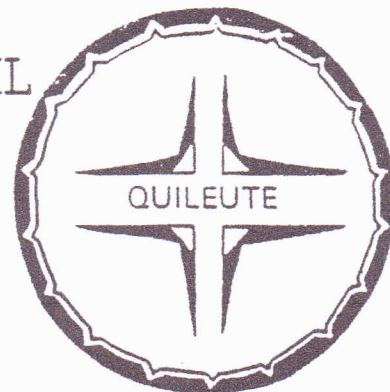




# QUILEUTE TRIBAL COUNCIL

POST OFFICE BOX 279  
LA PUSH, WASHINGTON 98350-0279  
TELEPHONE (206) 374-6163  
FAX (206) 374-6311



## RESOLUTION OF THE QUILEUTE TRIBAL COUNCIL QUILEUTE INDIAN RESERVATION RESOLUTION NO. 96-A-19

WHEREAS, the Quileute Indian Tribe is an organized Indian Tribe under the Indian Reorganization Act; and the Quileute Tribal Council is the duly constituted governing body of the Quileute Indian Tribe; by authority of Article III of the Constitution and By-Laws of the Quileute Indian Tribe approved by the Secretary of the Interior on November 11, 1936; and

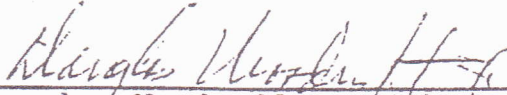
WHEREAS, the Quileute Indian Tribe enjoys the rights reserved to it by the Treaty of Olympia of 1855 and the Quileute Tribal Council has the responsibility under the Constitution to "promulgate and enforce ordinances..."; and,

WHEREAS, it is in the interest of the Quileute Tribe and its members to codify the existing, unwritten laws of the Quileute tribe when applicable; and

WHEREAS, the present council members have experience in serving on Tribal Council over the last three decades and have a thorough knowledge and understanding of the oral traditions of Quileute law; and

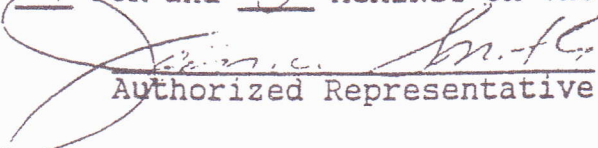
WHEREAS, the attached Sovereign Immunity Ordinance is an accurate account of that unwritten Quileute Law as it relates to sovereign immunity;

NOW THEREFORE, BE IT RESOLVED, that the Sovereign Immunity Ordinance attached hereto is adopted as the codification and continuation of law that has evolved unwritten over many years of tribal government but has been in existence in its present form since before recent memory.

  
\_\_\_\_\_  
Douglas Woodruff Sr., Chairman  
Quileute Tribal Council

\* \* \* \*

I certify that the foregoing Resolution was adopted at a SPECIAL meeting of the Quileute Tribal Council at which time a quorum was present in LaPush, Quileute Indian Reservation, and the foregoing resolution was adopted by a vote of 7 FOR and 0 AGAINST on the 15th day of FEBRUARY, 1996.

  
\_\_\_\_\_  
Authorized Representative

## Sovereign Immunity Ordinance

### 1.1 General Principles of Sovereign Immunity

(a) The Quileute Tribe is immune from suit.

1. The members of Tribal Council, governmental officials and tribal employees their individual capacity are immune from suit for any action arising out of discretionary acts performed in the course of employment for the Tribe.

(b) No current or former member of the Quileute Tribal Council, including the executive officers (Chairman, Vice-Chairman, Secretary, Treasurer) may be subpoenaed or otherwise compelled to appear to testify in the Quileute Tribal Court or any proceeding which is under the jurisdiction of the Quileute Tribal Court concerning any matter involving such official's actions pursuant to his/her official duties.

### 1.2 Exceptions to the General Principles of Sovereign Immunity

(a) The Quileute Tribe may be sued in Quileute Tribal Court when explicitly authorized by federal law.

(b) The Quileute Tribe may be sued in Quileute Tribal Court when explicitly authorized by Resolution of the Quileute Tribal Council.

1.3 Procedure with Respect to Actions Authorized by This Title

(a) Any person desiring to institute suit against the Quileute Tribe as authorized by this Title shall, as a jurisdictional condition precedent to institution of such suit, provided notice to the Chairman, Quileute Tribe and the Quileute Tribal Attorney.

(1) Such notice shall be sent by registered mail, return receipt requested.

(2) Such notice shall state the name of the prospective plaintiff; the name(s) of the Defendant(s); the nature of the claim; the relief which will be sought and the name of the perspective plaintiff's attorney or counselor (if any).

(3) No action shall be accepted for filing against the Quileute Tribe or any other officer, employee or agent of the Quileute Tribe unless the plaintiff provides proof of compliance with this paragraph (a) by delivery of the notice required by this paragraph at least 30 days prior to the date on which the complaint is proposed to be filed.

(b) In any action against the Quileute Tribe or any other officer, employee or agent of the Quileute Tribe, at time for

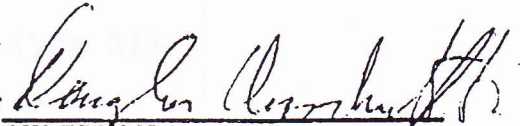
answering the complaint shall be 60 days. This time period may not be shortened by Rule of Court or judicial order.

(c) Any person filing a complaint against the Quileute Tribe or any other officer, employee or agent of the Quileute Tribe shall serve a copy of this complaint by registered mail, return receipt requested, upon the Chairman of the Quileute Tribal Council and the Quileute Tribal Attorney.

1.4 Effective Date

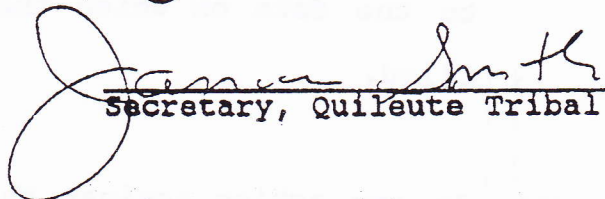
This Ordinance shall take effect immediately upon approval of the Secretary of the Interior or his designee.

QUILEUTE TRIBAL COUNCIL

By   
CHAIRMAN

CERTIFICATION

I certify as Secretary of the Quileute Tribal Council that the Quileute Tribal Council is composed of 5 members, of whom 5, were constituting a quorum, were present at a regular/special meeting of the Council on the 29th day of February, 1996, at La Push, Washington, and that the foregoing Ordinance was adopted at such meeting by a vote of 4 FOR and 2 AGAINST said Ordinance.

  
Secretary, Quileute Tribal Council