



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## (Approving Posting of Ordinance No. 284, Amending the Judicial Code of the White Mountain Apache Tribe)

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- WHEREAS,** pursuant to Article IV, Section 1(q) of the Tribal Constitution, the Tribal Council may enact ordinances 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 Office of the Attorney General has this day proposed revisions to the Judicial Code, Sections 2.1 and 2.24, as set forth in Ordinance No. 284 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. 284 carefully, and considered the recommendations and the implications thereof in great detail and finds the posting of Ordinance No. 284 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 284, which amends the Criminal Code, Sections 2.1 and 2.24, attached hereto, 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. 284, 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. 284 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 and the Attorney General's Office 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 this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**Resolution No. 05-2017-92**

Ordinance No.284

**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 the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on MAY 3, 2017 duly adopted by a vote of NINE for, ZERO against, and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasys Velasquez <sup>Acting</sup> 5-24-17 Doreen T. Numkena 5-24-17  
Ronnie Lupe, Tribal Chairman Date Doreen T. Numkena, Tribal Secretary 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. 284, amending White Mountain Apache Judicial Code Sections 2.1 and 2.24, as follows:

**CHAPTER TWO  
JUDICIAL SYSTEM**

**SECTION 2.1 JURISDICTION**

A. The Tribal Court of the White Mountain Apache Tribe may exercise subject matter and personal jurisdiction on any basis consistent with the inherent sovereign immunity and the Constitution and laws of the White Mountain Apache Tribe; ~~provided, however, that the Tribal Court shall only exercise jurisdiction in a case in which at least one of the parties is a member of the White Mountain Apache Tribe, or an Indian, or the White Mountain Apache Tribe itself, or any of its agents, subdivisions, enterprises, or property, or when the parties consent to the jurisdiction of the Court, except as may be expressly limited by the laws of the United States. This jurisdiction is not affected by, nor shall it be deemed to preclude, and federal prosecution.~~

**SECTION 2.24 COURT RECORDS AND LIBRARY**

A. A complete record shall be kept of all matters which are in any way brought before the Tribal Court. This record shall include the files of all cases which are or have been before the Court.

B. Each case file shall be stored in a manner which makes it possible for the Clerk of the Court to locate it by the name of either the plaintiff or the defendant, or the Court number.

C. Each file shall contain all pleadings, motions, orders, and other documents which have been filed by the parties and the Court in that case. The file shall also contain a Transcript Index, which shall indicate for each courtroom proceeding whether or not a transcript or recording of the proceeding has been prepared, and if so, the location of that transcript or recording. Each transcript or recording shall be filed in such a manner as to make it possible for the Clerk of the Court to locate it using the information on the relevant Transcript Index.

1. In any proceeding where the defendant is sentenced to more than one year in jail or fined more than \$5,000, an audio recording or any other recording must be made.

2. Where a recording, including an audio recording or any other recording, is maintained by the Court, the Clerk of the Court shall, upon written request of a party to the proceeding, provide all parties to the proceeding a copy of the recording within five (5) business days of receiving the request.