



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Law Enforcement Officers to Stop and Issue Citations to Persons Operating or Riding in Motor Vehicles for Not Wearing a Seat Belt, Without Suspicion of any Other Violation, During the Click It or Ticket Campaign)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe of the Fort Apache Reservation (“Constitution”) provides at Article IV, Section 1(q) that the Tribal Council (“Council”) shall exercise the power “To enact ordinances establishing and governing tribal courts and law enforcement on the reservation...”; and
- WHEREAS,** The White Mountain Apache Tribe’s (“Tribe”) Police Department is a recipient of the Bureau of Indian Affairs Office of Justice Programs’ Indian Highway Safety Program Grant (“IHSP”); and
- WHEREAS,** The IHSP requires the Tribe’s Police Department to participate in the annual Click It or Ticket (“CIOT”) Campaign aimed at enforcing seat belt use; and
- WHEREAS,** Section 12.1 of the Tribe’s Health and Safety Code adopts as tribal law, the traffic laws of the State of Arizona as set forth in the Arizona Revised Statutes; and
- WHEREAS,** Arizona is a secondary seat belt law state because state law enforcement officers may issue a ticket for not wearing a seat belt only when there is another citable traffic infraction; specifically, A.R.S. § 28-909 (C) prohibits a peace officer from stopping or issuing “citations to persons operating a motor vehicle on a highway in this state for a violation of this section unless the peace officer has reasonable cause to believe there is another alleged violation of a motor vehicle law...”; and
- WHEREAS,** Section 12.1 (A)(3) of the Tribe’s Health and Safety Code states, “Nothing in this Chapter shall prohibit the Tribal Council from duly enacting traffic laws in addition to or inconsistent with those passed by the State of Arizona and herein adopted as tribal law”; and
- WHEREAS,** Pursuant to Resolution No. 11-2020-260, the Council authorized law enforcement officers to stop or issue citations to persons operating a vehicle, including passengers, for not wearing a seat belt without any other traffic offense taking place during the 2020 Click It or Ticket Campaign from November 9, 2020 to November 29, 2020; and

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WHEREAS, The Police Department, this day, requests that the Council again authorize law enforcement officers to stop or issue citations to persons operating a vehicle, including passengers, for not wearing a seat belt without suspicion of any other traffic offense during the 2021 Click It or Ticket Campaign beginning May 17, 2021 and ending June 6, 2021; and

WHEREAS, The Council has reviewed the request and finds that authorizing law enforcement officers to stop or issue citations to persons operating a vehicle for not wearing a seat belt without any other traffic offense taking place during the 2021 Click It or Ticket Campaign is in the best interest of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes law enforcement officers to stop or issue citations to persons operating a vehicle, including passengers, for not wearing a seatbelt, without suspicion of any other traffic violation, during the 2021 Click It or Ticket Campaign beginning May 17, 2021 and ending June 6, 2021.

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 issue 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 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 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 MAY 5, 2021 duly adopted by a vote of EIGHT for, ZERO against, and ONE 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).

 5/7/21  5-7-2021
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date