

Ord 27-91

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. _____
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

WHEREAS, the Tribal Council is the governing body of the Hualapai Tribe and has the responsibility of protecting the health, welfare and safety of its members; and

WHEREAS, the Atchison, Topeka and Santa Fe Railway Company (ATSF) operates its trains on a railroad right-of-way through the southern portion of the Hualapai Reservation near Peach Springs; and

WHEREAS, ATSF frequently blocks the crossing at Peach Springs, which has resulted in, among other things, the obstruction of travel across the crossing and prevented emergency vehicles from responding to calls on the opposite side of the railroad right-of-way; and

WHEREAS, the blockage of the railroad crossing at ATSF creates a safety hazard and a danger to the lives and well-being of the members of the Hualapai Tribe; and

WHEREAS, the Tribal Council find sit in the best interests of the Hualapai Tribe to enact an ordinance regulating the blockage of the railroad crossing pursuant to its power to protect the health, welfare and safety of its members.

NOW THEREFORE BE IT RESOLVED that the following ordinance is hereby enacted:

An engineer, conductor, or other employee or officer of a railroad company who permits a locomotive or cars to be or remain upon a public crossing within the Hualapai Reservation over such railway so as to obstruct travel over the crossing for a period of five (5) minutes or such time as it takes for a train to cross a roadway without standing still, except in cases of unavoidable emergency, shall be subject to the civil fine of up to \$5,000 per incident.

BE IT FURTHER RESOLVED that the Bureau of Indian Affairs police are authorized to enforce this ordinance and applicable state laws and to issue citations for the violation of this ordinance and to enforce such citations in the Tribal Court of the Hualapai Tribe.

BE IT FURTHER RESOLVED that all civil fines collected shall be paid by such engineer, conductor, or other employee or officer of the railroad found in violation of this ordinance to the Treasurer of the Hualapai Tribe.

CERTIFICATION

I, the undersigned, as Chairman of the Hualapai Tribal Council, hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine members of whom ___ constituting a quorum were present at a **Special Meeting** held this **12th day of August, 1991**; and that the foregoing resolution was duly adopted by a vote of ___ for, ___ against, ___not voting, and ___ excused, pursuant to authority of Article V, Section(a) of the Constitution of the Hualapai Tribe approved March 13, 1991.

Earl Havatone, Chairman
Hualapai Tribal Council

ATTEST:

Christine Lee, Secretary
Hualapai Tribal Council

6 FOR
2 ex
1 absent

DRAFT
June 7, 1991

HUALAPAI TRIBAL COUNCIL
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION
PEACH SPRINGS, ARIZONA

ORDINANCE NO. ____

WHEREAS, the Tribal Council is the governing body of the Hualapai Tribe and has the responsibility of protecting the health, welfare and safety of its members; and

WHEREAS, the Atchison, Topeka and Santa Fe Railway Company (ATSF) operates its trains on a railroad right-of-way through the southern portion of the Hualapai Reservation near Peach Springs; and

WHEREAS, ATSF frequently blocks the crossing at Peach Springs, which has resulted in, among other things, the obstruction of travel across the crossing and prevented emergency vehicles from responding to calls on the opposite side of the railroad right-of-way; and

WHEREAS, the blockage of the railroad crossing by ATSF creates a safety hazard and a danger to the lives and well-being of the members of the Hualapai Tribe; and

WHEREAS, the Tribal Council finds it in the best interests of the Hualapai Tribe to enact an ordinance regulating the blockage of the railroad crossing pursuant to its power to protect the health, welfare and safety of its members.

NOW, THEREFORE, BE IT ORDAINED that the following ordinance is hereby enacted:

An engineer, conductor, or other employee or officer of a railroad company who permits a locomotive or cars to be or remain upon a public crossing within the Hualapai Reservation over such railway so as to obstruct travel over the crossing for a period of five (5) minutes or such time as it takes for a train to cross a roadway without standing still, except in cases of unavoidable emergency, shall be subject to the civil fine of up to \$5,000 per incident.

BE IT FURTHER ORDAINED that the Bureau of Indian Affairs police are authorized to enforce this ordinance and applicable state laws and to issue citations for the violation of this ordinance and to enforce such citations in the Tribal Court of the Hualapai Tribe.

