



AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL

REID D. MILANOVICH CHAIRMAN • CANDACE PATENCIO ANDERSON VICE CHAIRMAN
SAVANA R. SAUBEL SECRETARY-TREASURER • JOHN R. PRECKWINKLE III MEMBER • VIRGINIA SIVA-GILLESPIE MEMBER

ORDINANCE NO. 27-2025

**AN ORDINANCE OF THE AGUA CALIENTE BAND OF
CAHUILLA INDIANS DELETING EXISTING CHAPTER
2.60 AND ADDING A NEW CHAPTER 2.60 TO THE AGUA
CALIENTE TRIBAL CODE**

WHEREAS, the Agua Caliente Band of Cahuilla Indians (the “**Tribe**”) is a federally recognized Indian tribe governing itself according to the Constitution and By-Laws of the Agua Caliente Band of Cahuilla Indians adopted by the Tribe on June 28, 1955 (the “**Constitution**”); and

WHEREAS, the Tribe, acting by and through its duly elected Tribal Council and pursuant to Articles II and IV (a) of the Constitution, exercises inherent sovereign authority and jurisdiction over the territory within the exterior boundaries of the Agua Caliente Indian Reservation (the “**Reservation**”) and over other lands which may be added to the Reservation; and

WHEREAS, pursuant to Article V (a) and (b) of the Constitution, the Tribal Council, among other things, is empowered to administer the affairs and manage the business of the Band and to enact ordinances and resolutions pertaining to Tribal affairs and to take all proper means to enforce the same; and

WHEREAS, the Tribal Council desires to add the chapter noted above to the Agua Caliente Tribal Code.

NOW, THEREFORE, the Tribal Council of the Agua Caliente Band of Cahuilla Indians does hereby ordain as follows:

SECTION 1. All the recitals set forth above are true and correct, and the Tribal Council so finds and determines.

SECTION 2. Existing chapter 2.60 of the Agua Caliente Tribal Code is hereby deleted in its entirety.

SECTION 3. New chapter 2.60 is hereby added to the Agua Caliente Tribal Code to read as follows:



CHAPTER 2.60 JUDICIARY ORDINANCE

Sec. 2.60.010. Establishment.

- (a) *Title.* This chapter shall be officially known and cited as the "judiciary ordinance," an ordinance of the Agua Caliente Band of Cahuilla Indians, and any amendments thereto. References herein to this chapter shall be interpreted as referring to the judiciary ordinance.
- (b) *Authority.* The Tribal Council of the Agua Caliente Band of Cahuilla Indians is the legally recognized and elected governing body of the Agua Caliente Band of Cahuilla Indians, a federally recognized Indian tribe. This chapter is enacted under the inherent sovereign authority of the Tribe and pursuant to article II and article V (a), (b), (i), and (o) of the Constitution.
- (c) *Purpose.* The purpose of this chapter is to establish the Agua Caliente Band of Cahuilla Indians Tribal court; address its jurisdiction, powers, and personnel; protect and promote Tribal sovereignty, strengthen Tribal self-government, and provide for the Tribe's judicial needs; and to protect Tribal resources, and the rights of Tribal Members and all others within the Tribe's jurisdiction.
- (d) *Establishment.* There is hereby established the Agua Caliente Band of Cahuilla Indians Tribal Court referred to herein as "Tribal court." The Tribal court is hereby vested with the authority to interpret, construe, and apply the laws of the Tribe, as authorized by Tribal law through the formal actions of the Tribal Council. The Tribal court shall have a tax division, a general division, and any additional divisions established by the Tribal Council.
- (e) *Appropriations.* The Tribal Council may appropriate Tribal funds for the operation of the Tribal court as necessary, in addition to funding from filing fees, penalties and assessments for costs to persons before the Tribal court; from federal appropriations or grants; and from such other sources of revenue as the Tribal Council deems appropriate. The amounts to be appropriated shall be consistent with the needs of the Tribal court for the proper administration of justice as determined by the Tribal Council. The chief Tribal court judge shall annually submit a budget to the Tribal Council for review and approval.

Sec. 2.60.020. Definitions.

- (a) The following words, terms, and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the court administrator of the Tribal court.



Attorney means any person admitted to the bar of any state who is also in good standing with that state bar.

Business means all activities or acts, personal, corporate, or otherwise, to be engaged in with the object of profit, gain, benefit, or advantage, either directly or indirectly, wholly or in part, on Indian Lands.

