



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Posting of Ordinance No. 312, Amending the White Mountain Apache Tribe Judicial Code)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, in Article IV, Section 1(q) that the Tribal Council (“Council”) shall exercise the power “To enact ordinances establishing and governing Tribal courts and law enforcement on the Reservation...providing for appointment of guardians for minors...”, and in Section 1(s), “to regulate subordinate organizations for economic and other purposes”; and

WHEREAS, The Office of the Attorney General has this day proposed revisions to the Judicial Code, as set forth in Ordinance No. 312, 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. 312 carefully, considered the recommendations and the implications thereof in great detail, and finds the posting of Ordinance No. 312 to be in the best interests of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 312, which amends Section 2.8(C) of the Judicial Code, 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. 312, 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. 312 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 and the Attorney General’s Office and to report any public comments to the Tribal Council, and schedule a meeting thereof for final action. Proof of posting should include start and end date of posting period, and locations of posting.

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.

Resolution No. 07-2023-166
Ordinance No.312

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 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 JULY 05, 2023 duly adopted by a vote of NINE for, ZERO against, and ONE abstention 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

<u>Kasey Velasquez</u>	<u>7.6.2023</u>	<u>Vaneysa Johnson</u>	<u>07/07/2023</u>
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, 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. 312, revising Section 2.8(C) of the White Mountain Apache Judicial Code, as follows:

SECTION 2.8 COMPOSITION OF COURTS

C. The Juvenile Court shall be composed of one **or more** Juvenile Court Judge(s).