



HABEMATOLEL POMO OF UPPER LAKE

TITLE 3. PUBLIC PEACE & SAFETY

CHAPTER 3.2. CIVIL CONDUCT ORDINANCE

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ARTICLE 1. TITLE

This chapter shall be titled the Habematolel Pomo of Upper Lake Civil Conduct Ordinance and may be cited as the HPUL Civil Conduct Ordinance. This chapter shall be codified as Chapter 2 of Title 3 of the Habematolel Pomo of Upper Lake Book of Codes.

ARTICLE 2. PURPOSE

As members of the Habematolel Pomo of Upper Lake, we consider it an honor to be members of this Tribe. We recognize that it is our responsibility and obligation to honor and respect the cultural values of our Tribe and the legacy left by our ancestors.

This Code of Conduct is one of the ways that we put the core values and mission of the Tribe into practice. It is built around the recognition that everything we do reflects on the Tribe, the legacy our ancestors have built and the hard work we engage in to continue and grow that legacy for the benefit of many generations to come.

The Tribe's primary purpose is to honor the legacy our ancestors left for us by protecting and promoting the overall wellbeing of our Tribal Members and our families, present and future. We also strive to make sure that whatever we do, it is done in a manner which respects the needs of both our neighbors and larger community. We want our collective community to be a better place for all who live here.

Respect for ourselves, each other, and our community is foundational to our success and is something we need to promote every day. To that end, the Habematolel Pomo of Upper Lake Executive Council finds that certain types of conduct by Persons within Tribal Lands, including guests to our businesses and offices, as well as certain conduct involving Enrolled Tribal Members endangers the health, safety, and welfare of Enrolled Tribal Members and may threaten the political, economic, cultural integrity and security of the Tribe. In short, much of this conduct threatens to destroy the legacy our ancestors have built. This Civil Conduct Ordinance (the "Ordinance") is one way in which we can hold ourselves and our guests to a high standard while protecting the integrity and security of the Tribe, Enrolled Tribal Members, our neighbors and our communities.

The purpose and intent of the Ordinance is not to classify crimes, criminalize conduct or silence government critics, but rather to create a regulatory framework for the enforcement of a code of conduct of all people who enter upon our Tribal Lands and a civil remedy following due process, as outlined in Section VI, when there are violations of the Ordinance that threaten our land, our people, our community and the legacy entrusted to us by our ancestors.

ARTICLE 3. JURISDICTION

As a sovereign nation, the Tribe has the inherent power to restrict access to Persons from its Tribal Lands, limited only to certain provisions of the Tribe's Constitution, and by various acts of Congress. Thus, the Tribe has the authority to define civil offenses and sanction violators as part

of its regulatory jurisdiction over the conduct of Persons and activities on the Tribal Lands. The Executive Council has authority to adopt the Ordinance pursuant to the Tribe's Constitution, including but not limited to Article II, Section 2 (Jurisdiction); Article X, Section 1, subsections A, G, M, N, and P (Powers); Article XIII, Section 2 (Ordinances),

The Tribal Court has the authority to review alleged infractions of the below-described civil offenses and act as described herein. In the absence of a Tribal Court, the Executive Council or its designee shall act in its place and fulfill all functions that the Tribal Court would otherwise fulfill if it existed.

ARTICLE 4. DEFINITIONS

SECTION 4.1. DEFINED TERMS

For purposes of this Chapter, the following terms shall have the meanings ascribed below:

