



TRIBAL COUNCIL RESOLUTION 2026 - 16

ADOPTION OF THE AMENDMENTS TO PUEBLO OF JEMEZ TRIBAL CODE TITLE XIV CIVIL TRESPASS CODE, TO INCLUDE LAW ENFORCEMENT AND TRIBAL OFFICIAL ENFORCEMENT

At a duly called meeting of the Tribal Council of the Pueblo of Jemez on the 28th day of May 2026, the following resolution was adopted:

WHEREAS, the Pueblo of Jemez is a federally recognized sovereign tribal government with a Governor and Tribal Council empowered to exercise all government powers, fiscal authority and tribal sovereignty; and

WHEREAS, the Pueblo of Jemez is a federally recognized sovereign tribal government with a Governor and Tribal Council empowered to initiate and carry out programs for the benefit of the Jemez tribal members; and

WHEREAS, a Tribal Code Committee was established in 2024 comprised of the Tribal Court Judge Court staff, legal counsel, and tribal administration, including Governor and Lieutenant Governors to review and suggest proposed amendments to the Pueblo of Jemez Tribal Code; and

WHEREAS, the Pueblo of Jemez Tribal Council pursuant to Resolution No. 2012-09 Adopted the Code to Title XIV – Civil Trespass Code on June 15th, 2012; and

WHEREAS, due to a review of Title XIV – Civil Trespass Code, it was discovered that the Code did not provide the ability for Law Enforcement or Tribal Officials to enforce the Civil Trespass Code; and

WHEREAS, the Tribal Code Committee recommends to the Tribal Council to approve and adopt the amended Title XIV, attached hereto as Exhibit 1; and

WHEREAS, the amendments to Title XIV- Civil Trespass Code have been explained and presented to Tribal Council to approve and the Tribal Council deems it to be in the best interest of the Pueblo to adopt the Code.

Office of the Governor

4471 Highway 4, Box 100 • Jemez Pueblo • New Mexico • 87024
(575) 834-7359 • Fax (575) 834-7331

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ADOPTION OF THE AMENDMENTS TO PUEBLO OF JEMEZ
TRIBAL CODE TITLE XIV CIVIL TRESPASS CODE, TO
INCLUDE LAW ENFORCEMENT AND TRIBAL OFFICIAL ENFORCEMENT
PAGE TWO**

NOW THEREFORE BE IT RESOLVED THAT the Pueblo of Jemez Tribal Council hereby approves and adopts the amendments to Title XIV – Civil Trespass Code as laws of the Pueblo, which shall become effective immediately.

BE IT FURTHER RESOLVED THAT the newly adopted amendments to Title XIV-Civil Trespass Code of the Pueblo of Jemez Tribal Code supersedes all prior code provisions and shall be incorporated into the Pueblo of Jemez Tribal Code.

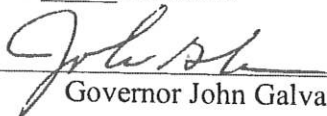
BE IT FINALLY RESOLVED THAT the Pueblo of Jemez Tribal Council authorize the Governor, Lieutenant Governors, Tribal Administration, Tribal Court, and Jemez Police Department staff to effectuate Title XIV – Civil Trespass Code.

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CERTIFICATION

I, THE UNDERSIGNED, as Governor of the Pueblo of Jemez do hereby certify that the Jemez Tribal Council at a duly called meeting which was convened and held on the 28th day of May 2026, at the Pueblo of Jemez, New Mexico, approved the foregoing resolution that a quorum was present and that 10 voted for and 0 opposed and 0 abstained.



