

HOPI TRIBAL COUNCIL
RESOLUTION
H-086-2012

WHEREAS, ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a), (b) and (f) of the Constitution and By-Laws of the Hopi Tribe, authorizes the Hopi Tribal Council “To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe , . . .”; and

WHEREAS, ARTICLE VI, POWERS OF THE TRIBAL COUNCIL, SECTION 1 (g) of the Constitution and By-Laws of the Hopi Tribe, authorizes the Hopi Tribal Council “To make ordinances to protect the peace and welfare of the Tribe, and to set up courts for the settlement of claims and disputes, and for the trial and punishments of Indians within the jurisdiction charged with offenses against such ordinances.”; and

WHEREAS, the U.S. Senate’s Committee on Indian Affairs has recognized that there is a public safety crisis in Indian Country and violent crime rates in Indian Country are more than twice the national average; and

WHEREAS, the U.S. Senate’s Committee on Indian Affairs admits that the federal response to reservation crime remains fragmented and fails to meet the justice needs of tribal communities; and

WHEREAS, the recent passage of The Tribal Law and Order Act of 2010 through the U.S. Congress acknowledges the right of an Indian tribe to impose increased criminal penalties if the tribe provides, among other things, a comprehensive system of criminal laws and procedures, including rules of evidence; and

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- WHEREAS, the Tribal Law and Order Act is intended to improve the efficiency and effectiveness of the justice systems on Indian lands; and
- WHEREAS, the Tribal Law and Order Act provides for additional authority for Tribes to better address major crimes and to obtain additional resources and to assist in the development of its criminal justice system; and
- WHEREAS, the needs of the Hopi Tribe are no longer well served by Ordinance 21 as currently written; and
- WHEREAS, it is deemed to be in the best interest of the Hopi Tribe to have a Law and Order Code that expands the sovereignty of the Tribe to better address the right of the Hopi people to live in a peaceful environment; and
- WHEREAS, the Hopi Law Enforcement Task Team actively encouraged public input and comment during the development of the proposed Hopi Code; and
- WHEREAS, the Hopi Law Enforcement Task Team held public hearings where it presented the proposed Hopi Code, fielded questions, comments and suggestions from the public and broadcast a recording of one of these hearings several times on Hopi Radio; and
- WHEREAS, the Hopi Law Enforcement Task Team welcomed members of the public and community organizations at its meetings to present their issues and concerns, incorporating their suggestions into the Code; and
- WHEREAS, the Hopi Rules of Civil and Criminal Procedure do not adequately address civil and criminal procedure, including the need for pre-trial discovery.

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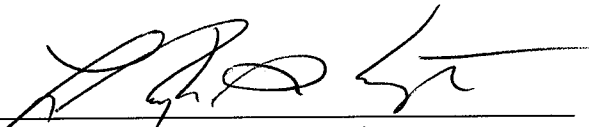
NOW THEREFORE BE IT RESOLVED that the Hopi Tribal Council approves and adopts the attached Hopi Tribal Code, which shall be effective thirty days from adoption, and all versions of, and amendments to, and resolutions concerning, Ordinance 21 are hereby replaced and superseded.

BE IT FURTHER RESOLVED that the Hopi Tribal Council approves and adopts the attached Hopi Rules of Civil Procedure, which shall be effective thirty days from adoption, and all versions of the Hopi Indian Rules of Civil and Criminal Procedure are hereby replaced and superseded.

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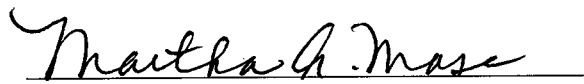
CERTIFICATION

The Hopi Tribal Council duly adopted the foregoing Resolution on August 28, 2012, at a meeting at which a quorum was present with a vote of 16 in favor, 2 opposed, 0 abstaining (Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a), (b), (f) and (g) of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said Resolution is effective as of the date of adoption and does not require Secretarial approval.



LeRoy N. Shingoitewa, Chairman
Hopi Tribal Council

ATTEST:



Martha A. Mase, Tribal Secretary
Hopi Tribal Council