- (A) **“Bodily Injury”** shall mean cut, abrasion, bruise, burn, physical pain, or causing illness, impairment of a function of a bodily part, organ or mental facility, or any other injury to the body, no matter how temporary or painful;
- (B) **“Chapter”** shall mean this Chapter X.X. Civil Conduct Ordinance;
- (C) **“Constitution”** shall mean the Constitution of the Habematolel Pomo of Upper Lake as adopted through Secretarial Election on May 12, 2004 and as amended on October 15, 2019 through another Secretarial Election and thereafter from time to time, as determined by the Tribe, through a Tribal Election;
- (D) **“Controlled Substance”** shall mean any drug regulated by a Federal, State or Tribal entity, and includes a drug or its immediate precursor classified in schedules I through V under the Federal Controlled Substances Act, 21 U.S.C. 811 to 812. For the purposes of this ordinance, alcohol is not a “Controlled Substance,” though marijuana and its derivatives are;
- (E) **“Damage”** shall mean loss, injury, or deterioration of Property causing it to decrease in strength, value, amount or quality;
- (F) **“Defamation”** shall mean the act of making untrue statements about another Person which damages his/her/its reputation. If the defamatory statement is printed or broadcast in any media it is libel and, if only oral, it is slander. Public figures, including officeholders and candidates, have to show that the defamation was made with malice;
- (G) **“Enrolled Tribal Member”** shall mean a Person who is enrolled as a member of the Tribe;
- (H) **“Executive Council”** shall mean the governing body of the Habematolel Pomo of Upper Lake;

- (I) **“Intentionally”** or **“With Intent”** shall mean that a Person acts with a conscious objective to cause the result or to engage in the conduct described;
- (J) **“Knowingly”** or **“With Knowledge”** shall mean that a Person acts with an awareness that the conduct of the Person is of a nature that will cause the result described;
- (K) **“Malice”** shall mean the intent, without lawful justification or reason, to commit a wrongful act that will result in harm to another;
- (L) **“Negligence”** or **“Negligent”** shall mean that a Person fails to be aware of a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to be aware of it constitutes a deviation from the standard of care that a reasonable Person would observe in the situation;
- (M) **“Non-Member”** shall mean a Person who is not enrolled as a member of the Habematolel Pomo of Upper Lake;
- (N) **“Owner”** shall mean a Person holding title to real or personal property. In the case of real property, Owner shall include a lessee or assignee of property under an assignment or valid lease from the Tribe or the Owner;
- (O) **“Person”** shall mean any individual, firm, corporation, public or private entity. A Person can be either an Enrolled Tribal Member or a Non-Member, and generally means both;
- (P) **“Private Property”** shall mean any property owned in fee by an Enrolled Tribal Member and any individual land where title is held in the name of the United States in trust for an Enrolled Tribal Member (allotments);
- (Q) **“Property”** shall mean: (1) Real property such as land or structures or buildings affixed to land and includes both Tribal and Private Property; and (2) personal property which is anything tangible or that can be severed from real property, whether owned by the Tribe or any Person, including but not limited to tangible/material items (e.g., electronics, vehicles, papers, etc.) and money;
- (R) **“Recklessly”** shall mean a Person who acts carelessly, heedlessly, or is inattentive to the circumstances surrounding him, her or it;
- (S) **“Reservation”** shall mean all lands within in the exterior boundaries of the Habematolel Pomo of Upper Lake Reservation located in Lake County, California and all land owned by the Tribe both fee and non-fee land and lands held in trust for individuals and considered “Indian lands” under federal, state or tribal law;
- (T) **“Serious Bodily Injury”** shall mean Bodily Injury which involves a substantial risk of death, extreme physical pain or disfigurement, or an extended loss or impairment of the function of a bodily part, organ or mental facility;

