



# WHITE MOUNTAIN APACHE TRIBE

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

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## **Resolution No. 04-2013-96**

### **(Approving Enactment of Ordinance No. 257, Amending Chapter Seventeen of the Health & Safety Code)**

**WHEREAS,** the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

**WHEREAS,** on March 20, 2013 the Tribal Council authorized the posting of Ordinance No. 257, which contained proposed amendments to Chapter Seventeen of the Tribal Health & Safety Code, as attached hereto and incorporated by reference; and

**WHEREAS,** Ordinance No. 257 was posted pursuant to Article XV of the Constitution of the White Mountain Apache Tribe, and since that time the Office of the Tribal Council Secretary has received no comments regarding the proposed changes; and

**WHEREAS,** the Tribal Council has reviewed Ordinance No. 257 carefully, and considered the recommendations and implications thereof in great detail and finds the adoption of amendments to Chapter Seventeen of the Tribal Health & Safety Code, as set forth in Ordinance No. 257, to be in the best interest of the White Mountain Apache Tribe.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that Ordinance No. 257, attached hereto and incorporated by reference, which amends Chapter Seventeen of the Health & Safety Code of the White Mountain Apache Tribe, is hereby adopted.

**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.

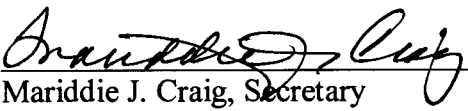
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

**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 by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (f), (h), (i), (q), (r), (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

5-2-13  
Date

  
\_\_\_\_\_  
Mariddie J. Craig, Secretary

04/30/2013  
Date

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

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 257, amending White Mountain Apache Health & Safety Code to revise Chapter Seventeen, Involuntary Commitment, Sections 17.5A and 17.7A, as follows:

**CHAPTER SEVENTEEN  
INVOLUNTARY COMMITMENT**

[NOTE: Chapter Seventeen was derived from Ordinance No. 221, enacted September 26, 2006; Sections 17.5A and 17.7A were amended by Ordinance No. 257, enacted \_\_\_\_\_.]

**SECTION 17.5 COURT REVIEW**

A. **Court Review / Scheduling.** Upon receipt of a petition filed with the Court pursuant to Section 17.3, the Court shall immediately, after verifying that the petition complies with the requirements of this Chapter, order an evaluation of the proposed patient as provided in Section 17.6, and the appointment of legal counsel for the proposed patient if the proposed patient is not already represented. If the proposed patient has been taken into custody for any reason other than the commission of a criminal offense, the court shall schedule a hearing to be held not later than 96 hours after receipt of the petition. The Court may, for good cause, extend the period for the hearing date up to 14 days if the proposed patient is not in detention. In the event that the proposed patient cannot be located in time to comply with the schedule set forth in this Section, the Court hearing shall occur 48 hours following the evaluation when completed. Prior to scheduling a hearing as set forth in this subsection, upon request, or its own action, the Court may direct that an initial screening pursuant to Section 17.4 be first conducted and that the report be submitted to the Court.

**SECTION 17.7 HEARING PROCEDURES**

A. **Witnesses.** The proposed patient and the petitioner, or the Tribal Prosecutor or Tribal Attorney on behalf of the petitioner, may present and cross-examine witnesses. The testimony of examiners shall not be admitted into evidence unless, (1) the examiner is present and is subject to cross-examination, or, 2) in the event that the examiner, for good cause, is unable to attend, ~~testifies through live interactive tele-video access which permits continuous two-way audio-visual connection adequate for cross-examination~~ appears via telephone so that all parties and counsel may hear the testimony and cross-examine the witness; or (3) the parties stipulate to its admission. The judge may sequester any witness or witnesses.