

Title 2

ADMINISTRATION

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Chapter 2.04

TRIBAL COUNCIL

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2.04.010 Tribal council authorization.

The Squaxin Island Tribal Council authorizes all legal documents and/or contracts to be signed by the chairperson, vice-chairperson, and secretary to show full Council authorization.

(Res. 74-40)

2.04.020 Council decisions--Rules of procedure.

Council finds it desirable to establish a rule of procedure whereby, any and all Council decisions must be made at an officially called Tribal Council meeting and any reference to that decision must have minutes available to document that decision.

(Res. 94-61)

2.04.030 Council member stipends and travel.

A. Squaxin Island Tribal Council members may be paid a stipend of sixty dollars (\$60.00) for each Council meeting and, with prior Tribal Council approval, for meetings attended where the Council member represents the Tribe's interest. Other tribal members may be paid similarly. To be paid a stipend, except for Council meetings, the meeting must be a minimum of four hours long including travel time. Travel expenses also may be authorized in accordance with the tribal travel policy.

B. Funds for stipends and travel for other than Council meetings will be budgeted by the Council from funds applicable to the meeting to be attended, such as fish tax, shellfish tax, etc., after consultation with the appropriate committee. The annually budgeted amounts will not be exceeded without further consultation with the appropriate committee. For those meetings where there are no other funds to support this policy, the Council may budget for stipends and travel expenses from their own funds.

C. In the event of a need for attendance at a meeting between Council meetings, two Council members other than the person to attend must sign the attendance authorization.

D. The stipend will not be paid if the entitled person is being paid by any other entity for the same time at the meeting. Similarly, travel expenses may be claimed from one source. Council members who are Squaxin Island tribal employees will be paid as Council members if they are in a leave without pay or annual leave status from their staff job, or if the meeting to be attended is held on a non-work day of the staff. (The last sentence is a change of the current policy.) Staff members may attend any meeting in their staff capacity without Council stipend.

E. Stipend authorization form is attached to the resolution codified in this chapter. Travel request forms from the travel policy will be used.

(Res. 90-26)

Chapter 2.06

CODE OF ETHICS

Sections:

2.06.010 Code of ethics.

2.06.010 Code of ethics.

The Squaxin Island Tribe (Tribe) maintains this code or standards of conduct that shall govern the performance of Tribal Council members, Tribal Government employees, or agents engaged in the award and administration of contracts supported by federal or state assistance.

With regard to any contract or grant supported by federal or state assistance and in which the Tribe is a party, Tribal Council members, Tribal Government employees or agents may neither solicit nor accept gratuities, favors or anything of monetary value from any present or potential contractor or sub-recipient. Tribal Council members, Tribal Government employees or agents may accept gifts where the financial interest is not

substantial, and the gift is an unsolicited item of nominal intrinsic value. Items with a value of over fifty dollars (\$50.00) will not be accepted under any circumstances.

Tribal Council members, Tribal Government employees or agents are prohibited from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain. As permitted by federal or state law or regulations, violation of this code by a Tribal Council member, Tribal Government employee or agent, or by subcontractors or sub-recipients or their agents shall result in penalties, sanctions, or other disciplinary action, up to and including discharge.

- A. Personal Conflict of Interest. Tribal Council members, Tribal Government employees or agents are prohibited from participating in the selection, award, or administration of a contract supported by federal or state funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when any of the parties set forth below has a financial or other interest in the firm or entity selected for award:
1. Tribal Council members, Tribal Government employees or agents;
 2. Any member of his or her immediate family;
 3. His or her partner; or
 4. An organization that employs, or is about to employ, any of the above.
- B. Organizational Conflict of Interest. The Tribe adopts the procedure set out below for identifying and preventing real and apparent organizational conflicts of interest. An organizational conflict of interest exists when the nature of the work to be performed under a proposed third party contract may, without some restrictions on future activities, result in an unfair competitive advantage to the third party contractor or impair its objectivity in performing the contract work.
- C. Identification and Prevention. Upon acceptance of a position with the Tribe as a Tribal Council member, Tribal Government employee or agent, it is the responsibility of the individual to immediately disclose any potential, real or apparent conflicts of interest. It is the policy of the Tribe that all Tribal Council members, Tribal Government employees or agents, during the course of their affiliation with the Tribe, take steps to avoid the appearance of a conflict of interest and report any potential conflict immediately to the Executive Director for appropriate action. It is the responsibility of all associated with the Tribe to report any activity that is suspected to be in violation of the basic principles of this Code of Ethics.

(Res. 07-07)

Chapter 2.08

SOUTHERN PUGET SOUND INTER-TRIBAL HOUSING AUTHORITY

Sections:

2.08.010 Declaration of need.

2.08.020 Purposes.

2.08.030 Definitions.

- 2.08.040 Organization.
- 2.08.050 Powers.
- 2.08.060 Bonds.
- 2.08.070 Miscellaneous.
- 2.08.080 Cooperation in connection with project.
- 2.08.090 Approval by Secretary of the Interior.

2.08.010 Declaration of need.

It is declared:

- A. That there exists on the Squaxin Island Reservation unsanitary, unsafe and overcrowded dwelling accommodations; that there is a shortage of safe or sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that such shortage forces such persons to occupy unsanitary, unsafe and overcrowded dwelling accommodations;
- B. That these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the reservations; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities;
- C. That these slum areas cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved through the operation of private enterprises;
- D. That the clearance, replanning and preparation for rebuilding of these areas and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of tribal concern;
- E. That residential construction activity is an important factor in general economic activity, and that the undertakings authorized by this chapter to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction activity which will assist materially in maintaining full employment; and
- F. That the necessity in the public interest for the provisions hereinafter enacted is declared as a matter of legislative determination.

(Res. 75-30 § 1)

2.08.020 Purposes.

The Authority shall be organized and operate for the purposes of:

- A. Remedying on the reservations of this and other participating Indian Tribes, Bands or Groups unsafe and unsanitary housing conditions that are injurious to the public health, safety and morals;

- B. Alleviating the acute shortage of decent, safe and sanitary dwellings for families of low income; and
- C. Providing employment opportunities on the reservation of this and other participating Indian Tribes, Bands or Groups through the construction, reconstruction, improvement, extension, alteration or repair and operation of low-rent dwellings.

(Res. 75-30 § 2)

2.08.030 Definitions.

The following terms, wherever used or referred to in this chapter shall have the following respective meanings, unless a different meaning clearly appears from context:

"Board" means the board of commissioners of the Authority.

"Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by the Authority pursuant to this chapter.

"Council" means the Tribal Council of the Squaxin Island Indian Tribe.

"Federal government" includes the United States of America, the Department of Housing and Urban Development, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

"Housing project" or "project" means any work or undertaking: (1) to demolish, clear, or remove buildings from any slum areas; or (2) to provide, or assist in providing decent, safe and sanitary dwellings, apartments, or other living accommodations for persons of low income by any suitable method, including but not limited to rentals, sale or individual units in single or multifamily structures under conventional, condominium, or cooperative sales contracts; lease-purchase agreement; loans; or subsidizing of rentals or charges; or (3) to accomplish a combination of the foregoing. Such work or undertaking may include buildings, land, lease holds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, for street, sewers, water services, utilities, parks, site preparation or landscaping, and for administrative, community, health, recreational, welfare, or other purposes. The term "housing project" or "project" also may be applied to the planning of the building and improvements, the acquisition of property or any interest therein, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration or repair of the improvements or other property and all other work in connection therewith; and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

"Obligee" includes any bondholder, agent or trustee for any bondholder, or any lessor transferring to the Authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the Authority in respect to a housing project.

"Persons of low income" means persons or families who lack the amount of income which is necessary (as determined by the Authority) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

"Slum" means any area where dwellings predominate which by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors are detrimental to safety, health and morals.

(Res. 75-30 § 3)

2.08.040 Organization.

- A. The affairs of the Authority shall be managed by a board of commissioners composed of two persons from each participating Indian Tribe or Band.
1. Two commissioners shall be appointed, and may be reappointed by the Tribal Council. A certificate of the secretary of the Council as to the appointment or reappointment of any commissioner shall be conclusive evidence of the due and proper appointment of the commissioner. An alternate shall also be appointed for each commissioner and shall have all the rights, duties and responsibilities of the principal in his absence. It shall be the responsibility of the board to insure alternate commissioners are kept informed of Authority operations and development plans.
 2. The commissioners' term of office shall be four years and staggered. When the board is first established the term of one of the Tribe's two commissioners shall by drawing lots be designated to expire in two years and the other in four years. Thereafter all appointments shall be for four years, except that in the case of prior vacancy, an appointment shall be only for the length of the unexpired term. Each member of the board shall hold office until his successor has been appointed.
 3. The board shall elect one of the commissioners as chairperson of the board. The board shall also elect from among its members a vice-chairperson, a secretary, and a treasurer. In the absence of the chairperson, the vice-chairperson shall preside; and in the absence of both the chairperson and vice-chairperson, the secretary shall preside.
 4. The board of commissioners may remove a commissioner from the board for good cause. In deciding whether to remove a commissioner, the board shall consider the desires and recommendations of that commissioner's Tribal Council.
 5. The commissioners shall not receive compensation for their services but shall be entitled to compensation from the Authority for expenses, including traveling expenses, incurred in the discharge of their duties.
 6. A majority of the total membership of the board as constituted by this chapter shall be a quorum (for transaction of business), whether or not any board positions are vacant.
 7. The secretary shall keep complete and accurate records of all meetings and actions taken by the board.
 8. The treasurer shall keep full and accurate financial records, make periodic reports to the board

and submit a complete annual report, in written form to the elected officials of each tribe or band as required by Section 2.08.070A. The treasurer shall be bonded as provided by the Department of Housing and Urban Development.

B. The board shall have authority to exercise, by majority vote of those present and voting, any and all powers delegated to the Authority by this chapter, or any amendments thereto, except as provided in Section 2.08.060(E)(1), for the adoption of bond resolutions.

C. Meetings of the board shall be held at regular intervals as provided in the bylaws. Emergency meetings may be held upon twenty-four (24) hours' actual notice, and business may be transacted at such meetings; provided, that a majority of all members present concur in the proposed action.

