

**SAN CARLOS APACHE TRIBE
SAN CARLOS APACHE INDIAN RESERVATION
SAN CARLOS, ARIZONA**

RESOLUTION

No. AP-16-069

Ordinance No. 2016-001

(Enacting the Reservation Residency Act)

WHEREAS, the San Carlos Apache Tribe (the "Tribe") is a Federally recognized Indian Tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat, 984); and

WHEREAS, the San Carlos Council (the "Council") has the authority, among other things, 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 Tribe's] Constitution and Bylaws," pursuant to Article V, Section 1(a) of the Amended Constitution and By-Laws of the San Carlos Apache Tribe; and

WHEREAS, the Council previously found by Resolution DC-14-327 that that proposed Reservation Residency Act, as attached and incorporated by this reference, will aid in protecting and preserving the political integrity, economic security, and health, safety, and welfare of the Tribe and its members, and that the public should have an opportunity for comment; and

WHEREAS, numerous public meeting were held, in which both comments of support and opposition to it were expressed the Council; and

WHEREAS, by Resolution No. DC-14-327, approved publication of the Reservation Residency Act for public comment on December 8, 2014, subsequently the Act was published, and no written comments regarding the Reservation Residency Act have been received; and

WHEREAS, the Tribe's Law & Order Committee did review the Reservation Residency Act at its meeting of April 8, 2016, and recommends that the Council enact the statute accordingly; and

WHEREAS, the Council has considered the comments from the public meetings and concurs with the Committee's recommendation, and finds that the proposed amendments should now be enacted.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the San Carlos Apache Tribe that the Reservation Residency Act is hereby enacted.

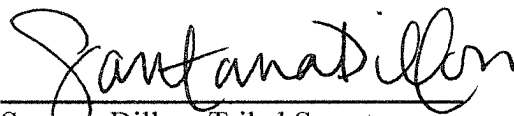
BE IT FURTHER RESOLVED by the Council of the San Carlos Apache Tribe that:

1. The Secretary of the Council is hereby instructed to record and disseminate the Reservation Residency Act to all relevant tribal departments with a copy of this enacting resolution, and publish notice thereof through all available media sources.
2. The Office of the Attorney General is hereby instructed to incorporate the Act into the Law and Order Code.

BE IT FINALLY RESOLVED by the Tribal Council of the San Carlos Apache Tribe that the Chairman, or in his absence, the Vice Chairman, or designee, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution, including any modification thereto.

CERTIFICATION

I, the undersigned Secretary of the San Carlos Apache Tribal Council hereby Certify that the Tribal Council is presently composed of eleven (11) members of whom seven (7), constituting a quorum were present at a Special Council Meeting hereto held on the **11th** day of **April, 2016**, and that the foregoing Resolution No. **AP-16-069** was duly adopted by a vote of **FOR: 5; OPPOSED: 1; ABSTAINED: 0;** of the Tribal Council pursuant to Section 1(a) of the amended Constitution and Bylaws of the San Carlos Apache Tribe effective February 24, 1954.



Santana Dillon, Tribal Secretary
SAN CARLOS APACHE TRIBE

SAN CARLOS APACHE TRIBE OF ARIZONA
RESERVATION RESIDENCY ACT OF 2014

Enacted by
Resolution No. AP-16-069
And codified as
Ordinance No. 2016-001

CHAPTER I. GENERAL PROVISIONS

Section 1. Authority and Purpose

- A. This Reservation Residence Act of 2014 is authorized under the inherent civil, legislative and regulatory authority of the San Carlos Apache Tribe (the “Tribe”), and enacted by the San Carlos Tribal Council pursuant to its authority under the Amended Constitution and Bylaws of the San Carlos Apache Tribe of Arizona (1954) and the inherent sovereignty possessed by the Tribe.
- B. The purpose of this Code is to protect the residents of the San Carlos Apache Reservation (the “Reservation”) by monitoring and regulating the presence of non-tribal members living within the Reservation’s exterior boundaries.

Section 2. Short Title

This Act shall be known as the Reservation Residency Act of 2014.

Section 3. Construction; Interpretation; Ratification; Ancillary

- A. Construction. Unless the provisions or the context otherwise requires, the definitions and rules of construction contained in this Act, and in the Code of the San Carlos Apache Tribe shall govern its construction.

- B. Interpretation. This Act shall be interpreted with the goal of effectuating the purpose of this Act, and as part of the San Carlos Apache Tribal government's essential obligation to its citizens.
- C. Ratification. The enactment of this Act shall not be construed in a manner to invalidate consistent prior acts and exercises of the Tribal Council. Previous resolutions, ordinances, policies or other rules, which may have established procedures that conflict with those contained in this Act, are hereby superseded and repealed by the procedures provided for by this Act only to the extent that such conflict prohibits the operation of this Act, and not to any other situation where the conflicting law, ordinance or resolution may apply. However, any actions legally taken pursuant to the prior to this Act shall remain in full force and effect.
- D. Ancillary. To do everything necessary, proper, advisable or convenient for the accomplishment of the above purpose, and to do all things incidental thereto or connected therewith which are not forbidden by this Act or otherwise forbidden by law.

Section 4. Definitions

In this Act, unless the context otherwise requires:

- A. "Government issued identification" shall mean a state issued drivers' license or photo identification, social security card or passport.
- B. "Non-member Resident" means any person, over the age of 18, who is not enrolled in the San Carlos Apache Tribe, and has resided within the exterior boundaries of the Reservation for at least 15 days within the last 30-day period.
- C. "Proof of Residency" shall mean a rental lease agreement, bill for utility services, or envelope from a businesses or government agency addressed to the name of the non-member Resident that indicates a San Carlos, Peridot, or Bylas mailing address through the U.S. Postal Service.

