

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council has enacted 159 Ordinances; and

WHEREAS, the Tribal Council has reviewed and enacted five of the proposed revised tribal codes; specifically:

1. the Domestic Code
2. the Education Code
3. the Game and Fish Code
4. the Government Code
5. the Judicial Code

and

WHEREAS, there remains approximately 69 active ordinances that have not been incorporated into the approved codes; and

WHEREAS, the Legal Department has advised the Tribal Council of the difficulties in identifying and accessing the current tribal law due to the partial enactment of the revised code and the uncodified ordinances; and

WHEREAS, the Legal Department has codified the remaining 69 ordinances into the following titles:

1. Business Code
2. Criminal Code
3. Health and Safety Code
4. Housing and Construction Code
5. Juvenile Code
6. Labor Code
7. Land Code
8. Livestock Code
9. Probate Code
10. Tax Code

and

WHEREAS, the Tribal Council has been advised that the ordinance codification is not revised law and does not preempt the revised tribal code but merely provides for a temporary uniform systemization of current approved tribal law until such time as the Tribal Council has reviewed and enacted the remaining proposed revised codes; and

WHEREAS, the Tribal Council is further advised that no changes have been made to the existing tribal law through the codification of the active ordinances, except to categorize the ordinances into an applicable code and assign appropriate and uniform section numbers and identification of each section through a section title; and

WHEREAS, the following ordinances have been codified as the White Mountain Apache Land Code:

Ordinance 29: Land assignments, Land Board; enacted December 10, 1958.

Ordinance 33: Hawley Lake Lot Leases; enacted March 4, 1959.

Ordinance 54: Hondah Homesite Leases; enacted October 10, 1963.

and

WHEREAS, the Tribal Council has reviewed the codification of the foregoing ordinances and concludes that said ordinances should be codified as the White Mountain Apache Land Code until such time as the Tribal Council has had the opportunity to thoroughly review and enact the proposed revised Land Code.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the codification of the foregoing ordinances as the White Mountain Apache Land Code.

BE IT FURTHER RESOLVED by the Tribal Council that the sections of the foregoing ordinances shall be renumbered and identified pursuant to the outline attached to and made a part of this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that the codification of the foregoing ordinances does not constitute any amendment or repeal of the existing tribal law and therefore, it is not mandatory that the codification be posted for public comment.

The foregoing resolution was on March 1, 1989, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and

approved by the Secretary of the Interior on May 29, 1958,
pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.
984).

Leo Johnson

Chairman of the Tribal Council

Maridie J. Craig

Secretary of the Tribal Council

RECEIVED

MAR 10 1989

Fort Apache Indian Agency
Wickenburg, Arizona

ORDINANCE NO. 29:

LAND CODE

LAND CODE

CHAPTER ONE
GENERAL PROVISIONS

ARTICLE I - AUTHORITY

SECTION 1.1 CONSTITUTIONAL AUTHORITY

ARTICLE II - PURPOSE

SECTION 1.2 PURPOSE

A.

ARTICLE III - GENERAL OBJECTIVES

Section 1.

B.

Section 2.

C.

ARTICLE IV - LAND

CHAPTER TWO
ADMINISTRATION

SECTION 1 - LAND BOARD

SECTION 2.1 LAND BOARD; MEMBERSHIP;
BIA REPRESENTATIVE

(a)

A.

(b)

B.

SECTION 2 - DUTIES OF BOARD

SECTION 2.2 DUTIES OF BOARD

(a)

A.

(b)

B.

(c)

C.

(d)

D.

(e)

E.

SECTION 3.

SECTION 2.1 LAND BOARD; MEMBERSHIP;
BIA REPRESENTATIVE

C.

ARTICLE V - ARABLE LANDS

CHAPTER ONE - GENERAL PROVISIONS

SECTION 1 - DESCRIPTION

SECTION 1.3 SCOPE

SECTION 2 - STANDARD ASSIGNMENTS

CHAPTER TWO - ADMINISTRATION

SECTION 2.3 STANDARD ASSIGNMENTS

SECTION 3 - ELIGIBILITY

SECTION 2.4 ELIGIBILITY

SECTION 4 - QUALIFICATIONS OF APPLICANT

SECTION 2.5 QUALIFICATIONS OF APPLICANT

(a)

A.

(b)

B.

(c)

C.

(d)

D.

ORDINANCE NO. 29 (cont'd):

SECTION 5 - APPLICATIONS FOR STANDARD ASSIGNMENTS

- (a)
- (b)
- (c)
- (d)
- (e)

SECTION 6 - IMPROVEMENTS ON ASSIGNMENTS

SECTION 7 - PROPER USE OF STANDARD ASSIGNMENTS

- (a)
- (b)

SECTION 8 - AUTHORITY TO REVOKE OR CANCEL ASSIGNMENTS

- (a)
- (b)
- (c)

SECTION 9 - TRANSFER OF ASSIGNMENTS

- (a)
- (b)
- (c)
- (d)

SECTION 10 - INHERITANCE OF STANDARD ASSIGNMENTS

Assignment Form WA-1

ORDINANCE NO. 33:

WHEREAS, the White Mountain Apache Tribe...and
WHEREAS, a certain portion of the area...

BE IT ENACTED...that the attached lease form...

Hawley Lake Lease Form

ORDINANCE NO. 54:

WHEREAS, the Area Projects Development
Committee has recommended...

CHAPTER TWO (cont'd):

SECTION 2.6 APPLICATIONS FOR STANDARD ASSIGNMENTS

- A.
- B.
- C.
- D.
- E.

SECTION 2.7 IMPROVEMENTS ON ASSIGNMENTS

SECTION 2.8 PROPER USE OF STANDARD ASSIGNMENTS

- A.
- B.

SECTION 2.9 AUTHORITY TO REVOKE OR CANCEL ASSIGNMENTS

- A.
- B.
- C.

SECTION 2.10 TRANSFER OF ASSIGNMENTS

- A.
- B.
- C.
- D.

SECTION 2.11 INHERITANCE OF STANDARD ASSIGNMENTS

APPENDIX 1.

CHAPTER THREE
HAWLEY LAKE HOMESITE LEASES

SECTION 3.1 POLICY

SECTION 3.2 STANDARD LEASE FORM

APPENDIX 2.

CHAPTER FOUR
HONDAH HOMESTEAD LEASES

SECTION 4.1 POLICY

ORDINANCE NO. 54 (cont'd):

CHAPTER FOUR (cont'd):

BE IT ENACTED...that the lease form...
is hereby adopted for use...

SECTION 4.2 STANDARD LEASE FORM