

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has been made aware of the necessity to create a Boundary Ranger Department whose function would be to patrol the perimeter boundary, boundary fences, and an area not to exceed two miles to the interior from any point on the perimeter, for the purpose of protecting the natural resources, property, and well-being of the people of the White Mountain Apache Tribe; and

WHEREAS, to carry out that function, the Tribal Council had previously instructed the drafting of a Plan of Operation with attendant guidelines and policies for the Boundary Patrol Ranger Department; and

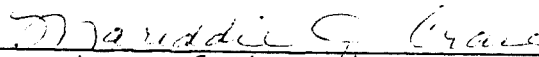
WHEREAS, the Plan of Operation with guidelines and policies for the Boundary Ranger Department has been submitted and approved as amended by the Tribal Council which is incorporated by reference herein and attached hereto.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Boundary Ranger Department of the White Mountain Apache Tribe is hereby established effective immediately and that the attached Plan of Operation for the Boundary Patrol Ranger Department is hereby approved and also effective immediately.

BE IT FURTHER RESOLVED that all personnel employed by the Boundary Ranger Department shall adhere to and follow the policies and guidelines set forth in the Plan of Operation for the Boundary Patrol Rangers attached hereto.

The foregoing resolution was on June 2, 1981, duly adopted by a vote of eight for, one against, and no abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (f), (h), (i) and (k) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

PLAN OF OPERATION
GUIDELINES AND POLICIES
FOR
BOUNDARY PATROL DEPARTMENT
OF THE
WHITE MOUNTAIN APACHE TRIBE

Submitted: June 2, 1981
Chairman, Law and Order
Committee

Approved by
Tribal Council June 2, 1981

APPENDIX A

QUALIFICATION REQUIREMENTS AND GENERAL ORDERS FOR WHITE MOUNTAIN APACHE BOUNDARY PATROL RANGERS.

Applicant must comply with and maintain the following:

1. Pass the written entry examination for Boundary Patrol Rangers as approved by the White Mountain Apache Tribal Police Department and the White Mountain Apache Recreation Enterprise, with a qualifying score of 80 out of 100 or 80% or better;
2. Be a high school graduate with a diploma or its equivalent;
3. Have some experience in law enforcement or fish and game enforcement with training or be willing to take advantage of such training;
4. Show an arrest record with no felony convictions and no misdemeanor convictions within the last two (2) years;
5. Be over twenty one (21) years of age;
6. Speak and understand the Apache language;
7. Read, write and speak the English language fluently;
8. Pass the physical examination and show health records within the last year;
9. Be of good moral character and nature;
10. Possess a current, valid state drivers license;
11. Purchase and maintain own Boundary Patrol uniforms and are expected to wear them in a presentable condition at all times when in public, during working hours;
12. Maintain a daily log and file typed periodical reports as required;
13. Be prepared to perform assigned duties or emergency duty when called upon without second thoughts and to follow their supervisors instructions;
14. Agree to live in any assigned area;

APPENDIX A-Continued

15. Be on call twenty-four (24) hours a day seven (7) days a week, if necessary and when designated by their supervisor; and reserve all holidays for purposes of being available for duty and back up for other law enforcement departments;
16. Be willing to comply with all applicable paragraphs and requirements and responsibilities set forth in the Plan of Operation for Boundary Patrol Rangers of the White Mountain Apache Tribe.
17. Follow orders without insubordination or argument;
18. Be cooperative and courteous with superiors, supervisors, the public and other Tribal Law Enforcement Departments;
19. Possess and carry assigned weapons, badge, and signed certification of their Commission or Boundary Rangers at all times when on duty.
20. Annual, sick leave will be recorded as specified in the Tribal Personnel policies and regulations;
21. In no event shall Boundary Patrol Rangers patrol the streets of any community within the exterior boundaries of the Fort Apache Indian Reservation;
22. Boundary Patrol Rangers are expected to be on the road by 8:00 o'clock a.m. and remain on the job until 5:00 o'clock p.m. and in no event shall the Boundary Patrol Rangers return to their homes for lunch break; lunch is expected to be made in the field;
23. No unauthorized personnel (passengers) are permitted to travel in vehicles assigned to the Boundary Patrol Rangers at any time except for the purpose of carrying injured persons for medical care.

BOUNDARY PATROL DEPARTMENT
OF THE
WHITE MOUNTAIN APACHE TRIBE

I. ESTABLISHMENT: EFFECTIVE DATE

There is hereby established the Boundary Patrol Department of the White Mountain Apache Tribe under the supervision and control of the Chairman of the Law and Order Committee of the White Mountain Apache Tribal Council, effective June 2, 1981.

II. PURPOSE

The purpose of the Boundary Patrol Department is to patrol along but within the exterior boundaries of the Fort Apache Indian Reservation in order to protect the real and personal property of the White Mountain Apache Tribe and tribal members at or near the perimeter of its borders.