(Res. 80-57; Res. 75-30 § 4)

2.08.050 Powers.

A. The Authority shall have perpetual succession in its corporate name. The Authority shall also be authorized to admit other Indian Tribes or Bands or Groups to the Southern Puget Sound Inter-Tribal Housing Authority upon the adoption of an ordinance by said Indian Tribe, Band or Group. No tribe, band or group shall withdraw from the Authority without the consent of the Authority. All additions and withdrawals of tribes, bands or groups from the Authority shall also be submitted and receive the approval of the Department of Housing and Urban Development before taking effect. The Authority shall be authorized to accept the transfer of any existing housing project covered by an annual contributions contract and to accept assignment of all obligations under said contract with the approval of the Department of Housing and Urban Development. Upon the transfer of all projects and contract obligations to the Southern Puget Sound Inter-Tribal Housing Authority, any existing tribes', bands', or groups' housing authority shall be terminated and go out of existence.

B. The Authority shall have the following powers which it may exercise consistent with the purposes for which it is established:

1. The council gives its irrevocable consent to allowing the Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under this chapter and authorized the Authority to agree by contract to waive any immunity from suit which it might otherwise have; but the Squaxin Island Tribe shall not be liable for the debts or obligations of the Authority, except insofar as expressly authorized by this chapter.
2. To adopt and use a corporate seal.
3. To enter into agreements, contracts, and understandings with any governmental agency, federal, state, or local (including the council) or with any person, partnership, corporation or Indian Tribe; and to agree to any conditions attached to federal financial subsistence. It is the purpose and intent of this chapter to authorize the Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any project by the Authority.
4. To lease property from the tribe, band, or group and others for such periods as are authorized by law, and to hold and manage or to sublease the same.

5. To borrow money, to issue temporary or long-term evidence of indebtedness; and to repay the same. Corporate bonds shall be issued and repaid in accordance with the provisions of Section 2.08.060.
6. To pledge the assets and receipts of the Authority as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interest therein.
7. To purchase land or interests in land or take the same by gifts; to lease land or interest in land to the extent provided by law.
8. To undertake and carry out studies and analysis of the housing needs on the reservation, to prepare housing plans, to execute the same, to operate projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any project or any part thereof.
9. To lease, rent, sell, or lease with option of purchase any dwellings, accommodations, lands, buildings or facilities embraced within any project; to establish and revise rents; and to make rules and regulations concerning the occupancy, rental, care and management of its low-rent housing units. Such rules and regulations may establish priorities for the admission of tenants, and provide for the eviction of tenants for failure to pay rent, for failure to comply with rules and regulations, or for failure to maintain the premises in satisfactory condition.

The board shall insure that dwelling accommodations in a housing project shall be made available only to families of low income at rentals within their financial reach by (a) establishing lower than average rentals for especially needy families, and (b) by establishing income limits for admissions and continued occupancy by low income families. In making these determinations, the board may take into consideration family size, composition, age, physical handicaps or other factors which might affect the financial ability of the family to pay rental and shall consider as well such economic factors as may affect the financial stability and solvency of the project.

10. To purchase insurance in any stock or mutual company for any property or against any risks or hazards.
11. To invest such funds as are not required for immediate disbursement.
12. To establish and maintain such bank accounts as may be necessary or convenient.
13. To employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as it may require; and to delegate to such officers and employees such powers or duties as the board shall deem proper.
14. To take such further actions as are commonly engaged in by corporate bodies of this character as the board may deem necessary and desirable to effectuate the purposes of the Authority.
15. To adopt such bylaws as the board deems necessary and appropriate.

16. To join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a state or other bands or tribes or groups in the exercise, either jointly or otherwise, of any or all of the powers of the Authority and such other public housing agency or agencies for the purpose of financing (including but not limited to the issuance of bonds, notes or other obligations and giving security therefor), planning, undertaking, owning, constructing, operating or contracting with respect to a housing project or projects of the Authority or such other public housing agency or agencies. For such purpose the Authority may by resolution prescribe and authorize any other public housing agency or agencies so joining or cooperating with the Authority to act on the Authority's behalf with respect to any or all powers, as the Authority's agent or otherwise, in the name of the Authority or in the name of such agency or agencies.

(Res. 75-30 § 5)

2.08.060 Bonds.

A. The Authority may issue bonds from time to time in its discretion for any of its corporate purposes and may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. The Authority may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable:

1. Exclusively from the income and revenues of the project financed with the proceeds of such bonds, or with such income and revenues together with a grant from the federal government in aid of such project;
2. Exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such bonds; or
3. From its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenues of any project, projects or other property of the Authority.

B. Neither the commissioner of the Authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

C. The bonds and other obligations of the Authority shall not be a debt of Squaxin Island Tribe and the bonds and obligations shall so state on their face.

D. Bonds of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes. The tax exemption provisions of this chapter shall be considered part of the security for the repayment of bonds and shall constitute, by virtue of this chapter and without necessity of being restated in the bonds, a contract between (1) the Authority and Squaxin Island Tribe, and (2) the bondholders and each of them including all transferees of the bonds from time to time.

E. Bonds shall be issued and sold in the following manner:

1. Bonds of the Authority shall be authorized by a resolution adopted by the vote of an absolute majority of the board and may be issued in one or more series.
2. The bonds shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payments, at such places and be subject to such terms of redemption, with or without premium, as such resolution may provide.
3. The bonds may be sold at public or private sale at not less than par.
4. In case any of the commissioners of the Authority whose signatures appear on any bonds or coupons cease to be commissioners, before the delivery of such bonds, the signature shall, nevertheless, be valid and sufficient for all purposes, the same as if the commissioners had remained in office until delivery.

F. Bonds of the Authority shall be fully negotiable. In any suit, action, or proceedings involving the validity or enforcement of any bond of the Authority or the security therefor, any such bond reciting in substance that it has been issued by the Authority pursuant to this chapter shall be conclusively deemed to have been issued for such purpose and the project for which such bond was issued shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of this chapter.

G. In connection with the issuance of bonds or incurring of obligations under leases and in order to secure the payment of such bonds or obligations, the Authority, subject to the limitations in this chapter may:

1. Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.
2. Provide for the powers and duties of obligees and limit their liabilities; and provide the terms and conditions on which such obligees may enforce any covenant or rights securing or relating to the bonds.
3. Covenant against pledging all or any part of its rents, fees, and revenues or against mortgaging any or all of its real or personal property to which its title or right then exists or may thereafter come into existence or permitting or suffering any lien on such revenues or property.
4. Covenant with respect to limitations on its right to sell, lease, or otherwise dispose of any project or any part thereof.
5. Covenant as to what other or additional debts or obligations may be incurred by it.
6. Covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof.
7. Provide for the replacement of lost, destroyed, or mutilated bonds.

8. Covenant against extending the time for the payment of its bonds or interest thereon.
9. Redeem the bonds and covenant for their redemption and provide the terms and conditions thereof.
10. Covenant concerning the rents and fees to be charged in the operation of a project or projects, the amount to be raised each year or other period of time by rents, fees, and other revenues, and as to the use and disposition to be made thereof.
11. Create or authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the moneys held in such funds.
12. Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the proportion of outstanding bonds the holders of which must consent thereto, and the number in which such consent may be given.
13. Covenant as to the use, maintenance and replacement of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance moneys.
14. Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.
15. Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived.
16. Vest in any obligees or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.
17. Exercise all or any part or combination of the powers granted in this section.
18. Make covenants other than and in addition to the covenants expressly authorized in this section, of like or different character.
19. Make any covenants and do any acts and things necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of the Authority, tending to make the bonds more marketable although the covenants, acts or things are not enumerated in this section.

(Res. 75-30 § 6)

2.08.070 Miscellaneous.

A. The Authority shall submit a detailed annual report, signed by the chairperson of the board, to elected officials of each participating reservation showing:

1. The names of occupants of all the housing units on the reservation of said tribes, bands or

groups;

2. The number of vacancies, if any;
3. The status of construction, maintenance and repair of all housing units; and
4. Such other information as the Authority or the council shall deem pertinent.

B. During his tenure and for one year thereafter, no officer or employee of the Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project. If any such officer or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquires any such interest prior to appointment or employment as an officer or employee, the officer or employee, in such event, shall immediately disclose his interest in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority and the officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in notes or bonds of the Authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to acts as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by governmental agencies.

C. All projects of the Authority located on an Indian reservation shall be subject to the planning, zoning, sanitary, and building ordinances and regulations of that reservation's governing body. All other projects shall observe the ordinances and regulations of the locality in which they are situated.

D. The Authority shall not construct or operate any project for profit.

E. The property of the Authority is declared to be public property used for essential public and governmental purposes and such property and the Authority are exempt from all taxes and special assessments of the Squaxin Island Indian Tribe.

F. All property including funds acquired or held by the Authority pursuant to the ordinance establishing the Authority shall be exempt from levy and sales by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against the Authority be a charge or lien upon such property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees or revenues or the right of the federal government to pursue any remedies conferred upon it pursuant to the provisions of this chapter.

(Res. 75-30 § 7)

2.08.080 Cooperation in connection with project.

A. For the purposes of aiding and cooperating in the planning, undertaking, construction or operation of project, the Tribal Council agrees that:

1. It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any project.
2. It will furnish or cause to be furnished to the Authority and the tenants of projects all services and facilities of the same character and to the same extent as the Tribal Council furnishes from time to time without cost or charge to other dwellings and inhabitants on the reservation.
3. Insofar as it may lawfully do so, it will grant such deviations from any present or future building code of the tribe or band as are reasonable and necessary to promote economy and efficiency in the development and administration of any project, and at the same time safeguard health and safety, and make such changes in any zoning of the site and surrounding territory of any project as are reasonable and necessary for the development and protection of such project and the surrounding territory.
4. It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of projects.
5. It will join in any disposition of project property or interest therein by the Authority and make assignment or other appropriate disposition of the underlying land as permitted by law, where such action is required in order to grant the maximum interest therein permitted by law.
6. This chapter will not be abrogated, changed, or modified without the consent of the Department of Housing and Urban Development.

B. The Tribal Council declares its intention to use its lawful powers, to the extent feasible, to eliminate unsafe or unsanitary dwelling units on the reservations, as additional dwellings are provided by the projects of the Authority.

