

PUEBLO OF ISLETA
RESIDENCE ORDINANCE PROCEDURES FOR APPEAL
ADOPTED BY TRIBAL COUNCIL ON MAY 14, 2012 (VOTE 9-1-0)

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.

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. 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 affected individuals shall have the right to provide evidence 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.
4. The Governor shall also have the right to provide evidence and/or testimony as to why Governor denied approval to reside.
5. The appeal hearing shall be closed to the public.
6. After the appeal hearing and after the Appellant has been excused, Tribal Council shall deliberate and render its decision within thirty (30) days, based on whether evidence and statements provided by affected individual justify reversal of Governor's decision to deny residence.
7. In the event Tribal Council affirms the Governor's denial, such decision shall be conveyed to the affected individuals and shall include a timeframe for the non-member to vacate residing within Pueblo of Isleta lands on a case-by-case basis. Tribal Council shall record only the decision of Tribal Council and the vote count.
8. Tribal Council may enter a default judgment against the affected individual if he or she chooses not to attend the appeal hearing.
9. The decision by Tribal Council is final.