- (U) **“Tribal Court”** shall mean the Habematolel Pomo of Upper Lake Tribal Court established pursuant to the Tribal Constitution. If a Tribal Court is not in operation, the Executive Council or their designee shall operate at the Tribal Court;
- (V) **“Tribal Gathering”** shall mean any gathering of two or more Enrolled Tribal Members for any lawful purpose at any location;
- (W) **“Tribal Government Lands”** shall mean all lands within the exterior boundaries of the lands held in trust by the United States for the Tribe, as well as all lands owned in fee by the Tribe and all lands claimed by the Tribe to which the Tribe may establish title, either presently or at some point in the future upon acquisition by the Tribe;
- (X) **“Tribal Lands”** shall mean both Private Property and the Tribal Government Lands, as defined above;
- (Y) **“Tribal Member”** shall mean an enrolled member of the Habematolel Pomo of Upper Lake;
- (Z) **“Tribe”** shall mean the Habematolel Pomo of Upper Lake, a federally-recognized Indian tribe, or an authorized official or agency thereof;
- (AA) **“Weapon”** shall mean any firearm or other device, material or substance, whether animate or inanimate, which in the manner it is used or intended to be used is known to be capable of producing Bodily Injury or Serious Bodily Injury.

ARTICLE 5. CIVIL OFFENSES/PROHIBITED CONDUCT

SECTION 5.1. CIVIL OFFENSES GENERALLY

There are no criminal offenses established under this Ordinance. The following shall be civil offenses, and therefore prohibited conduct, punishable through the imposition of fines, and any other civil penalty or order of the Tribal Court.

It is within the authority of the Executive Council to also request criminal prosecution of any of these offenses with the local law enforcement. Pursuit of a civil charge/remedy does not preclude criminal charges/remedies by those agencies with that authority.

SECTION 5.2. ATTEMPT

In addition to the civil offenses listed in Article 5, a Person commits the offense of “attempt” when the Person intentionally engages in conduct which constitutes a substantial step toward commission of a civil offense listed in Article 5 or indicates an intent to commit a civil offense listed in Article 5.

SECTION 5.3. DISORDERLY CONDUCT

A Person commits the offense of Disorderly Conduct if, with intent to cause another Person inconvenience, annoyance or alarm, or recklessly creating risk of the same, the Person:

- (A) Engages in fighting or in violent, tumultuous or threatening behavior;
- (B) Creates a nuisance by any excessive noise or other behavior, or allows or permits the creation of a nuisance on his or her Property, except for sanctioned cultural events;
- (C) Makes, aids, give countenance to or assists in making any improper noise or disturbance which is unreasonably loud, raucous or a nuisance to persons within the area of audibility. This shall include loud barking, howling or yelping of a dog or playing or use of any electronic sound producing devices;
- (D) Disturbs any lawful assembly of Persons without lawful authority;
- (E) Loiter, sit, walk or stand upon Tribal Land, when such conduct impedes or tends to impede the passage of pedestrians or vehicles and/or when the person has been ordered to move on by the Public Safety Officer;
- (F) Congregates with other Persons on Tribal Lands and refuses to comply with a lawful order to disperse;
- (G) Creates a hazardous or physically offensive condition by any act which the Person is not licensed or privileged to do;
- (H) Displays a Weapon in a manner calculated to alarm another Person;
- (I) Possesses, delivers, sells, uses or manufactures a Controlled Substance on Property or Tribal Lands that he or she has no right to occupy;
- (J) Uses abusive, indecent, profane, or vulgar language on Property, Private Property, Tribal Government Property, Tribal Lands, at a Tribal Gathering, or in any electronic media (e.g., Facebook, Twitter, e-mail, and other social media), and the language by its very utterance tends to incite a breach of the peace in the context of the words stated, the manner in which they are stated, the context and location in which they are stated and other relevant factors.
- (K) For the sake of clarity, the expression of sincerely held beliefs and convictions, including political beliefs and convictions, including beliefs that criticize the actions and decisions of government leaders and officials, shall be permitted, provided it does not rise to the level of Disorderly Conduct. For example, stating a political belief, even if it is critical of the Executive Council or another part of Tribal Government and even if it is stated with passion is not prohibited by this Ordinance. What is prohibited is engaging in such conduct while, for example, displaying a weapon or blocking access to roads, buildings, or other areas on

Tribal Lands. Similarly, expressing such beliefs while using abusive or offensive language is not a violation of this Ordinance, unless that language is a call to violent actions.