III. PERSONNEL AND ORGANIZATION

A. The positions of Boundary Patrol Rangers are hereby established within this section and the duties of this section shall be performed under the supervision and direction of the Chairman of the Law and Order Committee of the White Mountain Apache Tribal Council. All other personnel as may from time to time be budgeted by the White Mountain Apache Tribal Council or such other sources acceptable to the White Mountain Apache Tribal Council, will be employed and compensated by and through the White Mountain Apache Tribal Personnel Department and the policies and procedures set forth by that department.

B. Appointment

The Boundary Patrol Rangers shall be appointed by the Tribal Council and shall, after adequate training as established by the Chairman of the Law and Order Committee in conjunction with the Tribal Police Department and Tribal Recreation Department, be commissioned by the proper tribal authorities with the authority to enforce regulations or laws relating to entry to tribal land or use of tribal property within two (2) miles of the perimeter of the reservation as set forth herein.

C. Organization

The Boundary Patrol Department will be organized by the Chairman of the Law and Order Committee and duties and areas to be patrolled will be designated by said Chairman of the Law and Order Committee as may be necessary to accomplish the purposes herein described.

IV. QUALIFICATIONS AND CONTINUING EDUCATION

A. In addition to the general minimum qualifications and general orders set forth in Appendix A, the Boundary Patrol Rangers must be qualified and maintain said qualifications in the field of law enforcement and detention and have a working knowledge of arrest procedures, rules of evidence, crime scene search, preservation of evidence, writing reports, testifying in court and related police and detention functions and must receive a minimum of forty (40) hours local in-service training annually to meet training needs determined by the Tribe and keep abreast with developments in the field of law enforcement. Failure to complete the training required by this paragraph shall result in the Boundary Patrol Ranger being transferred to a position not involving law enforcement duties or discharged. Transfer may result in demotion.

B. Additionally, Boundary Patrol Rangers are expected to take advanced first aid of not less than forty (40) hours every three (3) years and must pass a fire arms qualification exam every six (6) months. Sixteen (16) hours per year of any type training may count toward the previous required forty (40) hours per year in-service training set forth above.

C. Boundary Patrol Rangers are expected to familiarize themselves with all applicable tribal fish and game ordinances, federal and tribal laws and ordinances pertaining to trespass, wood cutting, dog and horse control, antiquities, and any and all applicable provisions of federal laws and the Law and Order Code of the White Mountain Apache Tribe as they pertain to the duties set forth in the Section entitled Authority, Duties and Responsibilities.

V. ARREST POWERS; COOPERATION WITH OTHER LAW ENFORCEMENT DEPARTMENTS

A. Boundary Patrol Rangers must cooperate with the B.I.A. Police, the White Mountain Apache Tribal Police, and Tribal Game Wardens and must on all occasions when enforcing any applicable game and fish laws or other applicable ordinances and laws, must immediately notify and call for assistance the appropriate law enforcement agency or agencies.

B. The Boundary Patrol Rangers may make arrests and detain violators of laws, ordinances and regulations that they are authorized to enforce, however, said arrests and detention shall only be engaged in by the Boundary Patrol Rangers when no other law enforcement department authorities are able to effectuate the arrest and detention and said arrest and detention is necessary to preserve evidence, prevent damage or prevent the escape of violators until such time as the appropriate tribal or other law enforcement department is able to arrive and supervise the arrest, detention and take custody of the violators and evidence.

(3) Provide informational services in connection with the White Mountain Apache Tribal parks, recreation sites, and archaeological sites discovered or existing within the reservation, and provide assistance to the visiting public when necessary.

(4) Cooperate and coordinate their activities with Tribal, state and federal law enforcement personnel to insure proper enforcement of the laws and regulations of the tribe.

(5) Cooperate and coordinate activities and programs with Tribal Game and Fish Department, other tribal committees and departments, livestock associations, communities, groups and individuals, carrying out assigned duties, activities and programs relating to their duties at or near the reservation perimeter areas.

(6) Survey, advise and recommend procedures that would insure the added protection, maintenance and administration of the White Mountain Apache Tribal land and personal property, and areas of historical and scientific value within the reservation.

(7) Offer limited assistance to other White Mountain Apache Tribal law enforcement departments upon request as may be necessary to effectuate an orderly scheme of law enforcement within the reservation.

(8) Supervise and train all assigned personnel and delegate authority as necessary.

(9) Represent the department at the executive level but only when requested by the Chairman of the Law and Order Committee and plan and accomplish all necessary programming and budgeting.

(10) Seek federal or other funds and technical assistance and furtherance and execution of assigned duties, activities and programs, when requested by and subject to approval of the Chairman of the Law and Order Committee of the White Mountain Apache Tribal Council and the White Mountain Apache Tribal Council.

VIII. DELEGATION OF AUTHORITY

The Law and Order Committee shall have the authority to establish fees and regulations necessary for accomplishing the purposes for which the department is created subject to the approval of the Tribal Council and an enactment by ordinance. The Law and Order Committee shall have the authority to approve any revisions or amendment to these guidelines and policies.

