

## RESOLUTION



*RES. NO. GR10-JUVCURFEW-52*

### **RE: ADOPTION OF JUVENILE CURFEW ORDINANCE**

**WHEREAS**, the inherent sovereign powers of the Soboba Band of Luiseño Indians (the "Tribe") include the power to exercise civil and criminal jurisdiction within the boundaries of the Soboba Reservation and other lands of the Tribe; and

**WHEREAS**, the Tribal Constitution of the Soboba Band of Luiseño Indians provides, in pertinent part, that the jurisdiction of the Tribe extends to all land within the boundaries of the Reservation; and

**WHEREAS**, the Tribal Constitution further provides that the General Council, as the governing body of the Tribe, has among its enumerated powers, the power to "establish its own rules of procedure for the conduct of its affairs..." [Sec. 4.A.(6)]; and

**WHEREAS**, the Tribal Constitution further provides that the General Council, may "by appropriate statute or resolution delegate to the Tribal Council...any of [its enumerated] powers and duties." [Sec. 4.A.(6)]; and

**WHEREAS**, the General Council is aware that unsupervised juveniles on the Reservation, particularly during the night-time hours, have been (i) disturbing the peace, and (ii) engaging in criminal and other dangerous activity; and

**WHEREAS**, the General Council believes that the health, safety and welfare of our youth is at risk due to lack of parental supervision; and

**WHEREAS**, the General Council believes that it is of paramount importance that the General Council take all appropriate action to preserve the peace and to protect the health, safety and welfare of Tribal members and others residing on the Reservation, and to ensure that juveniles are properly supervised; and

**WHEREAS**, the General Council believes that the adoption and enforcement of a juvenile curfew ordinance in the form of the Curfew Ordinance attached hereto as Exhibit A (the "Curfew Ordinance") will help to alleviate crime on the Reservation, will preserve the peace, and will protect juveniles by ensuring that their parents and guardians assume responsibility for their children and wards, especially during the night-time hours.

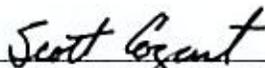
**NOW, THEREFORE, BE IT RESOLVED** that the General Council adopts the Curfew Ordinance attached hereto and delegates to the Tribal Council the power and authority to take such further action as may be necessary to ensure that the Curfew Ordinance is implemented and enforced.

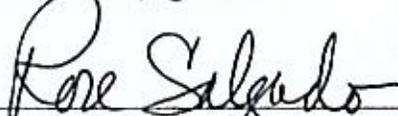
**BE IT FURTHER RESOLVED** that the effective date of the Curfew Ordinance shall be the date of this Resolution, however, the Tribal Council and the Tribal Enforcement Department shall begin to fully enforce the Curfew Ordinance not later than November 9, 2010, thus giving them adequate time to establish appropriate procedures and methods of enforcement.

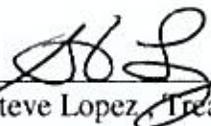
**BE IT FURTHER RESOLVED** that the Tribal Council, working in concert with the Tribal Enforcement Department, shall develop and adopt such regulations and procedures (the "Regulations") as necessary to fully implement and enforce the Curfew Ordinance, and such Regulations shall be adopted by Resolution of the Tribal Council, with no further action required by the General Council.

### CERTIFICATION

We, the elected members of the Soboba Tribal Council of the Soboba Band of Luiseño Indians do hereby certify that the foregoing Resolution was adopted by the Soboba General Council at a duly held meeting convened October 9, 2010 on the Soboba Indian Reservation by a Vote of 16 FOR, 3 AGAINST, 3 ABSTAINING, and such a Resolution has not been rescinded or amended in any way.

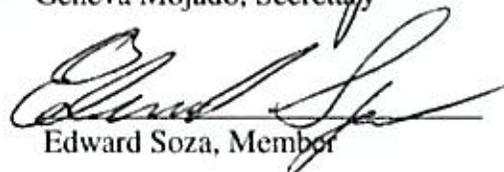
  
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Scott Cozart, Chairman

  
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Rose Salgado, Vice-Chairperson

  
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Steve Lopez, Treasurer



  
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Geneva Mojado, Secretary

  
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Edward Soza, Member

SOBOBA BAND OF LUISEÑO INDIANS

ORDINANCE NO. GC10-01

CURFEW ORDINANCE



The Soboba Band of Luiseño Indians has adopted, by action of the General Council, the following:

**Section 1. Definitions**

The following words shall have the following definitions:

A. "Enforcement Official" means a Tribal Enforcement Department Officer, a Tribal Council member and any other person(s) designated by the Tribal Council.