SECTION 5.4 MISCHIEF

A Person commits the offense of Mischief if, with the intent to cause a substantial inconvenience to the owner or to another Person, and having no right to do so nor reasonable ground to believe that the Person has such right, the Person tampers or interferes with Property of another.

SECTION 5.5. HARASSMENT

A Person commits the offense of Harassment if the Person Intentionally annoys another Person by:

- (A) Subjecting another Person to offensive physical contact;
- (B) Subjecting another Person to Defamatory speech in any context, including but not limited to posting on social network sites, e-mails, or statements at a Tribal Gathering, workplace, or non-public setting;
- (C) Publicly insulting another Person by abusive words or gestures in a manner intended and likely to provoke a violent response or disruption, whether the conduct at issue is live and in the presence of other Persons or it is through published media, (e.g., any electronic or other media such as newsletters, letters, Facebook, Twitter, e-mail, and other social media);
- (D) Subjecting another Person to written or verbal threats to inflict Bodily Injury or Serious Bodily Injury on that Person or his, her, its guest, relative or associate, or to commit a crime (under any applicable Federal, State, Tribal or other law) involving that other Person or any member of that Person's family, which threat would reasonably be expected to cause concern;
- (E) Subjecting another Person to alarm or distress via telephonic or electronic means, including but not limited to posting on social network sites or text messages. For the sake of clarity, requiring an individual to comply with Tribal program rules, Tribal procedures, employment policies or job duties shall not constitute harassment unless, in engaging in such accountability measures, the Person engages in some other conduct prohibited by this Ordinance;
- (F) For the sake of clarity, the expression of sincerely held beliefs and convictions, including political beliefs and convictions, shall be permitted, provided it does not rise to the level of Harassment. For example, stating a political belief, even if it is critical of the Executive Council or another part of Tribal Government and even if it is stated with passion is not prohibited by this Ordinance. What is prohibited is engaging in such conduct while, for example, using words that are intended and likely to provoke a violent response, or while using allegations that are Defamatory, as defined in this Ordinance. Similarly, expressing such beliefs while using threats of Bodily Injury or Serious Bodily Injury is a violation.

SECTION 5.6. TRESPASS

A Person commits the offense of Trespass if he or she enters or remains unlawfully in or upon Property or Tribal Lands. To “enter or remain unlawfully” means:

- (A) To enter or remain in or upon a premise when the premises, at the time of such entry or remaining, are not open to the public or when the entrant is not otherwise licensed or permitted to do so by the lawful occupant (e.g., a tenant), Owner or Tribe;
- (B) To fail to leave premises, whether private or public, after being lawfully directed to do so by law enforcement, the Tribe, a lawful occupant, or the Owner;
- (C) To fail to leave any Property, including a residence, when requested to do so by the Owner or tenant/lessee of the premises; or
- (D) To enter Tribal Lands in violation of an exclusion order issued by the Tribal Court or another court or agency of competent jurisdiction.

SECTION 5.7. ASSAULT OR AGGRAVATED ASSAULT

- (A) A Person commits Assault if he, she, or it:
 - (1) Knowingly or purposely causes Bodily Injury to another;
 - (2) Negligently causes Bodily Injury to another with a Weapon;
 - (3) Knowingly or purposely makes physical contact of an insulting or provoking nature with an individual;
 - (4) Knowingly or purposely causes reasonable fear of Bodily Injury in another; or
 - (5) Aids, assists, commands, or encourages another Person to commit any of the above actions.
- (B) A Person commits Aggravated Assault if he, she, or it Knowingly or purposely causes:
 - (1) Serious Bodily Injury to another Person;
 - (2) Bodily Injury to another Person with a Weapon;
 - (3) Reasonable fear of Serious Bodily Injury in another Person by use of a Weapon;
 - (4) Bodily Injury to Tribal officials, Tribal employees, Tribal representatives/agents, or law enforcement officers lawfully discharging an official duty; or
 - (5) Aid, assists, commands or encourages another Person to commit any of the actions in Section IV(A)(2)(a-d).

