



TRIBAL COUNCIL RESOLUTION NO. 2016 - 07

**APPROVAL OF AMENDMENTS TO TITLE IV & TITLE VI  
OF TRIBAL CODES, ADOPTION OF TITLE XV RULES OF  
CIVIL PROCEDURE**

- WHEREAS, the Pueblo of Jemez, a federally recognized Indian tribe, has powers of self-government by reason of its original tribal sovereignty, and
- WHEREAS, pursuant to Tribal Council Resolution 95-13, the Pueblo of Jemez Tribal Council adopted the Jemez Pueblo Tribal Law and Order Code subject to future amendments as provided for in the Code; and
- WHEREAS, the Pueblo of Jemez Tribal Council exercises the power to legislate and enact civil and criminal tribal laws to control the conduct and activities of tribal members and non-tribal members, and
- WHEREAS, the Pueblo of Jemez Tribal Council has determined that Titles IV, VI, XV the Pueblo of Jemez Tribal Code, adopted in 1995, are in need of amendments; and
- WHEREAS, the Tribal Council has determined that these amendments to the "Pueblo of Jemez Tribal Code" will continue to strengthen our tribal sovereignty, protect our land and resources of our Pueblo for ourselves and our children, contribute to the judicial needs of the Pueblo and provides for the orderly administration of tribal justice, and assures the maintenance of law and order on the Pueblo of Jemez, and
- WHEREAS, amending the Pueblo of Jemez Tribal Code does not alter, affect, or change the traditional procedures and sanctions used in our Tribal Court and neither is the Code intended to limit the powers of the Governors.
- NOW THEREFORE BE IT RESOLVED that Titles IV and VI, of the "**Pueblo of Jemez Tribal Code**" are hereby amended and Title XV Rules of Civil Procedure are hereby adopted.

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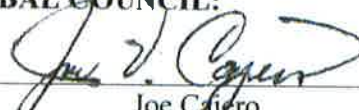
**CERTIFICATION**

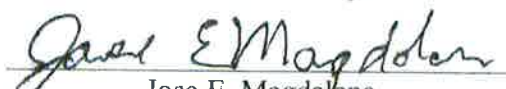
I, THE UNDERSIGNED, as Governor of Pueblo of Jemez do hereby certify that the Jemez Tribal Council at a duly called meeting which was convened and held on the 29th day of January 2016, at Pueblo of Jemez, New Mexico, approved the foregoing resolution that a quorum was present and that 12 voted for and 0 opposed and 0 abstained.

  
David R. Yepa, Governor

ATTEST:   
Lieutenant Governor

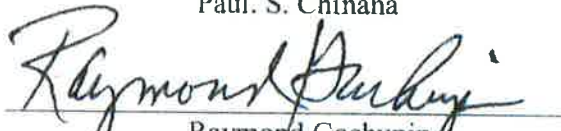
**TRIBAL COUNCIL:**

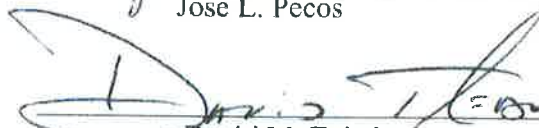
  
Joe Cajero

  
Jose E. Magdalena

  
Paul S. Chinana

  
Jose L. Pecos

  
Raymond Gachupin

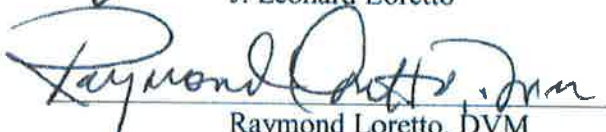
  
David M. Toledo

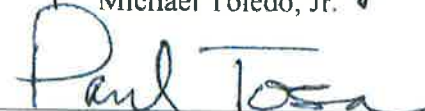
  
Frank Loretto

  
Jose Toledo

  
J. Leonard Loretto

  
Michael Toledo, Jr.

  
Raymond Loretto, DVM

  
Paul Tosa

James Roger Madalena

Vincent A. Toya, Sr.