VI. REPORTS REQUIRED

Boundary Patrol Rangers shall be required to keep, maintain, and submit:

A. A daily written report or log of work activities from day to day including vehicle maintenance report, miles traveled, purchase of gas and oil and other expenditures, reports of accidents or injuries to persons made contact with, arrests, and records of all observations of but not limited to evidence of trespass, poaching, cattle rustling, lack of dog and horse control, presence of wild dogs, evidence of predator damage, and other pertinent information in said daily reports to be filed at the end of the week with the Chairman of the Law and Order Committee;

B. A monthly narrative summation giving an account of both operational and management positive highlights, as well as deficiencies. Problems confronting the development of viable and realistic law enforcement of their duties and responsibilities and appropriate recommendations are to be included. Noteworthy news type information of general and historical interest is also to be included. Reports are to reflect the true status regardless of conditions existing at the end of the report.

VII. AUTHORITY, DUTIES, AND RESPONSIBILITIES

A. In addition to other powers and duties herein enumerated the Boundary Patrol Rangers shall be responsible for the following patrol and protective services on the Fort Apache Indian Reservation and for such others as may be designated and promulgated by the Chairman of the Law and Order Committee of the Tribal Council of the White Mountain Apache Tribe.

(1) Protection of all private, public and government property along the perimeter boundaries of the Fort Apache Indian Reservation but in no event, except for the limited purpose of providing limited assistance to other White Mountain Apache Law Enforcement departments, shall the Boundary Patrol Rangers patrol more than two (2) miles inside the exterior boundaries of the Fort Apache Indian Reservation.

(2) Enforce trespass Ordinances, prevent and repair fence cutting and breaks, wood cutting without permits; observe and report evidence of cattle rustling, fish and game destruction, poaching activities, any other destruction of natural resources by fire or pollution or otherwise, dumping, boundary fence breaks, defacing of tribal property, vandalism of burial sites and archaeological sites, wild dog activities, predator locations, wild horse locations, tribal cattle wandering outside boundary fences, non-tribal cattle wandering onto the reservation, and the enforcement of all applicable federal, state, and tribal laws, ordinances, and resolutions.

IX. CONFLICT OF INTEREST

No employee of the Boundary Patrol Department may sit on the Law and Order Committee of the White Mountain Apache Tribal Council when conducting business pertaining to the Boundary Patrol Department and may not influence or vote upon any matter pertaining to the Boundary Patrol Department during a Law and Order Committee meeting.

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, Bill Wilson has requested the Tribal Council approval of a Lease of the premises known as the Hondah Restaurant located at the Junction of Highway 260 and Highway 73 of the Fort Apache Indian Reservation for the purposes of operating a restaurant, and

WHEREAS, the Tribal Council has studied and discussed the provisions of the proposed Lease with Bill Wilson, and

WHEREAS, the Tribal Council is satisfied with the provisions of the Lease except as contained herein.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the proposed Lease between the White Mountain Apache Tribe as Lessor and Bill Wilson as Lessee pursuant to the following conditions precedent:


1. That the Lessee must initiate improvements and construction to the lease premises satisfactorily to the Tribal Council by December 1, 1981, in order to avoid the requirement that said Lessee pay two percent (2%) of his gross as additional rent;
2. That in the event construction and improvements are not satisfactory to the Tribal Council, on December 1, 1981, on the premises to be leased, that Lessee shall be immediately required to pay the two percent (2%) gross rental fee as required by Paragraph 34 of the Lease;
3. That in the event improvements and construction on the leased premises as of December 1, 1981, are satisfactory to the Tribal Council then said Lessee shall not be required to pay the amount of two percent (2%) of his gross receipts pursuant to Paragraph 34 for an additional period of eighteen months after December 1, 1981;
4. Said Lessee shall not be required to pay the two percent gross receipts rental payment required by Paragraph 34 until December 1, 1981.

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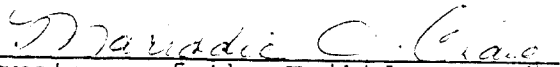
5. Paragraph 24 must be rewritten to eliminate any references to termination of Federal Trust Responsibilities.
6. That a complete list of inventory and equipment owned by the Lessor and Lessee be attached to the Lease before approval by the Chairman of the White Mountain Apache Tribe.
7. That the approval of this Lease is further contingent upon a satisfactory arrangement to be entered into and agreed upon by the Lessee and Apache Enterprise regarding the purchase and sale of alcoholic beverages.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that if the above conditions precedent are to the satisfaction of the Tribal Chairman of the White Mountain Apache Tribe, the Tribal Chairman is hereby authorized and directed to approve the Lease Agreement between Bill Wilson as Lessee and the White Mountain Apache Tribe as Lessor, pursuant to the provisions of the Lease attached hereto and as incorporated by this Resolution.

The foregoing resolution was on June 2, 1981, duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (b), and (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council