C. The provisions of subsection A of this section shall remain in effect with respect to any project so long as the project is either (1) owned by a public body or governmental agency and is used for low-rent housing purposes, (2) any contract between the Authority and the Department of Housing and Urban Development for loans or annual contributions, or both, in connection with such project remain unpaid, whichever period is the longest. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or administration of low-rent housing or slum clearance projects, including the federal government, the provisions of this section shall inure to the benefit of and be enforced by such public body or governmental agency.

(Res. 75-30 § 8)

2.08.090 Approval by Secretary of the Interior.

With respect to any financial assistance contract between the authority and the federal government, the Authority shall obtain the approval of the Secretary of the Interior or his designee.

(Res. 75-30 § 9)

Chapter 2.12

FAIR AND UNIFORM SERVICES POLICY

Sections:

2.12.010 General policy.

2.12.020 Definitions.

2.12.030 Recordkeeping.

2.12.040 Grievance procedures.

2.12.010 General policy.

It is the policy of the Squaxin Island Tribe that all eligible recipients of services will be treated equally.
(Res. 87-57 (part))

2.12.020 Definitions.

The following definitions are applicable for the purpose of this policy.

"Complainant" means any community member who believes that he/she has been denied services and benefits on arbitrary and/or discriminatory grounds, and whose grievance is presented to the Tribal Council or General Body in accordance with the procedures contained herein.

"Discrimination" means and includes, but is not limited to, any of the following:

1. Denying an eligible recipient services for arbitrary reasons.
2. Application of eligibility criteria in an inconsistent manner.
3. Subjecting eligible individuals to different requirements during receipt of services.
4. Restricting an eligible recipient in any way in the enjoyment of any advantage and privilege enjoyed by others receiving a particular service or benefit.
5. Treating an individual different from others in determining whether he or she satisfies any admission, enrollment, quota, or other requirements or conditions individuals must meet in order to be provided any service or benefit.
6. The assignment of times and places for the receipt of services which arbitrarily prevent certain eligible individuals from receiving the services.

"Grievances" means any dispute which a community member may have with respect to the action, or failure to act, by the staff of a tribally operated program.

"Tribal Council" means the duly elected council of the Squaxin Island Tribe.
(Res. 87-57 (part))

2.12.030 Recordkeeping.

Tribally operated programs offering services or benefits shall at all times maintain up to date systems of records appropriate for the particular services or benefits being provided. Minimally, these records must contain the following information:

- A. Eligibility criteria for the receipt of services or benefits.
- B. Name of each individual requesting services, and date request was made.
- C. Action taken on each request.
- D. In the event the request is denied the specific reason(s) the request was denied and a signed statement from the person to whom services or benefits were denied indicating that they were informed of their opportunity to appeal the decision, and that they are aware of the grievance procedures.

(Res. 87-57 (part))

2.12.040 Grievance procedures.

- A. 1./Purpose. The purpose of the procedures is to assure that any person who believes he/she was denied the services or benefits of a tribally operated program on arbitrary or discriminatory grounds will have an opportunity for a fair hearing within a reasonable time in an attempt to resolve the problem.
- 2. Applicability. These grievance procedures shall be applicable to all programs operated by the Squaxin Island Tribe which offer services and benefits to members of the Squaxin Island service population. Copies of these procedures will be available in the office of each program manager. Any person denied the services or benefits of a program shall, at the time of denial, be informed of these procedures and offered a copy. Such action shall be documented and the documentation maintained in the program records, as indicated in Section 2.12.030. Copies of these procedures will be made available to any interested party, and will be prominently displayed in the Tribal Center.
- B. Informal Grievance Procedure.
 - 1. A grievance may be presented personally, either orally or in writing, to the responsible staff person. The grievance may be discussed informally and, if possible, settled without being taken to a higher level. If the individual is not satisfied with the response at that level he/she should next seek resolution with the head of the department.
 - 2. The head of the department will review the grievance within five working days and attempt to resolve the problem. If the individual is not satisfied with the decision of the department head he/she should consult the Executive Director.
 - 3. The Executive Director shall review the case and within seven working days render a decision in regards to the grievance. If the individual is not satisfied with the Executive Director's decision he/she can request that the Executive Director set up a hearing before the Tribal Council. The Executive Director will prepare a briefing report to the Council and schedule a hearing time for

the grievance to be heard by the Council within thirty (30) days. A copy of the summary will be given to the complainant. The complainant shall be informed of the need to prepare a statement for the council and be prepared to explain:

- a. The reason for the grievance.
 - b. The action or relief sought.
4. Every attempt shall be made to resolve the problem informally without the involvement of the Tribal Council. However, if this is not possible then it will be necessary to enter into the formal grievance procedures.
- C. Formal Grievance Procedure.
1. The Squaxin Island Tribal Council shall act as the hearing board for formal grievances. The complainant shall prepare a statement as noted above. The complainant shall have at least seven days notice of when he/she is to appear before the Council.
 2. Procedures Governing the Hearing. The complainant shall be afforded a fair hearing providing the basic safeguards of due process which shall include:
 - a. The opportunity to examine before the hearing all documents, records and regulations of the Tribe that are relevant to the hearing. Documents may be copied at the complainant's expense.
 - b. The right to be represented by counsel or other person chosen as his/her representative.
 - c. The right to a private hearing, unless the complainant requests a public hearing.
 - d. The right to present evidence and arguments in support of his or her complaint, to controvert evidence relied upon by the Tribal Council, and to confront and cross-examine all witnesses on whose testimony or information the Tribal Council relies.
 3. The Tribal Council may render a decision without proceeding with the hearing if it is determined that the issue had been decided previously in another proceeding.
 4. If the complainant fails to appear at a scheduled hearing, the Tribal Council may make a determination that the absent party or parties have waived his or her rights to a hearing. Both the complainant and the Executive Director shall be notified of the determination; provided, that a determination that the complainant has waived his or her right to a hearing shall not constitute a waiver of any right the complainant may have to contest the Tribal Council's disposition of the grievance in an appropriate judicial proceeding in Tribal Court.
 5. At the hearing the complainant must first make a showing of entitlement to the relief sought and thereafter the Executive Director must sustain the burden of justifying the action or failure to act against which the complaint is filed.

6. The hearing shall be conducted informally, and oral or documentary evidence may be received without regard to admissibility under the rules of evidence of judicial proceedings. The Tribal Council shall require the Executive Director, the complainant and his/her counsel, and any other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with directions to obtain order may result in exclusion from the proceedings, or in a decision adverse to the interests of the disorderly party.
7. The complainant or the Executive Director may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.
8. Decision of the Tribal Council. The Tribal Council shall prepare a written decision, together with the reasons therefor, within ten (10) working days after the hearing. A copy of the decision shall be delivered to the complainant and to the Executive Director. The Executive Director shall retain a copy of the decision in the complaints file. A copy of the decision, with all names and identifying references deleted also shall be maintained on file by the Executive Director, and made available for inspection by a prospective complainant, his or her representative, or Tribal Council.
9. The decision of the Tribal Council shall be binding on the Executive Director, who shall take such actions, or refrain from any actions necessary to carry out the decision.

(Res. 87-57 (part))

Chapter 2.16

EXCLUSION POLICY

Sections:

2.16.010 Who may be excluded.

2.16.020 Hearings--Notice.

2.16.030 Enforcement.

2.16.010 Who may be excluded.

A. Any person, except persons authorized by federal law to be present on tribal land, may be excluded from Indian country.

B. Grounds for Exclusion. Persons may be excluded for commission of one or more of the following acts:

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

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;
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;
5. Interference with tribal rights, including inherent sovereign rights, treaty, constitutional, and other governmental rights;
6. Refusal to comply with any legal process, notice, subpoena, order or other decree issued by the Tribal Council or Tribal Court.

(Res. 07-31 § 2; Res. 95-57 § 1)

2.16.020 Hearings--Notice.

A. 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 an exclusion hearing in Tribal Court, and cause notice to be served on the person against whom an exclusion request has been made (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 petitioner states upon oath that an emergency exists, the court clerk may take extraordinary measures in relief of that emergency pursuant to Section 2.16.030(B).

B. Exclusion Hearing. Upon proper notice, Squaxin Island Tribal Court shall hold a hearing to decide whether a respondent shall be excluded from Indian country. 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 Indian country. Generally, the hearing shall be conducted informally, in the character of an administrative hearing. The Court shall order the respondent excluded from Indian country if the evidence and testimony establish by a preponderance of the evidence that the requirements for the exclusion have been met.

Upon finding exclusion or nonexclusion, the Tribal Court shall issue an appropriate order, either specifying the nature and duration of the exclusion and any special conditions, or denying exclusion.

C. 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 in the record as a whole.

D. Change of Status. Any person excluded from Indian country 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 chapter, that a change in circumstances exists so that the reasons for the 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. (Res. 07-31 §§ 3, 4; Res. 95-57 § 2)

2.16.030 Enforcement.

A. Procedures for Enforcement of Orders of Exclusion. Tribal law enforcement officers shall have authority to enforce orders of exclusion issued by the Tribal Court. If, after service of the order of exclusion, the respondent does not voluntarily comply with the order, an officer may remove the respondent and/or any property of the respondent bodily from Indian country. Except in cases of emergency (see subsection B of this section), the respondent shall be allowed a reasonable opportunity to comply with the order of exclusion. The officer enforcing the order shall use only so much force as is necessary to effect the removal. Except in emergencies under subsection B of this section, the officer shall notify the Tribal Court prior to removing the respondent.

B. Emergency Exclusions. 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 Squaxin Island tribal law enforcement officer may remove a person and/or any property of such person bodily from Indian country, either before or after the person has been excluded by the Tribal Court as provided in Section 2.16.020(B). 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 Section 2.16.020(A) has not already been made on the person 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 of the emergency exclusion as soon after removal as possible. (Res. 07-31 § 5; Res. 95-57 § 3)

Chapter 2.24

COMMISSIONS AND COMMITTEES POLICY

Sections:

- 2.24.010 Title for citation.
- 2.24.020 Policy declaration.
- 2.24.030 Definitions.
- 2.24.040 Scope of provisions.
- 2.24.050 Effect of provisions.
- 2.24.060 Commission and committee creation procedures.
- 2.24.070 Special advisory board creation procedures.
- 2.24.080 Membership qualifications and nomination.
- 2.24.090 Application for appointment.
- 2.24.100 Terms of office.
- 2.24.110 Officers.
- 2.24.120 Meetings.
- 2.24.130 Bylaws.
- 2.24.140 Quorum.
- 2.24.150 Minutes of meetings.
- 2.24.160 Reports.
- 2.24.170 Expenses.
- 2.24.180 Tribal staff support.