BE IT FURTHER ORDAINED that all civil fines collected shall be paid by such engineer, conductor, or other employee or officer of the railroad found in violation of this ordinance to the Treasurer of the Hualapai Tribe.

BE IT FURTHER ORDAINED that the Secretary of the Interior is requested to approve this ordinance as required by Article VI, Section 1(o) of the Revised Constitution and By-Laws of the Hualapai Tribe approved October 22, 1955.

CERTIFICATION

I, the undersigned, as Chairperson of the Hualapai Tribal Council, hereby certify that the Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom _____ () constituting a quorum were present at a regular meeting thereof held on this _____ day of _____, 1991, and that the foregoing ordinance was duly adopted by the affirmative vote of _____ () members, pursuant to the authority of Article ~~VX~~, Section 1(o) of the ~~Revised~~ Constitution and ~~By-Laws~~ of the Hualapai Tribe approved ~~October 22, 1955.~~

CITE NEW CONSTITUTION

Chairperson
HUALAPAI TRIBAL COUNCIL

ATTEST:

Secretary
HUALAPAI TRIBAL COUNCIL

DATE: _____

REVIEWED AND APPROVED:

Secretary of the Interior


DELETE

Special Council
mtg.
5 p.m.

Aug. 12/91

- | | |
|-------------------------------------|----------------------|
| 1. Earl Havatone | 7. Edgar Walema |
| 2. Delbert Havatone | <u>Excused</u> |
| 3. Linda Havatone | 8. Catalina Steele |
| 4. Barbaka Jinkorn | <u>Absent</u> |
| 5. Charles Murphy Vaughn | 9. Everett McKay |
| 6. Clay Bravo | <u>Absent</u> Jr. S. |

Those present:

1. Bob McDichols
2. Tom Wahlquist
3. Ernest Woodson
4. Robert Lytle
5. Travis Majesty
6. Loretta Jackson
7. Monroe Beecher
8. Malinda Bewskey

Kanswestern Pipeline Co. -
M. O. U.

Lengthy discussion
5 loops in Az.

To get together w/ tribal
members to draft up a MOU
for approval.

To form a working group to draft
MOU.

El Paso Gas Pipeline

Protection of sacred areas.
Will compile w/ Federal
Regulations.

Tribal Planner

Sidewalk project - Ernest read
letter to Council from ILED.

1. Resubmit for another project.
2. Appeal

NO renovations - New building
(Administration)

Recommendations:

CV - swimming pool, day care
center, baseball field. Something
for the youth. Halfway House

Tax Administrator's job (Dallas
Osuola) will expire 8/31/91.

Robert Lytle - Letter concerning
human remains, funerary objects
~~sacred~~ ceremonial objects

Letter to form a new Law and
Order Committee from George
Rocha subject to Council approval.

Charlie moves to adopt Res.
44-91 with minor corrections
2nd by Clay.
6 for — 0 — absent —
motion carried excused

Forestry Review - Tom W.
Held Saturday
scoping mtg. mainly raining.
Disciplinary team.
Mtg. scheduled for Sept. 9th
will up date Council.

Charlie adopts ^{Res.} 45-91 Delbert
2nd
5 ~~for~~ for, 2 absent, 1 excused 1-NV
motion carried

Wildlife - Monroe Beecher
Hunting Elk
Sept. 15-20, 1991
2 wk

Generator - not working anymore
will install new generator
on Sept. 20, 1991.

Elk in
Aug. 4 - D&S tank - Elk must
have died - must have been
attacked by Crows or etc., etc.
Was dead when we arrived.

Chap. 11
Policies & Procedures - Pg. 31
Personnel leave -

Travis - Report on Mtg. attended
in Phoenix this past weekend.

Employees working for Fox Bay
Employees cannot be employed
elsewhere. They are wanting to
be guides.

asked to be a guide but he
refused.
Monroe says he lied or rather
he saw different.

2 Sons, who are guides. Conflict of Interest in alot of ways. One incident that happened with Ron, who was so drunk he was shooting off his gun and almost lost the game that was killed.

\$7,000 — \$2,000 go to guides
Earl. Consensus is that it is the discretion of the Supervisor

CV. Seems to be jealousy going on between these 2 Depts.

Clay would need to make a recommendation to his immediate Supervisor.

