

PUEBLO OF ISLETA

P.O. BOX 1270 ISLETA, NM 87022

RESOLUTION # 01 - 02

JURISDICTION OF THE ISLETA TRIBAL COURTS

WHEREAS, The Isleta Tribal Council is the Legislative Branch of the Pueblo of Isleta Tribal Government, Pueblo of Isleta Tribal Constitution, Article V;

WHEREAS, the Pueblo of Isleta Tribal Constitution, Article V, Section 2(e) provides that the Council is empowered to "enact ordinances, subject to 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

WHEREAS, Section 1-1-1 of the Law and Order Code of the Pueblo of Isleta (attached hereto as Exhibit A and incorporated herein by reference) sets forth the jurisdictional authority of the Isleta Judiciary. Section 1-1-1 asserts no jurisdiction, either criminal or civil, over non-Indians; and

WHEREAS, the Isleta Judiciary lacks adequate jurisdictional authority over all Indian and non-Indian persons who enter the boundaries of the Pueblo of Isleta and engage in conduct, including persons engaging in business transactions on the Pueblo.


NOW, THEREFORE, BE IT RESOLVED that the Tribal Council of the Pueblo of Isleta, in the exercise of its tribal sovereignty, hereby amends Section 1-1-1 of the Law and Order Code, captioned "Jurisdiction," by striking the current Section 1-1-1, and inserting in lieu thereof the provisions set forth in Exhibit B hereto.

CERTIFICATION

We, the undersigned officials of the Pueblo of Isleta, hereby certify that the foregoing Resolution was duly adopted by the Pueblo of Isleta Tribal Council at a regular meeting held 11/10, 2001, a quorum present, with 8 voting for, 0 voting against, and 0 abstaining.



Benjamin Lucero, President *VICE*
Isleta Tribal Council



Alvino Lucero, Governor
Pueblo of Isleta

Attest:



Sef Lente, Secretary
Isleta Tribal Council



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TRIBAL COUNCIL #V
6/29/2001

PUEBLO OF ISLETA

P.O. Box 729
ISLETA, NM 87022

MEMORANDUM

To: President Ben Lucero, Isleta Tribal Council
Thru: Governor Alvino Lucero

From: Chief Judge *James M. Albert*

Date: June 27, 2001

Re: **BIA APPROVAL OF TRIBAL RESOLUTION #01-02 BY DEFAULT**

On January 10, 2001, the Isleta Tribal Council at a duly called meeting enacted Resolution #01-02, amending Section 1-1-1 of the Isleta Law and Order Code. The amendment set forth the jurisdictional authority of the Isleta Judiciary over all Indians and non-Indian persons who enter the boundaries of the Pueblo of Isleta.

On the same date as the enactment, the subject resolution was formally filed with the Southern Pueblos Agency in accordance with the Isleta Tribal Constitution, ARTICLE X- APPROVAL OF ORDINANCES AND RESOLUTIONS, Section 1, which provides that *“Any ordinance, resolution or other enactment of the council which, by the terms of this constitution or in conformity with applicable Federal law, is subject to approval by the Secretary of the Interior, shall be presented to the Superintendent of Southern Pueblos Agency within ten (10) days following enactment. The Superintendent shall, within ten (10) days following receipt of such ordinance or resolution, transmit it to the Secretary of the Interior with his recommendation for or against approval. Such enactment shall become effective when approved by the Secretary of the Interior, provided that if the Secretary of the Interior shall not disapprove an enactment of the council within one hundred and twenty (120) days following the date of its receipt by the Superintendent, it shall thereupon become effective”*. (Emphasis added).

The 120 day requirement for Secretarial action expired on May 13, 2001. On May 16, 2001, a formal request was made to the Agency Superintendent to provide certification of disapproval of Resolution #01-02 by the Secretary of the Interior. A response has not been received to date.

Therefore, because the Bureau did not provide notification of disapproval within the constitutional timeframe, it is the opinion of this Court that Isleta Tribal Council Resolution #01-02 is approved by default and is in full force and effect.

By copy of this memorandum, the Bureau is advised of the Pueblo's immediate intent to assert it's jurisdiction, as provided in Tribal Resolution #01-02.