- 2.24.190 Vacancies--Reporting.
- 2.24.200 Filling scheduled vacancies.
- 2.24.210 Filling unscheduled vacancies.
- 2.24.220 Subcommittee establishment or dissolution.
- 2.24.230 Additional regulations.
- 2.24.240 Exceptions.
- 2.24.250 Public records maintenance.
- 2.24.260 Noncompliance--Penalty.

2.24.010 Title for citation.

The ordinance adopted by Resolution 98-45 and codified in this chapter shall be known as the "Commissions and Committees Policy Ordinance" of the Squaxin Island Tribe.
(Res. 98-45 (part))

2.24.020 Policy declaration.

The public's trust in their government may be sustained only as long as the public remains involved in the deliberations essential to responsible decision-making by that government. The Tribal Council wishes to preserve this public trust by openly seeking advice, ideas and recommendations from the Squaxin Island Tribal Community. Accordingly, the council wishes to provide equal opportunities for public service and encourages Tribal members to serve on commissions, committees, and special advisory boards to the council. Furthermore, the council believes the performance of these commissions, committees and special advisory boards can be enhanced by creating and by administering them according to a consistent policy.
(Res. 98-45 (part))

2.24.030 Definitions.

The following words, whenever used in this chapter, shall have the meanings set forth in this section:

"Advisory Body" means any group created by the Tribal Council to provide advice to the Tribal Council or to perform a specific task or functions. An "advisory body" must be established by either an ordinance or a resolution.

Advisory bodies include commissions, committees, and special advisory boards.

"Commission" means any advisory body created by the Tribal Council to exist for longer than two years. A "commission" is delegated specific decision-making authority by the Tribal Council.

"Committee" means any advisory body created by the Tribal Council to exist for longer than two years. A "committee" does not have decision-making authority. Committees created by the Tribal administration that are composed only of staff member are not covered by this chapter.

"Special advisory board" means any advisory body created by the Tribal Council for a specific purpose or task. A "special advisory board" shall not normally exist for longer than two years and will not have decision-making authority.

"Ordinance" means any law approved as to form by the Tribal Council and adopted as part of the Tribal

Code.
(Res. 98-45 (part))

2.24.040 Scope of provisions.

This chapter shall apply to any advisory body including commissions, committees, special advisory boards, and any other advisory group over which the Council has appointing authority or jurisdiction. Nothing in this chapter shall be interpreted or applied so as to create any power, duty or condition in conflict with any other Tribal ordinance.

(Res. 98-45 (part))

2.24.050 Effect of provisions.

Each existing commission, committee or special advisory board shall be deemed abolished six months from and after the effective date of this chapter unless the advisory body has been previously established by an ordinance or resolution and their by-laws have been approved by Tribal Council. Advisory bodies not previously formally established must be re-established by ordinance or resolution in conformity with this chapter before the expiration of said six months.

(Res. 98-45 (part))

2.24.060 Commission and committee creation procedures.

A. Each commission created by the Tribal Council shall be created by an ordinance and each committee created by the Tribal Council shall be created by a resolution, specifying:

1. The commission's statutory authority, if any;
2. The commission's or committee's purpose;
3. The commission's or committee's membership consistent with Section 2.24.080;
4. The commissioners' or committee members' terms of office, consistent with Section 2.24.100;
5. The commission's or committee's organization and procedures, consistent with Sections 2.24.110 through 2.24.240;
6. Any necessary exceptions, consistent with Section 2.24.240; and
7. The repeal of any ordinance or resolution in conflict with the ordinance or resolution that created the commission or committee.

B. An ordinance creating a commission may be amended, repealed or superseded only by an ordinance.

C. The Council Secretary shall send a copy of each ordinance or resolution creating a commission or committee to each tribal department directly affected by such ordinance or resolution.

(Res. 98-45 (part))

2.24.070 Special advisory board creation procedures.

A. Each special advisory board created by the Tribal Council shall be created by a resolution specifying:

1. The special advisory board's specific purpose or task;
2. The special advisory board's membership, consistent with Section 2.24.080;
3. The special advisory board's chairperson and other officers, if required;
4. The special advisory board's termination date;
5. The special advisory board's organization and procedures, consistent with Sections 2.24.110 through 2.24.240;
6. Any necessary exceptions, consistent with Section 2.24.240; and
7. The repeal of any ordinance or resolution in conflict with the ordinance or resolution that created the commission or committee.

B. No special advisory board shall serve an original term of longer than two years. The Tribal Council may by resolution extend the term of any special advisory board for a specified period of time. A special advisory board shall automatically be deemed dissolved if its term is not extended before the board's termination date.

C. A resolution creating a special advisory board may be amended, repealed or superseded only by a resolution which specifically refers to the original authorizing resolution.

D. The Council Secretary shall send a copy of each resolution creating a special advisory board to each tribal department directly affected by such resolution.

(Res. 98-45 (part))

2.24.080 Membership qualifications and nomination.

A. Eligibility. Each member of a commission, committee or special advisory board, shall be an enrolled Squaxin Tribal member except that nontribal members may be appointed to a commission or committee when the commission or committee is established jointly with another entity or entities. Staff members may be assigned to work with advisory bodies as necessary.

B. Appointments. The Council shall nominate and approve all members of commissions, committees, and special advisory boards as provided in Section 2.24.210.

C. Alternate Members. No alternate members shall be appointed to serve on any commission or

committee unless deemed necessary by the Tribal Council.
(Res. 98-45 (part))

2.24.090 Application for appointment.

Any person seeking appointment to any advisory body to which the Tribal Council makes appointments may submit to the Council a written application expressing his or her interest in serving on such advisory body.
(Res. 98-45 (part))

2.24.100 Terms of office.

A. Commission Members. Each commission member whose term is not set by statute shall serve for a term of three years.

B. Committee Members. Each committee member whose term is not set by statute shall serve for a term of three years.

C. Special Advisory Board Members. Each special advisory board member shall serve for the life of the board.

D. Removal. Upon recommendation of the advisory body's Chairman or the majority of the advisory body's membership, any individual commission, committee, or special advisory board member may be removed from office by a vote of the Tribal Council favoring such removal.
(Res. 99-77 (part); Res. 99-51 § 2; Res. 98-45 (part))

2.24.110 Officers.

Each commission and committee shall elect its chairperson and vice-chairperson by a majority vote at its first regular meeting with a quorum as defined in Section 2.24.140. Commission and committee officers shall be elected during the first meeting of the commission or committee and each February thereafter, or as otherwise set by statute.
(Res. 98-45 (part))

2.24.120 Meetings.

A. Open and Public. Each advisory body meeting shall be open and public, except authorized executive sessions. All commissions and committees shall hold regular meetings, the time and place for which shall be determined by a majority of the members, as specified in the commission's or committee's bylaws and approved by the Tribal Council. Special advisory boards will hold meetings as called by its chairperson. All advisory body meetings shall be held at locations which are accessible to the public and which are functional for, usable, and accessible to physically handicapped persons to the maximum extent feasible.

B. Executive Sessions. No advisory body shall hold an executive session, or any meeting excluding the public, without first receiving written authorization from the Tribal Council, unless a Tribal Council member is also an appointed member of the advisory body. In such cases, the Tribal Council member who is on the advisory body may approve executive sessions. The Tribal Council shall be represented at all executive

sessions held by any advisory body.
(Res. 98-45 (part))

2.24.130 Bylaws.

Procedures for the conduct of business by each commission or committee not specified in the commission's authorizing ordinance or the committee's authorizing resolution shall be contained in bylaws adopted by the commission or committee and submitted to the Tribal Council for final approval. Special advisory boards will establish bylaws only if so required in the authorizing resolution approved by Tribal Council.
(Res. 98-45 (part))

2.24.140 Quorum.

A majority of the voting members of each commission or committee shall constitute a quorum, and no act of any commission or committee shall be valid unless at least a majority of those members constituting a quorum concur therein; provided, however, that for five-member commissions or committees, an affirmative vote of at least three of the voting members of the commission or committee shall be required. Any act of any commission or committee shall be accomplished by a roll call vote when such a vote is requested by any member in attendance. Special advisory boards have no quorum requirements. (Res. 98-45 (part))

2.24.150 Minutes of meetings.

Official minutes recording the motions entertained and actions taken at each commission or committee meeting shall be prepared and submitted by each commission and committee to the Tribal Council, the Council Secretary, and the Tribal administrative office. Special advisory boards do not have to prepare minutes unless directed by Tribal Council in the resolution establishing the board.
(Res. 98-45 (part))

2.24.160 Reports.

A. An annual report for each fiscal year shall be submitted by each commission and committee to the Tribal Council and to the Tribal Executive Director on or before November 15th of each year. The annual report shall highlight the activities, accomplishments and future goals of the commission or committee and shall utilize the following report format:

1. Role(s) of the commission or committee;
2. Meeting dates, time and location;
3. Commission or committee structure;
4. Commission or committee staff (designated staff or staff assigned through department);
5. Attendance;

6. Annual goals and accomplishments (reporting year goals and attainment of those goals; summary of reporting year activities including special projects and projects and workshops or seminars that members have attended, if applicable);
7. Future goals; and
8. Recommendations.

B. A final report, containing a summary of activities and projects undertaken by a special advisory board and any final recommendations to the Tribal Council, and any other information requested by the Council, shall be submitted by each special advisory board to the Council and Tribal Executive Director before expiration of the special advisory board's life.

C. In addition to the annual report or final report, any commission, committee or special advisory board may submit progress reports and recommendations to the Tribal Council and the tribal administrative office at any time.