Joshua Madalena

**Office of the Governor**



TRIBAL COUNCIL RESOLUTION No. 2011 - 38

**To Enforce the Customary Law on Residence of Nonmembers**

At a duly called meeting of the Tribal Council of the Pueblo of Jemez, the following resolution was passed:

**WHEREAS**, the Governors and the Tribal Council have the responsibility to protect and preserve the cultural and the traditional values of the Pueblo and to enforce the Customary Laws of the Pueblo whether they be written or oral; and

**WHEREAS**, the Tribal Council via Resolution 97-22 authorized the Governors and Tribal Administration in 1997 to enforce the Customary Law that prohibits an unmarried non-member male from residing on the Jemez Pueblo lands for any length of time; and

**WHEREAS**, Resolution 97-22 has not been repealed and is still valid and enforceable and shall not be construed or interpreted to allow a non-member male who marries a female Jemez Pueblo tribal member to reside on the Jemez Pueblo lands; and

**WHEREAS**, Customary Law also prohibits unmarried non-member females from residing on the Jemez Pueblo lands; and

**WHEREAS**, the Pueblo of Jemez Tribal Code adopted by Tribal Council in 1995 via Resolution 95-13, at *Title IV Exclusion and Removal of Persons From the Pueblo of Jemez, Section 4-1-2 (1)*, authorizes the removal of all persons who are non-members of the Pueblo of Jemez who are not authorized to be present on the reservation; and

**WHEREAS**, under the Pueblo's Customary Law and under Title IV, Section 4-1-2 (1) of the Pueblo of Jemez Tribal Code, the following are not authorized to reside on Jemez Pueblo:

1. Unmarried non-member male
2. Married non-member male
3. Unmarried non-member female

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**NOW THEREFORE BE IT RESOLVED**, that the Pueblo of Jemez Tribal Council confirms that:

1. Non-member males and non-member females, who are not married to a Jemez Tribal member, are prohibited from residing on the Jemez Pueblo lands.
2. A non-member male married to a Jemez Tribal member is prohibited from residing on the Jemez Pueblo lands;

**BE IT FURTHER RESOLVED** that the following persons are exempt from these prohibitions:

1. A person who has a pending enrollment application, is of Jemez descent and is otherwise eligible for membership;
2. A person under the age of 18 years who is an adopted child, stepchild, foster child, grandchild, niece or nephew of an enrolled tribal member but who is not eligible for membership in the Pueblo of Jemez.
  - a. A person does not qualify for this exemption unless a written request is made to the Governor(s) stating reasons for residing with the tribal member's household and is approved by the Governor(s).
  - b. As a condition of residence, the Governor(s) may impose additional requirements in writing in the Residence Agreement as it deems appropriate.
  - c. No person who has been convicted, plead guilty or no contest to any felony or to any violent crime or any crime requiring registration as a sex offender in any jurisdiction shall be granted this exemption.

**BE IT FURTHER RESOLVED THAT** for purposes of this resolution the term(s) "reside" or "residing" shall mean to live within the exterior boundaries of Jemez Pueblo lands for more than 5 days within any 12-month period; and

**BE IT FURTHER RESOLVED THAT** the exemptions for a nonmember person to reside within the lands of the Pueblo shall be considered a privilege not a right. The Governor(s) in their discretion may revoke the privilege to reside at any time for

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violation of the terms of conditions in the Residence Agreement or for violations of the acts prohibited in Section 4-1-3 of the Pueblo fo Jemez Tribal Code and exclude or remove the person from Jemez Pueblo lands; and

**BE IT FURTHERMORE RESOLVED** that the Governor, Lt. Governors, Tribal Officials and the Pueblo of Jemez Law Enforcement Officers are authorized to enforce this resolution.

**CERTIFICATION**

I, the undersigned, as the Governor of the Pueblo of Jemez hereby certify that at a duly called meeting of the Tribal Council held on the 4th day of October, 2011, the foregoing resolution was passed, a quorum being present and that 15 voted for with 0 opposed and 0 abstained.

Michael Toledo Jr  
Governor Michael J. Toledo, Jr.

Attest: George J. Shendo, Jr.  
Lt. Gov. George J. Shendo, Jr.

