

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

No. JL-22-140

(Approving Penalty and Fine Schedule 2022 for violations of the Tribe's Motor Vehicle Code as required by Title XII Chapter 1 Section 4C of the Tribe's Motor Vehicle Code)

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 ("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," to "enact ordinances, subject to review by the Secretary of the Interior, establishing and governing tribal courts and law enforcement on the Reservation" and to "regulate its own procedures" pursuant to Article V, Sections 1(a), (m) and (o) of the Amended Constitution and By-Laws of the San Carlos Apache Tribe (1954); an

WHEREAS, on April 5, 2022 the San Carlos Tribal Council by Resolution AP-22-063 enacted Ordinance No. 002-2022 known as the San Carlos Apache Tribe Motor Vehicle Code; and

WHEREAS, Title XII, Chapter 1 Section 4C requires a fines and fee schedule to be prepared initially by the San Carlos Tribal Court and thereafter every other year to be approved by the Council to set penalties for violation of the Motor Vehicle Code; and

WHEREAS, the Tribal Court, Office of the Prosecutor and the San Carlos Police Department has prepared a Penalty and Fine Schedule 2022 consistent with the requirements of Chapter 1 Section 4A of the Motor Vehicle Code; and

WHEREAS, the Council's Law and Order Committee has reviewed the proposed Penalty and Fine Schedule 2022, and recommends that the Council approve the Penalty and Fine Schedule 2022; and

WHEREAS, the Council concurs with Law & Order Committee's recommendation and finds that approving the Penalty and Fine Schedule 2022 complies with the requirements of Chapter 1, Section 4A of the Motor Vehicle Code, and thus would be in the best interest of the Tribe.

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

1. The amendment to the Penalty and Fine Schedule 2022 is hereby approved to take immediate effect.
2. The Attorney General is hereby directed to transmit copies of the certified resolution and the amendment of the Penalty and Fine Schedule 2022 to Bureau of Indian Affairs, San Carlos Agency within six days of passage by the Council to approve or disapprove pursuant to Article VI of the Tribe's Amended Constitution.
3. The Superintendent of the Bureau of Indian Affairs, San Carlos Agency is hereby requested to review said amendment and provide written notice of the decision to approve or disapprove within six days of receipt.
4. The Attorney General is hereby directed to draft a press release regarding the enactment of said amendments.
5. The Chief Judge of the Tribal Courts is hereby directed to make copies available to the general public and legal counsel practicing before the San Carlos Apache Tribe's Courts as members of the San Carlos Apache Bar Association.

BE IT FURTHER RESOLVED by the 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.

CERTIFICATION

I, the undersigned, Secretary of the San Carlos Council, hereby certify that the Council is composed of eleven (11) members, of whom eight (8), constituting a quorum, were at a Regular Meeting hereto held on the 5th day of July, 2022, and that the foregoing Resolution No. JL-22-140 was duly adopted by a vote of FOR: 7; OPPOSED: 0; 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

Council Secretary

SAN CARLOS APACHE TRIBE