Chief judge means the Tribal court judge appointed by Tribal Council to oversee the management and operation of the Tribal court and Tribal court staff.

Clerk means the clerk of the Tribal court.

Code of Conduct for Judicial Employees means the document containing the ethical canons that apply to judicial employees other than judges and provides guidance on their performance of official duties and engagement in a variety of outside activities.

Code of Ethics for Tribal Judges means the document establishing the standards which should govern the conduct of all judges, and which provides guidance to assist judges in establishing and maintaining high standards of judicial conduct.

Constitution means the Constitution and Bylaws of the Tribe as the same now exists or may be amended from time-to-time hereafter.

Federally recognized tribe means any recognized Indian tribe that is included in the list annually published in the Federal Register pursuant to the Federally Recognized Indian Tribe List Act of 1994, PL 103-454.

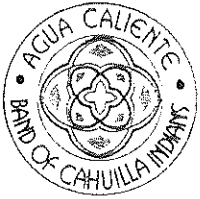
General Order means an administrative order issued by the chief judge that governs the operation, policies, rules, and procedures of the tribal court.

Including means including but not limited to.

Indian means (1) any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner (as of October 27, 2004) of a trust or restricted interest in land; (2) any person meeting the definition of "Indian" under the Indian Reorganization Act (25 U.S.C. 5129) and the regulations promulgated thereunder; and (3) with respect to the inheritance and ownership of trust or restricted land in the State of California pursuant to 25 U.S.C. § 2206, any person described in (1) or (2) or any person who owns a trust or restricted interest in a parcel of such land in that state.

Indian Lands means:

- (1) Real property within or beyond the exterior boundaries of the Agua Caliente Indian Reservation owned by any Member of the Tribe that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or
- (2) Real property within the exterior boundaries of the Agua Caliente Indian Reservation owned by a member of any other federally recognized Indian tribe that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or



- (3) Real property within or beyond the exterior boundaries of the Agua Caliente Indian Reservation owned by the Tribe that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or
- (4) Real property within the exterior boundaries of the Agua Caliente Indian Reservation owned by the Tribe in fee simple; or
- (5) Real property within the exterior boundaries of the Agua Caliente Indian Reservation subject to the civil or criminal jurisdiction of the Tribe.

Intangible personal property means a claim, interest (other than an interest in tangible personal property), right, or other thing that has value but cannot be seen, weighed, measured, felt, or touched, or is not otherwise perceptible to the senses, although its existence may be evidenced by a document. Intangible personal property includes a stock, bond, note or account receivable, franchise, license or permit, demand or time deposit, certificate of deposit, share account, share certificate account, share deposit account, insurance policy, annuity, pension, cause of action, contract, and goodwill.

Real property means the land, interests in the land, that which is affixed to the land, that which is incidental or appurtenant to the land, and that which is immovable by applicable law and includes, but is not limited to, all growing crops, mines, quarries, water, and minerals in and under the land and all rights and privileges pertaining thereto and improvements thereon, so long as not severed from the land.

Rules of court means rules adopted by the Tribal court to govern procedures in the Tribal court and to provide clear guidance to persons appearing in the Tribal court.

Tangible personal property means any property other than real property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. Tangible personal property shall not include intangible personal property.

Tribal Code means the Code of the Agua Caliente Band of Cahuilla Indians.

Tribal court means the Agua Caliente Band of Cahuilla Indians Tribal Court.

Tribal court judge means a judge of the Tribal court.

Tribal court staff means Tribal court judges, administrator(s), clerk(s), staff attorneys, IT staff, bailiff(s), and any other staff employed by the Tribal court.

Tribal law means the laws, ordinances, regulations, resolutions, customs, and traditions of the Tribe in existence at the time of approval of this chapter or as may be duly adopted at a later date.

Sec. 2.60.030. Jurisdiction and powers.

- (a) *Limited Jurisdiction.* The Tribal court is a court of limited jurisdiction and is therefore restricted to hearing and deciding cases that Tribal law authorizes the court to hear and decide, or cases that arise from contracts duly entered into by the Tribe with third parties wherein all parties have consented to the jurisdiction of the Tribal court.



