directs the Squaxin Island Legal Department to take all actions necessary to prepare the amendments to the previously stated ordinance and policies consistent with the direction contained herein and to return said amendments on or before October 16, 1997.

THEREFORE BE IT RESOLVED, that the amendments described herein are necessary for the immediate preservation of the public peace, health, or safety, or support of the tribal government and its existing public institutions, and takes effect immediately.

FINALLY BE IT RESOLVED, that the Squaxin Island Tribal Council hereby authorizes Chairman David Whitener, Sr. to take any and all acts necessary to obtain the necessary federal, state or local approvals, if any, required for the amendments.

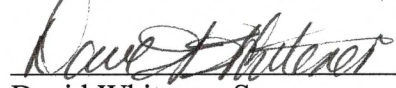
CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted

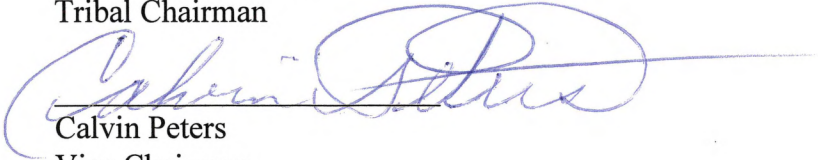
Squaxin Island Tribal Resolution No. 97-53

Page 2

at a special meeting of the Squaxin Island Tribal Council, held on this 1st. day of October, 1997,
at which a quorum was present and was passed by a vote of 4 for, and 0 against with 0
abstentions.

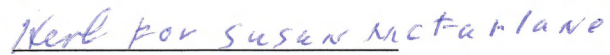


David Whitener, Sr.
Tribal Chairman



Calvin Peters
Vice Chairman

Attest:



Susan McFarlane
Secretary