

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY**
10,005 East Osborn Road
Scottsdale, AZ 85256

ORDINANCE NUMBER SRO-525-2021

**AMENDMENTS TO THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY
COURT RULES OF CIVIL PROCEDURE TO AUTHORIZE SERVICE AND FILING
BY ELECTRONIC MEANS.**

Resolution Number SR-2386-2005 is hereby amended by adding language to the definition of “service”, by adding a definition for the term “signature”, and by amending rules 5-11, 5-13, and 5-20, to read as follows:

I. Definitions, Beginning an Action; Service of Process; Pleadings, Motions and Other Papers

Definitions

"Serve or Service" means the delivery of a complaint, order or other document(s) through personal service, certified mail, electronic mail, or publication and posting as provided in these Rules.

"Signature" means a person's name written on a document as a form of identification and authorization. When a person's name is made through the person's electronic mail account on file with the Court and authorized by that person, together with that person's name on a signature block, it constitutes the person's signature under these Rules.

Rule 5-11 Complaint and Summons

(d) When the complaint or amended complaint is filed, the Clerk shall stamp the original with the day and hour on which it was filed, initial the original and issue a summons. If a complaint or amended complaint is filed electronically, it is deemed filed on the date and time indicated on the email notification from the Court's electronic filing portal or as it is displayed within the portal, unless a required filing fee is not paid or the Clerk later rejects the document based on a deficiency in the filing. If a filing is rejected because of a deficiency, the Clerk must promptly provide the filing party with an explanation for the rejection. The Clerk shall provide plaintiff a stamped copy of the complaint and a stamped copy of the summons.

Rule 5-13 Service of Process

(f) Service by electronic mail

A document may be served by transmitting it through an electronic mail account on file with the Court to an electronic portal approved by the Court.

(g) Service by Alternate Means

If service by one of the means set forth in the preceding subsections of this Rule proves impractical, then service may be made in such a manner as the Court may order upon motion and without notice. Reasonable efforts shall be undertaken to assure that actual notice of the commencement of the action is provided to the person to be served. The summons, complaint, and any Court order shall also be mailed to the last known address of the person to be served.

(h) Proof of Completion of Service of Process

(1) Service shall be complete when personal service is made, when the return receipt is signed, when publication and posting is completed, when transmitted to the Court's electronic portal, or when the alternate means of service is completed, provided the affidavit of service has been filed.

(2) Proof of service of the summons and complaint as provided above shall be attested to by an affidavit of the person who served the document(s).

(3) Service upon a party's attorney or advocate shall constitute proper service upon that party, provided a notice of appearance has already been filed. If a party is represented by an attorney or advocate, service must be made on the attorney or advocate unless the Court orders or a specific rule requires service on the party.

III Pre-Trial and Discovery

Rule 5-20 Service of Pleadings, Motions, Other Papers, Court Notices, Court Orders, etc.

(a) Except for the summons and complaint - Motions, other papers, Court summons, Court notices, Subpoenas and Court orders shall be served by first class mail or by electronic mail using an electronic mail account on file with the Court unless the Court orders otherwise.

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

This ordinance is hereby enacted pursuant to the authority contained in Article VII Section 1(c)(2) and 1(k) of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe on February 28, 1990 and approved by the Secretary of the Interior on March 19, 1990 and amended by the Tribe on February 27, 1996 and approved by the Secretary on April 23, 1996, the foregoing ordinance was approved on the 4th day of October, 2020 in a duly called meeting held by the Community Council in Salt River/Lehi Arizona at which a quorum of 8 members were present by a vote of 8 for 0 opposed 0 abstentions 1 excused.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY COUNCIL



Martin Harvier, President

ATTEST:



Erica Harvier, Council Secretary

Approved as to Form by the
Office of the General Counsel
Jeff Harmon
October 29 2020

