



**PUEBLO OF ISLETA**  
**PROCEDURES FOR HEARINGS ON REMOVAL / EXCLUSION (BANISHMENT)**

**WHEREAS**, the Pueblo of Isleta Tribal Constitution Article V, Section 2(e) authorizes Tribal Council to remove a non-member from the lands of the pueblo, as follows:

Subject only to the limitations imposed by the laws of the United States and the restrictions established by this constitution, the powers of the council shall include the following...to enact ordinances, subject to the approval by the Secretary of the Interior, to protect the peace, safety, property, health, and general welfare of the members of the Pueblo of Isleta;...and to provide for the removal or exclusion from the lands of the pueblo of any non-member whose presence may be found by the council to be injurious to the peace, safety or welfare of the members of the pueblo.

Pueblo of Isleta Tribal Constitution at Article V, Section 2(e).

**WHEREAS**, the Pueblo has and continues to govern those who reside within Pueblo of Isleta lands, under its inherent authority of self-government and pursuant to customs and traditions;

**WHEREAS**, Tribal Council adopted an Ordinance on July 14, 1975 (hereinafter "1975 Ordinance"), which prescribed the authority and protocol for the Pueblo of Isleta to remove or exclude and individual from Pueblo of Isleta lands.

**WHEREAS**, the purpose of the 1975 Ordinance is to protect the peace, safety, property, health, and general welfare of the members of the Pueblo of Isleta;

**WHEREAS**, the 1975 Ordinance requires the Tribal Council to hold a hearing the Governor of the Pueblo to give permission or consent to reside within Pueblo of Isleta lands;

**WHEREAS**, the Tribal Council finds that it is in the best interests of the Pueblo of Isleta to provide adequate due process and uniform procedures for such hearings.

**THEREFORE**, the Pueblo of Isleta Tribal Council hereby adopts the following Procedures for hearings pursuant to the 1975 Ordinance.

1. Once quorum is established and the individual is found to be present, Tribal Council President shall: (a) call the hearing to order, (b) state the purpose of the hearing, and (c) read these procedures aloud to the individual.

2. Governor or his designee shall set forth the reason(s) for the removal / exclusion of the individual. Governor or his designee shall include testimony, witnesses and evidence as may be the case.
3. Tribal Council shall provide an opportunity for the individual to show cause why the individual should not be removed/excluded. The individual shall be afforded the opportunity to provide testimony, witnesses and other evidence as may be the case.
4. Tribal Council members shall be provided an opportunity to ask questions of the individual or make statements relevant to the reason(s) for the removal/exclusion.
5. Tribal Council President shall inform the individual that letter will be forthcoming and shall then excuse the individual from the hearing.
6. Tribal Council shall call an executive session and deliberate on the matter.
7. Tribal Council shall move out of executive session and then call for a roll-call vote of Tribal Council.
8. If the vote is in the affirmative, Tribal Council shall authorize a Final Order of Removal / Exclusion to be executed by Tribal Council President or his designee, and delivered to the individual by mail and hand delivery. A copy of the Final Order shall be conveyed to the Isleta Police Chief, Enrollment Department and Chief Judge.
9. If the vote is not in the affirmative, Tribal Council shall authorize a Letter to be executed by Tribal Council President or his designee, and delivered to the individual by mail and hand delivery. A copy of the Letter shall be conveyed to the Isleta Police Chief, Enrollment Department and Chief Judge.
10. The decision of Tribal Council shall be final.

**CERTIFICATION**

We, the undersigned, do hereby certify that the foregoing Procedures were passed at a duly called meeting of the Tribal Council of the Pueblo of Isleta, held on the 3<sup>rd</sup> day of March, 2014, at which a quorum was present, with -10- voting for, -0- opposing, and -0- abstaining.



E. Paul Torres, Governor



Michael A. Lente, Tribal Council President

ATTEST:



Verna Teller, Tribal Council Secretary