

*Revised
per
Corkner*

DEPARTMENT OF TRANSPORTATION

as created by Ordinance No. _____ and adopted by the

THE HUALAPAI TRIBAL COUNCIL

on _____, 2002

**HUALAPAI DEPARTMENT OF TRANSPORTATION
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Chapter 1

General Provisions

1-1 Applicability

This ordinance shall apply to all transportation, transportation related facilities, related construction facilities, construction and road maintenance. This ordinance shall serve as the full authorization document creating the Hualapai Department of Transportation.

1-2 Jurisdiction

HDOT shall have jurisdiction over transportation projects on and off the reservation.

The Hualapai Tribal Council shall resolve any questions arising regarding HDOT authority.

1-3 Purposes and Interpretation

This Ordinance shall be interpreted and construed to fulfill the following purposes:

- (A) Create and establish the Hualapai Department of Transportation.
- (B) Create and establish the Hualapai Department of Transportation Advisory Board.
- (C) Establish the fundamental powers and duties of the Hualapai Department of Transportation Advisory Board.

1-4 Relation to Other Laws

- (A) Applicable Law. Unless affected or displaced by this Ordinance, principles of law and equity in the common law of the Tribe and tribal customs and traditions are applicable, and the general principles of law of any other Tribe or any other state may be used as a guide to supplement and interpret this Ordinance.
- (B) Other Applicable Laws. Additional tribal and federal laws may apply with regard to tribal transportation, such as the terms of any federal contracts entered into by the Hualapai Tribal Council and the federal or state government.
- (C) Conflicts With Other Laws
 - (1) Tribal Laws: To the extent that this Ordinance may conflict with tribal laws or ordinances which have been enacted to comply with statutes or regulations of any agency of the United States, such tribal laws or ordinances shall govern over the provisions of this Ordinance if it has specific applicability and it is clearly in conflict with the provisions of this Ordinance.
 - (2) Federal Laws: Where a conflict may appear between this Ordinance and any statute, regulation, or agreement of the United States, the federal law may govern

if it has specific applicability and if it is clearly in conflict with the provisions of this Ordinance.

- (3) State Laws: To the extent that the laws of any state may be applicable to the subject matter of this Ordinance, such laws shall be read to be advisory and not directly binding and shall not govern the relations of the parties, unless negotiated by both parties.

1-5 Definitions

As used in this Ordinance, the following words will have the meanings given, unless the context plainly requires otherwise:

- (A) *HDOT* means the Hualapai Tribe Department of Transportation.
- (B) *638 contract* means a contract entered into between the Hualapai tribe and the Bureau of Indian Affairs.
- (C) *A/E* means "Architect and Engineer".
- (D) *BIA* means Bureau of Indian Affairs.
- (E) *BLM* means Bureau of Land Management.
- (F) *ADOT* means Arizona Department of Transportation.
- (G) *FHWA* means Federal Highway Administration
- (H) *IIR* means Indian Reservation Roads
- (I) *EIS* means Environmental Impact Statement
- (J) *NEPA* means National Environmental Policy Agency
- (K) *TCP* means Traditional Cultural Properties

Chapter 2

Hualapai Department of Transportation Advisory Board

2-1 Advisory Board

(A) Introduction

The Hualapai Tribe hereby establishes a Hualapai Department of Transportation and a Hualapai Department of Transportation Advisory Board. The number of members of the HDOT Advisory Board shall not be less than five (5). 5 members of the HDOT Advisory Board; 2 members shall also be current elected members of the Tribal Council; 5 members shall be members of the public at-large; 1 member shall serve as an ex-officio, non-voting member of the Board.

- (B)** To the extent practicable, Board candidates must have knowledge and experience in transportation issues such as engineering, architecture, or construction, or have experience in performing federal self-determination contracts, or have negotiated or performed construction related contracts.
- (C)** The Council shall appoint the Board members.
- (D)** Members of the Board shall serve terms of 4 years, unless terminated sooner by the Tribal Council.
- (E)** The Board shall elect from among its members a Chairman of the Board. If the Chairman is absent at a Board meeting, the Board may elect from one of the members present an acting Chairman for that meeting.
- (F)** Members of the Board shall receive compensation for their services and reimbursed for expenses, subject to Tribal Council approval.

