SHINGLE SPRINGS BAND OF MIWOK INDIANS
Shingle Springs Rancheria, (Verona) Tract, California
5281 Honpie Road, Placerville CA 95667
P.O. Box 1340, Shingle Springs CA 95682
(530) 387-4971 office; (530) 387-8068 fax

RESOLUTION 2014-37

SUBJECT: APPROVAL OF FIREARMS ORDINANCE.

WHEREAS, the Shingle Springs Band of Miwok Indians (the "Tribe") is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

WHEREAS, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, Article VI, Section (a) grants the Tribal Council the power to enact laws for the welfare, health, and safety of the members of the Tribe; and

WHEREAS, on September 20, 1990, the Tribal Council approved the Firearm Ordinance, which has since been reauthorized on March 19, 2009, to adopt regulations for the control and use of firearms, BB guns, air guns, cannons, firecrackers, fireworks, and explosives on the Shingle Springs Rancheria; and

WHEREAS, on October 25, 1997, the Tribal Council amended the Firearm Ordinance with Resolution 97-29 with the explicit instruction that there shall be no discharge of firearms within the exterior boundaries of the Shingle Springs Rancheria except for the protection of life, limb, or property; and

WHEREAS, such an amendment is evidenced in a memorandum to all Rancheria residents from the Chairman, Nicholas H. Fonseca, on January 31, 2001; and

WHERAS, the Tribal Council desired to amend the Firearm Ordinance to specifically allow for discharge of firearms on the Rancheria at a shooting range approved by Tribal Council; and

WHEREAS, the Tribal Council also included Sections 7-10 reflecting the current practices related to severability, sovereign immunity, amendments and effective date.

WHEREAS, the Tribal Council has reviewed the changes and accepts them as the policy of the Tribe.

NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby enacts and adopts the attached amended "Firearms Ordinance," as an Ordinance of the Tribe, and authorizes the Chairman or his designee to execute any and all documents and agreements necessary as may be

required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

CERTIFICATION

*As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 22nd day of April 2014 at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 7 FOR, **0** AGAINST, **0** ABSTAINED, and said resolution has not been rescinded or amended in any form.*

Chairperson — *April 22, 2014* *Date*

ATTEST:

Secretary — *April 22, 2014* *Date*

SHINGLE SPRINGS BAND OF MIWOK INDIANS
Shingle Springs Band of Miwok Indians,
Shingle Springs Rancheria
(Verona Tract), California
5281 Honpie Road, Placerville, CA 95667
P.O. Box 1340; Shingle Springs, CA 95682
(530) 676-8010 Office; (530)676-8033 Fax

FIREARM ORDINANCE

SUBJECT: Adopting regulations for the control and use of Firearms, BB Guns, Air Guns, Cannons, Firecrackers, State Approved Fireworks, and Explosives on the Shingle Springs Rancheria.

WHEREAS, The Shingle Springs Rancheria Tribal Council, on June 19, 1979, by formal Resolution did adopt the Articles of Association for the management of all Tribal affairs.

WHEREAS, Article VI, Section (a) grants the power to the Tribal Council to enact laws for the welfare, health and safety of the members of the Shingle Springs Rancheria.

NOW, THEREFORE, BE IT KNOWN that the Tribal Council of the Shingle Springs Rancheria does ordain as follows:

SECTION 1. PURPOSE

It is the purpose of this Ordinance to provide proper control and use of firearms within the exterior boundaries of the Shingle Springs Rancheria.

SECTION 2. FIREARMS

Firearms shall be used in a manner that is deemed by the Shingle Springs Rancheria Tribal Council to be safe and not cause harm to other residents of the Rancheria. Any person that discharges a firearm indiscriminately shall be responsible for property damage and personal injury.

SECTION 3. DISCHARGE OF FIREARMS

The Tribal Council has determined that there shall be no discharge of firearms on the Shingle Springs Rancheria except at a shooting range approved by the Tribal Council or for the protection of life, limb or property.

SECTION 4. BB GUNS, PELLET GUNS, AIR GUNS

These types of guns shall be used in a manner that is deemed by the Shingle Springs Rancheria Tribal Council to be safe and not cause harm to other residents of the Shingle Springs Rancheria or surrounding residential areas. The discharge of these guns by minor children shall be supervised by an adult.

Any BB Gun, Pellet Gun, or Air Gun that is discharged in a manner that is unsafe shall be deemed to be in violation of this Section. Any person that discharges a firearm indiscriminately shall be responsible for property damage and personal injury.

SECTION 5. CANNONS, FIRECRACKERS AND EXPLOSIVES

Every person who discharges a cannon, firecracker or explosive within the exterior boundaries of the Rancheria shall be guilty of a misdemeanor and subject to a fine not less than on hundred dollars ($100.00).

This section does include fireworks that are State of California approved for use on the 4th of July and New Year's Eve.

SECTION 6. FAILURE TO PAY

Failure to pay for personal injury and/or property damage shall constitute proceedings with the County of Criminal Enforcement. This authority is based on Public Law 83-280 passed in 1953, allowing the State of California Criminal and Civil Jurisdiction in Indian Country.

SECTION 7. SEVERABILITY

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

SECTION 8. SOVEREIGN IMMUNITY

The sovereign immunity of the Tribe is in no manner waived by this Ordinance or by action by the Tribal Council, or other staff of the Tribe acting pursuant to this Ordinance.

SECTION 9. AMENDMENTS

This Ordinance may be amended by the Tribal Council at any duly called regular or special meeting.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective upon adoption by the Tribal Council of the Shingle Springs Band of Miwok Indians.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a Tribal Council meeting duly called, noticed, and convened on the 22nd day April, 2014 at which time a quorum of 7 was present and the above code was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said ordinance has not been rescinded or amended in any form.

Tribal Chairperson

April 22, 2014
Date

ATTEST:

Tribal Secretary

April 22, 2014
Date