



# **WHITE MOUNTAIN APACHE TRIBE**

A Sovereign Tribal Nation

## **(Approving Posting of Ordinance No. 279, Amending the Rules of Appellate Procedure of the White Mountain Apache Tribe)**

**WHEREAS,** pursuant to Article IV, Section 1(q) of the Tribal Constitution, the Tribal Council may enact ordinances 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,** the Office of the Attorney General has this day proposed revisions to the Rules of Appellate Procedure, Rule 12, as set forth in Ordinance No. 279 attached hereto; and

**WHEREAS,** pursuant to Article XV of the Constitution of the White Mountain Apache Tribe, the proposed amendments shall be posted in each district for at least ten (10) days before final action by the Council; and

**WHEREAS,** the Council has reviewed Ordinance No. 279 carefully, and considered the recommendations and the implications thereof in great detail and finds the posting of Ordinance No. 279 to be in the best interest of the Tribe.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 279, which amends Rule 12 of the Rules of Appellate Procedure attached hereto, is hereby recommended for posting by the Tribal Council.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe, as follows:

1. The Tribal Council Secretary is hereby authorized and directed to post this resolution and Ordinance No. 279, in each district for at least ten (10) days before final action by the Council. In addition, notices of the proposed ordinance shall be sent in the form of a press release to KNNB-FM and the Apache Scout.
2. Any and all comments concerning Ordinance No. 279 proposed herein may be sent to the attention of the Tribal Council Secretary, White Mountain Apache Tribe, P. O. Box 700, Whiteriver, AZ 85941.
3. Upon completion of the posting period, the Tribal Council Secretary is further directed to submit proof of posting to the Tribal Council as well as the Attorney General's Office and to report any public comments to the Tribal Council, and schedule a meeting thereof for final action.

***Resolution No. 10-2015-211***

*Ordinance No. 279*

**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 any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed 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 Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **OCTOBER 21, 2015** duly adopted by a vote of **ELEVEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Ronnie Lupe      10-26-15      Doreen T. Numkena      10/26/2015  
Ronnie Lupe, Tribal Chairman      Date      Doreen T. Numkena, Tribal Secretary      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. 279, amending White Mountain Apache Rules of Appellate Procedure, Rule 12, as follows:

**RULE 12     ORAL ARGUMENT**

At any time the Court of Appeals may order oral argument upon its own initiative ~~and shall do so upon the request of a party.~~ If a party wishes oral argument, the request shall be made in the caption of the appellate brief at the time the brief is filed. The Court may require a statement explaining why oral argument should, or need not, be permitted. Oral argument shall be allowed when requested by a party unless a panel of three (3) judges who have examined the briefs and record unanimously agrees that oral argument is unnecessary because the appeal is frivolous, or the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.