2-2 Duties of the Advisory Board

- (A)** Update the Tribal Council on transportation issues and needs quarterly or upon request of the Council.
- (B)** Provide advise in all matters of specific administrative performance of construction related projects.
- (C)** Respond to requests or make referrals for technical assistance by the Tribe or HDOT regarding the architectural, engineering or construction aspects of any transportation project.
- (D)** Hold meetings to assess the overall status of the Tribe's transportation needs and progression of projects.

2-3 Powers of the Advisory Board

- (A) The HDOT Advisory Board shall have the following powers:
- (1) To develop and implement transportation projects that focus on transportation improvement.
 - (2) To recommend to the Tribal Council rules and regulations for transportation related projects.
 - (3) To review and recommend agreements, contracts and understandings with any governmental agency, Federal, tribal, state or local or with any person, partnership or corporation.
 - (4) To review and recommend to the Tribal Council, to purchase, lease or take by gift land or an interest in land, necessary for the successful completion of a transportation project.
 - (5) To undertake and carry out studies and analyses of transportation needs, to operate projects and to provide for the construction, reconstruction, improvement, alterations or repair or any project or any part thereof.
 - (6) To adopt and amend Bylaws consistent with this Ordinance and the laws of the Tribe.
 - (7) To do any and all things necessary to secure the cooperation of the Federal Government, State Government, County Government and local entities in the undertaking, construction, maintenance or operation of any Project by the Department.
 - (8) To exercise such further incidental powers, not inconsistent with this Ordinance, as may be necessary to conduct the Department's business.

Chapter 3

Advisory Board Bylaws

3-1 Bylaws

The HDOT Advisory Board shall draft and present its Bylaws to the Tribal Council for approval.

3-2 Hualapai Tribe Council Oversight

By enacting this Ordinance, the Tribal Council does not waive any of its governing /oversight authority. The Tribal Council by its authority, does hereby establish HDOT and the Advisory Board, and thereby agrees to strongly consider the judgment of the Board in all matters listed in this ordinance.

Chapter 4

Miscellaneous Provisions

4-1 Reporting to the Hualapai Tribal Council

- (A) The Advisory Board shall review and approve all reports to be made to the Tribal Council by the Director of Transportation.

4-2 Meetings

- (A) The Advisory Board shall have regular monthly meetings as determined at the previous meeting.
- (B) The Advisory Board shall have special meetings as called by the Chair.
- (C) A special meeting will be called by the Chair upon petition by three (3) or more members of the Advisory Board.

4-3 Effective Date

This Ordinance shall take effect on February ____, 2002.

APPROVED MINUTES

Name	Size	Kind	Last Modified
<input checked="" type="checkbox"/> Minutes 05/31/91	11K	Microsoft document	Mon, Feb 22, 1993 2:07 PM
<input checked="" type="checkbox"/> Minutes 04/20/91	23K	Microsoft document	Sun, Feb 21, 1993 2:05 PM
<input checked="" type="checkbox"/> Minutes 01/10/91	13K	Microsoft document	Sun, Feb 21, 1993 11:57 AM
<input checked="" type="checkbox"/> Minutes 02/11/91	15K	Microsoft document	Sun, Feb 21, 1993 11:57 AM
<input checked="" type="checkbox"/> Minutes 01/07/91	9K	Microsoft document	Sun, Feb 21, 1993 11:03 AM
<input checked="" type="checkbox"/> Minutes 06/13/91	26K	Microsoft document	Thu, Feb 4, 1993 11:02 AM
<input type="checkbox"/> Minutes 01/05/91	18K	Microsoft document	Thu, Feb 4, 1993 10:28 AM