



PUEBLO OF ISLETA
AMENDED RESIDENCE ORDINANCE PROCEDURES FOR APPEAL

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 the residence of members and non-members who reside within Pueblo of Isleta lands, under its inherent authority of self-government and pursuant to customs and traditions;

WHEREAS, governing the residence of members and non-members is an important aspect of protecting the customs and traditions of the Pueblo;

WHEREAS, Tribal Council adopted the Pueblo of Isleta Residence Ordinance on December 20, 2010, and amended it on July 26, 2011.

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

WHEREAS, the Residence Ordinance requires the Governor of the Pueblo to give permission or consent to reside within Pueblo of Isleta lands;

WHEREAS, the Residence Ordinance allows an appeal to Tribal Council to an individual who has been denied permission or consent by the Governor 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 Residence Ordinance Appeal of

Governor's Decision pursuant to and consistent with Article IV of the Pueblo of Isleta Residence Ordinance.

WHEREAS, Tribal Council adopted procedures on May 14, 2012, and hereby wishes to amend them with these newly amended procedures.

THEREFORE, the Pueblo of Isleta Tribal Council hereby adopts the following Procedures for Residence Ordinance Appeal of Governor's Decision pursuant to its authority the Residence Ordinance.

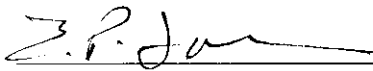
1. Upon receipt of a request for appeal, Tribal Council shall set an appeal hearing date and time, and shall convey notice of such hearing date and time to the affected individuals and to Governor.
2. Such hearing shall be set at any day no later than forty-five days after receiving the notice of appeal, subject to extension by Tribal Council for good cause.
3. The appeal hearing shall be conducted during a duly called Council meeting with quorum present, shall be closed to the public except for the affected individuals, and shall be held in executive session.
4. Tribal Council President or Vice President shall call the hearing to order and shall ask Governor and the affected individuals for all proposed witnesses.
5. Then, the Governor or his designee shall provide evidence, witnesses and/or testimony as to why Governor denied permission or consent to reside.
6. Then, the affected individuals shall have the right to provide evidence, witnesses and/or testimony in his/her defense to Tribal Council during the appeal hearing. Such evidence and/or testimony must relate to the reason(s) by Governor to deny approval to reside. Such witnesses shall not participate in the entirety of the hearing, but only when called to testify.
7. Once oral testimony has been taken and after all parties including Governor have been excused, Tribal Council shall deliberate, render a written decision, and convey its decision to Governor and Appellant within thirty (30) days. Tribal Council shall record only the decision of Tribal Council and the vote count.
8. In the event Tribal Council affirms the Governor's denial, such decision shall be conveyed in writing by mail and hand delivery to the affected individuals with a copy to Isleta Police Chief and the Enrollment Department and shall include a timeframe for the non-member to vacate residing within Pueblo of Isleta lands on a case-by-case basis.
9. In the event Tribal Council overturns the Governor's denial, such decision shall be conveyed in writing by mail and hand delivery to the affected individuals with a copy to Isleta Police Chief and the Enrollment Department.

10. Tribal Council may consider affirming the Governor's denial against the affected individual if the affected individual does not to appear at the appeal hearing within thirty (30) minutes of start of the hearing.

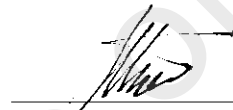
11. The decision of Tribal Council shall be final.

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 3rd 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:

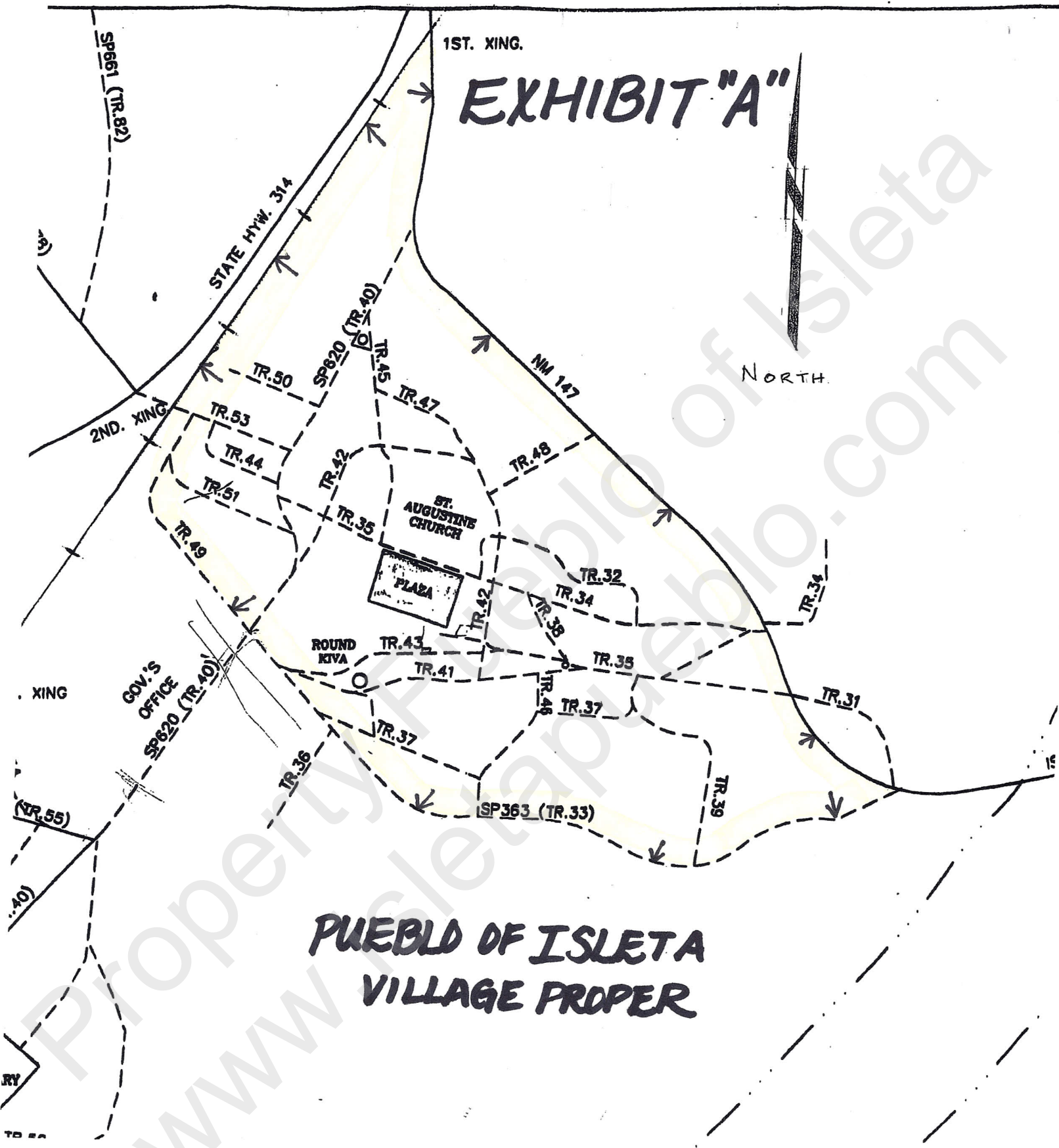


Verna Teller, Tribal Council Secretary

1ST. XING.

EXHIBIT "A"

NORTH



PUEBLO OF ISLETA
VILLAGE PROPER