



KALISPEL RESOLUTION NO. 2015-13

Kalispel Tribe of Indians
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RESOLUTION

WHEREAS, the Kalispel Business Committee is the duly Constituted governing body of the Kalispel Tribe by the authority of the Constitution and By-Laws for the Kalispel Tribe; and

WHEREAS, under the Constitution and By-Laws of the Tribe, the Kalispel Business Committee is charged with the duty of protecting the health, security and general welfare of the Kalispel Tribe and all Reservation residents; and

WHEREAS, Chapter 3 CIVIL ACTIONS of the Kalispel Law and Order Code (KLOC) provides general procedures on how civil cases should proceed in the Kalispel Tribal Court; and

WHEREAS, other Chapters in the KLOC that deal with civil matters (such as Chapter 7 KALISPEL YOUTH CODE or Chapter 25 TORT CLAIMS CODE) have specific procedures that should be followed when a case proceeds under that Chapter; and

WHEREAS, currently, Chapter 3 of the KLOC does not have an "Applicability" section which explains that this Chapter should only apply when there are no other specific procedures for a civil matter; and

WHEREAS, inclusion of a new "Applicability" section to Chapter 3 is intended to clarify that in civil cases, when there is a conflict between procedures in Chapter 3 and the specific procedures of another Chapter, the specific procedures shall be followed by cases involving that Chapter.

NOW THEREFORE, BE IT RESOLVED, that the Kalispel Tribe of Indians through the Business Committee amends Chapter 3 CIVIL ACTIONS to include the following section at the beginning of the Chapter, to be placed after "JURISDICTION" and before "CONSENT TO SUE TRIBE NOT GRANTED":


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“APPLICABILITY

This Chapter provides general provisions which shall govern all civil actions in the Kalispel Tribal Court. In the event of a conflict between this Chapter and another Chapter of the Kalispel Law and Order Code which provides specific procedural provisions, the specific procedural provisions shall apply to said Chapter. The term “civil action” shall include all court actions that do not have as their object the imposition of a criminal penalty.”

CERTIFICATION

The Kalispel Business Committee adopted the foregoing RESOLUTION at a meeting held on the 17 day of February, 2015, at the Tribal office on the Kalispel Indian Reservation near Usk, Washington, with the required quorum present by a vote of 3 FOR and 0 AGAINST.



GLEN NENEMA, CHAIRMAN
KALISPEL BUSINESS COMMITTEE
(TERM EXPIRES JUNE 2017)



DARREN HOLMES, SECRETARY
KALISPEL BUSINESS COMMITTEE
(TERM EXPIRES JUNE 2016)