

PUEBLO OF SANTA ANA

PUEBLO OF SANTA ANA TRIBAL COUNCIL

RESOLUTION NO. 2022-R-14

Re: Amending Rule 3 of the Pueblo of Santa Ana Rules of the Tribal Court of Appeals to Authorize the Southwest Intertribal Court of Appeals to act as an alternate Court of Appeals

WHEREAS, the Pueblo of Santa Ana is a federally recognized Indian tribe governed under a traditional form of government, and possessing all the inherent sovereign powers of self-government; and

WHEREAS, the Tribal Council of the Pueblo is duly recognized decision and policy making body for the Pueblo; and

WHEREAS, the Tribal Council has established the Pueblo of Santa Ana Tribal Court of Appeals to hear appeals from the Pueblo of Santa Ana Contemporary Court, and through Resolution No. 2007-R-16, approved on May 24, 2007, adopted Rules of the Pueblo of Santa Ana Court of Appeals; and

WHEREAS, Rule 3 provides that the Court of Appeals shall be composed of a five-member panel appointed by the Tribal Council, or, at the Tribal Council's discretion, the Tribal Council sitting as a whole; and

WHEREAS, the Tribal Council has determined that on occasion it may wish to designate an alternate appellate court to hear appeals from the Contemporary Court; and

WHEREAS, the Southwest Intertribal Court of Appeals ("SWITCA") is an independent, voluntary court of appeals available to tribes located in Arizona, Colorado, New Mexico, and west Texas, at no cost to tribes; and

WHEREAS, the Tribal Council finds that it is in the best interests of the Pueblo to amend Rule 3 of the Rules of the Pueblo of Santa Ana Court of Appeals to authorize the Tribal Council to designate and refer appeals to SWITCA;

NOW THEREFORE BE IT RESOLVED, by the Pueblo of Santa Ana Tribal Council that Rule 3 of the Rules of the Pueblo of Santa Ana Court of Appeals should be, and hereby is, amended at subsection (c) by striking Rule 3(c) in its entirety and by substituting therefor the following:

In its discretion, the Tribal Council may choose to hear the appeal through the appellate panel, or as the Tribal Council sitting as a whole, or by designating the

Southwest Intertribal Court of Appeals (“SWITCA”) to act as the Court of Appeals and referring the appeal to SWITCA. Where the Tribal Council designates SWITCA to act as the Court of Appeals, the SWITCA Rules of Appellate Procedure may be used to supplement the Rules of the Pueblo of Santa Ana Court of Appeals, provided that in the event of any conflict between the two, the Rules of the Pueblo of Santa Ana Court of Appeals shall apply; and

BE IT FURTHER RESOLVED, that the Tribal Council hereby authorizes SWITCA to act as the Pueblo of Santa Ana Tribal Court of Appeals in accordance with the laws and procedures of the Pueblo of Santa Ana, including this Resolution, on an as-designated basis, and grants SWITCA full appellate jurisdiction with all authority as established by Resolution No. 07-R-16, as amended by this Resolution; and

BE IT FURTHER RESOLVED, that all decisions rendered by SWITCA, when acting as the Pueblo of Santa Ana Court of Appeals, shall be final, binding and enforceable; and

BE IT FURTHER RESOLVED, that the Pueblo of Santa Ana can withdraw this authorization at any time in the future by Resolution, provided that proper notice is given to SWITCA, and further provided that if there are appeals pending before SWITCA, the withdrawal as to those appeals will not be effective until those appeals are concluded; and

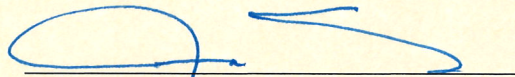
BE IT FURTHER RESOLVED, that the Pueblo of Santa Ana hereby authorizes SWITCA to publish the appellate decisions made when acting as the Pueblo of Santa Ana Court of Appeals in its regular report of case decisions that may be cited as authoritative precedent in any other case pending in the Pueblo of Santa Ana Contemporary Court or any appeal designated to SWITCA; and

BE IT FINALLY RESOLVED, that the Pueblo of Santa Ana hereby authorizes the Governor or his designee to do all things necessary to carry out the intent of this resolution.

CERTIFICATION

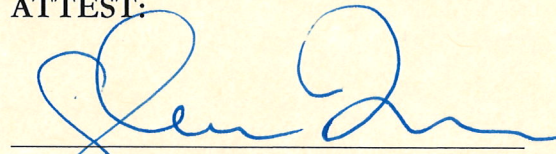
I, the undersigned, as Governor of the Pueblo of Santa Ana, hereby certify that the Pueblo of Santa Ana Tribal Council, at a duly called meeting was convened on the 7th day of June, 2022, at the Pueblo of Santa Ana, at which a quorum was present, approved the foregoing Resolution, and that 19 voted for and 0 were opposed.

GOVERNOR

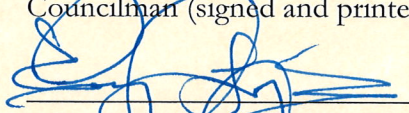


Joseph Sanchez

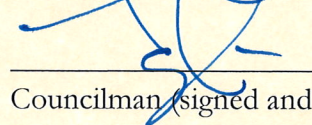
ATTEST:



Councilman (signed and printed name) *glenn Tenorio*



Councilman (signed and printed name) *Eugene Lujan*



Councilman (signed and printed name) *E. J. Lujan*