Joe Cajero  
Joe Cajero

Roger Madalena  
Roger Madalena

Paul S. Chinana  
Paul S. Chinana

Jose L. Pecos  
Jose L. Pecos

Raymond Gachupin  
Raymond Gachupin

Arthur Sandia  
Arthur Sandia


Frank Loretto  
Frank Loretto

Jose Toledo  
Jose Toledo

J. Leonard Loretto  
J. Leonard Loretto


David M. Toledo  
David M. Toledo


**Office of the Governor**

  
Raymond Loretto

  
Jose E. Magdalena

  
Joshua Magdalena

  
Paul Tosa

  
Vincent A. Tosa, Sr.

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RESOLUTION NO. 95-13

WHEREAS, The Pueblo of Jemez, a federally recognized Indian Tribe, has the powers of self-government by reason of its original tribal sovereignty, and

WHEREAS, by virtue of the Pueblo's original tribal sovereignty, the Pueblo of Jemez Tribal Council possesses the power to exercise legislative powers over the activities of all persons, Indian and Non-Indian alike, to protect tribal interests within the lands of Jemez Pueblo, and

WHEREAS, the Pueblo of Jemez Tribal Council is exercising the power to legislate and enact civil and criminal tribal laws to control the conduct and activities of tribal members and non-tribal members, and

WHEREAS, the Pueblo of Jemez Tribal Council has considered the benefits, impacts, disadvantages, and advantages to enacting the Pueblo of Jemez Tribal Law & Order Code which also includes "Exclusion & Removal of Persons", "Wildlife Conservation Code and Hunting, Fishing, & Trapping Regulations", "Repossession of Property", "Traffic Code", and "Real Estate",

WHEREAS, the Tribal Council proclaims that adopting the Pueblo of Jemez Tribal Law & Order Code along with its specific titles as our tribal laws further strengthens our Tribal Sovereignty, protects our land and resources of our Pueblo for ourselves and our children, contributes to the judicial needs of the Pueblo and provides for the orderly administration of tribal justice, and assures the maintenance of law and order on the Pueblo of Jemez, and

WHEREAS, adopting the Pueblo of Jemez Tribal Law & Order Code with its Titles does not alter, affect, or change the traditional procedures and sanctions used in our Tribal Court and neither is the Code intended to limit the powers of the Governors.

NOW THEREFORE BE IT RESOLVED that the Pueblo of Jemez Law & Order Code with comprised sections from Title I through Title VIII is hereby adopted as the tribal laws of the Pueblo of Jemez, subject to future amendments as provided in the Code, and

BE IT FURTHER RESOLVED that the Pueblo of Jemez Law & Order Code with its Titles will become effective on August 23, 1995.

*Office Of The Governors*

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C E R T I F I C A T I O N

I, the undersigned as Governor of the Pueblo of Jemez do hereby certify that the foregoing resolution was passed at a duly called meeting of the Tribal Council on the 23rd day of February, 1995, in which 6 voted for and 0 voted against.

Paul S. Chinana  
Paul S. Chinana, Governor  
Pueblo of Jemez

ATTEST: Vincent A. Lopez

Joe Talado  
Councilman

Rosendo Achuzuri  
Councilman

Joe V. Lopez  
Councilman

\_\_\_\_\_  
Councilman

Paul J. [Signature]  
Councilman

Antonio [Signature]  
Councilman

Jose L. [Signature]  
Councilman

\_\_\_\_\_  
Councilman

**TITLE IV**

**EXCLUSION AND REMOVAL OF PERSONS FROM THE PUEBLO OF JEMEZ**

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Section 4-1-2 Persons Subject To Exclusion And Removal .....1  
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## **TITLE IV**

### **EXCLUSION AND REMOVAL OF PERSONS FROM THE PUEBLO OF JEMEZ**

#### **SECTION 4-1-1 PURPOSE**

1. The Pueblo of Jemez by and through its Tribal Council hereby determines that it is necessary to provide a means to protect itself, its members, and other persons living on the lands of the Pueblo of Jemez, from people whose presence is harmful to or threatens harm to the peace, health, safety, morals and general welfare of the Pueblo and its members. Such action is deemed necessary as a result of the Pueblo's interest in maintaining tribal interest free from harm, to protect the cultural identity of the Pueblo and to protect those residents of the Pueblo who may be imposed upon, or otherwise harmed. The procedures outlined herein are intended to provide procedural fairness to persons affected by this provision while at the same time recognizing the need, in appropriate situations to act immediately to remedy actual or threatened harm.