- (b) *Divisions.* The Tribal court shall have two divisions. The tax division shall hear all tax-related matters and the general division shall hear all other matters. The Tribal court shall be presided over by a single chief judge.
- (c) *Civil jurisdiction.* The Tribal court may exercise the Tribe's territorial, personal, and subject matter jurisdiction to the fullest extent possible strictly as set forth in Tribal law. The civil jurisdiction of the Tribal court shall include:
 - (1) *Territorial jurisdiction.* The jurisdiction of the Tribal court shall extend to all Indian Lands and all other lands as provided for in other applicable law.
 - (2) *Personal jurisdiction.* The jurisdiction of the Tribal court shall extend to all persons to the fullest extent permitted by federal law, including but not limited to the following:
 - a. All persons whose conduct threatens or has some direct effect on the political integrity, the economic security, or the health and welfare of the Tribe, Tribal Members, and others residing on or visiting the Reservation;
 - b. All persons who consent, through conduct, commercial dealing, contract, or otherwise, to Tribal court jurisdiction; and
 - c. All persons residing on, doing business on, owning, or leasing real property, tangible personal property, or intangible personal property on, present on or voluntarily entering the Reservation shall be deemed to have impliedly consented to the jurisdiction of the Tribal court.
 - (3) *Long-arm jurisdiction.* Unless prohibited by federal statutory law, a person who is a nonmember of the Tribe residing outside of the Tribe's territorial jurisdiction and/or not present within such territory, submits to the jurisdiction of the Tribal court by doing any of the following acts:
 - a. Entering into a written and duly executed contract to which the Tribe is a party and in which all parties have consented to Tribal court jurisdiction;
 - b. Participating in any transaction or contract occurring in whole or in part on Indian Lands and conveying any interest in property located on Indian Lands;
 - b. Committing any tortious act within the Reservation or on Indian Lands;
 - c. Owning, using, possessing, or having an interest in any property, whether real property, tangible personal property, or intangible personal property, situated within Indian Lands;
 - d. Contracting to insure any person, real property, tangible personal property, intangible personal property, or risk located within the Reservation or on Indian Lands at the time of contracting;
 - e. Is the parent, custodian, or other person with a legal interest in an Indian child, as defined by 25 U.S.C. § 1903, subject to the jurisdiction of the Tribe; or
 - f. Accepting a privilege from the Tribe.



Where jurisdiction is based on an act listed in this section, the Tribal court may exercise personal jurisdiction over the person who does such act, directly or by an agent, as to any cause of action under Tribal law arising from such act. If an individual, the Tribal court's jurisdiction over the person also extends to his personal representative.

- (4) *Subject matter jurisdiction.* The Tribal court has subject matter jurisdiction over all civil cases or controversies in law or equity which Tribal law authorizes the Tribal court to hear.
- (c) *Concurrent jurisdiction.* The civil jurisdiction invoked by this chapter over any person, cause of action, property, or subject may be concurrent with any valid civil jurisdiction over the same of the courts of the United States, any state, or any political subdivision thereof; provided, however, this chapter does not recognize, grant, or cede civil jurisdiction to any other political or governmental entity in which jurisdiction does not otherwise exist in law. In the event of concurrent jurisdiction controversies, the Tribal court shall compel and hear sufficient evidence and legal arguments to make a prompt jurisdictional determination for each such controversy.
- (d) *Public Law 280.* The Tribe maintains the ability to exercise concurrent jurisdiction with the State of California and reserves the right to include criminal jurisdiction in the jurisdiction of the Tribal court in the future.
- (e) *Powers.* The Tribal court shall have all the powers necessary to exercise its limited jurisdiction solely in accordance with the procedures set forth in this chapter and other Tribal law. Specifically, the Tribal court:
- (1) Shall have the power to interpret and apply Tribal law;
 - (2) Shall have the power to take all necessary and proper actions to ensure that the intent of the Tribal Council is fulfilled, and that the jurisdiction of the Tribal court to interpret and apply that intent is preserved and protected; and
 - (3) Shall have the power to establish by rule Tribal court procedures for the operation of the Tribal court.
- (f) *Taxes.* In no event shall the Tribal court have the power or authority to declare any tax imposed pursuant to the Tribal Tax Ordinance unconstitutional or otherwise invalid; to declare any administrative regulation, section, provision, phrase, addition, word, sentence, or amendment of the Tribal Tax Ordinance unconstitutional or otherwise invalid; to alter any tax rate set by the Tribal Council; to enjoin the application or collection of any tax imposed pursuant to the Tribal Tax Ordinance; or to award or order the payment of damages or attorneys' fees to taxpayers. For legal action(s) that a taxpayer commences in accordance with the Tribal Tax Ordinance, the jurisdiction of the Tribal court is limited to action(s) for the recovery of the whole or any part of the taxes paid, with interest. Notwithstanding the foregoing, the Tribal court shall have the power and authority to enter a judgment for any and



all amounts owed the Tribe pursuant to the Tribal Tax Ordinance; to issue a writ of attachment; to issue a writ of execution; to issue a writ of garnishment; to issue a writ of seizure or sale; or to award, order, or issue any other civil remedy sought by the Tax Authority pursuant to the Tribal Tax Ordinance or other Tribal law.

