

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

WHEREAS, the Tribal Council, by prior resolution, requested direct funding from the National Legal Services Corporation for the implementation of an Apache Legal Aid Service on the White Mountain Apache reservation; and

WHEREAS, the Tribal Council is advised that the National Legal Services Corporation has set aside monies for such a program, including mediation funds, and further that additional funds from the State Bar of Arizona may also be available for a legal aid program on the reservation; and

WHEREAS, Jay Natoli, Attorney at Law, from Pinetop, Arizona, and five other local attorneys have been nominated by the State Bar of Arizona to comprise the attorney section of the Board of Directors for the Legal Aid Society; and

WHEREAS, Mr. Natoli has presented for the Tribal Council's review, a proposed Charter with attached Articles of Incorporation for the Fort Apache Legal Aid Society, and the Tribal Council having reviewed the same, concludes that a Charter should be issued authorizing the Fort Apache Legal Aid Society to do business according to its Charter and Articles of Incorporation.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby charters the Fort Apache Legal Aid Corporation, Inc.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes the Tribal Chairman, and in his absence, the Vice Chairman, to sign any and all necessary documents in order to carry out the purposes of this resolution.

The foregoing resolution was on April 16, 1986, duly adopted by a vote of 7 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (j,r,s,u) of the Amended Constitution and Bylaws 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

C H A R T E R

From the White Mountain Apache Tribe

for the

FORT APACHE LEGAL AID SOCIETY, INC.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

Be it known that the FORT APACHE LEGAL AID SOCIETY, INC., having submitted to the White Mountain Apache Tribe, a request for the issuance of a corporate charter for a non-profit corporation, is by virtue of the sovereign power of the White Mountain Apache Tribe and the Constitution and Bylaws of that Tribe, hereby granted this

CHARTER

which authorizes said corporation to exercise the functions of a non-profit corporation as set forth in the Articles of Incorporation attached hereto and made a part hereof, subject to applicable laws of the United States and subject to all laws of the White Mountain Apache Tribe, for a period of five (5) years from the date hereof, unless sooner revoked by authority of law or the White Mountain Apache Tribe.

IN WITNESS WHEREOF, I, RONNIE LUPE, the Chairman of the White Mountain Apache Tribal Council, have hereunto set my hand and caused the official seal of the White Mountain Apache Tribe to be affixed at Whiteriver, Arizona, this 16th day of April, 1986.



Ronnie Lupe, Chairman
White Mountain Apache Tribal Council

ATTEST:

Mary C. Endfield, Secretary
White Mountain Apache Tribal Council

ARTICLES OF INCORPORATION
OF
FORT APACHE LEGAL AID SOCIETY, INC.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned persons, having this day associated ourselves together for the purpose of forming a non-profit corporation, where pecuniary profit is not our objective, under and pursuant to the Laws of the White Mountain Apache Tribe and pursuant to the authority vested in the White Mountain Apache Tribe by Article V, Section 1(a), (b), (d), (i), (j) and (s) of its Constitution and Bylaws, and for that purpose do hereby adopt the following Articles of Incorporation:

ARTICLE I

NAME

The name of the Corporation shall be: FORT APACHE LEGAL AID SOCIETY, INC.

ARTICLE II

The names and addresses of the incorporators are as follows:

Jay Natoli
P.O. Box 47
Pinetop, Arizona 85935

Charlene Greer
P.O. Box 160
Holbrook, Arizona 86025

Dan Jones
P.O. Box 328
Pinetop, Arizona 85935

Dennis Davis
P.O. Box 686
Show Low, Arizona 85901

Duane Smith
P.O. Box 908
Lakeside, Arizona 85929

Ann Littrell
P.O. Box 1130-D
Pinetop, Arizona 85935

ARTICLE III

PRINCIPAL PLACE OF BUSINESS

The principal place of business within the Fort Apache Indian Reservation, State of Arizona, shall be Whiteriver, Arizona, but the Board of Directors reserve the right and may designate other places either within or without the Fort Apache Indian Reservation and the State of Arizona where other business offices may be established and maintained and where corporate meetings and business may be transacted.

ARTICLE IV

PURPOSE AND POWERS

The general purposes and objectives of this corporation are primarily to provide legal aid and assistance to needy members of the White Mountain Apache Tribe or residents of the Fort Apache Indian Reservation, on such terms as the Board of Directors of this corporation shall from time to time fix and determine, and to that end the purposes for which said corporation is formed are as follows:

1. To promote the legal rights of the members of the White Mountain Apache Tribe or eligible residents of the Fort Apache Indian Reservation by assuring adequate access to quality legal services for persons financially unable to afford legal representation and assistance.

2. To acquire by gift, bequest, devise, purchase, or otherwise, money and title to real and personal property and to hold and manage the same to carry out the purposes of the corporation.

3. To apply all money and all property acquired by said corporation to the purpose and uses herein expressed and to prevent its use for any purpose or in any manner other than herein provided.

4. The foregoing shall be construed as the objectives and powers, and the enumeration thereof shall not be held to limit or restrict in any manner the general powers now or hereafter conferred by the laws of the White Mountain Apache Tribe, and it is expressly understood that this corporation shall have power to do such other things as may be incidental, proper or necessary to carry out and accomplish the aforesaid purposes and objectives of the corporation not inconsistent with the laws, cultures and customs of the White Mountain Apache Tribe.

