



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## **(Prohibiting All Alcohol Sales and Use on the Fort Apache Indian Reservation Until January 1, 2021 and Instituting Additional Penalties for Prohibited Sales and Use of Alcohol and Illegal Drugs)**

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(i) that the Tribal Council (“Council”) shall exercise the power, “To manage all economic affairs of the Tribe...”; and

**WHEREAS,** The Constitution also provides, at Article IV, Section 1(a) that the Council shall exercise the power “To represent the tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to [the] constitution”; and

**WHEREAS,** The Tribe possess inherent retained sovereign authority, including the power to exclude certain individuals from the Fort Apache Indian Reservation (“Reservation”), whom it determines to be injurious of dangerous to the health, safety, morals, or political integrity of the Tribe and its body of members; and

**WHEREAS,** During this time of crisis, with the Tribe and the world plagued by the Novel Coronavirus (“COVID-19”) pandemic, the Tribe finds that the continued sale and use of alcohol, and the use of illegal drugs, on the Reservation compounds the difficulties caused by COVID-19, including providing opportunities for transmission and exacerbating health and economic conditions that lead to health disparities amongst the Reservation’s residents; and

**WHEREAS,** The Council finds that prohibiting all sales and use of alcohol on the Reservation for the remainder of the year, and that adopting new penalties, in addition to the existing criminal and civil penalties, for the prohibited sale or use of alcohol or illegal drugs is in the best interests of the Tribe and its members.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that, effective immediately and until 12:01 A.M. on January 1, 2021, the sale and use of all alcohol, including all intoxicating liquor and beverage containing alcohol to the slightest degree, is hereby prohibited. Neither Tribal enterprises nor any privately-owned business, nor private party shall sell alcoholic beverages.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that any person found, in violation of this Resolution, by using, selling, processing, or being under the influence of any alcoholic beverage, as defined above, or any illegal drug to the slightest degree, or a person found

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guilty of any of the following criminal offenses shall be subject to additional penalties, as adopted herein:

- Section 2.55 Inhaling Toxic Vapors;
- Section 2.51 Narcotics and Dangerous Drugs;
- Section 2.54 Possession, Use, or Sale of Dangerous Drugs in a Drug Free School Zone;
- Section 2.56 Possession of Marijuana;
- Section 2.58 Public Intoxication;
- Section 2.62 Sales of Toxic Substances to Minors;
- Section 2.74 et seq. Bootlegging;
- Section 2.77 Detention-Reporting to Detention While Intoxicated;
- Section 2.78 Driving Under the Influence;
- Section 2.79 Driving Under the Influence - Aggravated;
- Section 2.80 Driving Under the Influence – Causing an Accident;
- Section 2.82 Endangering an Unborn Child – Substance Abuse; and
- Section 2.92 Processing of Methamphetamine.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that, in addition to applicable criminal and civil penalties provided by Tribal and Federal laws, the following penalties shall be imposed upon persons found in violation of this Resolution:

- A. First Offense. \$5,000.00 civil fine;
- B. Second Offense. Loss of Tribal member benefits for the remainder of the year, including fishing and hunting privileges, housing benefits, wood cutting privileges, and other applicable benefits.
- C. Third Offense. Tribe shall take steps to exclude person from the Reservation.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event any provision of this Resolution that directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, that the provision at issue 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 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 the Chairwoman, or in her 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 JUNE 22, 2020 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).

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Gwendena Lee Gateswood, Chairwoman

6/24/20  
Date

  
Doreen T. Numkena, Tribal Secretary

6/24/2020  
Date