

Nisqually Indian Tribe
Tribal Council Resolution No. 93 -2021

A RESOLUTION TO AMENDING TITLE 46 OF THE NISQUALLY TRIBAL CODE

WHEREAS, the Nisqually Indian Tribe is the successor descendent entity of the Nisqually Nation signatory to the Treaty of Medicine Creek of 1854 (10 Stat. 1132), and unto this day has retained and maintained its Tribal identity, its governing body, and its sovereign powers; and

WHEREAS, the Nisqually Indian Tribe is a federally recognized American Indian Tribe organized under its governing Constitution and Bylaws approved by the U.S. Secretary of the Interior on September 9, 1946 and amended on October 28, 1994, pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C. 476; and

WHEREAS, the Nisqually Tribal Council is the duly elected representative body of the General Council by the authority of the Tribe's Constitution and Bylaws, as amended; and

WHEREAS, the Nisqually Tribal Council is empowered by the Tribe's Constitution and Bylaws, Article VI, Section 1(f), to establish rules regarding the exclusion of individuals from the Reservation and other lands of the Tribe; and

WHEREAS, The Nisqually Tribal Council is not limited by its Constitution and Bylaws in the exercise of its inherent sovereignty; and

WHEREAS, the Nisqually Tribal Council has adopted the Nisqually Tribal Code, including Title 46(Tribal Lands); and

WHEREAS, the Nisqually Tribal Council now desires to amend Title 46 (Tribal Lands); and

NOW, THEREFORE, BE IT RESOLVED that the Nisqually Tribal Council hereby amends the Tribal Lands Ordinance, Title 46 of the Nisqually Tribal Code as follows:

A NEW SUBSECTION is added to 46.01.01 as follows

(b) Any person, including a Nisqually Tribal member that possesses "drugs" as defined by Title 10 in quantities greater than those that reflect person use, possesses drugs with the intent to distribute or does distribute said drugs, allows another to do any of the proceeding in a structure under their control, allows an already excluded individual to be in their home on the reservation, or is otherwise an accomplice to the excluded person's trespass on the reservation may be excluded from the reservation. If the person is a Nisqually Tribal member or owner of real property on the Nisqually Indian Reservation at the time of the exclusion, then the exclusion shall be limited to 5 years.

A NEW SUBSECTION is added to 46.01.01 as follows

(c) Any person, including a Nisqually Tribal member may be excluded by the Tribal Council. Such exclusion shall be by resolution and may only be reconsidered, amended, or appealed as set for in that resolution or by the Tribal Council.

SECTION 46.01.03(d) is amended as follows

(d) Trial. The Trial shall be to the Bench and the standard shall be a preponderance. There is no right to a jury trial. The Respondent shall bear the burden to prove they are an enrolled member of the Nisqually Tribe, that at the time the petition was filed they either owned or resided at real property that a family member owned on the reservation, or have obtained permission to be on the reservation from the Tribal Council. If seeking an exclusion of over five years, the Prosecuting Attorney shall bear the burden of proving that the respondent engaged in conduct that if such conduct had been committed by an Indian on the reservation, would have been a violation of this Code. If seeking the exclusion of a Tribal Member, the Prosecuting Attorney shall bear the burden of proving that the respondent is subject to exclusion under NTC 46.01.03(b). The Respondent shall be at the Trial or a default shall be issued against them and the Tribe shall be entitled to the relief requested in the Petition.

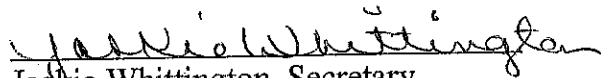
Certification

I certify that the above Resolution was adopted at a regular meeting of the Nisqually Tribal Council held on the 16 day of Sept. 2021 at the Nisqually Administration Building, at which time a quorum was present and voting FOR AGAINST ABSTENTIONS.

