



SHINGLE SPRINGS BAND OF MIWOK INDIANS TRIBAL COURT
P.O. Box 531, Shingle Springs, CA 95682

TO ALL PATRONS OF THE TRIBAL COURT. NO.: AO-2020-04

**ADMINISTRATIVE ORDER RE:
PROCESSING TRIBAL CITATIONS BY
DEFAULT FOR INFRACTIONS NOT
REQUIRING A HEARING**

As of Sept 17, 2020

SUBJECT: PROCESSING TRIBAL CITATIONS BY DEFAULT FOR INFRACTIONS NOT REQUIRING A HEARING WHEN A PAYMENT IS RECEIVED BY THE TRIBAL COURT OR THE CITED PERSON FAILS TO RESPOND TO THE CITATION.

FINDINGS:

The Shingle Springs Band of Miwok Indians Tribe (“Tribe”), by virtue of inherent sovereign authority, has the power and the right to protect the health, safety, and welfare of all Tribal members and other individuals or property on the Tribe’s territory. Pursuant to the Tribe’s Governance Code, Title 1, Article 1, it is the policy of the Tribe to enhance the quality of life on the Shingle Springs Rancheria and strengthen its self-governance by, among other means, maintaining the peace and providing for the fair and prompt disposition of civil violations on the Reservation.

To assist with the prompt disposition of such matters the governing body of the Tribe, the Tribal Council, has delegated certain jurisdiction to the Tribal Court. Pursuant to Tribe’s Peace and Protection Code, Title 7, Article 1, the Tribal Court system retains the inherent ability to hear civil cases and assess damages and penalties and is limited only by the Tribe’s Articles of Association and applicable federal law.

As part of this power the Tribal Court has the duty to establish a uniform procedure for reaching a final disposition in citation cases involving citations that do not require an automatic hearing.

The Shingle Springs Band of Miwok Indians Peace and Protection Code, Title 10 states that:

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“Upon the case being filed, Respondent will have twenty (20) days to respond to the petition or pay the fine, otherwise the Court will issue a default judgment. If Respondent submits a Response, the Court Clerk will schedule a hearing. If the Respondent does not submit a Response but the violation requires a hearing as outlined in Title 11 of this Code, then the Court Clerk will schedule a hearing.”

Further, the Clerk of the Tribal Court has the duty to receive and process payments of fines and facilitate the process of adding them into the Tribe’s General Fund. Peace and Protection Code, Title 9, Article 2, Section 2(B).

This Administrative Order is issued in accordance with the administrative authority vested to the Chief Judge of the Tribal Court pursuant to Shingle Springs Band of Miwok Indians Governance Code, Title 10, Article 4, Section 7(A), (B), (G) and (H) and the Tribal Court Rules of Court, Rule 1.1.

ORDERS:

Clerk of the Tribal Court shall have the administrative duty to accept payments, issue a Notice of Citation Discharge and close the matter for citations that do not automatically require a hearing including sole trespass and speeding infractions.

1. Receipt of Payment. Upon receipt of payment in full for a civil citation that does not automatically require a hearing under the law, issued by the Tribe, the Clerk of the Court shall document and process payment using the established internal system.
2. Issuance Notice. The Clerk of the Court shall issue a *Notice of Citation Discharge* for those who pay the full citation amount. Such Notice shall contain an alert to parties that no Court hearing shall be held on the matter. The Notice shall also indicate that payment in full has been received and accepted for the stated amount of the citation and that the matter is closed. The Clerk of the Court shall sign the Notice and its accompanying certificate of service as proof of notification to the parties.
3. Judge Authorization is not necessary. No prior authorization is needed from a Tribal Court Judge for the Clerk of the Court to accept payment and close a case.
4. Periodic Review of the Notice Form. The Notice form shall be reviewed from time to time and updated accordingly by the Court.

Clerk of the Tribal Court shall have the administrative ability to close cases by automatic default judgment upon Respondent’s failure to act within the specified timeframe.

1. Default Judgment. The Clerk of the Court shall issue default judgments on behalf of the Court as an administrative matter where after 20 days from receiving a citation a Respondent fails to pay or fails to contact the Court to request a contested hearing.

This Administrative Order shall not affect the Respondent’s ability to request a hearing if they wish to contest their citation.

Information Assistance:

Members of the public, parties, attorneys/advocates, court patrons and tribal members having questions about this order or about their pending cases and payment can contact the Court Clerk, Chatira Gallegos, by email at cgallegos@ssband.org or by telephone (530) 698-1446. The Tribal Court Director, Sonia Montero, may be contacted by email at smontero@ssband.org or by telephone (530) 698-1449.

IT IS SO ORDERED.

Signed September 17, 2020

CHRISTINE WILLIAMS, CHIEF JUDGE