

SQUAXIN ISLAND TRIBE

Resolution No. 99-46
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; **and**

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

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

WHEREAS, under Article III and Section 1 of the Constitution and By-laws of the Tribe and under its reserved powers, the Squaxin Island Tribal Council is authorized to compromise claims and enter into settlement agreements and make expenditures; and

WHEREAS, the Squaxin Island Tribe entered into Ordinance No. 1-A on February 16, 1977 amending an ordinance dated April 14, 1975 establishing the Southern Puget Sound Inter Tribal Housing Authority; and

WHEREAS, The Native American Housing Assistance and Self-Determination Act of 1996 ("NAHASDA") became effective on October 1, 1997; and

WHEREAS, the Squaxin Island Tribe notified SPSITHA at its September 25, 1998, regularly scheduled meeting, that the Squaxin Island Tribal Council had unanimously adopted a resolution to operate its own housing program and to negotiate a withdrawal from SPSITHA; and

WHEREAS, on September 28, 1998, the Squaxin Island Tribe further advised HUD and SPSITHA of the Tribal Council's decision to operate its own housing program under NAHASDA beginning October 1, 1998, and its intent to withdraw from SPSITHA. By letter dated September 29, 1998, Squaxin Island requested SPSITHA's cooperation in facilitating the management transition from SPSITHA to the Squaxin Island Tribe; and

WHEREAS, the SPSITHA on one hand, and the Squaxin Island Tribe on the other, negotiated the Squaxin Island Tribe's withdrawal from the Authority and any claims that the Authority or Squaxin Island may have against one or another; and

WHEREAS, the Tribe and the South Puget Sound Inter Tribal Housing Authority wish to resolve all claims and causes of actions which have been raised or could have been raised as a result of the Squaxin Island Tribe's decision to withdraw from the Housing Authority without further cost or expense, and without adjudicating or determining the merits of those claims or causes of action; further, each wishes to end all disputes between them by settlement and compromise; and

WHEREAS, the Squaxin Island Tribal Council finds that settlement and compromise of asserted claims is in the best interest of the Squaxin Island Tribal Community.

THEREFORE BE IT RESOLVED, the Council approves the Settlement Agreement by and between the Squaxin Island Tribe and The South Puget Sound Inter Tribal Housing Authority. The Council acknowledges that the Settlement Agreement, after being fully executed, constitutes a legal, valid and binding obligation of the Tribe enforceable by its terms through a limited waiver of sovereign immunity.


THEREFORE BE IT FURTHER RESOLVED, that the Squaxin Island Tribal Council hereby authorizes Chairman David Lopeman to execute on its behalf the Settlement Agreement.

FINALLY BE IT RESOLVED, that the Squaxin Island Tribal Council hereby authorizes Chairman David Lopeman to take any and all acts necessary to obtain the necessary federal approvals, if any, required for or under the Settlement Agreement.

CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at a regular meeting of the Squaxin Island Tribal Council, held on this 13th day of May 1999, at which a quorum was present and was passed by a vote of 5 for, and 0 against, and with 0 abstentions.


Dave Lopeman, Chairman

Attested by: 
Sue McFarlane, Secretary


Cal Peters, Vice Chairman