



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## **(Requesting Assistance from the Arizona Department of Public Safety With Criminal Background Checks For Candidates For Tribal Office)**

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation (“Constitution”) provides at Article XII, Section 1 that:

No person who has been convicted of a felony shall be qualified to be a candidate for election to the Council. No person who within the past year preceding the election has been convicted of a crime involving moral integrity, shall be eligible to hold office in the Council; and

**WHEREAS,** Section 2.1(B)(2) of the Tribe’s Election Code gives the Tribal Election Commission the duty to screen potential candidates for office for those disqualifying criminal convictions under the Tribal Constitution; and

**WHEREAS,** The Election Commission works with the Tribal Police Department to obtain and review criminal records; and

**WHEREAS,** For law enforcement purposes, the Tribal Police Department obtains its criminal background records from the national database via the Arizona Department of Public Safety; and

**WHEREAS,** For non-law enforcement purposes, the Tribal Police Department is currently not able to utilize the national database, and for that reason, background checks for candidate screening take much longer to obtain and are not as complete; and

**WHEREAS,** The Tribal Council is advised that if it made a direct request to Arizona DPS for assistance with criminal background records of candidates for office, and enters into a memorandum of agreement (“MOA”) for this purpose, Arizona DPS would agree to facilitate access to National Crime Information Center data base to obtain criminal history backgrounds for persons seeking elected office, subject to the conditions listed below; and

**WHEREAS,** The Tribal Council has considered the situation and finds that entering into an MOA with Arizona DPS for the purpose of the Tribal Election Board obtaining criminal background history information on candidates for public office will help the Tribe ensure compliance with the Constitution and is in the best interests of the Tribe and its members.

**Resolution No. 09-2019-197**

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby requests of the Arizona Department of Public Safety that the Tribe, acting through its certified Police Department personnel, be permitted to obtain criminal history records for persons who submit application materials to run as a candidate for elected Tribal office.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that as a condition of receiving the requested criminal history records the following conditions are authorized:

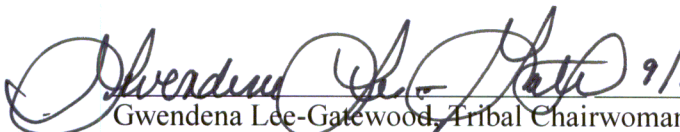
1. Prospective candidates for elected Tribal office would be required to submit a full set of fingerprints to the Tribe.
2. The Tribe would submit the fingerprints to the Arizona Department of Public Safety ("DPS") for the purpose of obtaining a state and federal criminal records check pursuant to A.R.S. Sec. 41-1750 and P.L. 92-544.
3. DPS would be authorized to exchange the fingerprint data with the Federal Bureau of Investigation.

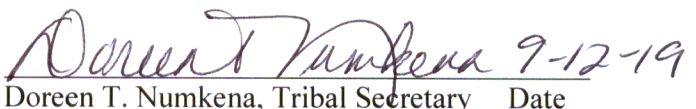
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the execution of a memorandum of agreement or similar agreement between the Tribe and Arizona DPS by which the Tribe and DPS specify any additional terms and conditions by which the requested information is obtained and provided to the Tribe, and for that purpose, authorizes the Tribal Chairwoman, in her discretion, to execute a such an agreement if she deems the document as drafted, to be in the Tribe's interest and consistent with the intent of this Resolution.

**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.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her 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 **SEPTEMBER 12, 2019** duly adopted by a vote of **NINE** for, **ZERO** against, and **ZERO** abstentions 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).

 9/12/19  
Gwendena Lee-Gatewood, Tribal Chairwoman

 9-12-19  
Doreen T. Numkena, Tribal Secretary