

# *Pyramid Lake Paiute Tribal Council*

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**RESOLUTION NO.: PL 024-19**

## **RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA**

**WHEREAS,** the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs; and possesses attributes of sovereignty over both the members and territory.

**WHEREAS,** the Pyramid Lake Paiute Tribe, pursuant to Article VI, Section 1 of the Constitution and By-laws of the Pyramid Lake Paiute Tribe, authorized the Pyramid Lake Tribal Council to act on behalf of the Pyramid Lake Tribe, and to promulgate ordinances to safeguard the peace and safety of residents of the Reservation and to establish courts for the adjudication of claims and disputes; and

**WHEREAS:** pursuant to these powers, the Tribal Council has created a Law & Order Code and other laws and ordinances to govern the conduct of people within the Tribe's Reservation; and

**WHEREAS:** the Tribal Council has recognized the importance of reviewing and updating the Law and Order Code to ensure the Code meets the Tribe's needs and best serves to protect the interests of the Tribe, its members and persons living and working on Tribal lands; and

**WHEREAS:** to meet this goal, the Tribe's Law and Order Committee has recommended that the Tribal Council add a provision to Section 3.03.308 of the Law and Order Code addressing the enforcement of arbitration clauses in contracts; and

**WHEREAS:** the revised version of Section 3.03.308 was posted for at least thirty days to allow for public comment, one comment was considered by the Law and Order Committee and the Committee submitted its recommendation to the Tribal Council;

**NOW, THEREFORE BE IT RESOLVED,** that the Pyramid Lake Paiute Tribal Council hereby accepts the recommendation of the Law and Order Committee and hereby adopts the proposed amendment to Section 3.03.308 of the Law and Order Code to add subsection b, so that Section 3.03.308 will state in its entirety:

3.03.308 LEGAL PROCESS FROM OTHER JURISDICTIONS;  
ARBITRATION

a) All civil action writs and legal processes issued by state, county, and municipal courts for persons or property within the boundaries of the Pyramid Lake Indian Reservation shall be presented to the Pyramid Lake Tribal Court for a determination of validity. All such legal writs and processes determined to be valid shall be ordered served by a tribal law enforcement officer. Such service shall not amount to personal service for purposes of state, county, or municipal court jurisdiction, as the reservation is outside of such court's jurisdiction, but is merely the way substituted service shall be affected within the reservation

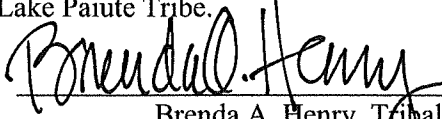
b) Arbitration. An agreement in any written contract or other instrument to settle by arbitration any controversy arising out of such contract or other instrument shall be valid and enforceable in the Pyramid Lake Tribal Court. Any party to such contract or other instrument may make application to the Court for an order to enforce any contract or other written agreement to arbitrate, to compel arbitration pursuant to such contract or agreement, and to enforce any award made by an arbitrator or panel of arbitrators pursuant to such contract or agreement, including, but not limited to, any award of legal or equitable relief. In any proceeding in the Court relating to a contract or agreement to arbitrate that includes a choice of law provision, the Court shall apply the substantive law of the jurisdiction selected in such choice of law provision. The Court's jurisdiction under this paragraph includes, but is not limited to, contracts or written agreements to which the Pyramid Lake Paiute Tribe, any subdivision, instrumentality, agency or enterprise of the Tribe is a party.

**BE IT FURTHER RESOLVED**, the Tribal Chairman or designee is hereby authorized to effectuate any and all administrative actions necessary for implementation of this resolution.

**BE IT FINALLY RESOLVED**, nothing in this resolution shall be construed as a waiver of the Sovereign immunity of the Pyramid Lake Paiute Tribe.

**CERTIFICATION**

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom ten (10) constituting a quorum were present at a meeting duly held on the 1<sup>st</sup> day of March, 2019 was adopted by the affirmative vote of eight (8) FOR and zero (0) AGAINST, with one (1) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.

  
Brenda A. Henry, Tribal Secretary  
PYRAMID LAKE PAIUTE TRIBAL COUNCIL

## EXHIBIT C

### PYRAMID LAKE PAIUTE TRIBAL LAW AND ORDER CODE AMENDMENT

Section 3.03.308      Legal Process from other Jurisdictions

b)      Arbitration

An agreement in any written contract or other instrument to settle by arbitration any controversy arising out of such contract or other instrument shall be valid and enforceable in the Pyramid Lake Tribal Court. Any party to such contract or other instrument may make application to the Court for an order to enforce any contract or other written agreement to arbitrate, to compel arbitration pursuant to such contract or agreement, and to enforce any award made by an arbitrator or panel of arbitrators pursuant to such contract or agreement, including, but not limited to, any award of legal or equitable relief. In any proceeding in the Court relating to a contract or agreement to arbitrate that includes a choice of law provision, the Court shall apply the substantive law of the jurisdiction selected in such choice of law provision. The Court's jurisdiction under this paragraph includes, but is not limited to, contracts or written agreements to which the Pyramid Lake Paiute Tribe, any subdivision, instrumentality, agency or enterprise of the Tribe is a party.