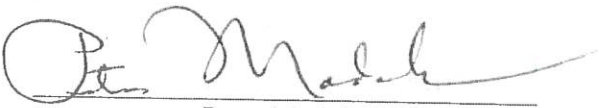
Governor John Galvan


ATTEST: 1st Lieutenant Governor

TRIBAL COUNCIL:



J. Cajero

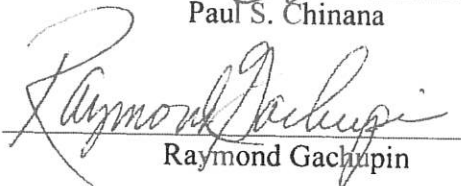


Peter Madalena




Paul S. Chinana

James Roger Madalena

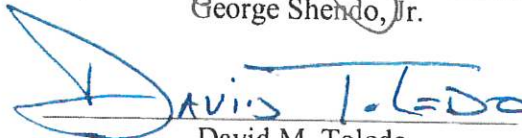


Raymond Gachupin

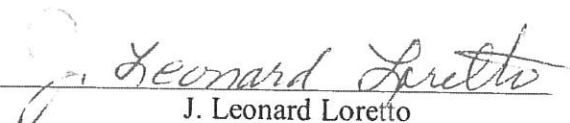


George Shendo, Jr.

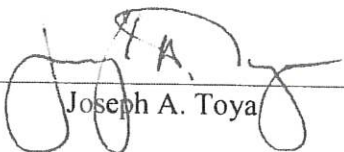
Dominic Gachupin



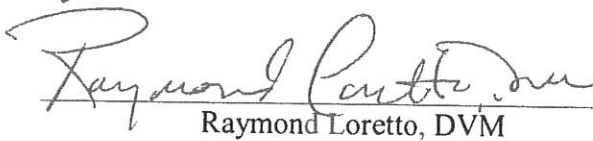
David M. Toledo



J. Leonard Loretto

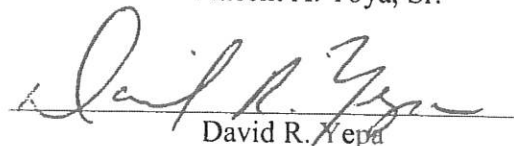


Joseph A. Toya



Raymond Loretto, DVM

Vincent A. Toya, Sr.



David R. Yepa

Office of the Governor

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TRIBAL COUNCIL RESOLUTION NO. 2012 - 09

TRIBAL RESOLUTION ADOPTING
THE PUEBLO OF JEMEZ CIVIL TRESPASS CODE

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

WHEREAS, the Pueblo of Jemez is a federally recognized Indian Tribe with inherent powers of self-government and pursuant to its tribal sovereignty has the powers to legislate and enact tribal laws to control the conduct and activities within its tribal lands; and

WHEREAS, pursuant to its inherent sovereign powers over Pueblo lands, the Pueblo grants leases, easements, rights-of-ways and permits affecting pueblo lands; and

WHEREAS, on occasion Persons as defined in the Pueblo of Jemez Civil Trespass Code will be in trespass upon pueblo lands causing economic damage and other harm to the Pueblo; and

WHEREAS, the purpose of the Pueblo of Jemez Civil Trespass Code is to provide terms upon which the Pueblo can grant consent to persons to obtain an interest in, enter upon, remain on or otherwise use Pueblo lands; to designate administrative responsibilities to respond to trespasses on pueblo lands and to provide a remedy for trespasses on pueblo lands; and

WHEREAS, the Tribal Administration, Tribal Realty Office and the Pueblo's legal counsel have reviewed and revised the Civil Trespass Code and recommend for adoption the Pueblo of Jemez Civil Trespass Code and that it be incorporated and made a part of the Pueblo of Jemez Tribal Code as Title XIV.

NOW THEREFORE BE IT RESOLVED that the Pueblo of Jemez Civil Trespass Code, Title XIV, Sections 1 to Section 21 are adopted as laws of the Pueblo and are to be incorporated into the Pueblo of Jemez Tribal Code.

Office of the Governor

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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 15th day of June 2012, the foregoing resolution was passed, a quorum being present and that 10 voted for with 0 opposed and 0 abstained.


