



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 04-2013-93

(Directing the Tribal Attorney to initiate proceedings in the White Mountain Apache Tribal Court for the exclusion of Natividad Juan Perez III, a non-member, non-Indian from the lands of the Fort Apache Indian Reservation)

WHEREAS, tribal member, Lydia H. Perez presented a complaint to the Tribal Council of the White Mountain Apache Tribe ("Tribe") against Natividad Juan Perez III, a non-member, non-Indian, residing on the Fort Apache Indian Reservation ("FAIR"); and

WHEREAS, Mr. Perez according to the complaint engaged in disruptive behavior and has made repeated threats against his spouse; and

WHEREAS, the White Mountain Apache Police Department ("WMAPD") was called in to remove Mr. Perez after he allegedly engaged in multiple disruptive incidents against his spouse; and

WHEREAS, the Tribe's Government Code, Section 5.4 provides for exclusion of non-members from the FAIR in cases involving a threat or danger to the public health, safety, or welfare of a White Mountain Apache Tribal member; and

WHEREAS, based on the complaint filed against Mr. Perez and his alleged violations of the Criminal Code, the Tribal Council finds that he presents a threat to the public health, safety, and welfare of Tribal members within the community, which is grounds under Section 5.5 of the Government Code for an immediate exclusion order to remove him from the Fort Apache Indian Tribe and prohibit his entry thereto.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Natividad Juan Perez III, a non-member, non-Indian is hereby determined to be a threat or danger to the public health and safety of the White Mountain Apache Tribe and for this reason, the Tribal Council directs the Tribal Attorney, to initiate the exclusionary process with the Prosecutor seeking for the immediate removal of Mr. Natividad Juan Perez III, pursuant to the Tribe's Government Code as described hereto.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.


The foregoing resolution was on APRIL 24, 2013 duly adopted by a vote of SEVEN for and ZERO against and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (s), (t) and (u) of the Tribal Constitution, 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).



Ronnie Lupe, Chairman

4/27/13

Date



Mariddie J. Craig, Secretary

06/27/2013

Date