B. "Juvenile" or "minor" is any person under the age of eighteen (18).

C. "Parent" is any natural or adopted parent, any person having legal custody of a juvenile, or an adult who has assumed responsible custody and control of said juvenile.

D. "Remain" means to stay behind, to tarry and to stay unnecessarily, or to operate any automobile, motorcycle, recreation or utility vehicle, upon the streets, alleys, rights-of-way, trails, public grounds or facilities, or similar places on the Reservation.

E. "Knowingly" shall be defined as knowledge which a parent should reasonably be expected to have concerning the whereabouts of a juvenile.

F. "Reservation" means all lands within the exterior boundaries of the Soboba Reservation and all other Tribal lands.

**Section 2. Curfew for juveniles**

It shall be unlawful for any juvenile to be or remain in or upon the streets, alleys, rights-of-way, trails, public grounds or facilities, or similar places within the Reservation at night during the period ending at 5:00 a.m. and beginning at 11:59 p.m. on Friday night and Saturday night and at 11:00 p.m. on all other nights, except as provided in this Ordinance.

**Section 3. Exemptions to curfew restrictions**

A. When accompanied by parent of such juvenile; when accompanied by a person over the age of twenty-one authorized by a parent.

B. When juvenile is within the property where such juvenile resides, or on the property of a neighbor who is not communicating an objection to Enforcement Officials.

C. When returning home, by a direct route from (and within one hour after the termination of) a school, an activity sponsored by the Tribe, a cultural event or activity, or an activity sponsored by a religious or other association, or place of employment.

**Section 4. Parental responsibility**

It shall be unlawful for a parent after receiving a written warning notice pursuant to Section 5 of this Ordinance to knowingly permit a juvenile to remain upon any streets, alleys, rights-of-way, trails, public grounds or facilities, or similar place within the Reservation, under circumstances not constituting an exception to, or otherwise beyond the scope of, this Ordinance.

**Section 5. Enforcement procedure**

If an Enforcement Official reasonably believes that a juvenile is in violation of this Curfew Ordinance, the Enforcement Official shall notify the juvenile that he or she is in violation of this Ordinance and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parent. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate, driver's license or permit, an Enforcement Official shall use his/her best judgment in determining age. If the Enforcement Official determines that a person is in violation of this Curfew Ordinance, he or she shall take the juvenile to the designated holding facility (or retain the juvenile in the Tribal Enforcement vehicle), and shall immediately notify the parent to come for the juvenile. Upon arrival, the parent shall be questioned and a written warning notice shall be issued to the juvenile and to the parent or parents, with a copy to the Soboba Department of Social Services. However, this does not preclude an Enforcement Official, using his or her discretion, from transporting said juvenile to his or her home.

**Section 6. Violation by parent**

The parent(s) of the juvenile shall have violated this Ordinance if, within twelve (12) months after receipt of a written warning notice pursuant to Section 5, a second curfew violation against the same juvenile is issued.

**Section 7. Penalty for violation**

Upon conviction for a violation of this Ordinance, punishment shall be a fine of five hundred dollars (\$500.00), as imposed by the Tribal Council, pursuant to the Tribal Council's authority to impose monetary penalties. For each additional conviction occurring within any twelve (12) month period, an additional penalty of one hundred dollars (\$100.00) shall be added to the base fine of five hundred dollars (\$500.00).

**Section 8. Parents required to pick up juvenile**

A. No parent(s) of a person under the age of eighteen (18), who is being held by an Enforcement Official for violating curfew, shall fail or refuse to pick up said juvenile within a reasonable time upon being notified by an Enforcement Official of said curfew violation. For purposes of this section, the term "reasonable time" shall be forty-five (45) minutes.

B. For purposes of this section, "parent" is any natural or adopted parent, any person having legal custody of a juvenile and any person having actual, temporary custody of and responsibility for a juvenile.

C. Penalty. Upon a determination of any violation of this section, punishment shall be a fine of two hundred dollars (\$200.00) imposed by the Tribal Council, pursuant to the Tribal Council's authority to impose monetary penalties.