(Res. 98-45 (part))

2.24.170 Expenses.

The members of each commission, committee or special advisory board may receive reimbursement for travel and other expenses incurred while on official business of the Squaxin Island Tribe when such reimbursement is approved in advance by the Tribal Council.

(Res. 98-45 (part))

2.24.180 Tribal staff support.

The Tribal Council shall, when feasible, provide that each commission, committee or special advisory board be assisted by the Tribal department most closely related to the function of such commission, committee or special advisory board, and may designate as administrative secretary to such commission, committee or special advisory board the head of such department. The department head may designate his or her representative to serve as administrative secretary.

(Res. 98-45 (part))

2.24.190 Vacancies--Reporting.

A. A vacancy shall exist and shall be reported in writing by the advisory body's chairperson to the Tribal Council, the Council Secretary, and the member vacating his or her seat whenever an advisory body member fails to attend three consecutive regular meetings without good cause entered in the minutes.

B. Any notice of resignation shall be submitted in writing to the advisory body's chairperson and forwarded by the chairperson to the Tribal Council and the Council Secretary. Any vacancy caused by the death, disability or any other circumstance shall be reported in writing by the advisory body's chairperson to the Tribal Council and the Council Secretary.

C. Whenever the Council receives knowledge of a vacancy, from whatever source, it shall proceed

to fill the vacancy pursuant to Section 2.24.210.
(Res. 98-45 (part))

2.24.200 Filling scheduled vacancies.

On or before December 31st of each year, the Council Secretary shall prepare an appointment list of all regular and ongoing commissions and committees, which shall contain the following information:

- A. A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position;
- B. A list of all commissions and committees whose members serve at the pleasure of the Tribal Council and the necessary qualifications for each position.

(Res. 98-45 (part))

2.24.210 Filling unscheduled vacancies.

A. Whenever any unscheduled vacancy occurs in any advisory body, whether due to removal, resignation, death, termination, or other causes, a special notice of vacancy shall be posted in the office of the Tribal Council Secretary, and no appointment to fill such vacancy shall be made until at least ten (10) working days have passed after the posting of such notice, except as provided herein.

B. A special notice of vacancy shall be placed on the agenda of the Tribal Council within twenty (20) days after the vacancy occurs. Nominations for appointment to fill any such vacancy may be made at any meeting held at least two weeks after the date that the notice of vacancy appears on the Council's agenda, and the final appointment to fill such vacancy shall be made at the next succeeding meeting of the Council, or at any later meeting, as an item on its regular agenda. Notwithstanding the above, when there is only one nomination forwarded by public agency, community organization or other designated sponsor for appointment by the Tribal Council, the nomination may be placed on the Council's agenda.

C. Notwithstanding the foregoing, the Council may, if it finds that an emergency exists, fill any vacancy immediately by appointing a person to serve on an acting basis until a final appointment is made, pursuant to this section and Sections 2.24.190 and 2.24.200. Except for emergency appointments, all vacancies shall be filled by persons appointed by the Council to serve for the remainder of the unexpired term. The commission's or committee's recommendations concerning successors may be submitted to the Tribal Council.

D. For the purpose of this section, a vacancy shall exist from the date of removal, resignation, death, termination or other completion of the term.

(Res. 98-45 (part))

2.24.220 Subcommittee establishment or dissolution.

A. The establishment and dissolution of all subcommittees shall be reported in writing to the Council by the commission or committee which appointed the subcommittee. Members of any subcommittee need not be commission or committee members, except that the commission or committee chairperson shall

designate a commission or committee member to serve on the subcommittee.

B. For the purpose of Sections 2.24.110 through 2.24.240 only, "subcommittee" means any subsidiary study group appointed by a commission or committee to assist that commission or committee for longer than six months.
(Res. 98-45 (part))

2.24.230 Additional regulations.

Each commission, committee and special advisory board shall observe any additional provision deemed necessary by the Tribal Council and included in the advisory body's authorizing ordinance or resolution.
(Res. 98-45 (part))

2.24.240 Exceptions.

To the extent that any provision of Section 2.24.100 or Sections 2.24.110 through 2.24.240 may be demonstrated to be unfeasible in their application to a particular commission, committee, or special advisory board an exception to Section 2.24.100 or Sections 2.24.110 through 2.24.240 may be granted by the Council only after the exceptions are specified as "exceptions" in the advisory body's authorizing ordinance or resolution.
(Res. 98-45 (part))

2.24.250 Public records maintenance.

- A. Records Required. The Council Secretary shall be responsible for maintaining custody of:
1. Current membership lists recording the name, term of office, and expiration of term of each advisory body's member. The appropriate membership list shall appear inside the jacket of each commission, committee or special advisory board's file, along with a copy of the advisory body's bylaws, if any, and authorizing ordinance or resolution;
 2. All minutes from each commission and committee meeting; and minutes from special advisory boards if so required;
 3. All annual reports, final reports, progress reports or recommendations to the Council from each advisory body; and
 4. All other public documents pertaining to the business of any advisory body.

B. Inventory of Vacancies. A complete inventory of all advisory body vacancies shall be conducted by the Council Secretary each month, and a list of such vacancies shall be reported in writing to the Council on the first business day of each month.

C. Notice of Vacancies. All vacancies caused by expired terms on any advisory body to which the Council makes appointments shall be noticed publicly by the Council Secretary on a quarterly basis.
(Res. 98-45 (part))

2.24.260 Noncompliance--Penalty.

In addition to any other penalty provided for by law, any wilful or knowing failure by any commission, committee or special advisory board to comply with any provision of this ordinance may result in the removal of any or all of the advisory body's members.

(Res. 98-45 (part))

Chapter 2.28

HOUSING AND UTILITIES COMMISSION

Sections:

2.28.010 Established.

2.28.020 Bylaws.

2.28.010 Established.

There is established a Housing and Utilities Commission.

(Res. 98-99 (part))

2.28.020 Bylaws.

A. Purpose of the Housing and Utilities Commission. The Squaxin Island Tribal Housing and Utilities Commission (hereinafter, "the commission") is established by the Squaxin Island Tribal Council to serve as the advisory, decision-making, and policy authority for the Squaxin Island Tribal Housing Program and the Tribal Utilities Program.

B. Authority of the Commission. The commission is authorized to provide recommendations and advice to the Tribal Council and to the Tribal Department of Community Development. The commission is not authorized to give direction to any staff members. The commission is authorized to define policies, identify rules and regulations necessary to implement the policies, and recommend the identified rules and regulations to the Tribal Council for enactment. The Housing and Utilities Commission shall abide by the provisions of the Squaxin Island Commissions and Committees Policy Ordinance and the Tribal ordinance establishing the Squaxin Island Housing and Utilities Commission (hereinafter, "establishment ordinance"). Where there is conflict between the two ordinances, the establishment ordinance shall govern.

C. Commission Membership. The commission shall be composed of seven persons appointed by the Tribal Council to three-year terms, except as described in the establishment ordinance. Members of the commission shall be known as housing and utilities commissioners (hereinafter, "commissioners"). The commission may recommend alternate members for appointment by the Tribal Council. The commission shall recognize no more than three alternates at any time. In the event of the absence of a commissioner, an appointed alternate shall be selected by lot to fulfill all duties of the absent commissioner. The alternate shall perform duties as an alternate commissioner until (1) arrival of the appointed commissioner, (2) discussion of the current topic ends, and (3) the matter is acted upon or tabled; at which time the appointed commissioner shall resume his or her full duties and the alternate shall step down. Regarding voting by alternates, a vacancy shall be considered the same as an absence.

D. Officers. The commission shall elect a chairperson, a vice-chairperson, and other officers as the commission deems necessary to meet the purposes of the commission. Officers shall serve for one-year terms. Election of officers shall be conducted at the first regular meeting each February, beginning in 2000, and each year thereafter. Following a vacancy on the commission and appointment of a replacement commissioner by the Tribal Council, the presiding officer of the commission shall call a special election to fill vacant officer positions.

Officers of the commission and their duties are as follows:

1. Chairperson. The chairperson shall preside at all meetings of the commission and submit such recommendations and information as he or she considers proper concerning the business, affairs, and policies of the commission. The chairperson shall approve and review agendas, limit the discussion of agenda items, determine the decision-making method for commission actions, be a signatory of commission actions, forward and present commission actions to the Tribal Council, call special meetings, and with the Tribal Council Representative, call emergency meetings.
 2. Vice-chairperson. The vice-chairperson shall perform the duties of the chairperson in the absence or incapacity of the chairperson; and in case of a vacancy due to removal, resignation, death, termination, or other cause of the chairperson, the vice-chairperson shall perform all duties of the chairperson as presiding officer until such time as a new chairperson is elected. The vice-chairperson shall be a signatory for commission actions.
 3. Secretary-Treasurer. The secretary-treasurer shall keep records of the commission, submit all required reports, act as secretary for commission meetings, count the roll, certify attainment of a quorum, and record all votes. Staff shall record the minutes of commission meetings and the secretary-treasurer shall review and certify, the minutes as approved at the next scheduled commission meeting. The secretary-treasurer shall be a signatory, for commission actions and a signatory with the chairperson for commission correspondence. The commission shall maintain a budget for commission travel, training, stipends, and other expenses. The secretary-treasurer shall coordinate with the Director of the Tribal Department of Community Development in the administration of the commission's budget and maintaining records of costs and stipends paid. In the absence of both the chairperson and vice-chairperson, the secretary-treasurer shall preside at commission meetings.
 4. Tribal Council Representative. The Tribal Council Representative shall approve or deny requests by the chairperson or presiding officer for an executive session of the commission and shall attend all executive sessions. No emergency meeting shall convene without the concurrence of the Tribal Council Representative.
 5. Kamilche Representative. The Kamilche Representative is responsible for representing and informing all residents of the Kamilche community about the Squaxin Island Tribal housing and utilities programs.
- E. Decision Making Process. Official actions of the commission shall be in a format and manner similar to those of the Squaxin Island Tribal Council. Official actions include motions, resolutions, policies,

bylaws, and judgments. To the extent feasible, the commission shall use consensus, that is the absence of opposition, to make decisions. For actions before the commission, voting by either voice or hand count may be used. A roll call vote will be used for all actions relating to fees and charges. For more sensitive matters, the commission may vote by secret ballot. The chairperson shall determine the call for a secret ballot. All commissioners, including all officers, are eligible to vote. Alternates may vote only when selected by lot to replace an absent commissioner. The secretary-treasurer shall record, count, and report the results of all votes. Resolutions, policies, bylaws, and judgments shall be signed by the chairperson, vice-chairperson, and secretary-treasurer. If a signatory officer is absent and provided at least one of the three required signatories signs the action, any commissioner may sign a commission action on the behalf of the absent commissioner. Alternates acting as commissioners shall not have authority to sign commission actions.

