



QUECHAN INDIAN TRIBE
Ft. Yuma Indian Reservation
Office of Tribal Administration

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RESOLUTION

R- 123-12

A RESOLUTION OF THE QUECHAN TRIBAL COUNCIL AMENDING SECTION 2.1.8.E OF THE QUECHAN LAW AND ORDER CODE.

- WHEREAS:** THE QUECHAN INDIAN TRIBE OF THE FORT YUMA INDIAN RESERVATION IS A FEDERALLY RECOGNIZED INDIAN TRIBE ORGANIZED UNDER A CONSTITUTION AND BYLAWS RATIFIED BY THE TRIBE ON NOVEMBER 28, 1936, AND APPROVED BY THE SECRETARY OF THE INTERIOR ON DECEMBER 18, 1936 WITH REVISED AMENDMENTS APPROVED ON NOVEMBER 18, 1974, AND MAY 21, 1997, AND
- WHEREAS:** THE QUECHAN TRIBAL COUNCIL IS THE DULY ELECTED GOVERNING BODY OF THE QUECHAN TRIBE AND EXERCISES GOVERNMENTAL AUTHORITY OVER LANDS WITHIN THE FORT YUMA RESERVATION LOCATED IN CALIFORNIA AND ARIZONA PURSUANT TO THE TRIBE'S INHERENT AUTHORITY AND THE POWERS AND AUTHORITIES SET FORTH IN ARTICLE IV OF THE TRIBE'S CONSTITUTION AND BYLAWS; AND
- WHEREAS:** THE TRIBAL COUNCIL HAS DETERMINED THAT IT IS IN THE BEST INTEREST OF THE TRIBE AND ITS MEMBERS THAT THE TRIBAL COURT BE GRANTED EXCLUSIVE JURISDICTION TO CONDUCT JUDICIAL REVIEW, ON THE RECORD, OF ANY FINAL ORDER OR DECISION OF THE QUECHAN TRIBAL DESIGNATED HOUSING ENTITY (QTDHE) TERMINATING A TENANCY OR ORDER DECISION OF EVICTION; AND
- WHEREAS:** THE TRIBAL COUNCIL HAS DETERMINED THAT IT IS APPROPRIATE, IN THE EXERCISE OF THE FOREGOING POWERS, TO AMEND THE QUECHAN LAW AND ORDER CODE IN THE MANNER SET FORTH BELOW IN THIS RESOLUTION; AND

WHEREAS: THE TRIBE'S LEGAL COUNCIL HAS DRAFTED AND APPROVED THE LAW AND ORDER CODE AMENDMENT AND HAS RECOMMENDED THAT IT BE ENACTED; AND

WHEREAS: THE CHIEF JUDGE OF THE QUECHAN TRIBAL COURT AND COUNSEL TO THE QTDHE BOARD HAVE REVIEWED THE PROPOSED AMENDMENT AND HAVE EXPRESSED NO OBJECTION TO THE LEGAL FORM OF THE AMENDMENT.

THEREFORE, BE IT RESOLVED : THAT THE QUECHAN TRIBAL COUNCIL HEREBY AMENDS SECTION 2.1.8.E OF THE QUECHAN INDIAN TRIBE LAW AND ORDER CODE TO READ AS FOLLOWS:

The Tribal Court shall have jurisdiction to conduct judicial review, on the record, of any final order or decision of the Quechan Tribally Designated Housing Entity or its successor ordering termination of tenancy or eviction from a housing unit owned, operated, or controlled by the Quechan Tribally Designated Housing Entity. Such review shall be limited to review of the underlying administrative record only, including whether or not the Quechan Tribally Designated Housing Entity complied with its own duly adopted policies or procedures, and whether the final order or decision and the policy or procedures followed comply with the requirements of the Indian Civil Rights Act, the Constitution and Bylaws of the Quechan Indian Tribe, and all other applicable federal and tribal laws. For purposes of this section, the Tribal Court may look to relevant provisions of the federal Administrative Procedures Act, S U.S.c. § 500, *et seq.* for guidance in implementing and applying this section.

BE IT FURTHER RESOLVED: THAT THIS RESOLUTION AND AMENDMENT TO THE QUECHAN LAW AND ORDER CODE SUPERSEDES AND EXPRESSLY REPEALS ANY PRIOR ACT OF THE TRIBAL COUNCIL THAT IS IN CONFLICT WITH THE PROVISIONS HEREIN; AND

BE IT FURTHER RESOLVED: THAT THE FOLLOWING EXECUTION A COPY OF THIS RESOLUTION SHALL BE PROVIDED TO THE

QUECHAN TRIBAL COURT, THE QTDHE, THE TRIBE'S
LEGAL COUNCIL; AND

**BE IT FINALLY RESOLVED: THAT THIS RESOLUTION SHALL REMAIN IN
EFFECT UNTIL RESCINDED OR SUPERSEDED BY
FURTHER ACTION OF THE QUECHAN TRIBAL COUNCIL.**

C E R T I F I C A T I O N

THE FOREGOING RESOLUTION WAS PRESENTED AT A SPECIAL COUNCIL MEETING WHICH CONVENEED ON JULY 26, 2012 DULY APPROVED BY A VOTE OF 5 FOR, 0 AGAINST, 1 ABSTAINED, 0 ABSENT, BY THE TRIBAL COUNCIL OF THE QUECHAN INDIAN TRIBE, PURSUANT TO THE AUTHORITY VESTED IN IT BY SECTION 16 OF THE INDIAN RE - ORGANIZATION ACT OF JUNE 18, 1934 (48 STAT. 984) AS AMENDED BY THE ACT OF JUNE 15, 1935 (49 STAT. 378), AND ARTICLE IV, SECTION 1 (A) AND SECTION 15 OF THE QUECHAN TRIBAL CONSTITUTION AND BYLAWS. THIS RESOLUTION IS EFFECTIVE AS OF THE DATE OF ITS APPROVAL.

QUECHAN TRIBE
BY:



KEENY ESCALANTI, SR., PRESIDENT



SHAVON MANCHADO, COUNCIL SECRETARY