

## **Yurok Tribal Code, Government**

*Pursuant to its authority under Article IV, Section 5 of the Yurok Constitution, as certified on November 24, 1993, the Yurok Tribal Council hereby enacts the following ordinance to establish a public hearing process that ensures adequate input by interested Tribal members and informed consideration by Council of the best interests of the Tribe and its members prior to adopting legislative acts:*

### **YUROK TRIBE PUBLIC HEARING ORDINANCE**

#### **SECTION 5001. Name**

This ordinance shall be referred to as the “Yurok Tribe Public Hearing Ordinance.”

#### **SECTION 5002. Purpose**

The purpose of this ordinance is to set forth a systematic public hearing process for Council and its entities and programs governing enactment of legislation, rules, regulations, and ordinances on behalf of the Tribe in order to establish a check and balance system for the Council and its entities and programs and to facilitate adequate input from Tribal membership and, where appropriate, the general reservation community regarding proposed actions of the Council in a manner that permits fair consideration of the concerns of the membership and the community.

#### **SECTION 5003. Definitions**

(a) “Constitution” means the Constitution of the Yurok Tribe, as ratified on November 19, 1993.

(b) “Council” means the Yurok Tribal Council.

(c) “Legislative act” means legislation, rules, regulations, or ordinances as provided in Article IV, Section 5 of the Constitution, but excluding actions to provide a limited waiver of sovereign immunity in accordance with requirements of the Supreme Ordinance.

(d) “Policy” means the general principles guiding the Yurok Tribe in management of public affairs. Policy is binding on Tribal entities and staff but does not bind the public.

(e) “Tribe” means the Yurok Tribe acting through Council and its authorized entities and programs.

#### **SECTION 5004. Policy Action**

Council by resolution may adopt new policy or revise, amend, modify or repeal existing policy at the same meeting during which such policy action was introduced.

## **SECTION 5005. Introduction and Adoption of a Legislative Act**

(a) Council may introduce and adopt a legislative act by the reading of the title only. A revision, amendment, modification, or repeal of an existing legislative act shall be referenced by the title of the legislative act and by the number and title of the section or subsection, if any, to be changed.

(b) Except for an emergency legislative act, Council shall not adopt a legislative act at the same meeting at which the legislative act was introduced or prior to a public hearing on the legislative act.

## **SECTION 5006. Notice and Publication**

(a) Notice of a public hearing regarding a legislative act shall be posted in the Klamath, Weitchpec, and Eureka Tribal offices, on the Tribal website, to a Tribal electronic social media site, sent by first class mail to all Yurok households, and provided in any other manner deemed appropriate by the Council.

(b) Notice shall be provided no less than 10 calendar days prior to the hearing date and shall include the following:

1. The date, time and location of the hearing;
2. The location where copies of the legislative act and copies of an ordinance or code referenced in that legislative act, if any, being considered for adoption may be obtained or are available for public inspection;
3. A description sufficient to give notice to interested persons of the purpose and subject matter of the legislative act; and
4. An address at which written comment may be submitted and the last date on which written comment will be accepted.

(c) Notice shall be deemed received and effective on the third business day after mailing to Yurok households.

(d) A copy of the complete legislative act shall be provided on the Tribal website no less than 10 days prior to the hearing date.

## **SECTION 5007. Public Hearing**

(a) A public hearing for each legislative act shall not be held more than 180 days from the last date the legislative act was set for action.

(b) A public hearing for each proposed legislative act shall be held in Klamath, Weitchpec, and Eureka, California. Additional hearings may be held in other locations, including Crescent City, California.

(c) The public hearing shall take place on the date, time and place indicated in the notice of public hearing.

(d) A copy of the legislative act shall be available for public inspection at the hearing.

(e) Those making public comment shall state their name for the record and be limited to such speaking time as Council shall from time to time designate.

#### **SECTION 5008. Council Action**

(a) After a public hearing, Council may amend, adopt or reject the legislative act.

(b) If Council does not take final action, it shall set a later date on which to take final action, provided, that the date set is no more than sixty (60) days from the last date set for action.

(c) Council shall not finalize a legislative act if the date for final action is more than one year from the date of the last public hearing on the legislative act.

#### **SECTION 5009. Emergency Legislative Act**

(a) Whenever Council determines that there is an immediate threat to the public health, safety or welfare of Tribal members or to the Tribe, its resources or assets, Council may introduce and adopt an emergency legislative act at the same meeting if the following conditions are met:

1. Council introduces and adopts the emergency legislative act by the same method provided for an ordinary legislative act;

2. The emergency legislative act contains a statement of the reasons for its urgency; and

3. The emergency legislative act is available to the public.

(b) No such emergency legislative act shall remain in effect for a period longer than 60 days. Council may renew the emergency legislative act if Council expressly finds that the emergency situation necessitates an additional period not to exceed 60 days.

(c) This emergency section is intended to be used only when adherence to the other requirements of this ordinance would result in significant injury to the interests of the Tribe or its members and shall not be used to frustrate the general purposes of this ordinance.

#### **SECTION 5010. Effective Date**

A legislative act may be effective upon adoption by the Council and certification by the Tribal Chairperson and Secretary.

#### **SECTION 5011. Repeal of Prior Public Hearing Ordinance**

The Yurok Tribe Public Hearing Ordinance previously enacted by the Tribal Council on June 26, 2013, is hereby repealed. If the provisions of this ordinance conflict with the provisions of any other previously enacted ordinance, the provisions of this ordinance shall control.

**SECTION 5012. Judicial Review**

The Yurok Tribal Court shall have authority to issue declaratory judgments regarding a violation of this ordinance. Any action taken by Council that is not substantially in compliance with this ordinance shall be declared null and void.

**SECTION 5013. Sovereign Immunity**

Except as judicial review is authorized in this ordinance, and in accordance with the Yurok Tribe's Supreme Ordinance, nothing in this ordinance shall be interpreted as a waiver of the Tribe's sovereign immunity from unconsented lawsuit, or as authorization for a claim for monetary damages against the Tribe.

**SECTION 5014. Severability**

If any part of this ordinance is held to be invalid, it is the intent of Council that the remainder shall continue to be in full force and effect to the maximum extent possible.

**C\*E\*R\*T\*I\*F\*I\*C\*A\*T\*I\*O\*N**

THE FOREGOING ORDINANCE, ENTITLED THE YUROK TRIBE PUBLIC HEARING ORDINANCE, WAS PASSED AT A REGULARLY SCHEDULED MEETING OF THE YUROK TRIBAL COUNCIL ON JANUARY 21, 2015, AT WHICH A QUORUM WAS PRESENT, AND THIS ORDINANCE WAS ADOPTED BY A VOTE OF 7 FOR, 0 OPPOSED, AND 0 ABSTENTIONS IN ACCORDANCE WITH ARTICLE V, SECTION 5(j) OF THE CONSTITUTION OF THE YUROK TRIBE.

**DATED THIS 21st DAY OF JANUARY 2015**



Thomas P. O'Rourke, Sr., Chairperson *1/28/15*  
Yurok Tribal Council

**ATTEST:**



Mindy Natt, Secretary  
Yurok Tribal Council