#### **SECTION 4-1-2 PERSONS SUBJECT TO EXCLUSION AND REMOVAL**

1. All persons who are non-members of the Pueblo of Jemez who are not authorized to be present on the lands of the Pueblo of Jemez may be excluded or removed from all or any portion of the lands of the Pueblo.

2. A tribal member may be excluded from the lands of the Pueblo of Jemez for repeated violations of the acts prohibited in Section 4-1-3.

#### **SECTION 4-1-3 GROUNDS FOR EXCLUSION**

1. A person is subject to exclusion and removal from Jemez Pueblo Indian lands for committing any one or more of the following acts:

- a. Interfering with official, political or governmental business of the Pueblo.
- b. Interfering with religious affairs of the Pueblo.

- c. Photographing Pueblo ceremonies or religious shrines.
- d. Repeated commission of criminal offenses.
- e. Exploring for or excavating upon sites or locations of historic, religious or scientific significance without authority of the Pueblo of Jemez.
- f. Commission of major felony as defined in 18 U.S.C. 1153.

#### **SECTION 4-1-4 EMERGENCY EXCLUSION AND REMOVAL WITHOUT PRIOR HEARING**

1. Whenever tribal officials or tribal law enforcement find that there is an immediate need to order the exclusion and/or removal of a person from the Lands of the Pueblo of Jemez and that the granting of notice and opportunity to be heard to such person prior to making such order would cause a delay seriously detrimental to the interest of the Pueblo or its members, the tribal officials or tribal law enforcement shall immediately order such exclusion and/or removal and provide the person being removed or excluded an opportunity for review of the reasons of removal at a later date. The person excluded or removed from the lands of the Pueblo of Jemez may request a hearing on the removal or exclusion with the Tribal Court within five (5) working days from the date of his/her exclusion.
2. The Court shall recognize that exclusion without a hearing as an extraordinary action that should not be taken except in the most unusual cases where danger to the Pueblo members or the interest of the Pueblo is clear and evident.
3. In the event that the person excluded or removed, requests a hearing, the Court shall schedule a hearing to allow the person to present his/her evidence. Such hearing shall be held as soon as possible. However, the order of exclusion or removal shall remain in force pending the hearing and decision, except for the purpose of attending the hearing.

4. The Court shall as a result of such hearing either affirm modify or rescind its previous order in writing and shall give the person notice of such decision.

**SECTION 4-1-5 HEARING ON EXCLUSION AND REMOVAL IN NON-EMERGENCY SITUATION**

1. In all other cases of exclusion the Clerk shall cause to be served a copy of a petition and a notice of hearing upon the person involved either by personal service or by certified mail return receipt requested.
2. The Court shall hear the evidence and shall if appropriate, order the exclusion and/or removal of the person. If the person is not present at such hearing, or if the decision is not rendered until after the hearing, appropriate notice shall be served on the person informing him/her of the action of the Court and such notice shall include a copy of any order of exclusion or removal which affects such persons.

**SECTION 4-1-6 TRIBAL COUNCIL REVIEW OF ORDERS OF EXCLUSION AND REMOVAL**

1. The Tribal Council shall have exclusive authority to hear any appeals from orders of exclusion and removal from the Tribal Court. A Notice of Appeal from an exclusion order shall be filed in writing with the Tribal Court, with a copy to the governor, not more than ten (10) days after the final order of exclusion.
2. Upon filing of the Notice of Appeal with the Tribal Court, the clerk shall transfer the case within five (5) days to the governor's office.
3. If the Tribal Council fails to act within sixty (60) days after the filing of an appeal, the appeal will be considered denied.

**SECTION 4-1-7 ENFORCEMENT OF ORDERS OF EXCLUSION AND REMOVAL**

1. All tribal officials and Pueblo of Jemez tribal law enforcement officers are hereby empowered to enforce exclusion or removal orders of the Court according to the terms of such order.