



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 99-96

of the SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws 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, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of the tribal members, and with protecting and managing the lands and treaty resources and rights of the Tribe; and,


WHEREAS, the Squaxin Island Tribal council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education, and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and


WHEREAS, the Squaxin Island Tribal Council wishes to adopt a Garnishment Policy.

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts the Squaxin Island Tribe Garnishment Policy as attached hereto.

CERTIFICATION

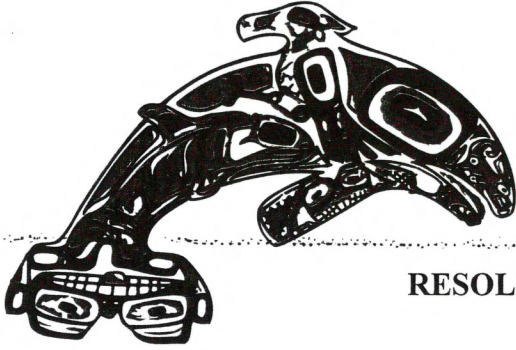
The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 28th day of October, 1999, at which time a quorum was present and was passed by a vote of 6 for and 0 against with 0 abstentions.


Dave Lopeman, Chairman

Attested by: 
Sue McFarlane, Secretary


Cal Peters, Vice Chairman





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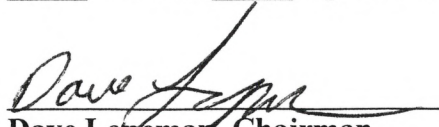
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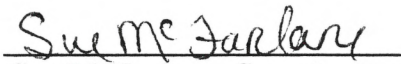
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Dave Lopeman, Chairman

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Sue McFarlane, Secretary


Cal Peters, Vice Chairman

Squaxin Island Tribe
Garnishment Policy
September 23, 1999

I. Introduction

As has been recognized by the Washington State Supreme Court, the immunity from suit traditionally possessed by federally recognized Indian tribes includes immunity from garnishment actions under RCW 7.33. This immunity is not waived where the Tribe conducts a commercial enterprise outside the boundaries of the reservation, absent an express waiver by either the Tribe or Congress. *North Sea Products, Ltd. v. Clipper Seafoods Company*, 92 Wash.2d 236, 595 P.2d 938 (1979).

However, the Squaxin Island Tribe recognizes the value of maintaining good relations with the business community and with local and state government, and of minimizing the risk of adverse federal legislation. Recognizing these values and exercising the Tribe's authority as a sovereign, the Squaxin Island Tribal Council has established the following policy for garnishments received by the Tribe. This policy applies to all employees of the Tribe and its enterprises, including tribal members, Indians and non-Indians.

II. Garnishment Policy

A. General Procedure Upon Receipt of a Garnishment Demand

When the Tribe receives a garnishment demand it will make reasonable efforts to provide a copy of the demand and a copy of this policy to the named employee by mailing copies to the employee at his or her last known address. Unless an exception is granted (as detailed below), the Tribe will voluntarily process the garnishment demand.

It is the employee's responsibility to respond and to seek an exception. The Tribe shall not be liable for failure to notify the employee or for processing a garnishment demand where the employee has not taken all steps necessary to secure an exception in accordance with this policy.

B. Exceptions

Exceptions to the above garnishment policy may be granted, under limited circumstances, to enrolled members of the Squaxin Island Tribe or when a Squaxin Island tribal family would be adversely affected. The employee (and, where appropriate, the Squaxin Island tribal member of an affected family) has the sole responsibility for seeking and obtaining an exception.

1. Exceptions for Squaxin Island Tribal Members

An employee who is an enrolled member of the Squaxin Island Tribe and who wishes to obtain an exception must contact the Squaxin Island Legal Department within 10 days from the date copies of the garnishment demand and this policy were mailed or from the date of actual receipt, whichever comes first. The employee must actively discuss the garnishment demand,

potential resolutions, and reasons for seeking an exception with the Legal Department. The Tribe may attempt to counsel the employee and encourage him or her to develop and implement workable payment schedules, which may include voluntary compliance with the garnishment demand or voluntary wage assignment.

If the employee does not actively participate, or if the Tribe determines that an exception is not warranted, the Tribe will voluntarily process the garnishment.

2. *Exceptions for Non-Member Employees Who Support a Squaxin Island Tribal Family*

If a Squaxin Island tribal family would be negatively affected by the garnishment, the garnished non-member employee and the enrolled Squaxin Island tribal member who would be affected must communicate with the Squaxin Island Legal Department within 10 days from the date copies of the garnishment demand and this policy were mailed or from the date of actual receipt, whichever comes first. The employee and the affected Squaxin Island tribal member must actively discuss the garnishment demand, potential resolutions, and reasons for seeking an exception with the Legal Department. The Tribe may attempt to counsel the employee and encourage him or her to develop and implement workable payment schedules, which may include voluntary compliance with the garnishment demand or voluntary wage assignment.

The employee and the affected Squaxin Island tribal member must also present a proposal to the Squaxin Island Tribal Council for approval. The proposal should detail the terms of the exception, including any voluntary wage assignment or other plans to resolve the debt. This proposal must be presented to the Squaxin Island Tribal Council within 30 days from the date copies of the garnishment demand and garnishment policy were mailed or from the date of actual receipt, whichever comes first.

If the employee and the affected Squaxin Island tribal member do not actively participate, and/or if the Tribal Council denies an exception, the Tribe will voluntarily process the garnishment.

C. *Appeal*

As a sovereign, it is within the sole discretion of the Tribe to comply with garnishment orders from entities outside the Tribe or to grant exceptions. Therefore, the decision of the Tribe in such cases shall be considered final and there shall be no right to appeal. Individuals may or may not have rights to appeal garnishment orders under the law governing the entity that issued the demand.

D. *Legal Representation*

The Squaxin Island Legal Department represents the interests of the Tribe. It does not represent individual members. The Legal Department will not defend against a garnishment claim. Individuals are encouraged to retain their own attorney.