F. Meeting Schedule. Three types of meetings are authorized, as are hearings. Regular meetings shall be held on the first and third Fridays of each month. The first Friday meeting shall be held in the morning from eight a.m. until noon. The third Friday meeting shall be held in the afternoon from one p.m. until five p.m. Special meetings may be called by the chairperson by providing three-days notice. Emergency meetings may be called at any time by the chairperson with concurrence by the Tribal Council Representative. An announcement for an emergency meeting need not be posted, but minutes are required. The commission need wait no more than thirty (30) minutes to reach a quorum for a meeting.

G. Meeting Procedure. Meetings shall be governed by Robert's Rules of Order in the event of any disagreement over discussion or procedure. There shall be no adoption of a commission policy or bylaws until at least two readings of the proposed action has occurred. The first reading may occur at one meeting and the second reading may occur at any subsequent meeting, but both readings shall not occur at a single meeting. The commission may opt for more than two readings or more than two meetings in their deliberations of a policy or bylaws. Policies and bylaws shall be adopted by resolution of the commission. Action on a resolution of the commission requires the foregoing two-step procedure, except that if discussion of the topic of the resolution occurred at a preceding meeting, a first reading of the resolution shall suffice. The order of business for meetings shall be:

1. Call to order;
2. Reading and approval of minutes;
3. Reports of the commission;
4. Staff reports;
5. Travel and training;
6. Old business;
7. New business;
8. Adjournment.

Commission hearings are quasi-judicial proceedings used to determine compliance with the policies of

the commission or as required by Tribal ordinances. Hearings may be included on the agenda of either a regular meeting or a special meeting. Hearings shall not be heard at an emergency meeting. Robert's Rules of Order do not apply to hearings. The commission shall develop rules of procedure for hearings.

H. Minutes and Reporting Requirements. Minutes shall be recorded by staff at each meeting and certified by the secretary-treasurer as to their accuracy and completeness. For a hearing, a verbatim transcription is required for the minutes.

I. Stipends. Commissioners and Alternates shall be paid a stipend of twenty-five dollars (\$25.00) for each regular meeting (four hours) attended consistent with Tribal policy. Stipends shall be paid for attendance at special meetings and emergency meetings at the rate of six dollars and twenty-five cents (\$6.25) per hour for the number of full hours in attendance. The stipend shall not be paid to any entitled person receiving employment compensation from the Squaxin Island Tribe for the same hours as the meeting. Arrival after the call to order or departure before adjournment shall entitle the commissioner or alternate for a partial stipend paid at the rate of six dollars and twenty-five cents (\$6.25) per hour for the number of full hours in attendance. The department director and the secretary-treasurer shall approve payment of stipends. (Res. 00-28; Res. 98-106)

Chapter 2.32

EDUCATION COMMISSION

Sections:

2.32.010 Established--Bylaws approval.

2.32.010 Established--Bylaws approval.

A. The Squaxin Island Tribal Council establishes a Tribal Education Commission that will assist the Tribal Government in exercising its sovereign rights and responsibility to provide for education that protects tribal members and perpetuates the Tribe.

The Squaxin Island Tribal Council does approve the adopted bylaws of the Squaxin Island Education Commission. (Res. 98-117; Res. 98-116)

Chapter 2.34

TOURISM BOARD

Sections:

2.34.010 Tourism Board established.

2.34.020 Organization and procedures.

2.34.030 Delegated authority.

2.34.040 Purpose.

2.34.050 Membership and terms.

2.34.060 Exceptions.

2.34.010 Tourism Board established.

The Squaxin Island Tribal Council hereby establishes the Tourism Board, a commission organized under the Squaxin Island Commissions and Committees Policy Ordinance, to assist the Tribal Government in exercising its sovereign rights and responsibilities.

(Res. 07-26 (part))

2.34.020 Organization and procedures.

The Tourism Board shall abide by the provisions of the Squaxin Island Commissions and Committees Policy Ordinance and this chapter. Where there is conflict between the two ordinances, this chapter shall govern.

(Res. 07-26 (part))

2.34.030 Delegated authority.

A. The Tourism Board is specifically delegated the authority to hire, terminate, discipline, and evaluate the Tourism Director, as well as the authority to prioritize and assign the Tourism Director tasks and objectives.

B. The Tourism Director shall coordinate marketing and promotional efforts with the Little Creek Casino and Resort, Island Enterprises, Inc., Skookum Creek Tobacco Co., Inc., the Squaxin Island Museum, Library, and Research, Inc., and the Tribe's other incorporated or unincorporated enterprises and departments, in order to ensure integrated, efficient, and effective overall marketing strategies.

C. The Tourism Board shall fully comply with Chapter 2.36 of the Code.

D. The Tourism Board shall not have authority to waive or otherwise impair the sovereign immunity of the Squaxin Island Tribe or any of its incorporated or unincorporated enterprises or departments.

(Res. 07-26 (part))

2.34.040 Purpose.

The purpose of the Tourism Board is to:

A. Promote travel, geo- and eco- and other forms of tourism, including individual tribal member venues;

B. Promote visitor services;

C. Build environmental and cultural awareness through education in order to gain respect for tribal culture;

D. Promote and market tribal enterprises and other tourism ventures;

E. Provide positive experiences for visitors and the tribal member community;

- F. Provide opportunities and empowerment for the Tribe and tribal community members;
 - G. Raise sensitivity to the Squaxin Island Tribe including cultural, political, environmental, and social climate;
 - H. Cooperate with other entities in preserving and enhancing the Tribe's heritage;
 - I. Pursue and establish strategic partnerships with other nonprofit, governmental and/or tribal entities engaged in the promotion of tourism;
 - J. Recommend interlocal or intergovernmental agreements for the approval of the Tribal Council; and
 - K. Enhance the Tribe's relationship with native cultures nationally, regionally and locally.
- (Res. 07-26 (part))

2.34.050 Membership and terms.

A. The membership of the Tourism Board shall consist of five members as follows, except as provided in subsection C of this section:

1. One member from and selected by the Squaxin Island Tribal Council;
2. The President/CEO of Island Enterprises, Inc.;
3. The Executive Director of the Squaxin Island Tribe;
4. The Executive Director of the Squaxin Island and Museum and Library Research Center, Inc.; and
5. The Chief Executive Officer of the Little Creek Casino and Resort.

All members of the Tourism Board are voting members. A Tourism Board member may delegate his or her authorities, including voting rights, to the same extent he or she can delegate the authority of his or her qualifying office.

B. The term of each Tourism Board member's appointment shall run concurrently with his or her tenure with the Tribe or the relevant tribal enterprise. The Tribal Council representative shall serve at the pleasure of the Tribal Council until reappointment, provided that a vacancy shall immediately be created when the Tribal Council term of any member who is selected to represent the Tribal Council expires. In the event of any vacancy in the position of Tribal Council representative, the Tribal Council shall appoint a new representative from Tribal Council.

C. In the event of an unscheduled vacancy, by reason of resignation, removal, death, or otherwise in the positions described in subsections (A)(2) through (A)(5) of this section, the Tribal Council shall appoint a replacement according to the procedures under Section 2.24.210, for a term to be set by resolution of the Tribal

Council. A person appointed to fill a vacancy need not meet the criteria of subsections (A)(2) through (A)(5) of this section, as applicable, but must meet the minimum requirements of Section 2.24.080. A vacancy can so be filled only for the remainder of the vacating member's term.

(Res. 07-26 (part))

2.34.060 Exceptions.

Consistent with Section 2.24.240, the following exceptions to the Squaxin Island Commissions and Committees Policy Ordinance shall apply:

- A. Notwithstanding Section 2.24.080(A), membership for positions established in Sections 2.34.030(A)(2) through (A)(5) is not conditioned on enrollment in the Squaxin Island Tribe.
- B. Notwithstanding Section 2.24.080(B), the Tribal Council need not formally nominate and approve Board members meeting the requirements of Sections 2.23.030(A)(2) through (A)(5).
- C. Section 2.24.110 does not apply to the Tourism Board. The Tourism Board may but need not elect officers, and by its bylaws may choose to rotate the responsibility for facilitating meetings according to the location of the meeting or other criteria.

(Res. 07-26 (part))

Chapter 2.36

BUDGET ORDINANCE

Sections:

2.36.010 Title.

2.36.020 Purpose.

2.36.030 Definitions.

2.36.040 Review of prior fiscal year.

2.36.050 Establishment of budget authority.

2.36.060 Collection and prioritization of budget requests.

2.36.070 Preparation and consideration of a draft budget.

2.36.080 Preparation and approved of a final budget.

2.36.090 Regular and emergency budget amendments and over-expenditures.

2.36.095 Enterprise revenue distribution.

2.36.100 Severability.

2.36.010 Title.

This chapter shall be known as the "Squaxin Island Budget Ordinance."

(Res. 99-37 § 1)

2.36.020 Purpose.

A. The purpose of this chapter is twofold. First, it is established to provide oversight and controls for the budgeting process used by the tribal government overseen by the Executive Director, inclusive of independent agencies, such as, the Tribal Gaming Commission.

B. The second purpose of this chapter is to increase the opportunities for members of the Squaxin Island Tribe to participate in the budgeting process and to help set the tribal priorities for the coming year. The Tribal Council recognizes the importance of the involvement and desires to improve the opportunities for tribal members to effectively participate in the most crucial of government processes, the fiscal budget.
(Res. 99-37 § 2)

2.36.030 Definitions.

"Chairman" means the chairperson of the Squaxin Island Budget Commission, unless otherwise stated.

"Department director" means the tribal employee responsible for the day-to-day operations of all programs within a tribal department. The Department Director reports to the Executive Director.

