



RESOLUTION NO. 39105

1 A RESOLUTION authorizing the City of Tacoma to enter into a Third Limited
2 Modification of the Puyallup Land Claims Settlement Agreement between
3 the Puyallup Tribe of Indians, Pierce County, City of Tacoma, City of Fife,
4 City of Puyallup, Port of Tacoma, State of Washington, United States of
5 America, and certain private property owners, for the purpose of providing
6 clarification regarding Section VIII(A)(4) of the Agreement.

7 WHEREAS the Puyallup Land Claims Settlement Agreement (“Agreement”),
8 entered into by the Puyallup Tribe of Indians, Pierce County, City of Tacoma, City
9 of Fife, City of Puyallup, Port of Tacoma, State of Washington, United States of
10 America, and certain private property owners, has been in effect for the past
11 24 years and marks one of Pierce County’s most significant achievements,
12 creating billions of dollars in commerce, greater cultural understanding, and
13 unprecedented jurisdictional cooperation, and

14 WHEREAS the parties desire that the Agreement remain in place, and are
15 requesting a third modification to address an issue relating to Section VIII(A)(4) of
16 the Agreement, and

17 WHEREAS the purpose of the Third Limited Modification of Settlement
18 Agreement (“Modification”) is to resolve a dispute between the Puyallup Tribe
19 (“Tribe”) and Washington State (“State”), concerning the interpretation of
20 Section VIII(A)(4) of the Agreement, which provides that the State and its political
21 subdivisions will retain and exercise all jurisdiction and governmental authority over
22 all non-trust lands and the activities conducted thereon and as provided in federal
23 law over non-Indians, and
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WHEREAS the State and Tribe disagree on the interpretation of the section as it applies to certain questions of state jurisdiction and governmental authority, but agree that, rather than litigating the proper interpretation, the parties would be better served by clarifying how the subsection will be implemented in future instances, and

WHEREAS the proposed Modification will not change the existing jurisdiction of state and local governments, and

WHEREAS the State and its political subdivisions will continue to retain and exercise jurisdiction and governmental authority over all non-trust lands and activities conducted thereon, as federal law recognizes to be within its authority, and will retain and continue to exercise jurisdiction over non-Indians, as provided by federal law, and

WHEREAS the parties also recognize that the extent of that authority may be modified by acts of Congress and rulings of the federal courts, and

WHEREAS local governments having specific issues regarding application of the Modification or any other provisions of the Agreement will continue using the past practice of working cooperatively with the Tribe and entering into a separate agreement as authorized by the Interlocal Cooperation Act, Chapter 30.34 RCW, if necessary, and

WHEREAS the Modification is undertaken in accordance with the "Modification Procedure to the Settlement Agreement" filed with the court in December 1991; Now, Therefore,



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA

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That the proper officers of the City are hereby authorized to enter into the Third Limited Modification of the Puyallup Land Claims Settlement Agreement between the Puyallup Tribe of Indians, Pierce County, City of Tacoma, City of Fife, City of Puyallup, Port of Tacoma, State of Washington, United States of America, and certain private property owners, for the purpose of providing clarification regarding Section VIII(A)(4) of the Agreement, said modification to be substantially in the form of the document on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney