



RESOLUTION NO. 46-17

Approval of Revised Domestic Violence Code

WHEREAS, the Lower Elwha Klallam Tribe (also known as the Lower Elwha Tribal Community) ("the Tribe") is a federally recognized Indian tribe under the Treaty of Point-No-Point of January 26, 1855, with a Constitution and By-laws approved by the Secretary of the Interior on April 29, 1968 in accordance with the Indian Reorganization Act of June 18, 1934; and; and

WHEREAS, the Lower Elwha Community Council governs the Tribe in accordance with its Constitution and By-laws; and

WHEREAS, the Lower Elwha Klallam Tribal Business Committee of the Lower Elwha Community Council is the duly elected representative body of the Tribe, and is responsible for ensuring the health, safety, education, welfare, social and economic development, law and order, judicial services, and housing of its tribal citizens; and to preserve and protect the culture, treaty rights, natural resources, and otherwise promoting the welfare and interests of its tribal citizens; and

WHEREAS, the Tribe has the authority to enact laws to protect the health, welfare, and safety of its membership and all persons within the tribal community and the territorial jurisdiction of the Tribe; and

WHEREAS, on or about March 1, 1972, the Tribe enacted a resolution of the Lower Elwha Tribal Community Council authorizing the Business Committee to act on behalf of the Tribe in the absence of a quorum of the Community Council ("1972 delegation"); and

WHEREAS, the Tribe in this Resolution takes action in accordance with the 1972 delegation to comprehensively revise and update its 2011 Domestic Violence Code, in order to among other things, avail itself of the expanded jurisdiction over non-Indian offenders authorized by the United States Congress in the Tribal Law and Order Act and the Violence Against Women Act; and

WHEREAS, approximately seventy-five percent of Native American women have experienced some type of sexual assault in their lives; and

WHEREAS, homicide is the third leading cause of death for Native women, and of Native women murdered, more than seventy-five percent were killed by a family member or someone they knew; and

WHEREAS, domestic violence is culturally abhorrent to the Klallam people and to the Tribe;
and

WHEREAS, the Tribe enacted a comprehensive revision of its Domestic Violence Code in 2011 in Resolution No. 62-11("2011 Code"); and

WHEREAS, the 2011 Code has become outdated and inadequate to address issues of domestic violence occurring on within the Tribe's jurisdiction; and

WHEREAS, revisions in the Domestic Violence Code are necessary to protect the safety and welfare of family members, to promote healthy functioning of the family, to heal families harmed by domestic violence, and to assert expanded jurisdiction over domestic violence offenses committed by non-Indians within the Tribe's jurisdiction; and

WHEREAS, the attached revised Domestic Violence Code has been developed and recommended for enactment by tribal Social Services staff and the Tribal Attorneys including the Tribal Prosecutor; and

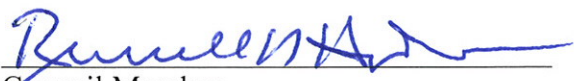
Therefore Be It Now Resolved That, the Tribe hereby enacts and places into current tribal law, with immediate effect, the attached Lower Elwha Klallam Domestic Violence Code, to replace and supersede in its entirety the 2011 Code approved by Resolution No. 62-11 and further authorizes and directs all relevant tribal departments to begin its dissemination and enforcement as rapidly as possible.

CERTIFICATION

The foregoing resolution was placed on the agenda, and circulated to the tribal membership in advance, of the June 5, 2017 meeting of the Lower Elwha Klallam Tribal Community Council, and in the absence of a quorum thereof, formally adopted by the Lower Elwha Klallam Tribal Business Committee on the 5th day of June, 2017, by a vote of 4 FOR, 4 AGAINST, and 4 ABSTAINING.



Frances G. Charles, Tribal Chairwoman



Council Member