

SOBOBA BAND OF LUISEÑO INDIANS

P.O. BOX 487, SAN JACINTO, CA 92581

RES. NO. GR09-DATCSRPCD-10

RE: RESOLUTION CONFIRMING DELEGATION OF AUTHORITY TO TRIBAL COUNCIL TO SUSPEND OR REVOKE PER CAPITA DISTRIBUTIONS PURSUANT TO GR96-GRO-05

WHEREAS, the General Council of the Soboba Band of Luiseño Indians has enacted "Allocation of Net Gaming Revenue Ordinance GR96-GRO-05 on February 10, 1996 for the purpose of authorizing and allocating the Soboba Band's Net Gaming Revenues for various purposes as authorized by the Indian Gaming Regulatory Act, 25 U.S.C. §2701, *et seq.*, including *per capita* distribution of a portion of the Soboba Band's Net Gaming Revenues to eligible tribal members;

WHEREAS, Art. IV, Sec. 1 of Ordinance GR96-GRO-05 provides in relevant part that,

Every living person who is an enrolled member of the Soboba Band of [Mission] Indians and who has attained the age of eighteen on or before the date of the Per Capita Distribution is eligible to receive a full Per Capita Payment unless:

(a) that person was found by the Tribal Council or the Band or by a court to be guilty of or liable for any offense against or relating to the Gaming Enterprise or the Soboba Band involving theft, conversion, embezzlement, or extortion. Such a person forfeits his or her right to and [*sic*] Per Capita Payment until full restitution is made;

(1) the parent or legal guardian of a minor child shall be held responsible for any damages said child commits and shall not be eligible to receive any per capita payment until full restitution is made;

(b) that person has endangered the health or safety of Tribal Members or reservation residents and the Soboba Band has for that reason voted to suspend the per capita payments to that individual.

and

WHEREAS, the Soboba General Council has determined that the health, safety and welfare of the Reservation community would be enhanced by formalizing the General Council's previous consensus delegation to the Soboba Tribal Council of full authority to act on behalf of the Soboba Band in implementing and enforcing both subsections (a) and (b) of Article IV, Section 1 of Ordinance GR96-GRO-05, and prescribing the range of sanctions that the Tribal Council is authorized to impose in implementing and enforcing subsections (a) and (b) of Article IV, Section 1 of Ordinance GR96-GRO-05, with the Tribal Council being granted the discretion

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to weigh the seriousness and extent of damage resulting from any conduct warranting suspension or forfeiture of *per capita* payments,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Soboba General Council hereby delegates to the Soboba Tribal Council full authority and discretion to act on behalf of the Soboba Band in implementing and enforcing Article IV of Ordinance GR96-GRO-05 consistent with the standards set forth in this Resolution and procedures reviewed by the General Council;

2. In implementing and enforcing Article IV of Ordinance GR96-GRO-05, the Tribal Council shall impose the following sanctions:

a. First violation: Meeting with Tribal Council and a written warning of the potential consequences of any subsequent violation;

b. Second violation: Meeting with Tribal Council and suspension of all or part of the member's *per capita* payments for up to four consecutive months;

c. Third violation: Meeting with Tribal Council and suspension of all or part of the member's *per capita* payments for up to eight consecutive months;

d. Fourth violation: Meeting with Tribal Council and suspension of all or part of the member's *per capita* payments for up to twelve consecutive months;

e. Any additional violations: Meeting with Tribal Council and up to lifetime suspension of all or part of the member's *per capita* payments;

f. Notwithstanding (a)-(e) above, the Tribal Council may suspend all or part of a member's *per capita* payments for as long as necessary to obtain full restitution for any damages that the Tribal Council determines, after due notice and hearing, were inflicted by the violator upon the Soboba Band, its Gaming Enterprise or any individual;

g. Notwithstanding (a)-(e) above, if the Tribal Council determines, after due notice and hearing, that an individual has caused serious bodily harm to another person or has caused serious damage or economic harm to a tribal business or real or personal property on the Reservation without lawful justification, the Tribal Council shall have the discretion to impose up to the maximum suspension of *per capita* payments to the violator whether or not the violator has committed the number of violations otherwise necessary for the imposition of such suspension.

h. If a member determined to have committed an act warranting suspension of *per capita* payments does not commit another sanctionable act within one year after commission of the original act upon which suspension of the member's eligibility for *per capita* payments was based, the original act will be expunged from the member's record.

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3. The Soboba Tribal Council hereby is delegated full authority to promulgate such rules and regulations, including substantive standards by which to evaluate whether a violation has occurred, and procedural rules consistent with the Soboba Constitution and the Indian Civil Rights Act to safeguard the rights of persons alleged to have committed violations that would warrant suspension of *per capita* payments, as it may deem necessary and appropriate to implement and enforce this Resolution. The Tribal Council's rules and regulations shall be subject to review by the General Council, and thereafter shall be effective unless and until rejected by an affirmative vote of the General Council.

4. The Tribal Council's decision to suspend an individual's *per capita* payments for up to eight months shall be final and not subject to appeal; a decision to suspend an individual's *per capita* payments for eight months or more may be appealed to the Soboba General Council, or if there is a functioning tribal court, to the Soboba Tribal Court, but the decision shall not be stayed pending the outcome of an appeal. In the event that the suspension is overturned on appeal, the per capita payments that have been withheld shall be released to the member.

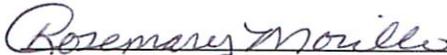
5. While an individual's *per capita* payments are suspended, after the expiration of the time to appeal or unsuccessful exhaustion of appeal rights, those funds shall be applied first to making restitution to the injured entity or person(s); any funds remaining after full restitution has been made shall be added to the amounts available for *per capita* payments to the rest of the members of the Soboba Band, and shall not thereafter be recouped by the person whose payments were suspended.

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 Membership at a duly held meeting convened on the Soboba Indian Reservation on April 2, 2009 by a Vote of 38 FOR, 1 AGAINST, 8 ABSTAINING, and such a Resolution has not been rescinded or amended in any way.



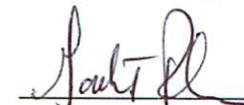
Robert J. Salgado Sr., Chairman



Rosemary Morillo, Vice Chair



Rose Salgado, Secretary



Gordon Placencia, Treasurer





Steve Lopez, Member