Governor Joshua Madalena

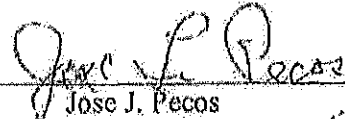
ATTEST: 
Lieutenant Governor

TRIBAL COUNCIL:

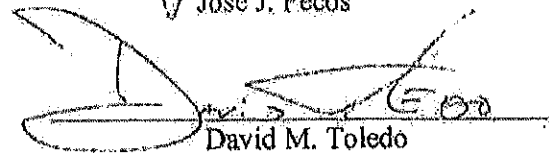

Joe Cajero


Roger Madalena

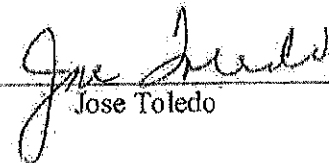

Paul S. Chinana


Jose J. Pecos

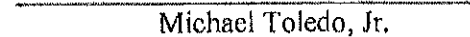

Raymond Gachupin


David M. Toledo

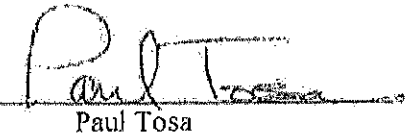

Frank Loretto


Jose Toledo


J. Leonard Loretto


Michael Toledo, Jr.


Raymond Loretto


Paul Tosa


Jose E. Magdalena


Vincent A. Toya Sr.

**TITLE XIV
PUEBLO OF JEMEZ CIVIL TRESPASS CODE**

SECTION 14-1-1 FINDINGS

The Tribal Council finds and declares that:

- a. The Pueblo possesses inherent sovereign powers over Pueblo lands; and
- b. From time to time, the Pueblo grants leases, easements, rights-of-way, and permits affecting Pueblo lands; and
- c. Trespass upon Pueblo lands cause substantial economic damage and other harm to the Pueblo.

SECTION 14-1-2 PURPOSE

The purposes of this Code are to:

- a. Set the terms upon which the Pueblo will grant consent to persons to obtain an interest in, enter upon, remain on, or otherwise use Pueblo lands;
- b. Designate administrative responsibility for responding to trespasses on Pueblo lands;
- c. Provide a mechanism to remedy trespasses upon Pueblo lands; and
- d. Specify charges, penalties and damages for trespasses to Pueblo lands.

SECTION 14-1-3 DEFINITIONS

When used in this Code, the term:

- a. "Compliance incentive charge" means an amount equal to twenty percent of the original trespass charge for the first month plus ten percent of the then-current trespass charge times the number of months following notification of person in trespass for the second and subsequent months.
- b. "Governor" means the chief executive officer of the Pueblo.
- c. "Law Enforcement Officer" means a Pueblo of Jemez Police Department officer or any officer of the law who is authorized by the Governors or Tribal Council to keep the peace and enforce the laws of the Pueblo of Jemez.
- d. "Lease" means any agreement between the Pueblo and a person that grants a right of possession of Pueblo lands for a specified purpose and duration in accordance with applicable federal law and regulations.

e. "Permit" means any agreement between the Pueblo and a person that grants a revocable privilege to use Pueblo lands for a specified purpose. Permit includes sand and gravel and borrow material permits.

f. "Person" means any individual, group of individuals, corporation, partnership, association, state, municipality, commission, political subdivision of a state, interstate body, the federal government or any federal agency or any other entity, but does not include the Pueblo, or other Pueblo's entities or instrumentalities as may be determined by Tribal Council.

g. "Pueblo" means Pueblo of Jemez, a federally recognized Indian tribe.

h. "Pueblo lands" means any land or any interest in land owned or held by the Pueblo, or held in trust by the United States for the Pueblo.

i. "Realty Director" means the Realty Director of the Pueblo's Realty Department.

j. "Right-of-way" means an agreement between the Pueblo and a person that grants an easement or right-of-way in, over, under, through or to Pueblo lands in accordance with applicable Pueblo and federal law and regulations.

k. "Secretary" means the Secretary of the Interior or his authorized representative.

l. "Trespass" means the unauthorized possession, occupancy, holding over upon, entry upon, or use of Pueblo lands.

m. "Trespass charge" means the annual rental value of the total acreage encumbered by the property of the person in trespass which is equal to the encumbered acreage times the highest annual rental value per acre then in place anywhere on Pueblo lands as determined by the Realty Director. A monthly trespass charge is then determined by dividing the annual rental value by twelve (12). The trespass charge may be changed at any time to reflect the then-current highest annual rental value on Pueblo lands.

n. "Tribal Council" means the governing body of the Pueblo.

o. "Tribal Officials" means the Governors, Tribal Sheriff, Fiscales of the Pueblo and their respective aides who are appointed and serve for one-year terms.

