



# GILA RIVER INDIAN COMMUNITY

## SACATON, AZ 85147

### ORDINANCE GR-03-16

**THE GILA RIVER INDIAN COMMUNITY COUNCIL HEREBY AMENDS THE GILA RIVER INDIAN COMMUNITY CODE BY AMENDING ORDINANCES GR-01-10 AND GR-07-10, AND ENACTING THE REVISED CHILDREN'S CODE TO BE CODIFIED AT TITLE 7 OF THE GILA RIVER INDIAN COMMUNITY CODE**

**WHEREAS,** the Gila River Indian Community Council (the "Community Council") is the governing body of the Gila River Indian Community (the "Community"), a federally recognized and sovereign Indian tribe; and

**WHEREAS,** the Community Council is authorized by Article XV, Section 1(a)(9) of the Constitution and Bylaws of the Community (March 17, 1960) (the "Constitution") to promote and protect the health, peace, morals, education, and general welfare of the Community and its members; and

**WHEREAS,** the Community Council is authorized by Article XV, Section 1(a)(17) of the Constitution to provide for the maintenance of law and order and the administration of justice by establishing a Community Court and police force, and defining the powers and duties thereof; and

**WHEREAS,** the Community Council is authorized by Article XV, Section 1(a)(19) of the Constitution to pass ordinances necessary or incidental to the exercise of any of its powers authorized by Article XV, Section 1(a) of the Constitution; and

**WHEREAS,** the power to enact laws and ordinances is an inherent function of self-government which the Community has exercised over the years; and

**WHEREAS,** the Community Council adopted the Children's Code in its current form on February 3, 2010, through Ordinance GR-01-10, adopted technical amendments to the Children's Code on December 15, 2010, through Ordinance GR-07-10, and adopted miscellaneous amendments on July 18, 2012, through Ordinance GR-01-12, on May 15, 2013, through Ordinance GR-04-13, and on June 4, 2014, through Ordinance GR-03-14; and

**WHEREAS,** a workgroup comprised of representatives from Community departments and other organizations (Office of the General Counsel, Office of the Prosecutor, Defense Services Office, Police Department, Judicial Department, Probation, Tribal Social Service, Four Rivers Indian Legal Services and GRHC Behavioral Health), which included Community members, met to revise the Children's Code; and

**WHEREAS,** the Legislative Standing Committee, Education Standing Committee, Health and Social Standing Committee, Cultural Resource Standing Committee, and Government and Management Standing Committee held several joint meetings to review the draft revisions to the Children's Code and provide guidance and direction on various policy decisions and revisions to the Children's Code; and

**WHEREAS,** the creation of a Protective Service Attorney and Protective Services Office was one of the policy decisions approved by the joint committees with the understanding that the two Children's Court prosecutor positions and Office of the Prosecutor support staff assigned to the Children's Court would be reallocated to the Protective Services Office, and one new prosecutor position would be created and funded; and

**WHEREAS,** the Community Treasurer recommended to the Legislative Sanding Committee delaying implementation of the Protective Services Attorney and Protective Services Office until fiscal year 2017; and

**WHEREAS,** the revised Children's Code will be effective upon enactment; however, the Protective Services Attorney and Protective Services Office will not be effective until October 1, 2016; the Office of the Prosecutor will continue to provide representation and prosecution under the Children's Code until October 1, 2016 and the Office of General Counsel will continue to represent the Community in Indian Child Welfare Act matters until October 1, 2016; and

**WHEREAS,** the Human Resources Department, Office of the Prosecutor and Office of General Counsel will work together to create job descriptions for the Protective Services Attorneys and support staff as well as other activities related to the transition; and

**WHEREAS,** the revised Children's Code has complied with pre-adoption notification procedures by publication in the Gila River Indian Community News and posting at all seven district service centers, and was presented at the Youth Council, Council of Elders and meetings at all seven districts during December of 2015 and January of 2016; and

**WHEREAS,** the Legislative Standing Committee recommends enactment of the revised Children's Code.

**NOW THEREFORE BE IT ENACTED,** the Community Council hereby amends the Gila River Indian Community Code, and approves and enacts the attached revised Children's Code, which shall replace Title 7 of the Gila River Indian Community Code.

**BE IT FURTHER ENACTED,** that the revised Children's Code shall be codified at Title 7 of the Gila River Indian Community Code.

**BE IT FURTHER ENACTED**, that the revised Children's Code shall become effective March 2, 2016, except the Protective Services Attorney and Protective Services Office shall not be effective until October 1, 2016.

**BE IT FINALLY ENACTED**, that the Governor, or in the Governor's absence the Lieutenant Governor, is hereby authorized to take all steps necessary to carry out the intent of this enactment.

**CERTIFICATION**

Pursuant to authority contained in Article XV, Section 1, (a) (7), (9), (18), (19), (b) (8), (10) and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the tribe January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing resolution was adopted on the 02<sup>nd</sup> of March 2016, at a regular Community Council meeting held in District 3, Sacaton, Arizona at which a quorum of 14 Members were present by a vote of: 14 FOR; 0 OPPOSE; 0 ABSTAIN; 3 ABSENT; 0 VACANCY.

**GILA RIVER INDIAN COMMUNITY**

  
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GOVERNOR

**ATTEST:**

  
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COMMUNITY COUNCIL SECRETARY



MAR 04 2016