



Resolution No. 09-2006-302

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

**(Authorizing Posting of a Proposed Ordinance No. 230, Amending Section 2.23(A)
of the White Mountain Apache Judicial Code)**

WHEREAS, pursuant to Article IV, Section 1(a), and Article XV of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe, and enact ordinances; and

WHEREAS, Section 2.23(A) of the White Mountain Apache Judicial Code ("WMAJC") establishes the position of Tribal Court Administrator, as a position appointed by the Chairman of the Tribal Council, and sets forth certain powers and duties for the position; and

WHEREAS, Section 2.23(A) was enacted by Ordinance No. 179, July 01, 1992; and

WHEREAS, the Tribal Council has reviewed Section 2.23(A) and recommends an amendment, as attached and incorporated by this reference, in which the appointment of the position be made by the Tribal Council and that certain minimum requirements be added; and

WHEREAS, the Council has reviewed the proposed Ordinance No. 230 carefully, and considered its recommendations and the implications thereof in great detail; and

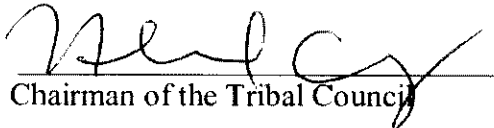
WHEREAS, the Council finds the adoption of the proposed Ordinance No. 230 would greatly improve the independence and efficiency of the Court, and is in the best interests of the judicial system and the Tribe.

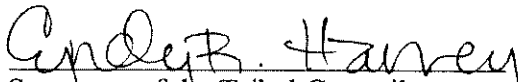
NOW THEREFORE BE IT RESOLVED by the White Mountain Apache Tribal Tribal Council, as follows:

1. The proposed Ordinance No. 230, as attached and incorporated by this reference, is hereby approved.
2. The proposed Ordinance No. 230 shall be posted for public comment in each District for ten days, as required by the Constitution of the White Mountain Apache Tribe.
3. Any comments received shall be considered by the Tribal Council at its next scheduled meeting.

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The foregoing resolution was on September 14, 2006, duly adopted by a vote of SEVEN for, ONE against, TWO abstentions and ONE absent, by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (c), (q), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, 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

PROPOSED ORDINANCE No. 230

AMENDING SECTION 2.23 TRIBAL COURT ADMINISTRATOR; COURT CLERKS

[HISTORICAL NOTE: Sections 2.23 through 2.28 are amended by Ordinance No. 179 enacted 7/01/92]

A. Tribal Court Administrator:

(1) The Tribal Court Administrator shall be appointed by the Tribal Council.

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(2) The Tribal Court Administrator shall have the following minimum requirements:

(a) have prior employment experience within a court;

(b) have knowledge of civil and criminal court procedures, and the laws of the White Mountain Apache Tribe;

(c) be subject to drug and alcohol testing;

(d) be subject to regular background checks with no negative criminal history;

(e) not be a former elected official; and

(f) have sufficient managerial experience.

Deleted: and

(3) The Tribal Court Administrator shall exercise the following powers and duties under the supervision of the Chief Judge of the Tribal Court:

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(a) Compile and maintain records and statistics of pending cases and other business of the court;

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(b) Assign all motions, pretrials, trials, and other matters for disposition, and maintain and publish all assignments and calendars;

Deleted: (2)

(c) Advise the parties or their attorneys of the status of various calendars;

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Deleted: 3)

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

Deleted: (4)

(e) Make suitable courtroom and personnel arrangements for visiting judges as directed by the Chief Judge;

Deleted: (5)

(f) Supervise the clerks of the court and all other court personnel assigned thereto except judges; and

Deleted: (6)

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

Deleted: (7)