

Pyramid Lake Paiute Tribal Council

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RESOLUTION NO.: PL 049-19

RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA

WHEREAS, the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs; and possesses attributes of sovereignty over both the members and territory.

WHEREAS, the Pyramid Lake Paiute Tribe, pursuant to Article VI, Section 1 of the Constitution and By-laws of the Pyramid Lake Paiute Tribe, authorized the Pyramid Lake Tribal Council to act on behalf of the Pyramid Lake Tribe, and to promulgate ordinances to safeguard the peace and safety of residents of the Reservation and to establish courts for the adjudication of claims and disputes; and

WHEREAS: pursuant to these powers, the Tribal Council has created a Law & Order Code and other laws and ordinances to govern the conduct of people within the Tribe's Reservation; and

WHEREAS: the Tribal Council has recognized the importance of reviewing and updating the Law and Order Code to ensure the Code meets the Tribe's needs and best serves to protect the interests of the Tribe, its members and persons living and working on Tribal lands; and

WHEREAS: to meet this goal, the Tribe's Law and Order Committee has recommended that the Tribal Council add revised Chapters 1- TITLE, AUTHORITY AND POLICY, 2 – TRIBAL COURT SYSTEM and 3 – CRIMINAL PROCEDURE, of the Law and Order Code 2013 to current code.

WHEREAS: the revised Chapters 1, 2, and 3 were posted for at least thirty days to allow for public comment, No comments received by the Law and Order Committee and the Committee submitted its recommendation to the Tribal Council;

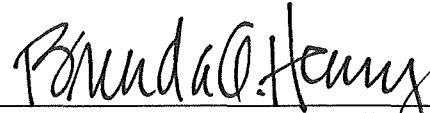
NOW, THEREFORE BE IT RESOLVED, that the Pyramid Lake Paiute Tribal Council hereby accepts the recommendation of the Law and Order Committee and hereby adopts the revised Chapter 1, 2, and 3 of the Law and Order Code.

BE IT FURTHER RESOLVED, the Tribal Chairman or designee is hereby authorized to effectuate any and all administrative actions necessary for implementation of this resolution.

BE IT FINALLY RESOLVED, nothing in this resolution shall be construed as a waiver of the sovereign immunity of the Pyramid Lake Paiute Tribe.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom ten (10) constituting a quorum were present at a meeting duly held on the 16th day of May, 2019 was adopted by the affirmative vote of eight (8) FOR and zero (0) AGAINST, with one (1) ABSTENTION; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.



Brenda A. Henry, Tribal Secretary
Pyramid Lake Paiute Tribal Council

CHAPTER 1

TITLE, AUTHORITY AND POLICY

3.1.100 Title

This Code shall be known as the Law and Order Code of the Pyramid Lake Paiute Tribe.

3.1.102 Authority

This Code is adopted by the Pyramid Lake Paiute Tribal Council pursuant to Article VI, Section 1 (i) and (j) of the Constitution of the Pyramid Lake Paiute Tribe, and Article V of the By-laws of the Tribe.

3.1.104 Policy

A. The Pyramid Lake Paiute Tribe has existed as an independent, sovereign nation since time immemorial. Historically, the Tribe held sole and absolute jurisdiction over Pyramid Lake and its surrounding area. Today, the Tribe continues to govern the Pyramid Lake Indian Reservation, limited in its authority only by its Constitution and By-laws, and the Constitution and laws of the United States of America. This Code is to be interpreted in a manner that recognizes the Tribe's intent to assert the fullest extent of its sovereign authority over the Pyramid Lake Indian Reservation.

B. The Pyramid Lake Paiute Tribal Council is the governing body of the Pyramid Lake Paiute Tribe in accordance with the authority of its Constitution and By-laws. Under the Constitution and By-laws, the Tribal Council is charged with the responsibility of safeguarding the peace and safety of residents of the reservation and with the establishment of a Tribal Court upon the reservation. The purpose of this Law and Order Code is the fulfillment of those responsibilities.

C. The Tribe, in order to protect the general welfare of the residents of the reservation and the resources of the reservation, hereby asserts the full extent of its criminal and civil jurisdiction over reservation activities as authorized by the Constitution and By-laws of the Tribe and the laws of the United States of America.

D. Nothing in this Law and Order Code shall be construed as a waiver of the sovereign immunity of the Pyramid Lake Paiute Tribe.

3.1.106 Amendments

Any amendments to this Code shall be by resolution of the Pyramid Lake Paiute Tribal Council and in accordance with applicable Tribal and Federal law.

3.1.108 Severability

If any clause, sentence, paragraph, section, or part of this Law and Order Code shall, for any reason be adjudicated by any court of competent jurisdiction, to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgment shall have been rendered.