



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 12-2013-228

(Approving the Posting of Ordinance No. 267, Amending Sections 2.11, 3.1, 6.3, 10.10, 10.11 and 12.2 of the Health & Safety Code of the White Mountain Apache Tribe)

WHEREAS, pursuant to Article IV, Section 1(q) of the Tribal Constitution, the Tribal Council may enact ordinances to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

WHEREAS, the Legal Department has this day proposed revisions to the Health & Safety Code Sections 2.11, 3.1, 6.3, 10.10, 10.11 and 12.2 as set forth in Ordinance No. 267 attached hereto; and

WHEREAS, pursuant to Article XV of the Constitution of the White Mountain Apache Tribe, the proposed amendments shall be posted in each district for at least ten (10) days before final action by the Council; and

WHEREAS, the Council has reviewed Ordinance No. 267 carefully, and considered the recommendations and the implications thereof in great detail and finds the posting of Ordinance No. 267 to be in the best interest of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 267 attached hereto, which amends Sections 2.11, 3.1, 6.3, 10.10, 10.11 and 12.2 of the Health & Safety Code, is hereby recommended for posting by the Tribal Council.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe, as follows:

1. The Tribal Council Secretary is hereby authorized and directed to post this resolution and Ordinance No. 267, in each district for at least ten (10) days before final action by the Council. In addition, notices of the proposed ordinance shall be sent in the form of a press release to KNNB-FM and the Apache Scout.
2. Any and all comments concerning Ordinance No. 267 proposed herein may be sent to the attention of the Tribal Council Secretary, White Mountain Apache Tribe, P. O. Box 700, Whiteriver, AZ 85941.

3. Upon completion of the posting period, the Tribal Council Secretary is further directed to submit proof of posting to the Tribal Council as well as the Legal Department and to report any public comments to the Tribal Council, and schedule a meeting thereof for final action.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

The foregoing resolution was on **DECEMBER 4, 2013** duly adopted by a vote of **SIX** for, **ZERO** against and **ONE** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (q), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Ronnie Lupe, Chairman

12/10/13
Date



Mariddie J. Craig, Secretary

12/10/2013
Date

**ORDINANCE OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 267, amending White Mountain Apache Health & Safety Code to revise Sections 2.11, 3.1, 6.3, 10.10, 10.11, and 12.2 as follows:

SECTION 2.11 MARRIAGE EXAMINATION

~~An examination by a physician to determine freedom from venereal disease is necessary before marriage. No person found to be infected with a venereal disease will be permitted to marry until a licensed physician or Medical Officer shall have declared him or her under adequate treatment and/or non-infectious.~~

[NOTE: Section 2.11 was repealed by Ordinance No. 267, enacted _____.]

SECTION 3.1 POISONING FOOD OR WATER

No person shall willfully mingle poison in any food, drink or medicine intended or prepared for the use of a human being, and no person shall willfully poison or pollute any spring, well, stream, river, reservoir, or other water. This shall be considered a crime punished under the ~~“Law and Order Code”~~ Tribal Code.

SECTION 6.3 PENALTIES: MEMBER; NON-MEMBER

B. Any non-member who shall violate this Chapter, or any part thereof, as provided in the ~~Law and Order Code~~ Tribal Code, may be expelled from this Reservation; and in addition, if the violation of this Chapter is also a violation of the Criminal Code of the State of Arizona, then said non-member shall be taken before the appropriate state court for punishment.

SECTION 10.10 PUBLIC NUISANCE

B. Anyone who harbors, owns or controls such an animal is guilty of the offense of “Public Nuisance” as set forth in the ~~Law and Order Code~~ Tribal Code.

SECTION 10.11 UNLAWFUL INTERFERENCE WITH ANIMAL CONTROL OFFICER

B. Anyone found guilty of unlawful interference with the Animal Control Officer shall be punished as prescribed in ~~Section 2 of the Law and Order Criminal Code~~ Tribal Code.

SECTION 12.2 PARTIES TO CRIME IN MOTOR VEHICLE CASES

The ~~Law and Order Code~~ Tribal Code of the White Mountain Apache Tribe and any ordinances appertaining to parties to a crime in Motor Vehicle Cases are hereby amended by eliminating therefrom any provision including, but without limitation, Section 28-1051, Arizona Revised Statutes Annotated.