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FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ.

Resolution No. 83-336

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

WHEREAS, the Tribal Council by prior resolution 83-191 directed the Tribal Attorney to draft an amendment to the Exclusionary Ordinance for the purpose of providing the tribe with legislation to protect the tribe and its resources from unlawful activities engaged in by federal officials and/or federal contractors who were or are acting outside the scope of their lawful authority by virtue of irreconcilable conflicts of interest which permeate their conduct on the Fort Apache Indian Reservation, and

WHEREAS, pursuant to that directive the Tribal Attorney amended section 1001 in the form attached hereto, and

WHEREAS, the Tribal Council pursuant to resolution 83-297 enacted the amendment as Ordinance No. 139 based on its belief that the amendments had been posted for the ten days required by the Tribal Constitution and By-Laws for public comment, and

WHEREAS, the Bureau of Indian Affairs has indicated that said proposed amendment to the Exclusionary Ordinance was not posted as required by the Constitution, and

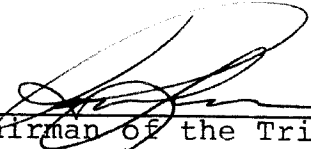
WHEREAS, the Tribal Council in order to avoid procedural challenges to the proposed amendment concludes that said amendment should be posted for a period of 10 days for public comment, and

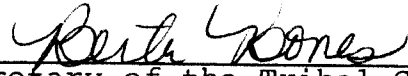
WHEREAS, Resolution 83-297 must be rescinded until such time as the proposed amendments have been posted for the required 10 day period.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby rescinds Resolution No. 83-297.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs that the proposed amendment to Ordinance 129 attached and incorporated by reference herein be posted for a period of at least 10 days as required by the Tribal Constitution and By-Laws for public comment.

The foregoing Resolution was on November 9, 1983 adopted by a vote of 9 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i and q) of the Amended Constitution and By-Laws 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).


Chairman of the Tribal Council


Acting Secretary of the Tribal Council

Resolution No. 83-336

ORDINANCE NO.

PROPOSED ORDINANCE OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE FORT APACHE
INDIAN RESERVATION AMENDING ORDINANCE 129
WHICH PROVIDES FOR THE EXCLUSION AND REMOVAL
OF NON MEMBERS FROM TRIBAL LAND; CLOSURE
OF THE RESERVATION BY EXECUTIVE ORDER

BE IT ENACTED BY the Tribal Council of the White Mountain Apache Tribe that Ordinance No. 129; providing for the Exclusion and Removal of non members of the White Mountain Apache Tribe is amended as follows:

§1001 Definitions:

(b) PERSON and NON MEMBER as used in this Ordinance means any individual, corporation, partnership, association, federal, ~~including-but-not-limited-to-Department-of-Interior personnel-who-may-be-present-on-the-reservation,~~ state, or county government and any of their respective agencies who are not enrolled members of the White Mountain Apache Tribe, and denotes both the singular and plural wherever used.

(c) Person and non member as used in this Ordinance also means any Federal employee of the Department of Interior or any of its contractors who are engaged in any activity on the Fort Apache Indian Reservation which is found to be —

- (a) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
- (b) contrary to constitutional right, power, privilege or immunity;
- (c) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
- (d) without observance of procedure required by law;
- (e) a direct conflict of interest of the Secretary of the Interior's trustee responsibilities to protect, preserve and utilize the resources of the Fort Apache Indian Reservation for the improvement of the economic well being of the White Mountain Apache Tribe.

Additions designated by underlining.

Deletions designated by ~~strike-outs~~.