- (g) *Tribal sovereign immunity.* The Tribal court shall have no jurisdiction over any suit brought against the Tribe, its officials, its entities, or employees, for any form of relief whether monetary or non-monetary, without the express written consent of the Tribe by virtue of a waiver, resolution, Tribal law, or contract entered into or approved by a Tribal official with the express written authorization to do so. Any such waiver shall be strictly limited to its terms and shall be read narrowly with any ambiguity construed in favor of preserving tribal sovereign immunity. No express waiver of sovereign immunity shall be deemed a consent to the levy of any judgment, lien, or attachment upon property of the Tribe or any agency, subdivision, or governmental or commercial entity of the Tribe other than property specifically pledged or assigned therein. Nothing in this chapter shall waive the sovereign immunity of the Tribe, Tribal Council members, Tribal employees, or any other Tribal entity responsible for implementation and enforcement of this chapter. Nothing in this chapter shall be construed as creating a private right of action.
- (h) *Independence of the Tribal court.* All judicial power shall be exercised by the Tribal court created herein, which shall be a separate branch of the government of the Tribe pursuant to Article V, Section (o) of the Constitution. No other branch of Tribal government shall modify a decision of the Tribal court or pass any law the purpose of which is to change the result in a case which is in process in the Tribal court. Another branch of Tribal government may pass a Tribal law to alter or eliminate the precedential impact of any Tribal court ruling.
- (i) *Adoption of court rules.* The Tribal court shall adopt, revise, and maintain rules of court to govern procedures in the Tribal court and to provide clear guidance to persons appearing in the Tribal court, necessary for the efficient operation of the Tribal court. The rules of court shall not conflict with Tribal law.
- (j) *Applicable law.* In all civil cases, unless otherwise agreed by the parties thereto pursuant to stipulation approved by the Tribal court or a valid written contract, the Tribal court shall apply Tribal law first, in the following order of precedence:
 - (1) The Constitution;
 - (2) The Tribal Code;
 - (3) The resolutions of Tribal Council;
 - (4) The written policies and guidelines of Tribal Council.

If there is no applicable Tribal law, the Tribal court shall apply federal law. If there is no relevant Tribal law or federal law to apply, the Tribal court may apply it as Tribal law, the law



from another tribe or the law of the State of California. In applying the laws of another jurisdiction, the Tribal court is not adopting said laws or carrying out a legislative function.

- (k) *Contempt of court.* Any party, person in the courtroom, or attorney who fails to maintain the respect due the Tribal court under all applicable rules of professional responsibility, who abuses or interferes with the process or proceedings of the Tribal court, who engages in offensive conduct in the courtroom, or who violates any order of the Tribal court may be held in contempt of court and subject to a sanction set by the Tribal court in an amount which shall be determined by the Tribal court judge in accordance with a schedule of fines set by the Tribal court and/or disbarment.
- (l) *Officers of the Tribal court.* Officers of the Tribal court shall include all Tribal court judges, clerks, attorneys admitted to practice before the Tribal court and other court personnel of the Tribal court, such as a bailiff and other security personnel as may be required.
- (m) *Records.* The Tribal court shall keep for its own information and for inspection by duly authorized and qualified officials, a record of all proceedings of the Tribal court, which record shall reflect the title of the case, the names of the parties, the substance of the complaint, the name and address of all witnesses, the date of the hearing or trial, by whom conducted, the findings of the Tribal court, and the judgment, together with any other facts or circumstances important to the case. Such records of all proceedings shall be kept at the Tribal court office. All records of the Tribal court shall be considered public records except as otherwise ordered by the Tribal court. Access to records shall be closely supervised by Tribal court personnel. No Tribal court records may be withdrawn from the custody of the clerk. The clerk shall maintain the security, integrity, and confidentiality of all Tribal court records.
- (n) *Finality.* All judgments of the Tribal court shall be final, and shall be in writing, signed by the Tribal court judge.

