



TRIBAL COUNCIL RESOLUTION 2021 - 009

ESTABLISHMENT OF THE BUENA VISTA RANCHERIA TRIBAL COURT AND RETENTION OF INTIAL TRIBAL COURT JUDGE

RECITALS

WHEREAS, the Buena Vista Rancheria of Me-Wuk Indians ("Tribe") is a sovereign federally-recognized Indian tribe, which operates pursuant to the Constitution of the Tribe ("Constitution"), and the Tribe's governing body is the Tribal Council ("Tribal Council");

WHEREAS, the Constitution empowers the Tribal Council to act with broad authority to operate the tribal government and its activities, affairs, and business, including the power to manage all economic affairs and enterprises of the Tribe and all "appropriate powers necessary to implement specific provisions of this Constitution and to effectively govern tribal affairs;"

WHEREAS, the Constitution further empowers the Tribal Council to form a tribal court or join existing tribal courts, consortiums or Indian organizations dealing with Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) and to reassume jurisdiction over Indian child custody proceedings as authorized by the Indian Child Welfare Act (25 U.S.C. 1918), and also to establish a tribal judicial system, including a Tribal Police Department, define its jurisdiction and promulgate tribal court rules;

WHEREAS, in order to provide a forum for the resolution of disputes between parties who may be subject, or agree, to the jurisdiction of the tribal judicial system (the "Tribal Court"), the Tribal Council desires to establish a Tribal Court, to retain such personnel as may be required to implement and operate the Tribal Court, and to permit the Tribal Court or Tribal Council to take such further actions as may be necessary to permit the Tribal Court to operate and exercise its civil and criminal jurisdiction to the fullest extent permitted under tribal and federal law, including, without limitation, adopting tribal court ordinances, rules, and procedures; and

WHEREAS, the Tribal Council has interviewed various candidates to serve as Tribal Court judge and has determined it to be in the best interests of the Tribe and the Tribal Court to retain Jack Duran to serve as Judge of the Tribal Court, and has further determined it to be in the best interests of the Tribe and the Tribal Court to approve a proposed agreement between the Tribe and Jack Duran for purposes thereof.

NOW, THEREFORE BE IT RESOLVED THAT:

1. Findings. The Tribal Council hereby determines and finds that (i) the Recitals in this Resolution are true and correct in all material respects; (ii) the Tribal Council possesses full power and authority to adopt this Resolution; (iii) all members of the Tribal Council were duly appointed and are validly serving; and (iv) the Tribal Council's adoption of this Resolution is in the best interests of the Tribe and is consistent with the laws, ordinances, resolutions, and public policies of the Tribe.

2. Establishment of the Buena Vista Rancheria Tribal Court. In order to provide a forum for the resolution of disputes between parties who may be subject, or agree, to the jurisdiction of the Tribal Court, and pursuant to the express authority provided in the Constitution and laws of the Tribe, the Tribal Council hereby (i) forms and establishes the Buena Vista Rancheria Tribal Court, and (ii) authorizes the Tribal Court and Tribal Council to take such further actions as may be necessary to permit the Tribal Court to operate and exercise its civil and criminal jurisdiction to the fullest extent permitted under tribal and federal law, including, without limitation, adopting tribal court ordinances, rules, and procedures.

3. Approval of Tribal Court Judge and Engagement Thereof. The Tribal Council hereby (i) authorizes and approves the appointment of Jack Duran to serve as Judge of the Buena Vista Rancheria Tribal Court and to take all such actions deemed necessary or advisable with respect thereto, who shall serve at the pleasure of the Tribal Council, and (ii) authorizes and approves the proposed agreement with Jack Duran for such purposes, which is attached hereto as Exhibit A.

4. Repealer. Any resolutions or other actions of the Tribal Council, or any of the officers, employees, or agents, of the Tribal Council, whether written, unwritten or established by tradition that are in effect and are in conflict with or inconsistent with the terms of this Resolution, are hereby to such extent repealed and annulled, and this Resolution shall supersede the same.

5. Miscellaneous. If any provision of this Resolution or the application of any provision of this Resolution is held to be invalid, the remainder of the Resolution shall not be affected with respect to the same. This Resolution shall become effective as of the date and time of its passage and approval by the Tribal Council.

CERTIFICATION

Voted on this 24th day of June, 2021, with a quorum present and voting 4 For 0 Against, and 0 Abstaining.


Rhonda L. Morningstar Pope-Flores
Tribal Council Chairwoman

6-24-21
Date


Jessalynn Pastran
Tribal Council Vice-Chairwoman

6-24-21
Date

Exhibit A
Agreement between the Tribe and Jack Duran to Serve as Tribal Court Judge