

**HUALAPAI TRIBAL COUNCIL  
RESOLUTION NO. 76-94  
OF THE GOVERNING BODY OF THE  
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION  
PEACH SPRINGS, ARIZONA**

**(Direction for the Hualapai Tribal Courts to Carry out the Declaratory Judgement Ordinance)**

**WHEREAS**, the Tribal Council is the governing body of the Hualapai Tribe and possesses constitutional and inherent authority to enact laws, ordinances and resolutions necessary or incidental to its legislative powers; and

**WHEREAS**, the Hualapai Tribal Courts are authorized and empowered to interpret and apply the laws of the Hualapai Tribe and to declare them void if they are not in agreement with the Hualapai Constitution; and

**WHEREAS**, the Tribal Council finds that there is a need to provide a declaratory judgment procedure to enable parties within the Hualapai Reservation to resolve or settle actual controversies before they ripen into violations of law or breaches of duty by providing an immediate forum for adjudication of rights and obligations where such controversies may be adjudicated with expediency and economy; and

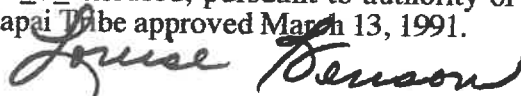
**WHEREAS**, the Tribal Council finds that it is in the best interest of the Hualapai Tribe to enact the Declaratory Judgments Ordinance, attached hereto as Exhibit A.

**NOW THEREFORE, BE IT RESOLVED** by the Tribal Council that the Declaratory Judgments Ordinance, attached hereto as Exhibit A and incorporated herein by reference, is hereby enacted as the law of the Hualapai Tribe.

**BE IT FURTHER RESOLVED**, that the Hualapai Nation Tribal Courts are hereby admonished and directed to carry out the purposes of the Declaratory Judgements Ordinance and to do all things necessary and proper to effectuate the purposes thereof.


**C E R T I F I C A T I O N**

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribe of the Hualapai Tribal Council is composed of nine (9) members of whom 6 constituting a quorum were present at a **SPECIAL COUNCIL MEETING** held on this **3rd day November, 1994**; and that the foregoing resolution was duly adopted by a vote of 6 for 0 against, 0 not voting, and 3 excused, pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.



Louise Benson, Vice Chairperson  
Hualapai Tribal Council

ATTEST

  
Christine Lee, Secretary  
Hualapai Tribal Council

### DECLARATORY JUDGMENTS ORDINANCES

#### 1. Scope

The Hualapai Tribal Courts upon the filing of a Declaratory Judgment Action shall have the power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declaratory judgment shall have the force and effect of a final judgment or decree.

#### 2. Power to construe

The Tribal Council of the Hualapai Nation or any person having any interest in a written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by the Hualapai constitution, or an ordinance of the Hualapai Nation, may seek determination of any question of construction or validity arising under the Hualapai constitution, ordinance, or contract, and obtain a declaration of rights, status or other legal relations including but not limited to a determination of constitutionality, legality or declaration of action necessary to assure compliance with the Hualapai Constitution or Ordinances.

#### 3. Action may be filed before breach occurs

A written contract may be construed either before or after there has been a breach thereof.

#### 4. Enumeration not exclusive

The enumeration of powers in §§ 2 and 3 does not limit or restrict the exercise of the general powers conferred in § 1, in any proceedings where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.

#### 5. Discretionary

The court may refuse to render or enter a declaratory judgment or decree if such judgment or decree would not resolve the pending issues and thereby terminate the uncertainty or controversy giving rise to the proceeding.

#### 6. Review on Appeal

Any orders, judgments and decrees entered under this article shall be reviewed on appeal to the court of appeals on an expedited basis as provided herein even if an appeal is filed.

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7. Supplemental relief

Supplemental relief based on a declaratory judgment or decree previously issued may be granted whenever necessary or proper. The application for supplemental relief shall be made by complaint or appropriate pleading in accordance with applicable rules of procedure. If the application be deemed sufficient, the tribal court shall, on reasonable notice, require any interested or adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

8. Parties

When declaratory relief is sought, any person who has or claims any interest which would be affected by issuance of the declaratory judgment shall be notified that the action has been filed. Persons with a known interest adverse to the plaintiff shall be personally served. In addition, a copy of the Complaint shall be posted inside the Court building as Notice by Publication. The Tribal Council shall be served with a copy of the proceeding by serving the Tribal Chairperson or Vice-Chairperson. The Tribal Council shall be entitled to be heard in any action in which the Hualapai constitution or ordinance is raised.

9. Construction/Purpose

This ordinance is declared to be remedial; its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations; and is to be liberally construed and administered.

10. Words construed

The word "person" wherever used in this article shall be construed to mean any individual person, business entity partnership, corporation, unincorporated association, or the Tribal Council of the Hualapai Nation.

11. Expedited relief; time for answer; time for hearing declaratory judgment action; findings of the court; judgment; time for appeal and review

A. In any action brought under the provisions of this ordinance expedited relief shall be granted, as provided herein unless all parties stipulate to a longer period. An answer is required to be filed with the court and served upon the plaintiff within five (5) calendar days of the service of summons or posted notice of litigation to those notified by publication, exclusive of the day of service. Upon the filing of the answer, or if no answer is timely filed, the tribal court shall set a time for the hearing of the action, not later than fifteen calendar days after the date

on which the action was filed, which may be continued for not to exceed five calendar days for good cause shown.

B. Any legal briefs shall be filed no later than three (3) days prior to the date set for hearing. The court shall continue in session to hear and determine all issues. After hearing the proofs and allegations of the parties, and within three (3) days after the submission thereof, the court shall file its written findings and pronounce a written declaratory judgment.

C. An appeal may be taken from the judgment. A notice of appeal shall be filed by any party to the action within three (3) days of pronouncement of the declaratory judgment and shall serve the Notice on each of the parties below. Upon filing of Notice of Appeal, the court of appeals shall set a time for oral argument of the appeal not later than ten (10) calendar days from the date of the Notice of Appeal. Each party to the appeal shall simultaneously file an appeal brief no later than three (3) days prior to the date set for oral argument. The court of appeals shall file its decision within five (5) calendar days of the date of oral argument.

12. Limited Waiver of Sovereign Immunity

In any action brought under this ordinance, the Tribal Council may waive its sovereign immunity and consent to suit for the limited purpose of a declaratory judgment. Such a waiver of sovereign immunity does not extend to a party's request for supplemental relief pursuant to § 7 of this ordinance nor does such waiver provide for the award or enforcement of any monetary damages, whether actual, compensatory, exemplary or punitive against the Hualapai Tribal Council, or Tribal officials or officers.

13. Short title; Effective Date

This ordinance may be cited as the Hualapai Declaratory Judgment Ordinance. This ordinance is effective immediately upon passage by the Tribal Council.

14. Authorization

This ordinance is adopted by the Tribal Council pursuant to the powers delegated in Article V(a) of the Revised Hualapai Constitution approved on March 13, 1991.