Sec. 2.60.040. Tribal court judges.

- (a) *Number of Tribal court judges.* The Tribal court shall consist of one chief judge and other Tribal court judges as appointed.
- (b) *Appointment.* All Tribal court judges shall be appointed by Tribal Council.
- (c) *Qualifications.* All Tribal court judges must pass a drug test and submit to a background investigation. No person shall be eligible to be appointed a Tribal court judge unless they:
 - (1) Are at least 35 years of age;
 - (2) Are of good moral character and integrity;
 - (3) Are a graduate of an accredited law school;
 - (4) Are currently admitted to practice and be in good standing in the courts of at least one state located within the courts of the United States Court of Appeals for the Ninth Circuit;



- (5) Have at least seven years of experience as an attorney with legal matters involving federal Indian law, tribes, and tribal members;
 - (6) Have never been convicted of an offense termed a felony by the laws of the State of California, United States, or a federally recognized tribe;
 - (7) Have not been convicted of a misdemeanor within the past ten years involving a crime of moral turpitude, by the laws of the State of California, United States, or a federally recognized tribe;
 - (8) Are capable of preparing papers and conducting hearings incident to the office of Tribal court judge;
 - (9) Have demonstrated knowledge of the laws of the Tribe and understanding of other appropriate federal and state laws, including federal Indian law;
 - (10) Are not a member of the Tribal Council;
 - (11) Maintain a permanent residence within 90 miles of the Agua Caliente Indian Reservation during their term of office; and
 - (12) Maintain the ability to be physically present at the Tribal court as their duties require.
- (d) *Term of office.* A Tribal court judge shall hold office for an initial probationary period of two years unless removed sooner for cause, or by reason of their resignation, death, or incapacitation. After the initial probationary period, a Tribal court judge shall be eligible for re-appointment at the discretion of Tribal Council. Each re-appointment term shall be for four years unless the Tribal court judge is removed sooner for cause, or by reason of their resignation, death, or incapacitation.
- (e) *Compensation for Tribal court judges.* The Tribal court judges shall be compensated at a rate and under such terms and conditions as the Tribal Council shall, from time to time, establish. No increase or decrease in compensation shall take effect during a Tribal court judge's two year initial probationary period or any four-year term of office.
- (f) *Duties.* Tribal court judges' duties shall include, but are not limited to:
- (1) Developing and adopting rules of court, not in conflict with Tribal law, for the efficient operation of the Tribal court;
 - (2) Maintaining a case management system consistent with best court practices;
 - (3) Hearing all matters delegated to the Tribal court by Tribal law and deciding all cases properly brought before the Tribal court;
 - (4) Entering all appropriate orders and judgments;
 - (5) Issuing all appropriate warrants and subpoenas;
 - (6) Holding court regularly at a designated time and place;
 - (7) Development and maintenance, with the assistance of the clerk, of a system for record keeping;



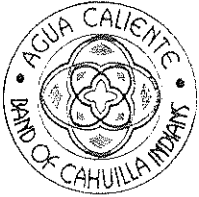
- (8) Maintenance of legal research resources;
 - (9) Preparation of the Tribal court's annual plan and budget for submission to the Tribal Council for approval and adoption;
 - (10) Reporting to the Tribal Council regarding current and anticipated caseloads, general conditions existing in the Tribal court, funding needs, and recommendations for improving operations; and
 - (11) Supervising and coordinating training of Tribal court staff; and
 - (12) Managing all facets of Tribal court business; and
 - (13) Managing interjurisdictional relationship-building and communication; and
 - (14) Being the public face of the Tribal court.
- (g) *General Orders*. The Chief Judge shall have the power to issue General Orders that govern the operation, policies, rules, and procedures of the tribal court, which do not conflict with Tribal law.
- (h) *Recusal*. A Tribal court judge shall recuse themselves in a proceeding in which their impartiality might reasonably be questioned, including incidents in which:
- (1) *Bias or prejudice*. The Tribal court judge has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts;
 - (2) *Conflict of interest*.
 - a. The Tribal court judge within the last two years served as an attorney, advocate, or personal representative (or in another fiduciary capacity) in the matter before the Tribal court, or a person with whom the Tribal court judge has been associated in a professional capacity served as an attorney, advocate, or personal representative (or in another fiduciary capacity) concerning the matter; or
 - b. The Tribal court judge or their spouse, or a person in a reasonably close family relationship to either of them, or the spouse of such a person:
 1. Is a party to the proceeding, or an officer, director, or trustee of a party; or
 2. Is acting as an attorney in the proceeding; or
 3. Is known by the Tribal court judge to have an interest, financial or otherwise, that could be substantially affected by the outcome of the proceeding; or
 4. Is to the Tribal court judge's knowledge likely to be a material witness in the proceeding.
 - (3) *Financial interest*. The Tribal court judge knows that s/he individually (or any member of the Tribal court judge's family who resides in their household) has a financial interest in the subject matter of the controversy or is a party to the proceeding or has any other interest that could be substantially affected by the proceedings.
- (i) *Removal of Tribal court judges*.
- (1) *Complaints*. To be considered complete for filing purposes, a complaint against a Tribal court judge must:



- a. Be made in writing,
- b. Be signed by the complainant,
- c. Include a statement of the nature of and basis for the claim,
- d. Include sufficient detail to discern the allegations in question,
- e. Include copies of all relevant documents, and
- f. Include a list of witnesses, if any.

A complete complaint may be filed with the clerk, who shall assign a docket number, and acknowledge receipt of the complaint. Upon filing of a complaint, the clerk shall immediately notify the Tribal Council.

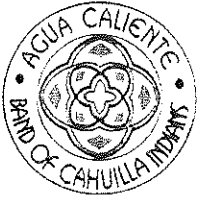
- (2) *Complaint process defined.* The "complaint process" for an individual complaint begins on the date the complaint is filed with the clerk. The complaint process ends on the date of the final decision of Tribal Council regarding good cause and removal.
- (3) *Tribal Council procedure.* A Tribal court judge may be removed from office for good cause upon a unanimous vote of all sitting Tribal Council members.
 - a. Within 14 days after the complaint is filed, as a threshold matter, Tribal Council shall review the complaint and make a preliminary determination regarding whether the complaint complies with the requirements of 2.60.040(i)(1) above. If a complaint does not comply with the requirements of 2.60.040(i)(1), Tribal Council shall reject the complaint and provide notice of such rejection to the complainant and the Tribal court judge within 14 days of their preliminary decision.
 - b. If Tribal Council makes a preliminary determination that the complaint complies with the requirements of 2.60.040(i)(1), then within 30 days of the preliminary determination Tribal Council shall provide both the Tribal court judge and the complainant, by personal service or certified mail, with a written statement setting out the alleged facts and reasons for removal, setting a hearing date within 30 days, and providing the option to be present and be represented by legal counsel at the hearing. All parties are responsible for their own attorney fees and costs.
 - c. Tribal Council hearing.
 1. Tribal Council must be present at the hearing and may be represented by legal counsel.
 2. The following parties shall have the option to be present at the hearing and the option to be represented by legal counsel:
 - A. The accused Tribal court judge;
 - B. The complainant.
 3. The hearing shall be closed to outside parties and shall be confidential.
 4. The accused Tribal court judge shall be given an adequate opportunity to answer any and all charges at the hearing.



- (6) *Good cause.* Causes deemed sufficient for removal shall directly relate to the performance of the duties of the Tribal court judge as set forth in this chapter, the Judicial Code of Conduct adopted by the Tribal court, and other applicable Tribal law or rules of court. Such causes may include but are not limited to excessive use of intoxicants or legal drugs, use of any illegal drug, conviction of any felony or other offense involving moral turpitude, disbarment from any state in which the Tribal court judge was licensed, use of official position for personal gain, or failure to perform judicial duties adequately in accordance with the terms of this chapter, or conduct reasonably likely to prejudice the administration of justice. No Tribal court judge shall be removed from office for exercising his/her discretion or for making a particular decision in a case.
- (7) *Finality.* The decision of the Tribal Council regarding the complaint shall be final.
- (8) *Disbarment.* Any Tribal court judge removed from office for good cause by Tribal Council pursuant to this chapter shall also be disbarred from the Tribal Bar.
- (9) *New appointment.* Upon the resignation, death, physical or mental incapacitation or removal of a Tribal court judge, the Tribal Council may appoint a new Tribal court judge.
- (j) *Outside activity.* A Tribal court judge shall not engage in outside activity which would be inconsistent with the Tribal court's status as an independent government branch. A Tribal court judge shall not be swayed by public criticism or clamor regarding their official actions. A Tribal court judge shall make no public comment on matters pending before the Tribal court except in the course of official proceedings.
- (k) *Immunity.* All Tribal court judges and Tribal court staff shall have judicial immunity from suit while acting in an official capacity within the course and scope of their Tribal authority and shall otherwise share in the sovereign immunity of the Tribe, as applicable.
- (l) *Judicial code of conduct.* Tribal court judges must adhere to the Tribal Judicial Code of Conduct.
- (m) *Oath of office.* Before taking office, and in the presence of the Tribal Council, all Tribal court judges shall be required to take an oath of office.