SECTION 14-1-4 APPLICABILITY

1. Except as otherwise provided in subsection (2) of this section, this Code applies to all Pueblo lands and to all persons holding or claiming an interest in, possessing, holding over upon, entering upon, or otherwise using, Pueblo lands.

2. This Code does not apply to persons who are Pueblo members holding or claiming an interest in, possessing, entering upon, or otherwise using Pueblo lands under a valid assignment granted by the Pueblo or the United States in accordance with applicable federal law or regulations.

SECTION 14-1-5 CONSTRUCTION

1. The provisions of this Code are to be liberally construed to effectuate the intent, findings, and purposes set forth in Sections 1 and 2 of this Code, but not to conflict with applicable federal law and regulations.
2. Nothing contained in this Code is to be construed to diminish, limit, or otherwise adversely affect any right or remedy otherwise held or available to the Pueblo or its members under other applicable law.

SECTION 14-1-6 CODE AS A CONDITION OF FUTURE CONSENTS, GRANTS AND AGREEMENTS

The provisions of this Code shall be incorporated as a term and condition of the consent or grant by the Tribal Council of every lease, easement, right-of-way, or permit, unless specifically waived by Tribal Council resolution.

SECTION 14-1-7 PROHIBITION AGAINST TRESPASS

It is unlawful to trespass upon Pueblo lands. Each day that a person trespass constitutes a separate violation.

SECTION 14-1-8 PENALTIES

1. Any person who knowingly or intentionally trespasses shall be subject to a civil penalty not to exceed \$5,000 for each violation.
2. Any person who negligently trespasses shall be subject to a civil penalty not to exceed \$1,000 for each violation.
3. In determining the amount of a civil penalty for a trespass resulting from a lease, easement, right-of-way or a permit, the Realty Director shall present evidence to the Tribal Court of the seriousness of the violation or violations, the economic benefit to the person in trespass, if any, resulting from the violation, any history of violations, any good-faith efforts to comply with applicable requirements, and any other factors as justice may require.
4. If a trespass occurs as a result of holding over, then the person in trespass shall pay a monthly trespass charge plus a compliance incentive charge. If the trespass is the result of knowing, intentional or negligent action of the person in trespass, the penalties specified in subsections (1) and (2) of this section may be added to trespass charges and compliance incentive charges and to any other damages specified in Section 9.

SECTION 14-1-9 DAMAGES

1. Any person who trespasses shall be liable to the Pueblo for all damages proximately cause by such violation.

2. Damage proximately caused by a trespass shall be determined by Law Enforcement, Tribal Officials, or the Realty Director based upon:

a. the highest of the economic benefit to the person, the economic detriment to the Pueblo (including, but not limited to, lost opportunity costs), or the sum of the trespass charge and the compliance incentive charge;

b. the expense of enforcing this Code against the person in trespass;

c. the expense of removing the property of the person in trespass;

d. the expense of restoring Pueblo land damaged by the trespass; and

e. all other consequential or special damages proximately flowing from the violation of this Code by the person in trespass.

SECTION 14-1-10 INFORMATION AND INVESTIGATION

1. Upon receipt of information indicating a civil trespass, Law Enforcement, Tribal Officials, or the Realty Director shall investigate to determine whether a civil trespass has occurred

2. If Law Enforcement, Tribal Officials, or Realty Director investigation reveals a trespass, they shall process in accordance with Section 11 of this Code.

SECTION 14-1-11 ENFORCEMENT

1. Whenever the Law Enforcement, Tribal Officials, or Realty Director finds that a person has trespassed, the Law Enforcement, Tribal Officials, or Realty Director may take one or more of the following actions:

a. Issue a Notice of Trespass and Order to Comply to the person trespassing in accordance with Section 12 of this Code;

b. Issue a Notice of Assessment of Penalty and Damages to the person trespassing in accordance with Section 13 of this Code;

c. Request the Governors to initiate the exclusion and removal process if the trespasser is native but not from Jemez Pueblo. Exclusion and Removal process will be in accordance with Title IV Exclusion and Removal of a Person from the Pueblo of Jemez in the Pueblo of Jemez Tribal Code; or

d. The Realty Department will enforce the lease, easement, right-of-way, or permit to which the person trespassing is a party in accordance with Section 18 of this Code.