5. The above enumerated powers are subject to the provision that in all events and under all circumstance, and notwithstanding merger, consolidation, reorganization, termination, dissolution, or winding up of this corporation, voluntarily or involuntarily, or by operation of the law, the following provisions shall apply:

(a) This corporation shall not have or exercise any power or authority either expressly, by interpretation, or by operation of law nor shall it directly or indirectly engage in any activity that would prevent this corporation from qualifying , and continuing to quality, as a corporation described in Section 501(c)(3) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

(b) No substantial part of the activities of this corporation shall consist of carrying on propaganda or otherwise attempting to influence legislation, nor shall it in any manner or to any extent participate in or intervene in any political campaign on behalf of any candidate for public office.

(c) No compensation or payment shall ever be paid or made to any officer, director, trustee, creator, or organizer of this corporation, or substantial contributor to it, except as a reasonable allowance for actual expenditures or services actually made or rendered to or for this corporation; and neither the whole nor any part or portion of the assets or net earnings, current or accumulated, of this corporation shall ever be distributed to or divided among any such person.

ARTICLE V

DISSOLUTION

In the event of termination, dissolution, or winding up of this corporation in any manner for any reason whatsoever, the Board of Directors, after paying or making provision for the payment of all of the liabilities of the corporation, shall dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations as shall at the time qualify as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954 or corresponding provisions of any subsequent federal tax laws, any of such assets not so disposed of shall be disposed of by the Tribal Court of the White Mountain Apache Tribe, exclusively for such purposes or to such organization or organizations as the Tribal Court shall determine, which are organized and operated exclusively for such purposes. In no event shall the assets be distributed to any director, officer, or any private individual.

ARTICLE VI

BOARD OF DIRECTORS

The business and affairs of the corporation shall be conducted by the Board of Directors which shall consist of no more than ten (10) and no less than nine (9) members.

This initial Board of Directors shall serve until the first regular meeting or until their successors are duly elected pursuant to the Bylaws, whichever is later.

The Board of Directors shall select persons to fill the expired or unexpired terms in the manner provided in the Bylaws.

The initial Board of Directors are as follows:

ATTORNEY BOARD MEMBERS:

Jay Natoli
P.O. Box 47
Pinetop, Arizona 85935

Dennis Davis
P.O. Box 686
Show Low, Arizona 85901

Charlene Greer
P.O. Box 160
Holbrook, Arizona 86025

Duane Smith
P.O. Box 908
Lakeside, Arizona 85929

Dan Jones
P.O. Box 328
Pinetop, Arizona 85935

Ann Littrell
P.O. Box 1130-D
Pinetop, Arizona 85935

LAY MEMBERS:

Four Lay Members, all of which shall be enrolled members of the White Mountain Apache Tribe, shall be members of the Board of Directors. Three of the four Lay Members shall be client eligible.

ARTICLE VII

MEMBERS

There shall be no general membership.

ARTICLE VIII

OFFICERS AND COMMITTEES

The Board of Directors shall elect such officers and appoint such committees as it deems necessary and useful as provided by the Bylaws.

ARTICLE IX:

AMENDMENTS TO ARTICLES

These Articles may be amended or repealed, in whole or in part, by majority vote at a duly organized meeting of the Board of Directors and filed with the Tribal Council of the White Mountain Apache Tribe.

ARTICLE X

BYLAWS

The Board of Directors may adopt such Bylaws as it desires by a majority vote of the Board of Directors. The officers of the Board of Directors shall be elected as set forth in the Bylaws.

ARTICLE XI

MEETINGS

(a) Number of Meetings. There shall be at least four (4) meetings of the Board of Directors during each calendar year to be held at times and places set by the Board of Directors. Written notice of each meeting shall be mailed to the last recorded address of each member at least ten (10) days before a meeting.

(b) Quorum. A majority of the members of the Board of Directors shall constitute a quorum and all action taken by the Board of Directors shall be by a majority vote of those present at a meeting.

(c) Action Without a Meeting: Any action which could be taken by the Board of Directors at a duly constituted meeting may be taken without a meeting by the written consent of two-thirds of the members.

ARTICLE XII

STOCK

The corporation hereby formed shall not have capital stock, being a non-profit corporation.

ARTICLE XIII

AMENDMENTS TO ARTICLES

These Articles of Incorporation may be amended by a two-thirds vote of the Board of Directors of said corporation present at any regular or called meeting for that purpose. Notice of the proposed amendment or amendments shall be given by mailing a notice of the meeting to act on the same to the last known address of each Board Member at least ten (10) days prior to said meeting.

Amendments as adopted by the Board of Directors shall be filed with the Tribal Council of the White Mountain Apache Tribe and upon such filing shall be signed and acknowledged by the Chairman of the Tribal Council and attested by the Secretary of the Tribal Council.

ARTICLE XIV

LIABILITIES

The highest amount of liability of indebtedness to which this corporation shall be subject at any time shall be fixed by the resolution of the Board of Directors and shall not exceed \$200,000. [or any limit provided by law].

The private property of the incorporators, officers and Directors of this corporation shall be forever exempt from the debts and obligations of this corporation.

ARTICLE XV

STATUTORY AGENT

Donald Jay Natoli, of Pinetop, Navajo County, Arizona, who is, and has been, a resident of the State of Arizona for more than three (3) years last past, is hereby appointed agent of this corporation, upon which all notices and process including service of summons may be served.

IN WITNESS WHEREOF, we the undersigned incorporators
have formed the Fort Apache Legal Aid Society, Inc., this
16th day of April, 1986.