- D. "Residency Card" means an identification card issued by the Tribe's Police Department that serves as proof of lawful non-member residency.
- E. "Police Department" means the San Carlos Police Department, the agency of the San Carlos Apache Tribe that provides law enforcement on the Reservation.
- F. "Reservation" means the San Carlos Apache Indian Reservation.
- G. "Tribe" means the San Carlos Apache Tribe.

Section 5. Registration of Non-member Residents

- A. All non-member residents dwelling within the exterior boundaries of the Reservation must, within 30 days of becoming a resident, register as a non-member resident and apply for a Residency Card with the San Carlos Police Department, unless the person;
 - 1. Is the legally wedded spouse of an enrolled member; or
 - 2. Is the child or grandchild of an enrolled member of the Tribe.
- B. Persons applying for a Residency Card shall present two forms of government issued identification, and proof of residency to the Police Department, with a check or money order for \$15.00.
- C. Upon completing an application for a Residency Card, and payment of the application fee, the Police Department shall issue the person a temporary permit to live and work on the Reservation, which shall expire after 30 days, provided that the applicant has no adverse felonies. The permit must be in the possession of the applicant at all times until receiving their Residency Card.

Section 6. Background Checks

- A. The Police Department shall conduct a National Crime Information Center ("NCIC") criminal background check on each applicant within 15 days of the applicant submitting a completed application and the payment of the application fee.

- B. All persons convicted of felonies shall be ineligible for a Residency Permit, and may not reside within the exterior boundaries of the Reservation, unless otherwise excepted under this Act. In the event that an applicant's felony record has been expunged and civil rights restored, the applicant must provide documentary proof thereof to the Police Department.
- C. No foreign national present in the United States without either a current visa or a permit providing legal permanent residency, as may be issued by the United States, shall be eligible for the Tribe's Residency Permit.
- D. An applicant who has complied with subsections A, B, and C will be promptly notified and issued their Residency Card.

Section 7. Residency Card

- A. Contents. The Tribe's Residency Card shall contain the following information:
 - 1. The words, "San Carlos Apache Residency Card", and the statement, "This card serves as proof that the person it is issued to is a legal non-member resident of the Reservation," which shall apply solely to the holder;
 - 2. The holder's name;
 - 3. The holder's birth date;
 - 4. The holder's physical address and mailing address; and
 - 5. The issuance date and a statement that the Residency Card expires one year from that date.
- B. Renewal period. Residency Cards must be renewed annually and expire 365 days from the date of issuance. Renewal fees shall be \$10.00 per year.

Section 8. Obligations and Responsibilities of Residency Card Holders

- A. Jurisdiction. Non-member residents of the Reservation, by accepting a San Carlos Apache Residency Card, and by availing themselves of the services offered by the Tribe, thereby submit to the civil jurisdiction and sovereign authority of the San Carlos Apache

Tribe. Non-member Indian residents also thereby consent to the Tribe's criminal jurisdiction.

B. Abide by Tribe's Laws. Residency Card holders, by living on the Reservation and accepting a Residency Card, agree to abide by all laws and regulations of the Tribe, and to obey all applicable federal laws.

C. Updating Information. Residency Card holders agree to update their mailing and physical address information with the Police Department within 15 days of any changes.

Section 9. Penalties for Non-registration.

A. Civil Offense. Failure to register and apply for a San Carlos Apache Residency Card within 30 days after becoming a resident of the Reservation shall constitute a civil offense against the Tribe, and shall be punished by a fine of \$300.00. Peace Officers shall issue a citation to persons whom they have probable cause to believe are violating this provision.

B. Failure to register and apply for a San Carlos Apache Residency Card within 15 days of receiving a citation shall constitute a second offense, and shall be punished by a second citation, a \$1,000.00 fine, and removal and temporary exclusion from the Reservation, until the person can produce proof to the court that they have applied for a Residency Card.

C. Failure to register and apply for a San Carlos Apache Residency Card within 5 days of receiving a second citation shall constitute a third offense, and shall be punished by a \$5,000.00 fine, removal and permanent exclusion.

Section 10. Revocation of Residency Card

Residency cards shall be revoked from all persons subject to Exclusion and Removal from the Reservation pursuant to Sections 7-050 and 7-060 of the Law and Order Code of the

San Carlos Apache Tribe, or upon conviction of a felony in any state court during the term of the residency card.

Section 11. Application of Act to Current Non-member Residents of the Reservation

The provisions of this Act shall apply to all non-member residents living on the Reservation at the time of its enactment, and each must register and apply for a Residency Card within the 90 days following its enactment, unless otherwise excepted under this Act.

Section 12. Amendment of this Act.

Pursuant to Article 3, Section 1(c) of the Constitution, this Act may be amended by the Tribal Council at any regularly called meeting at which a quorum is present.

CERTIFICATION

I, the undersigned, Secretary of the San Carlos Tribal Council, hereby certify that the Tribal Council is composed of eleven (11) members, of whom seven (7), constituting a quorum, were at a Special Council Meeting hereto held on the 11th day of April, 2016, and that the foregoing Resolution No. AP-16-069 was duly adopted by a vote of FOR: 5; OPPOSED: 1; ABSTAINED: 0; of the Tribal Council pursuant to Article V, Section 1 (a) of the Amended Constitution and Bylaws of the San Carlos Apache Tribe, effective, February 24, 1954.



Santana Dillon, Tribal Secretary
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