

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

WHEREAS, the Tribal Council is advised by the Tribal Attorney that the proposed ordinance attached hereto amends the Judicial Code of the White Mountain Apache Tribe to delegate administrative and supervisory authority over Associate Judges and the Juvenile Judge to the Chief Judge; and

WHEREAS, said ordinance is in the interest of providing for the proper administration of the Tribal Court; and

WHEREAS, said amendments to the Judicial Code are recommended in the best interest of the White Mountain Apache Tribe; and

WHEREAS, the Tribal Council concurs that the attached proposed ordinance should be posted in each district for a minimum of ten (10) days prior to final enactment by the Tribal Council.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Council Secretary to post the proposed ordinance amending the Judicial Code in each district for a minimum of 10 days as required by the Constitution in the form and content as attached hereto.

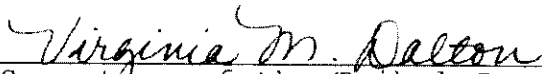
The foregoing resolution was on July 03, 1991, duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a) (q) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 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).

RECEIVED

JUL 11 1991

FORT APACHE INDIAN AGENCY  
WHITE RIVER, ARIZONA

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

PROPOSED  
ORDINANCE OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that Section 2.8 A of the Judicial Code of the White Mountain Apache Tribe is hereby amended as follows:

**SECTION 2.8**      **COMPOSITION OF COURTS**

A. The Trial Court of the White Mountain Apache Tribe shall be composed of a Chief Judge and two or more Associate Judges. The Chief Judge shall preside over the Trial Court, provided that in his or her temporary absence, disability or disqualification, or for such other reasons as he or she deems necessary, the Chief Judge may appoint an Associate or a visiting Judge to act in his or her place. The Chief Judge shall have administrative and supervisory authority over the Associate Judges and the Juvenile Judge and trial and juvenile court staff as follows:

(1) The Chief Judge shall serve as the Operating Official of the tribal and juvenile courts and shall have all the authority vested in operating offices pursuant to the Personnel Policies and Procedures of the White Mountain Apache Tribe which are not inconsistent with this Code, including but not limited to: approval of annual and sick leave, budget, disciplinary action and final approval of the hiring and firing of tribal court personnel.

(2) The Chief Judge shall make recommendations to the Tribal Council for the removal of any Judge from office if, in the opinion of the Chief Judge, there is reasonable cause to believe the judge is guilty of malfeasance or misfeasance in office, neglect of duty, mental or physical incompetence to perform the duties of his or her office, a breach of the standards of conduct for judges set forth in Section 2.7 of this Code, or a conviction of an offense set forth in Section 2.12 of this Code.

(3) The Chief Judge shall be available in an advisory capacity to the Associate Judges and the Juvenile Judge, however, the Chief Judge shall not have the power to interfere with or overrule the decisions of

the Associate Judges and the Juvenile Judge.

The foregoing ordinance was on \_\_\_\_\_, 1991 duly adopted by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a)(1) 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

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Secretary of the Tribal Council