SECTION 14-1-12 NOTICE OF TRESPASS AND ORDER TO COMPLY

1. The Notice of Trespass and Order to Comply must be in writing, identify the person in trespass, the location and date of the trespass, and contain a short statement of facts indicating the nature and circumstances of the trespass.
2. The Notice of Trespass and Order to Comply must specify any one or more of the following actions to remedy the trespass:
 - a. Removal of the person in trespass or property of the person in trespass or both from the premises;
 - b. Compliance with the terms, conditions, covenants or restrictions of any applicable lease, easement, right-of-way, or permit;
 - c. Any other action as may be necessary to cure the trespass; or and
 - d. Specify a reasonable period of time within which the person in trespass may cure the trespass. The Notice of Trespass and Order to Comply, however, may not require any action or specify any time period inconsistent with any provision of the applicable lease, easement, right-of-way, or permit.
3. The Notice of Trespass and Order to Comply shall advise the person identified therein of the rights available under Section 16 of this Code.
4. Law Enforcement, Tribal Officials, or the Realty Director shall serve the Notice of Trespass and Order to Comply upon the person identified in the notice in accordance with the provisions of the applicable lease, easement, right-of-way, or permit, if any.
5. Nothing in this section prohibits Law Enforcement, Tribal Officials, or the Realty Director from assessing any penalties or damages or both for trespasses by the person in trespass occurring before service of the Notice of Trespass and Order to Comply or before the completion of any cure period provided in the Notice of Trespass and Order to Comply.

SECTION 14-1-13 NOTICE OF ASSESSMENT OF PENALTY AND DAMAGES

1. The Notice of Assessment of Penalty and Damages may be served with a Notice of Trespass and Order to Comply or at any time thereafter.
2. The Notice of Assessment of Penalty and Damages must be in writing, identify the person who is trespassing, the location and date of the trespass, and contain a short statement of facts indicating the nature and circumstances of the trespass.
3. The Notice of Assessment of Penalty and Damages shall specify:
 - a. the amount of any penalties assessed in accordance with Section 8 of this Code.

- b. the amount of any damages assessed in accordance with Section 9 of this Code;
 - c. the time period for which each assessment is made;
 - d. the court date; and
 - e. advise the person identified therein of the appeals rights available under Section 16 of this Code.
4. For Realty Violations the Notice of Assessment of Penalty and Damages must be served upon the person identified in the notice in accordance with the applicable lease, easement, right-of-way, or permit, if any.

SECTION 14-1-14 SPECIAL LAND USE LICENSE

1. For Realty Violations in lieu of imposing any penalties under Section 8 or damages under Section 9 of this Code, the Tribal Council may grant a Special Land Use License to the person in trespass for a period not to exceed three (3) months to allow temporary use of Pueblo lands in the absence of a valid lease, easement, rights-of-way, or permit providing the person in trespass:

- a. has requested a Special Land Use License;
- b. has filed an application for renewal with the Secretary or the Pueblo or both in accordance with applicable law, and paid any applicable fees; and
- c. pays a monthly Special Land Use License fee for the Special Land Use License.

2. The Tribal Council may renew the Special Land Use License for an additional period of three (3) months.

3. The Realty Director shall determine the monthly amount of the Special Land Use License fee based on:

- a. the amount of acreage applied for;
- b. the prevailing annual per acre rental value of Pueblo lands as established by the Realty Director using the Pueblo's land valuation methods;
- c. dividing the annual rental value by twelve (12); and
- d. adding a cumulative 1.5% settlement incentive charge per month (.015 times the first monthly rental value and .015 times the prior monthly rental value for each subsequent month).

4. Payment of the Special Land Use Fee shall be due as stated in the Schedule accompanying the Notice of Trespass and Order to Comply.

5. The amounts paid by the person for the Special Land Use License fee shall be credited against the final settlement amount for the trespass.

6. The Tribal Council may revoke the Special Land Use License if the person in trespass:

a. fails to pay the Special Land Use License fee; or

b. does not diligently and in good faith pursue renegotiation of the lease, right-of-way, easement, or permit.