"Executive Director" means the tribal employee responsible for the day-to-day operations of every department within the Tribe, also responsible for carrying out policy directives of the Council. The Executive Director reports to the Council.

Fiscal Year. The fiscal year of the Tribe is from October 1st to September 30th.

"Program manager" means the tribal employee responsible for the day-to-day operations for specific programs within a department. The program manager reports to a Department Director.

"Restricted tribal revenues" means those monies received or reasonably expected to be received by the Council or any of its subsidiary entities that by law, the terms of the grant or contract award, or other binding commitment made by the Council must be expended, obligated, or reserved for specific programs, services, or goods, or for identifiable functional purposes. The term "restricted" applies to limitation on the use of funds, not to the source of the funds. For example, tax dollars are "restricted" if the Council is required by resolution or ordinance to commit the revenues to a specific purpose. Revenues from the same measure are "unrestricted" if they are not formally committed to a specific use.

Squaxin Island Budget Commission. The Squaxin Island Budget Commission shall consist of the Tribal Council Treasurer, the Executive Director, the Comptroller, the Deputy Director, and two at-large representatives and two alternates of the tribal membership whose selections shall be made by the Tribal Council for three-year terms. The Tribal Council Treasurer shall serve as Chair.

"Unrestricted tribal revenues" means those monies received or reasonably expected to be received by the Council or any of its subsidiary entities that are not encumbered by any legal requirements for their expenditure by the Tribe.

(Res. 04-63 §§ 1, 2; Res. 99-37 §§ 3.1--3.9)

2.36.040 Review of prior fiscal year.

A. Department Reports. Not later than October 15th, each department director of every tribal entity utilizing any funds requiring the approval or authority of the Tribal Council shall submit a final report to the Executive Director. These reports shall summarize the department's goals and objectives for the previous fiscal year and cite its achievements. Department expenditures from all sources will be included.

B. Annual Reports from Tribal Administration to Community. The Executive Director shall review, summarize, and compile individual department reports into an annual report for the community. This report shall be published and made available to the community during the Annual General Council Meeting. (Res. 99-37 §§ 4.1, 4.2)

2.36.050 Establishment of budget authority.

A. Identification of Expected Available Funds. Upon completion of the President's budget (Green Book), and the Congressional appropriation levels established by both the Senate and the House of Representatives, the Executive Director shall provide a report to the Squaxin Island Budget Commission describing the extent and nature of all tribal revenues, under his or her span of control, anticipated to be received in the following fiscal year from every source, including but not limited to: grants and contracts from governmental or private sources; tribal taxes and fees; income from the lease of tribal assets; earned interest; collection of court judgments in favor of the Tribe; tribal utility revenues; tribal enterprise disbursements to the Tribe; and all other appropriate tribal revenues. This should usually occur in May of each year, however the congressional schedule may fluctuate.

B. Identification of Obligations on These Funds. The Executive Director shall also identify known obligation or restrictions on the use of each of the revenues identified in subsection A of this section and include this information with the report required in that section.

C. Cooperation of all Tribal Employees Required. The directors, program managers or other employees shall offer his or her complete cooperation in providing in a timely manner the revenue and obligations information needed by the Council and Executive Director to prepare the reports required in this section.

D. Identification of Unrestricted Funds. The Squaxin Island Budget Commission shall prepare a report to the Tribal Council identifying the source and extent of funds anticipated to be available for unrestricted obligation by the Tribal Council in the following fiscal year.

E. Reserve Requirement for Contingencies. In order to decrease the financial impacts of emergency over-expenditures and emergency budget amendments the comprehensive budget shall include a reserve account for contingencies. The reserve account shall be set at five percent of the two major funding sources, known as BIA and IHS Self-Governance Compacts.

F. Establishment by Tribal Resolution. The Tribal Council shall review all materials submitted under this section, and formally adopt a resolution setting out the total authorized expenditure of tribal funds. This resolution shall specifically identify the source of all funds included in the budget authorization and shall also identify whether or not there are restrictions on their use and, if they are restricted, the resolution shall identify those restrictions. Authority for the actual expenditure of the budgeted funds shall not become valid, however, until the projected revenues have been, or are reasonably certain to be realized and the final budget approved. The resolution enacted under this section shall be called the Budget Authority Resolution.

G. Allowance for Prior Obligations. The amount and nature of otherwise unrestricted tribal funds required to meet previous tribal obligations or requirements that are expected to come due during the coming

fiscal year shall be noted in the Budget Authority Resolution and reserved from appropriation for any other purpose.

H. Permanent Fiscal Year Budget Package, Exceeding this Authority Prohibited. Once enacted, the Budget Authority Resolution shall become a permanent part of the Tribe's budget and the Tribal Council, its officers, staff, and all other persons authorized to budget, spend, or otherwise obligate tribal funds are prohibited from budgeting, obligating, or disbursing any funds not authorized under this budget authority or any duly approved amendments to this authority.

(Res. 99-37 §§ 5.1--5.8)

2.36.060 Collection and prioritization of budget requests.

A. Departments Develop Needs/Priorities Plans. Each tribal department director shall after receiving their budget authorization, develop a department plan which outlines the needs and priorities of their department for the next fiscal year. The Executive Director shall establish the schedule for completion.

B. Community Input to the Needs/Priorities Plan. The Chairman shall call for the First Budget Public Hearing before completion of the draft department budgets to hear community concerns related to the approved budget authority, requests for additional or different service from the tribal government, tribal policies that might require funds to implement and/or enforce, or other matters having an affect on the use of tribal moneys or the need to increase tribal revenues.

C. Prioritization of Community Needs. The Tribal Council shall discuss problems or issues facing the tribal community and shall rank these issues and the proposed actions to resolve the issues. This ranking of issues and actions shall be used by the Tribal Council, the Squaxin Island Budget Commission, and the Executive Director to prioritize the budgeting of financial, human, and other tribal resources for the preparation of the draft budgets.

(Res. 04-63 § 3; Res. 99-37 §§ 6.1--6.3)

2.36.070 Preparation and consideration of a draft budget.

A. Draft Budgets Prepared by Tribal Departments. The director of each tribal department, upon receiving instructions from the Comptroller, shall prepare and update work plans, goals and objectives, dollar budgets, budget narratives and cost justifications, list of anticipated sources and amounts of restricted use funds (e.g. grants, utility user fees, etc.), all anticipated venture or program revenues and, if necessary, a request for unrestricted tribal funds. These proposed budgets shall be presented to the Executive Director. The Executive Director shall review these budget requests for completeness and accuracy, prepare recommendations concerning these budget requests, and submit the budget proposal package to the Squaxin Island Budget Commission.

B. Draft Budget Prepared by the Squaxin Island Budget Commission. The Squaxin Island Budget Commission shall prepare and recommend for approval by the Tribal Council budgets for the expenditure or reserve of all restricted and unrestricted funds expected to become available to the Tribe in the coming fiscal year. The Squaxin Island Budget Commission shall give full consideration to the priorities established by the Tribal Council and tribal community input, and shall attempt to fully utilize all available grants and other non-tribal resources to maximize the effectiveness of tribal resources.

C. Draft Budget Reviewed and Approved by Tribal Council. The Tribal Council shall review, amend, and approve the Squaxin Island Budget Commission's recommendations as a draft budget at a duly called regular or special meeting. This meeting shall be held to allow sufficient notice prior to the second budget public hearing, as described in the following paragraphs.

D. Draft Budget Published. The Chairman shall have the draft budget published and made available for review by the tribal community within seven days of its approval by the Tribal Council.

E. Public Hearing Required. The Chairman shall schedule the second budget public hearing prior to the end of August, unless there are significant delays in the federal appropriations process, to provide members of the Squaxin Island Tribe an opportunity to comment on the Tribal Council's draft budget. Island Enterprises, Inc. and the Little Creek Casino-Hotel will present an overview of their annual operating plans at the second public budget hearing.

(Res. 04-63 § 4; Res. 99-37 §§ 7.1--7.5)

2.36.080 Preparation and approved of a final budget.

A. Squaxin Island Budget Commission Prepared Final Budget. The Squaxin Island Budget Commission shall meet following the public hearing for the draft budget to provide advice to the Executive Director to incorporate public comments and adjustments where appropriate into a revised budget. The revised budget will also reconcile the corrected appropriation amounts from the federal budget when it is completed. The Squaxin Island Budget Commission shall then prepare a recommended final budget for presentation to the Tribal Council.

B. Approval of Final Budget by Tribal Council. The Tribal Council shall review the Squaxin Island Budget Commission's recommended final budget and, if necessary, schedule a special meeting(s) with the Squaxin Island Budget Commission to discuss desired changes, additions, or deletions to the recommended final budget. The Tribal Council shall strive to approve a final budget prior to October 1st, however if Congress has failed to act on appropriations, the Tribal Council may extend the budget authority with spending safeguards as are appropriate for the situation.

C. Balanced Budget Required. The Squaxin Island Budget Commission is prohibited from submitting a Tribal budget that proposes to spend more Tribal funds than are reasonably expected to become available to the Tribe during that fiscal year.

D. Periodic Budget Reviews and Adjustments Required. The Squaxin Island Budget Commission shall review and, when necessary, make recommendations to the Tribal Council to maintain a balanced budget throughout the year. The Squaxin Island Budget Commission shall meet, at least quarterly and as often as may be necessary to insure efficient operations of the Tribal programs.

E. Expenditure of Unrealized Funds Prohibited. No Tribal funds, including funds identified in an approved budget, may be obligated or expended until the funds have been actually received by the Tribe or for which a valid and enforceable contract for delivery of the funds has been made and the funds are reasonably expected to be received (e.g., a U.S. Government cost reimbursement contract).

(Res. 99-37 §§ 8.1--8.5)

2.36.090 Regular and emergency budget amendments and over-expenditures.

A. **Approved Budget Line Item Over-Expenditures.** In no case shall the approved budget be modified except as provided for in this section. However, budgets are recognized as being plans to guide expenditures, to meet stated and specific programs objectives, and that actual circumstances may make minor adjustments necessary to responsibly apply the budgeted funds to the program objectives. Adjustments to line items within the limits set out below are subject to the approval and oversight of the appropriate authority. In any case, no adjustments shall be made to restricted funds without following the regulations attached to those funds.