SECTION 5.8. POSSESSION, SALE, DELIVERY, OR MANUFACTURING OF CONTROLLED SUBSTANCES

A Person commits the offense of Possession, Sale, Delivery or Manufacturing of Controlled Substances if he, she or it possesses, sells, delivers or manufactures a Controlled Substance, unless

such substance: (i) was obtained pursuant to a prescription form issued for that Person and by a licensed professional authorized to issue such prescription; and (ii) the Person is using the substance in the manner and form as prescribed.

SECTION 5.9. NUISANCE

A Person commits the offense of Nuisance if he or she creates or fails to remove any condition related to any other Person or thing wholly or partially on his or her own Property which interferes with the right of other Persons to enjoy their Property or Tribal Lands or is likely to compromise the safety of any other Person.

SECTION 5.10. PUBLIC INTOXICATION

A Person commits the offense of public intoxication if he or she appears in a public place (i.e., outside of his or her own residence or another's residence, in a location that is not Private Property and is generally open to the public or a limited group of the public), under the influence of alcohol or any Controlled Substance, and is: (1) intoxicated to a degree that he or she endangers him or herself to another Person or Property; (2) by boisterous or offensive conduct, annoying another Person in his or her vicinity in that public place; or (3) is using, in a public place, alcohol or any Controlled Substance, specifically including but not limited to marijuana (whether recreational or medical), in a manner that violates or is inconsistent with applicable state law use parameters and restrictions. A Person may commit the offense of Public Intoxication by being under the influence of alcohol or any Controlled Substance, including but not limited to marijuana, prescription drugs, over the counter medications, or even aerosol sprays.

SECTION 5.11. VANDALISM

A Person commits the offense of vandalism if he, she, or it destroys, defaces or removes (without authorization of the owner) any Property (other than that Person's own Property), whether the destruction or defacement of that property is done Intentionally, Knowingly, Maliciously, or Negligently.

SECTION 5.12. DISHONESTY

A Person commits the offense of Dishonesty when he, she or it Knowingly, Intentionally, or Maliciously engages in any act that: (a) involves any lying, deception, misrepresentation, fraud, misuse of materials or information that he or she has access to (whether that access is illegitimate or legitimate), or omission of material facts or information; (b) intentionally releases confidential information of the Tribe or its entities; and (c) actually causes Damage, in any amount or form, to the Property of another, provided that such Person engaged in such act without any privilege, right or obligation to do so under applicable law.

ARTICLE 6. PENALTIES

It is within the Tribal Court's authority to impose any civil penalty in addition to a fine, including but not limited to orders to pay restitution, community service, orders of eviction, restricted access

to Tribal meetings and gatherings (temporary and permanent), and restricted access from all Tribal Lands as appropriate and subject to legally protected rights.

Generally, fines shall follow the graduated matrix below. However, the Tribal Court shall have the right to impose any fine, up to \$2,500, deemed reasonable under the particular circumstances of the offense.

Offense	Fine Amount
1 st Offense	\$500
2 nd Offense	\$1,000
3 rd Offense	\$2,000
4 th Offense and Beyond	\$5,000

It is also within the authority of the Tribal Court to attach Property of a Person, (i.e., designate specific property owned by the debtor to be transferred or sold to pay the restitution or penalty), cited with a civil offense until such time as a judgment arising from the offense is fully satisfied.

Furthermore, it is within the authority of the Tribal Court to order payment of monetary restitution or penalty through the garnishment or using funds that are otherwise payable to the cited Person by or through the Tribe, including but not limited to RSTF payments, “per capita” payments and any Tribal General Welfare Program-related payment.