SECTION 14-1-15 PAYMENT OF PENALTIES AND DAMAGES

1. For Realty Violations penalties and damages assessed pursuant to Section 13 of this Code shall be due and payable upon receipt of Notice of Assessment of Penalty and Damages thereof and shall become delinquent thirty (30) days thereafter.

2. Payments shall be by certified check made payable to the order of the Pueblo.

3. Interest on any delinquent payment of penalties and damages shall accrue from the date of assessment thereof until paid. The interest shall be assessed at five percent (5%) above the highest prime rate listed on the date of assessment by any bank operating within Santa Fe County, New Mexico, and shall continue in effect until the assessment is paid or otherwise discharged.

4. Monies collected through payment of assessments of penalties and damages, and any interest thereon, shall be deposited into such account as designated by the Tribal Council.

5. All Law Enforcement and Tribal Official penalties and damages assessed pursuant to Section 13 of this Code shall be due at a date set by the Court upon a finding of liability in Tribal Court.

SECTION 14-1-16 APPEALS

The Appeals process only applies to Realty Cases and not to any cases filed by Law Enforcement or Tribal Officials against an individual.

1. Any person who receives a Notice of Trespass and Order to Comply or Notice of Assessment of Penalty and Damages may file a notice of appeal with the Realty Director within ten (10) days of the service of the Notice of Trespass and Order to Comply or Notice of Assessment of Penalty and Damages.

2. The notice of appeal must be in writing and:

a. identify the person who is alleged to be trespassing, the location and date of the alleged trespass, and contain a short statement of facts indicating the nature and circumstances of the alleged trespass;

- b. specify the order or assessment being appealed;
- c. Specify the legal basis for the appeal; and
- d. Contain a statement of facts upon which the appellant relies in support of the appeal and any argument as appellant may care to make in support of the appeal.
- e. Within ten (10) days after receiving a notice of appeal, the Realty Director shall refer the notice of appeal to the Tribal Council.

SECTION 14-1-17 HEARING AND DECISION

- 1. For Realty Cases the Tribal Council shall consider the appeal within twenty (20) days of receipt of the notice of appeal by the Realty Director.
- 2. Notice shall be afforded to the parties at least ten (10) days in advance of the date set for Tribal Council to consider the appeal. Each party at the Tribal Council meeting to consider the appeal may be represented by counsel and shall have the opportunity to present evidence.
- 3. The decision of the Tribal Council regarding the appeal shall be final

SECTION 14-1-18 ENFORCEMENT OF LEASE, EASEMENT, RIGHT-OF-WAY OR PERMIT

- 1. For Realty Cases the Tribal Council may take any action authorized or allowed under the provisions, terms and conditions and covenants of an applicable lease, easement or right-of-way, permit, or agreement relating thereto as well as such action as may be authorized or allowed under the applicable law.
- 2. If necessary, the Tribal Council may request the Secretary or other appropriate federal, pueblo, or state official or agency to enforce:
 - a. the provisions, terms, conditions and covenants of any lease, easement or right-of-way, permit or agreement relating thereto; and
 - b. federal, Pueblo, state or local law or laws applicable to any lease, easement, right-of-way, permit, or agreement relating thereto, or relating got the conduct of business or other activity on the Pueblo lands involved.

SECTION 14-1-19 JUDICIAL ENFORCEMENT

- 1. For Realty Cases the Tribal Council may direct the tribal attorney to bring a civil action in any court of competent jurisdiction to enjoin a trespass or to obtain payment or enforcement of any assessment of damages or penalties, or for any other relief as may be authorized or allowed under any applicable law.

2. Law Enforcement and/or the Tribal Officials may bring a civil action in Tribal Court to enjoin a trespass or for enforcement of any assessment of damages or penalties, or for any other relief as may be authorized or allowed under any applicable law.

SECTION 14-1-20 SEVERABILITY

If any provision of this Code as enacted, or as later amended, or its application to any person or circumstance, is held invalid by a final judgment of Tribal Court then the invalidity shall not affect other provisions or applications of this Code that can be given effect without the invalid provision or application, and to this end the provisions of this Code are severable.

SECTION 14-1-21 EFFECTIVE DATE

This Code applies to any trespass occurring after the date the Tribal Council enacts this Code.