Sec. 2.60.050. Full faith and credit, and comity.

- (a) *Recognition of foreign judgment.* The Tribal court shall give full faith and credit to the orders and judgments of the courts of other tribes, states, and local governments unless:
 - (1) The court in question does not recognize the orders and judgments of the Tribal court;
 - (2) The court in question did not have jurisdiction over the case or a party or parties to it;
 - (3) The order or judgment was based on fraud;
 - (4) Giving full faith and credit to the judgment of the court in question would violate the public policy of the Tribe or would be likely to harm the culture, traditions, or



sovereignty of the Tribe (for example, judgments or orders issued against the Tribe or its officers); or

- (5) The order or judgment is on appeal or being contested in another jurisdiction. If full faith and credit is not extended, the Tribal court may recognize such orders and judgment under principles of comity.
- (b) *Full faith and credit of foreign child and spousal support orders.* Notwithstanding subsection (a), above, the Tribal court shall recognize child and spousal support orders issued by other tribes and states, in accordance with Chapter 2.36 and Chapter 2.40.
- (c) *Recognition of foreign court subpoenas.* The subpoenas of a foreign court or subpoenas recognized under foreign law may be recognized by the Tribal court and may have the same effect and are subject to the same procedures, defenses, and proceedings as subpoenas of the Tribal court. The person seeking to enforce a foreign court subpoena must obtain a Tribal court order recognizing and enforcing the subpoena.
- (d) *Enforcement of Tribal court orders by state courts.* Tribal court civil money judgments shall be subject to enforcement in California state courts pursuant to the Tribal Court Civil Money Judgment Act, CA Civ. Pro. Code §§ 1731—1742, or the Uniform Foreign-Country Money Judgments Recognition Act, as may be applicable. California law mandates full faith and credit for protective orders issued by Tribal courts in accordance with federal law requirements (see 18 U.S.C. § 2265; and California's Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (Fam. Code, §§ 6400—6409).) Under these laws, a protective order issued by a Tribal court is entitled to full faith and credit and enforcement and does not need to be registered in California. Tribal court orders related to unlawful detainer actions shall be subject to enforcement in California state courts.

SECTION 4. The Tribal Council hereby finds that the adoption of this Ordinance does not constitute a “Major Tribal Action” requiring the preparation of an environmental assessment or an environmental impact statement.

SECTION 5. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Tribal Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unlawful or unconstitutional.

SECTION 6. Nothing contained in this Ordinance is intended to, nor does in any way, limit, alter, restrict, or waive the Agua Caliente Band of Cahuilla Indians’ sovereign immunity.



SECTION 7. The Tribal Council expressly reserves the right to alter, amend, or repeal this Ordinance if it determines that such action is in the best interest of the Tribe.

SECTION 8. This Ordinance shall become effective immediately upon its adoption.

SECTION 9. Upon the effective date of this Ordinance, any and all prior inconsistent resolutions, policies, ordinances, and/or procedures of the Tribe that pertain to the subject matter hereof are hereby repealed, superseded, and/or amended to comply with this Ordinance.

BE IT ADOPTED AND ENACTED by the Tribal Council of the Agua Caliente Band of Cahuilla Indians, this 4th day of March, 2025.

Reid D. Milanovich, Chairman

Candace C. Patencio, Vice Chairman

Savana R. Saubel, Secretary-Treasurer

John R. Preckwinkle III, Member

Virginia Siva, Member

I, the undersigned, the Secretary-Treasurer of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of five members of whom 5, constituting a quorum, were present at a meeting whereof, duly called, noticed, convened and held on this 4th day of March, 2025; that the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of 4-0-0 and that said Ordinance has not been rescinded or amended in any way.

Savana R. Saubel, Secretary-Treasurer