ATTEST:



William Frank III, Chairman
Nisqually Indian Tribe



Jackie Whittington, Secretary
Nisqually Indian Tribe

Nisqually Indian Tribe
Tribal Council Resolution No. 94-2021

A RESOLUTION TO EXCLUDE CERTAIN INDIVIDUALS

WHEREAS, the Nisqually Indian Tribe is the successor descendent entity of the Nisqually Nation signatory to the Treaty of Medicine Creek of 1854 (10 Stat. 1132), and unto this day has retained and maintained its Tribal identity, its governing body, and its sovereign powers; and

WHEREAS, the Nisqually Indian Tribe is a federally recognized American Indian Tribe organized under its governing Constitution and Bylaws approved by the U.S. Secretary of the Interior on September 9, 1946 and amended on October 28, 1994, pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C. 476; and

WHEREAS, the Nisqually Tribal Council is the duly elected representative body of the General Council by the authority of the Tribe's Constitution and Bylaws, as amended; and

WHEREAS, the Nisqually Tribal Council is empowered by the Tribe's Constitution and Bylaws, Article VI, Section 1(f), to establish rules regarding the exclusion of individuals from the Reservation and other lands of the Tribe; and

WHEREAS, the Nisqually Tribal Council finds that the following persons should be excluded from the reservation:

Mark McLean (DOB: 7/28/1988)
Bounme Xaiyavong (DOB: 4/20/1986)
Cimmaron (AKA Ronnie) Bale-Fookes (DOB: 2/2/1995)
Genaro (AKA Senoe) Rivas (DOB 8/5/1990)
Timothy (AKA Timmy) Matson (DOB 5/27/1990)
Suny (AKA Bahno) Simmons
Mishelle Ford
Benjamin Peters (DOB 11/13/81)

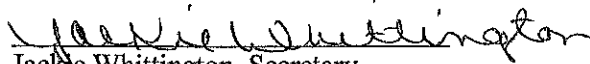
NOW, THEREFORE, BE IT RESOLVED that the Nisqually Tribal Council hereby permanently excludes the above individuals from the Nisqually Reservation. Any of the individuals who after receiving notice of this resolution is found on the reservation shall be guilty of Trespass as if they had been excluded pursuant to Title 46 (NTC 10.8.15).

Certification

I certify that the above Resolution was adopted at a regular meeting of the Nisqually Tribal Council held on the 16 day of Sept 2021 at the Nisqually Administration Building, at which time a quorum was present and voting 6 FOR 0 AGAINST 0 ABSTENTIONS.

ATTEST:


William Frank III, Chairman
Nisqually Indian Tribe


Jackie Whittington, Secretary
Nisqually Indian Tribe

McLean, Mark (Heavy drug user. Highly violent. Very active in the local drug community)



XAIYAVONG, BOUNME (On DOC probation for drug charges. Suspected Crip.)



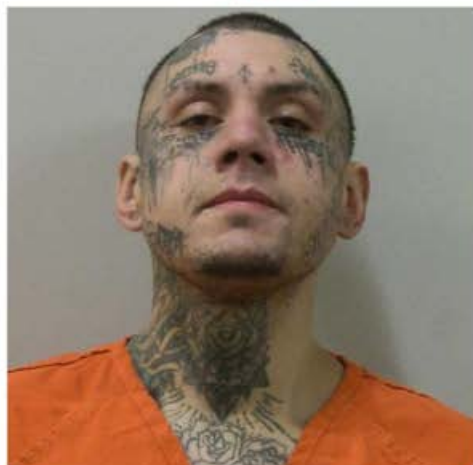
Bale-Fookes, Cimmaron AKA Ronnie (Heroin user/dealer)



Ford, Mishelle (girlfriend) AKA Mischelle (Elias Byrd's girlfriend)



Rivas, Genaro AKA Senoe (Known heroin user/serial thief, car prowler.)



Matson, Timothy AKA Timmy (Sex Offender. Highly violent. Meth user.)



Simmons, Suny AKA Bahno



Peters, Benjamin (Assaulted Nisqually PD)

