

RESOLUTION NO. 84-79

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

WHEREAS, the Tribal Council has previously enacted Ordinance No. 137, which provided for a comprehensive Game and Fish Code for the White Mountain Apache Tribe; and

WHEREAS, the Tribal Attorney advises the Tribal Council that Anthony Cohen, who is presently under contract with the Tribe to research and recommend revisions to the Law and Order Code, has recommended certain amendments to Ordinance No. 137, otherwise known as the White Mountain Apache Game and Fish Code; and

WHEREAS, Section 3.3 of the Game and Fish Code provides for signs to be posted at entry points to the reservation putting visitors on notice of certain requirements and regulations of the Tribe; and

WHEREAS, Subsection B. of Section 3.3. was drafted as an administrative guideline for size and placement of the signs to provide adequate notice to motorists entering the reservation; and

WHEREAS, Section 3.3B which reads,

"Roadway signs shall be of sufficient size and placement to enable motorists travelling at the speed limit to read them in their entirety"

could create a problem if used by the defense counsel as a question of fact whether the signs can, in fact, be read in their entirety by a motorist travelling at the speed limit instead of whether the signs, as posted provide adequate notice and should therefore, be deleted from the Game and Fish Code; and

WHEREAS, "Indian", as defined in No. 17 of the Definitions of Game and Fish Code, "... means a member of any Indian Tribe" is inadequate in its wording and should be amended as follows:

"Indian means any person of Indian descent who is a member of a federally

recognized Indian Tribe, and any other person recognized by federal law as an Indian for any purpose and denotes the singular and plural"; and

WHEREAS, the title to Section 6.11 refers to obtaining a permit by assignment, however, the section does not refer to assignments; and

WHEREAS, the word assignment should be inserted into Section 6.11; and

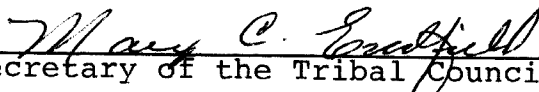
WHEREAS, Section 6.11 should also include that providing a permit to another by fraud, misrepresentation or assignment is also illegal; and

WHEREAS, the Tribal Council concludes that said proposed amendments, attached hereto, should be posted for ten (10) days for public comment, as required by the Tribal Constitution.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the proposed amendments to the Game and Fish Code, attached hereto and incorporated by reference, be posted for a period of ten (10) days for public comment as required by the Amended Constitution of the White Mountain Apache Tribe.

The foregoing resolutions was on March 9, 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 (f & i) 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).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council

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MAR 16 1984

WEST APACHE INDIAN  
AGENCY  
WHITE MOUNTAIN, ARIZ