Linda - her feelings and what was said at previous Council Mtg. Supports Monroe.

Kavis - Commissioned Officers - would like to see this happen. We need more officers out there.

Court Administrator:

William L. Farrison
Marilyn Kay Ruizillo
James N. Bradley, Jr.
John D. Blady

- Background investigation.
- Set up interview.

Barbara - letter from
Eva Sullivan

Rosie did not request leave
through proper procedures.

Dallas or Edgar - need to look
at contract on Eva

Applications

Tribal Herd - In the eye of the
Community. Getting comments
from the Community.

45 days at Bull Pasture.

You have given him approval
without our (Council) approval.

Has he made his selection
that his going to keep?

Yes - about 165 head.

Water problems

over grazed

- Lengthy discussion

Clay - Grand Canyon West

Bill Halton - was not really
for the tribe. looked like he
was mainly for Lee Anderson
and Judy Strand.

Date for a general meeting before
December.

11:30

Delbert 1st

Charlie 2nd

W. Alan Bowman

Transwestern

(505) 265-3610

Gary Stumpf

Bureau of Land Management (602) 640-5509

Frank E. Wozniak

Office of Contract Archeology

Univ. of New Mexico (505) 277-5085

Beth E. King

El Paso Natural Gas

(801) 672-2348

HUALAPAI TRIBAL COUNCIL
SPECIAL COUNCIL MEETING
August 12, 1991
5:00 p.m.

1. Roll Call:

- Earl Havatone, Chairman
- Edgar Walema, Vice-Chairman
- Delbert Havatone
- Linda Havatone
- Everett Manakaja Jr.
- Catalina Steele
- Barbara Tinhorn
- Charles Vaughn
- Clay Bravo

*6 - Quorum
5:25 P.M.*

2. Announcement of Quorum

3. Meeting called to Order

A G E N D A

- ~~1.~~ Transwestern Pipeline
El Paso Natural Gas Pipeline
- ~~2.~~ Tribal Planner - Ernest Woodson
- ~~3.~~ Tribal Attorney General Report - Robert Lyttle
- ~~4.~~ Tribal Forestry - ~~Charlie Murphy~~ *Jon Wahlquist*
- ~~5.~~ Wildlife - Monroe Beecher
- ~~6.~~ Selection of Court Administrator
- 7. Others

SPECIAL COUNCIL MEETING
August 12, 1991
5:00 P.M.

Secretary: Clara Mahone

Roll Call taken (7) members present constituting a quorum. The meeting was called to order at 5:25 p.m.

Present:

Earl Havatone, Chairman
Edgar Walema, Vice-Chairman (excused)
Clay Bravo
Delbert Havatone
Linda Havatone
Catalina Steele (absent)
Barbara Tinhorn
Charles Vaughn
Everett Manakaja Jr.(absent)

Others:

Tom Wahlquist
Bob McNichols
Ernest Woodson
Robert Lyttle
Travis Majenty
Loretta Jackson
Monroe Beecher
Malinda Powskey

Transwestern Pipeline Co. - Memorandum of Understanding - There was a lengthy discussion. We need to get together with tribal members to form a working group to draft a MOU.

El Paso Gas Pipeline - we need protection of sacred areas. Will compile with federal regulations.

Tribal Planner - Sidewalk project. We need to resubmit for another project or appeal.

If the Tribe is going to resubmit for another project here are some recommendations, swimming pool, day care center baseball field, something for the youth, halfway house.

Information to council that the tax administrator's position will expire on August 31, 1991.

Robert Lyttle -Tribal Attorney General Report - presented a letter to form a new law and order committee from George Rocha subject to council approval.

Robert also presented a resolution to enact an ordinance regulating the blockage of the railroad crossing pursuant to its power to protect the health, welfare and safety of its members.

Charlie moved to adopt Resolution 44-91 with minor corrections and seconded by Clay Bravo. Vote 6 for 0 opposed 2 absent 1 excused motion carried.

Tom Wahlquist gave a review on Forestry. There was a scoping meeting held on Saturday. A disciplinary team meeting is scheduled for September 9th will update council.

Charlie moved to adopt Resolution 45-91 Appointment of CORE Interdisciplinary Team, seconded by Delbert. Vote 5 in favor, 2 absent, 1 excused 1 not voting, motion carried.