

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

WHEREAS, the Tribal Attorney advises the Tribal Council that funding has been received from the Bureau of Indian Affairs for the position of a Tribal Court Administrator for FY 1991 which ends September 30, 1991 and for FY 1992 commencing October 1, 1991; and

WHEREAS, the Tribal Attorney further recommends to the Tribal Council that the Judicial Code of the White Mountain Apache Tribe be amended to provide for the powers and duties of the Tribal Court Administrator; and

WHEREAS, it is the consensus of the Tribal Council that the Judicial Code should be amended in accordance with the proposed ordinance attached hereto.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Council Secretary is hereby directed to post the proposed ordinance for a minimum of ten (10) days in each district in accordance with the requirements of the Tribal Constitution.

The foregoing resolution was on September 17, 1991, duly adopted by a vote of six 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 (q) (s) 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).



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 White Mountain Apache Tribal Council in Council Assembled that Chapter Two of the Judicial Code of the White Mountain Apache Tribe is hereby amended as follows:

SECTION 2.22 OFFICERS OF THE COURT

Officers of the Tribal courts shall include:

- A. ~~The Tribal Court Administrator,~~ court clerks, probation officers, and court counselors;
- B. tribal police officers or other persons carrying out the orders of the Court;
- C. counsel representing parties before the Court, including the tribal prosecutor, tribal attorney, and Juvenile Court presenting officer;
- D. bailiffs and process servers; and
- E. members of the Apache Custom Advisory Panel acting in their official capacity;

SECTION 2.23 TRIBAL COURT ADMINISTRATOR; COURT CLERKS

~~A. TRIBAL COURT ADMINISTRATOR: The Tribal Court Administrator shall be appointed by the Tribal Chairman and, under the supervision of the Chief Judge of the Tribal Court, shall exercise the following powers and duties.~~

- ~~(1) Compile and maintain records and statistics of pending cases and other business of the court;~~
- ~~(2) Assign all motions, pretrials, trials and other matters for disposition, and maintain and publish all assignments and calendars;~~
- ~~(3) Advise the parties or their attorneys of the~~

status of the various calendars;

(4) Coordinate with and supervise the clerks of the courts to accomplish the prompt and orderly disposition of the business of the court;

(5) Make suitable courtroom and personnel arrangements for visiting judges;

(6) Supervise the clerks of the court and all personnel assigned thereto;

(7) Perform such other duties as the Chief Judge shall direct.

B Clerks of the Tribal Courts: The Chief Judge of the Trial Court, the Chief Justice of the Court of Appeals, and the Judge of the Juvenile Court shall each appoint a person who speaks Apache fluently, and who reads, writes and speaks English fluently to serve as the Clerk of his or her Court. Court Clerks may be hired on a full-time or part-time basis. The Tribe shall pay to all Court Clerks a salary to be determined by the presiding judge of the court for which they work, and approved by the Tribal Council.

C. The Clerk of the Court is charged with the duty of assisting the functioning of the Court under the direction of the ~~presiding judge~~ Tribal Court Administrator. The duties of the Clerk of the Court shall include, but are not limited to, the following:

(1) Keeping all records, files, dockets and other information required to be kept by this Code, Rules of Court, or orders of the presiding Judge.

(2) Maintaining a written or tape recorded record of Court proceedings.

(3) Administering oaths,

(4) Collecting and accounting for all fines, bail or bond money, filing fees, and such other money or property as may accrue to the Court, and disbursing such money or property as required by law.

(5) Aiding the public in their dealings with the Court.

(6) Providing Court forms to the public upon request and providing assistance, but not legal advice, to persons who need help filling them out.

(7) Accepting and marking for filing all pleadings and other Court documents.

(8) Maintaining the Court calendar under the supervision of the Chief—Judge Tribal Court Administrator.

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 (1) and (s) 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

Secretary of the Tribal Council