Nisqually Indian Tribe
Tribal Council Resolution No. 104 -2010

A RESOLUTION TO APPROVE TITLE 44 (SEPARATION OF POWERS) TO 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;

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;

WHEREAS, the Nisqually General Council is the duly constituted governing body of the Nisqually Tribe, and the 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 has determined that it is in the best interest of the Tribe to adopt Title 44 (Separation of Powers), to help in the orderly execution of government business;

WHEREAS, Title 44 (Separation of Powers), reads:

TITLE 44
SEPARATION OF POWERS

44.01 FINDINGS

44.01.010 Findings

(a) The Nisqually Tribal Council has the duty under Article VI of the of the Constitution of the Nisqually Indian Tribe to exercise the following powers, among others:
(i) to promulgate and enforce all ordinances;
(ii) to regulate the procedures of the General Council and other Tribal organizations; and
(iii) to manage all economic affairs and enterprises of the Nisqually Indian Tribe.

(b) In order to fulfill its duty to manage the economic affairs of the Tribe, and to ensure that all tribal members are accorded equal opportunity to participate in the economic resources of the Tribe, the Tribal Council oversees and obligates a budget of Tribal funds to provide for the health, welfare and economic stability of all Tribal members.

(c) The Tribal Council has a duty to fully fund all government obligations it has made for the betterment and sustainability of the health, welfare and economic stability of all tribal members.

(d) The Tribal Council exercises its powers subject to General Council oversight. "Oversight" is watchful and responsible care. It is an "after the fact" power to review actions that have been taken. The sole powers available for acting on this oversight duty are outlined in Articles IV and V of the Constitution of the Nisqually Indian Tribe.

44.02 RESPONSIBLE SPENDING

44.02.010 Responsible Spending

(a) Prior to authorizing any moneys in addition to those budgeted for full operation of the government, the Tribal Council shall make a showing on the record that there are sufficient reserves.

(b) Sufficient reserves shall include a reserve amount for unplanned contingencies. The reserve amount shall be an amount, sufficient in the opinion of Tribal Council and its Chief Financial Officer, or designee, to cover reasonably foreseeable unbudgeted expenses.

(c) Stipends for General Council meetings in addition to the two regular meetings authorized by Article III, section 3 of the Constitution of the Nisqually Indian Tribe are not reasonably foreseeable unbudgeted expenses.

WHEREAS, Tribal Council has determined this Title is necessary to the proper functioning of the Tribe's governmentally chartered corporations;

NOW, THEREFORE, BE IT RESOLVED that the Nisqually Tribal Council does hereby approve Title 44 (Separation of Powers) to the Nisqually Tribal Code.

Certification

I certify that the above Resolution was adopted at a regular meeting of the Nisqually Tribal Council held on the 12 day of October, 2010 at the Nisqually Tribal Center, at which time a quorum was present and voting 5 FOR 0 AGAINST 1 ABSTENTIONS.

ATTEST:

Cynthia Iyall
Chairman

Jean Sanders
Secretary

Judy Joseph
Superintendent of Puget Sound Region, BIA

Approved pursuant to
209 DM 8, 230 dm 1,
3 IAM 4, 4a