B. **Department Director Authority.** The director of a Tribal department shall be authorized to overspend any line item, except line items that exclude indirect, such as; major contracts, capitalized and pass-through expenditures, within a program's budget by the greater of five hundred dollars (\$500.00) or ten (10) percent of the line item without prior approval as long as the total expenditures for that program do not exceed the total authorized budget. All modifications must be justified and submitted to the Executive Director and Comptroller for approval and presented to the Squaxin Island Budget Commission for review at the next meeting.

C. **Squaxin Island Budget Commission Authority.** The Squaxin Island Budget Commission shall be authorized to approve a Director's request made through the Executive Director and Comptroller to over-spend a budgeted line item within a tribal program by not more than twenty-five (25) percent as long as a written plan is presented demonstrating where sufficient savings will be realized in other line items within same programs to avoid exceeding the budget limit for the entire program.

D. **Emergency Over-Expenditures or Unbudgeted Expenditures.** The Chairman may approve a payment for budget over-expenditures or unbudgeted expenditures requiring full commission approval, only with the following provisions:

1. The obligation cannot be canceled by returning the goods purchased, lawfully canceling a contract for services, or by releasing the Tribe from the obligation in some other legal manner and nonpayment of the obligation would cause significant harm to either the reputation or credit rating of the Tribal Council or the Squaxin Island Tribe; or
2. At the Chairman's discretion, a threat exists to the health, welfare, and or security of the Tribe and its members that requires an expenditure of budgeted funds in excess of the approved budget amount of funds that have not been budgeted.

The Chairman's approval of such an over-expenditure or unbudgeted expenditure must be in writing and must include his or her rationale for approving the obligation or payment. The Chairman shall also convene a Squaxin Island Budget Commission meeting within seven days of his approval of such an expenditure to prepare an amendment to the budget, incorporating the emergency expenditure and, if necessary, reducing other budgeted expenditures to maintain a balanced budget. The Chairman shall also report the unbudgeted expenditure to the Tribal Council at the next Council meeting.

E. **Emergency Amendments.** The Tribal Council retains the emergency power to reprogram any

tribal funds if it is determined that a substantial threat exists to the Squaxin Island Tribe, its resources, or its rights. If the Council takes such emergency action, it shall within thirty (30) days, call a special Council session for the purpose of formally recording their action and for amending the budget and budget authority resolution--where necessary--to accommodate their changes and to authorize an amended balanced budget. Nothing in this chapter shall require the Chairman, the Council, or any other tribal official, acting during such an emergency, to publicly disclose any information that could adversely impact the legal and/or political standing of the Squaxin Island Tribe.

F. Limitations on Amendments. No amendment to the Budget Authority Resolution, or to any authorized or proposed budget becomes valid until such funds are realized. In addition, funds which are not contained in an approved fiscal year budget may not be advanced nor expended, including grant matching fund obligations, unless and until an amendment to the budget is adopted in accordance with this chapter. (Res. 99-37 §§ 9.1--9.6)

2.36.095 Enterprise revenue distribution.

A. Gaming Revenue Distribution. Revenues distributed from gaming enterprise revenues will be distributed, except as provided in subsection B of this section, as follows:

1. Up to the first fifteen (15) percent as determined by the Squaxin Island Tribal Council will be set aside for distribution to eligible tribal members as per capita payments.
2. The remainder at a minimum of eighty-five (85) percent will be apportioned with the following formula:
 - a. Fifteen (15) percent of the revenue will be deposited into interest bearing account(s) to create a long-term account from which the interest income can be utilized for tribal needs. The account will be managed based on the prudent investment standard and managed by the Tribal Finance Department.
 - b. Fifteen (15) percent of the revenue will be used for the purchase of land that is not directly related to programmatic or enterprise needs. The Tribal Council may apportion such revenues between the on-Island and off-Island sub-accounts; provided, such monies shall be apportioned so as to ensure that the on-Island sub-account maintains a balance of, and is replenished as necessary to maintain a balance of, no less than five hundred thousand dollars (\$500,000.00). Off-Island properties would include purchases in the "Kamilche corridor," habitat conservation areas, and culturally sensitive sites. These properties could be managed properties with rents applied back to the fund or allowed to remain as purchased.
 - c. Thirty-five (35) percent of the revenue will be used for government projects and programs. An approximate equal proportion of funds will be for projects and programs. Allocations for these expenditures will be developed by the budget process for adoption by the Tribal Council on an annual basis.
 - d. Thirty-five (35) percent of the revenue will be used for economic development

administered by Island Enterprises, Inc. (IEI). Expenditures for economic development will require Tribal Council approval through an annual operating plan developed by IEI.

B. Up to one million dollars (\$1,000,000.00) per year in net gaming revenues distributed from gaming enterprises shall be exempt from the allocation herein with up to five hundred thousand dollars (\$500,000.00) distributed as per capita payments and the remainder distributed for special projects and programs, in amounts determined by the Tribal Council.

C. Other Economic Enterprise Distributions. Revenues distributed from economic enterprises coordinated by Island Enterprises, Inc. (IEI) will be distributed as follows:

1. Cigarette excise taxes will be distributed as follows:
 - a. Fifteen (15) percent will be distributed to eligible tribal members as per capita payments with seventy-five (75) percent distributed to seniors apportioned monthly and twenty-five (25) percent distributed to nonseniors apportioned annually, except that for FY2005 the amount will be set at two hundred fifteen dollars (\$215.00) and one hundred ten dollars (\$110.00) respectively and in the future, unless there are extenuating circumstances, not fall below these amounts (beginning in FY2006 the above figures will be a combination of excise and profits).
 - b. Eighty-five (85) percent of the revenue will be used for economic development administered by Island Enterprises, Inc. (IEI). Expenditures for economic development will require Tribal Council approval through an annual operating plan developed by IEI.
2. Profits will be distributed by the following formula beginning in FY2006:
 - a. Each economic venture will establish and maintain a retained earnings balance before further distributions occur. This will generally be set at six months operating expenses, special retained earnings may be set aside for specific purposes, such as expansion.
 - b. Fifteen (15) percent as determined will be distributed to eligible tribal members as per capita payments with seventy-five (75) percent distributed to seniors apportioned monthly and twenty-five (25) percent distributed to nonseniors apportioned annually.
 - c. Fifteen (15) percent of the revenue will be deposited into interest bearing account(s) to create a long-term account from which the interest income can be utilized for tribal needs. The account will be managed based on the prudent investment standard and managed by the Tribal Finance Department.
 - d. Twenty (20) percent of the revenue will be used for government projects and programs with the portion created by tobacco operations earmarked for education programs. Specific allocations for these funds will be developed by this budget process for adoption by the Tribal Council on an annual basis.
 - e. Fifty (50) percent will be used for economic development administered by Island

Enterprises, Inc. (IEI). Expenditures for economic development will require Tribal Council approval through an annual operating plan developed by IEI.
(Res. 05-71; Res. 05-26 (Exh. B); Res. 04-63 §§ 5--7; Res. 02-01 §§ 10.1 and 10.2)

2.36.100 Severability.

If any part of this chapter is held to be invalid, the remainder shall continue to be in full force and effect.
(Res. 04-63 § 8; Res. 02-01 § 11; Res. 99-37 § 10)

Chapter 2.40

ELECTION COMMITTEE BYLAWS

Sections:

2.40.010 Purpose.

2.40.020 Authority.

2.40.030 Membership.

2.40.040 Officers--Election and terms.

2.40.050 Officers--Duties.

2.40.060 Decisionmaking process.

2.40.070 Meetings.

2.40.080 Minutes.

2.40.010 Purpose.

The Election Committee is established by the Squaxin Island Tribal Council to draft an electoral code for consideration to present to the General Body, conduct the election process, and if instructed by the Tribal Council conduct the election portion of the General Body meeting.
(Res. 00-53 (part))

2.40.020 Authority.

The Election Committee is authorized to provide advice and recommendations to the Tribal Council and the General Body in the election process. The Election Committee is authorized to oversee the election process. If requested by the Tribal Council Chairman, the election committee will conduct the election portion of General Body meetings.
(Res. 00-53 (part))

2.40.030 Membership.

A. Eligibility. Any enrolled tribal member, eighteen (18) years of age or older, shall be eligible to serve on the Election Committee.

B. Appointments. The Election Committee shall be appointed by the Tribal Council.

C. Terms. Persons appointed to the Election Committee shall remain in office until they resign or are replaced. Committee members running for Tribal Council positions must resign their membership prior to the election process.

(Res. 00-53 (part))

2.40.040 Officers--Election and terms.

A. Election of Officers. At its first regularly scheduled meeting, after appointment of the committee membership, the committee will elect a Committee Chairperson, a Vice-Chairperson, and a Secretary. Election of officers will be conducted each February or at the first scheduled meeting thereafter.

B. Terms of Office. Elected officers shall hold their office for a period of one year.
(Res. 00-53 (part))

2.40.050 Officers--Duties.

A. Chairperson.

1. The chairperson will conduct meetings;
2. Call meetings;
3. Set agendas;
4. Act as liaison with the Tribal Council/General Body; and when necessary
5. Call for changes in committee organization and/or functions.

B. Vice-Chairman.

1. Shall serve when the Chairperson is unavailable.

C. Secretary.

1. Responsible for minutes.

(Res. 00-53 (part))

2.40.060 Decisionmaking process.

The Election Committee will make decisions on issues using secret ballot, voice vote, or consensus. A simple majority shall be necessary to decide issues.

(Res. 00-53 (part))

2.40.070 Meetings.

A. Schedule of Meetings. Meetings shall be scheduled annually, or at the discretion of the Chairperson of the Election Committee. The Election Committee shall meet at least two times the month prior to elections. Notification of all unscheduled meetings will be mailed to Election Committee members five days prior to the meeting or members shall be contacted by phone.

B. Meetings--Agenda--Discussion. All meetings shall have an agenda. Meetings will be informal but all decisions must be by motion. Discussion shall follow the motion until that time the Chairperson calls for the vote.

(Res. 00-53 (part))

2.40.080 Minutes.

Minutes will be recorded at each meeting. Copies of minutes will be given to the Council Secretary and the original files will be maintained in the executive office.

(Res. 00-53 (part))