**ARTICLE 7. CITATION, STATUTE OF LIMITATIONS, RESPONSE,
AND ENFORCEMENT**

SECTION 7.1. ISSUANCE OF CITATION

The Tribal Administrator or Public Safety Officer shall have the authority to issue citations for violations of this Ordinance, on the official form established for that purpose, when it has reasonable cause to believe a violation has been committed by the person cited. Prior to issuance of the citation, the Tribal Administrator or Public Safety Officer shall inform the Executive Council in writing of its intention to issue a citation. The Executive Council does not need to approve the citation but shall have the power to override the issuance of the citation within 24 hours of the time of notice. A vote to override a citation must be approved by a super-majority vote of at least 75% of those participating in the vote. To the greatest extent practicable, if the citation at issue involves an individual Executive Council Member or a member of his or her immediate family, that Executive Council Member shall abstain from any action involving that citation. For the sake of clarity, if a citation involves an underlying action that involves a majority of the Executive Council (e.g., Defamatory statements about 4 (or more) of the Executive Council members), then it is not practicable for those Executive Council members to abstain, and they shall be permitted to participate in overriding the issuance of that citation. Any citation shall be issued no later than one (1) year from when the violation is discovered by the Tribal Administrator or Public Safety Officer, absent exceptional circumstances.

- (A) The entity issuing any citation under this Ordinance bears the burden of proving the violation to the Tribal Court.
- (B) The evidentiary standard shall be “Preponderance of Evidence.”
- (C) This Preponderance of Evidence standard is met when the party with the burden provides evidence establishing that there is more than a 50% chance that the matter at issue is as that party claim, based on all the evidence introduced. Another way to think of the Preponderance of Evidence standard is to simply ask whether the party’s proposition is more likely to be true than not true. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence (i.e., quality outweighs quantity). Thus, one clearly knowledgeable witness may provide a preponderance of evidence over a dozen witnesses with hazy testimony.

SECTION 7.2. CITATION CONTENTS

The citation shall include the following statements:

- (A) The violation is an offense for which imprisonment is not an available sanction under Tribal Law;
- (B) The specific subsection of the Ordinance that was violated along with a statement briefly describing the conduct of the Person giving rise to the violation;
- (C) The penalty imposed for the violation, whether monetary or otherwise;
- (D) Information about how the Person may contest the citation;
- (E) The requirement that the Person respond to the citation within 30 days from the date of personal service of the citation or 60 days from the date of service by mail, by either paying the penalty or challenging the citation in Tribal Court by using the official form established for that purpose; and
- (F) The fact that failure to respond to the citation (i.e., pay or challenge) or failure to appear at a related noticed hearing will result in default judgment against the Person in the amount of the citation plus additional sanctions as may be appropriate.

SECTION 7.3. SERVICE OF THE CITATION

- (A) The Citation shall be served on the Person violating this Ordinance in the following manner:
 - (1) Personal service; or
 - (2) Mailing the citation by certified or registered mail, return receipt requested or other such means requiring signature of receipt (e.g., FedEx) addressed to the Person at

his, her or its mailing address if known, or other such place which is believed to give the Person actual notice of the citation.

- (B) Service is deemed effective on the date of the personal service or when the certified mail is either delivered or delivery is attempted. If the certified mail receipt is returned unsigned, then service shall be deemed effective on the date three days following deposit in the mail.

