

SQUAXIN ISLAND TRIBE

RESOLUTION NO. 23-33

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 tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; 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 power to exclude is a core attribute of tribal sovereignty; and

WHEREAS, the failure of federal courts to recognize tribes' criminal jurisdiction over non-Indians and the limited sentencing authority available to Tribal courts has made exclusions from Tribal lands a necessary tool to protect the safety and security of the Tribe, its members, and its community; and

WHEREAS, the Tribal Council enacted Chapter 2.16 of the Tribal Code, the Exclusion Policy, to provide appropriate process and a Tribal Court remedy to Tribal members and residents of Tribal lands who might be separated from their home, their family, their Tribe, Tribal member government benefits, or cultural activities by the act of exclusion;

WHEREAS, Tribal enterprises routinely "trespass" individuals who engage in undesirable conduct on enterprise premises;

WHEREAS, the Exclusion Policy was not intended to limit the discretion of the Council to “trespass” individuals who are not members of the Tribe and not residents on Tribal lands

NOW THEREFORE BE IT RESOLVED, that the Tribal Council adopts the following new section to be codified in Chapter 2.16 of the Tribal Code:

2.16.040 – Tribal Council Authority – Civil and Criminal Trespass

Nothing in this Chapter shall be construed to limit the authority of Tribal Council to bar entry to Tribal lands to any individual who is (a) not a member of the Squaxin Island Tribe, and (b) not a lawful resident on Tribal lands. Council may, in its discretion, determine that any such individual is a danger to the Tribe, Tribal members, or the community, or that the best interests of the Tribe are otherwise best served to bar entry to such individual. Council’s determination shall be recorded in a resolution and shall be final and unappealable. If such individual enters Tribal lands after notice of Council’s action, the individual may be charged with civil trespass and other charges as may be applicable under Tribal, state, or federal law. Tribal Law Enforcement may remove an individual barred from entry under this Section from Tribal lands after providing a reasonable opportunity to voluntarily leave and using only so much force as is necessary to effect the removal.

BE IT FINALLY RESOLVED, that this Resolution and amendment to the Tribal Code is effective immediately.

CERTIFICATION

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 23rd day of June, 2023, at which time a quorum was present and was passed by a vote of 5 for and 0 against, with 0 abstentions.

Kristopher K Peters

Kristopher K Peters (Jun 23, 2023 15:49 PDT)

Kris Peters, Chairman

Attested by 
Patrick Braese (Jun 23, 2023 17:26 PDT)

Patrick Braese, Secretary

Jaimie Cruz

Jaimie Cruz (Jun 26, 2023 10:25 PDT)

Jaimie Cruz, Vice Chairman












SIT - Exclusion Code Amendment

Final Audit Report

2023-06-26

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-  Document created by Melissa Puhn (mpuhn@squaxin.us)
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