

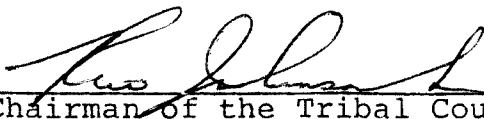
RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council has been presented with a proposed Ordinance for the Establishment of a Tribal Hazardous Material Commission; and

WHEREAS, the Tribal Council after discussion of the proposed ordinance, which is attached hereto and incorporated by reference herein, concludes that the proposed Tribal Hazardous Material Commission Ordinance should be posted for public comment for a period of ten (10) days as required by the Constitution and By-Laws of the White Mountain Apache Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the proposed Tribal Hazardous Material Commission Ordinance be posted forthwith by the Tribal Council Secretary for public comment for a period of at least ten (10) days as required by the Constitution and By-Laws.

The foregoing resolution was on January 11, 1984, duly 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 (i,q,r,s,t&u) 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).

  
ACTING Chairman of the Tribal Council

  
Secretary of the Tribal Council

RECEIVED

JAN 22 1984

FORT APACHE INDIAN  
AGENCY  
WHITERIVER, ARIZ.

PROPOSED ORDINANCE OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION  
FOR THE ESTABLISHMENT OF A  
TRIBAL HAZARDOUS MATERIAL COMMISSION

Section 101. TRIBAL HAZARDOUS MATERIAL COMMISSION; MEMBERS;  
APPOINTMENT; TERMS; COMPENSATION; REMOVAL

A. There shall be a tribal hazardous material commission of the White Mountain Apache Tribe.

B. The commission shall be composed of six members who shall be appointed by the Chairman of the Tribal Council of the White Mountain Apache Tribe, by and with the advice and consent of the Tribal Council. The Chairman of the Commission shall be appointed by the Chairman, by and with the advice and consent of the Tribal Council, from among the members of the commission. An individual may be appointed as a member of the commission and as Chairman at the same time. Any member of the commission may be removed by the Chairman of the commission for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office. The membership of the commission shall be constituted as follows: One member each from the White Mountain Apache Tribal Police Department, the Whiteriver Volunteer Fire Department, the White Mountain Tribal Emergency Medical Services, the Tribal Safety Director, and two members to be appointed from the general membership of the White Mountain Apache Tribe who have expressed an interest or expertise in the subject matter of hazardous materials. Ex-officio members with expertise in hazardous materials may be appointed by the commission.

C. Term; vacancies.

Of the members of the commission first appointed, one shall serve for a term ending January 12, 1985, and one each for terms ending 1, 2, 3, 4, and 5 years thereafter. Thereafter 1 term shall expire on the second Wednesday in January of each year.

D. Compensation

Each commissioner shall receive a per diem payment of \_\_\_\_\_ dollars per day for each day in which he performs his duties as a commissioner.

Section 102. ORGANIZATION; QUORUM; VICE-CHAIRMAN; TERM;  
VACANCY

A. A majority of the commission shall constitute a quorum to transact business. When a vacancy occurs in the commission, the remaining commissioners may exercise all the powers of the commission until the vacancy is filled. The commission shall have an official seal of which judicial notice shall be taken. The commission shall annually elect a Vice-Chairman to act in the absence or disability of the Chairman or in case of a vacancy in the office of the Chairman.

B. Offices. The Commission shall maintain a principal office in Whiteriver, but may maintain offices and hold meetings in any place within the exterior boundaries of the Fort Apache Indian Reservation. Sessions of the commission shall be public and all proceedings of the commission shall be shown on its record, which shall be a public record. The vote of each member shall be recorded.

Section 103. GENERAL POWERS

A. The Commission has full power, jurisdiction and authority subject to final approval by the Tribal Council of the White Mountain Apache Tribe to:

1. Formulate and adopt rules and regulations for affecting the purposes of this article.
2. Establish standard operating procedures for hazardous materials incidents for the White Mountain Apache Tribal Police Department, Whiteriver Volunteer Fire Department, White Mountain Apache Tribal Emergency Medical Services, the Tribal Safety Director and any other public emergency and law enforcement department.
3. Collect, collate and publish all statistical and other information relating to hazardous materials incidents within the exterior boundaries of the Fort Apache Indian Reservation and shall prepare an annual report of all such incidents to the tribal council by December 31st of the reporting year.

B. In carrying out any of the functions under the provision of this section, the commission shall be governed by general policies of the commission and by such regulatory

decisions, findings, and determinations as a commission may by this ordinance be authorized to make.

C. In addition to the above enumerated powers, the commission may:

1. Conduct or participate in investigations of causes, origins, and circumstances of hazardous materials incidents.
2. Provide training in the control, containment, transportation and handling of hazardous materials and cooperate with educational institutions to provide and further such training.
3. Employ specialized testing services to evaluate evidence and conditions involved in hazardous materials incidents subject to the availability of funding for said purposes.

#### Section 104. IMMINENT DANGERS

A. The Tribal Court of the White Mountain Apache Tribe has jurisdiction upon filing of a verified complaint by the commission through the tribal attorneys office to restrain any hazardous materials, conditions, practices, or transportation in any place within the exterior boundaries of the Fort Apache Indian Reservation which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the filing of said verified complaint for injunctive and final relief. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct or remove such imminent danger and prohibit the presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations or where a cessation of operations is necessary to permit such to be accomplished in a safe and orderly manner.

B. Upon the filing of any such complaint the tribal court of the White Mountain Apache Tribe has jurisdiction to grant such injunctive relief or temporary restraining order pending a final order pursuant to this article. The proceeding shall be as provided by the Rules of Civil Procedure.