SECTION 7.4. RESPONSE, HEARING AND DECISION PROCEDURES

- (A) As noted above, a Person receiving a citation must respond to it within specific timeframes by either paying the penalty or challenging the citation in Tribal Court by using the official form approved for that purpose.
 - (1) If the Person has no objection to the citation, they may simply indicate that on the form, pay any penalty and return it to the Tribal Court within the time stated above.
 - (2) If the Person contests the citation (either issuance of the citation and/or the penalty), they must indicate that on the form, provide a written statement of the basis for their objection to the citation, and provide a copy of any documentation or other evidence that they wish for the Tribal Court to consider, and they must file these materials with the Tribal Court and serve them on the Executive Council, within the time stated above, by certified or registered mail, return receipt requested or other such means requiring signature of receipt (e.g., FedEx) addressed to Tribal Administration Office.
- (B) In the event that the Person contests the citation and provides the required supporting information, the Tribal Court will review the submitted materials and other relevant evidence.
 - (1) The Tribal Court may, in its sole discretion, conduct a hearing on the matter in order to obtain additional evidence related to resolution of the matter.
 - (2) To the extent there is any hearing, it will be conducted pursuant to the Tribal Court rules of procedure and, unless those rules establish otherwise, will be held upon the service of at least 30 calendar days' advance written notice.
- (C) In the event that the Person does not respond to the citation within the required timeframes, the Tribal Court shall enter a default judgment against the Person in the amount of the citation and no hearing shall be held.
- (D) The Tribal Court will issue a written decision on the matter.
 - (1) The decision will state the basis, any penalty or other sanction, and related terms (e.g., timing of payment, manner, etc.).
 - (2) The Tribal Court will issue this decision within 45 calendar days following filing of the materials by the Person contesting the citation or the conclusion of any hearing on the matter, whichever is later.

- (E) Failure to appear at a related noticed hearing will result in a default judgment against the Person in the amount of the citation plus additional sanctions.
- (F) To the extent any hearing on any citation is required, the Tribal Court has exclusive jurisdiction. In the absence of a Tribal Court, the Executive Council shall act in its place and fulfill all functions that the Tribal Court would otherwise fulfill if it existed.

SECTION 7.5. ENFORCEMENT

- (A) Once notice of the citation has been provided to the Person, he, she or it has responded, and a decision has been finalized and issued by the Tribal Court as described above, the citation is fully enforceable.
- (B) As stated above, the Tribal Court may order payment of monetary restitution or penalty through the garnishment or use of funds that are otherwise payable to the cited Person by or through the Tribe, including but not limited to RSTF payments, “per capita” payments and any Tribal General Welfare Program-related payment.
- (C) If necessary, the Tribe will also enter this citation and any related Tribal Court orders with non-Tribal agencies who shall enforce the terms.

ARTICLE 8. OTHER PROVISIONS

SECTION 8.1. SOVEREIGN IMMUNITY

Nothing in the provisions of this Chapter constitutes consent by the Habematolel Pomo of Upper Lake or its sub-organizations to be sued in any court. Neither this Title nor any action (or inaction) taken by the Habematolel Pomo of Upper Lake or its sub-organizations pursuant to this Title represents a waiver of the Tribe’s sovereign immunity for any purpose.

SECTION 8.2. AMENDMENTS

This Chapter, or any section herein, may be amended by a majority vote of the Executive Council.

SECTION 8.3. SEVERABILITY

If any part of this Chapter is found void and without legal effect, the remainder of the Chapter shall continue to remain in full force and effect, as though such part had not been contained therein.

SECTION 8.4. EFFECTIVE DATE

This Chapter shall take effect on the date it is approved by the Executive Council.

CERTIFICATION

As a duly elected official of the Habematolel Pomo of Upper Lake, I do hereby certify that, at a meeting duly called, noticed, and convened on the 9th day of December 2022, at which time a quorum of 6 was present, this Chapter 2. Civil Conduct Ordinance was duly adopted by a vote of 5 FOR, 0 AGAINST, 1 ABSTAINED, and said Chapter has not been rescinded or amended in any form.

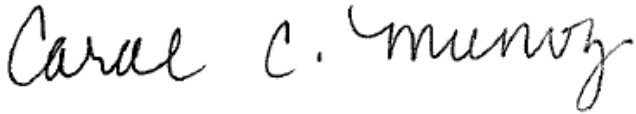


Executive Council Chairperson

12/14/2022

Date

ATTEST:



Executive Council Secretary

12/14/2022

Date