

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

WHEREAS, the provisions of P.L. 93-638 allow for federally recognized Indian Tribes to enter into contracts and cooperative agreements with federal agencies for purposes of tribes themselves providing certain federal services and functions; and

WHEREAS, the White Mountain Apache Tribe deems the irrigation operation and maintenance program, the range water improvement program, and other construction and maintenance functions of the Bureau of Indian Affairs, Branch of Land Operations, to be critical elements of the Tribe's agriculture and range management development programs; and

WHEREAS, the best way to provide for the well coordinated and effective management of the construction and maintenance functions of the Branch of Land Operations is believed to be through combining these functions with the work of the Tribal Department of Public Works; and

WHEREAS, the construction and maintenance functions of the Branch of Land Operations today consists of heavy equipment and seventeen (17) employees, eleven (11) of whom are tribally funded and six (6) of whom are BIA funded; and

WHEREAS, terms of cooperative agreements under P.L., 93-638 provide for significant flexibility, including shifting management and responsibility to tribes while allowing for BIA employees to retain their federal employment status; and

WHEREAS, other tribal and BIA programs, such as the implementation of livestock association management plans, the Safety of Dams program, the recreation planning and campground maintenance program and others, would benefit from a fully coordinated construction and maintenance program which assures that projects match tribal priorities and natural resources management goals and objectives.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe, that it hereby agrees that a cooperative agreement between the Tribe and the BIA, Fort Apache Agency, should be entered into, where the Tribal Department of Public Works assumes full supervisory responsibilities and control do the construction and maintenance portion of the Branch of Land Operations, the details of which will be developed in a project scope and budget coordinated by the Tribal Planning department.

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BE IT FURTHER RESOLVED that the Tribal Council directs that only the construction and maintenance portion of the Branch of Land Operations be included in this cooperative agreement, and that other Branch of Land Operations staff maintain all other administrative and program duties including the support of this cooperative agreement.

BE IT FURTHER RESOLVED that the Tribal Council directs the Manager of the Tribal Department of Public Works to prioritize projects such that the irrigation and range management needs of the Tribe are met to the greatest extent possible, and that other programs are served in a coordinated and well planned manner that match tribal resource management and development goals.

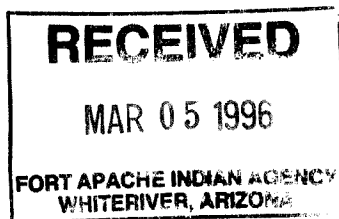
BE IT FURTHER RESOLVED that the Tribal Council herein exercise the flexibility of P.L. 93-638 in allowing all federal employees included with this action to retain their federal employment status, as they desire, while coming under the supervisory control of the Tribe.

BE IT FURTHER RESOLVED by the Tribal Council that the Tribal Chairman, the Vice-Chairman in the Chairman's absence, or their designee, is hereby authorized to negotiate, modify and enter into the aforescribed cooperative agreement.

The foregoing resolution was on February 15, 1996, duly adopted by a vote of ten for and zero against by the Tribal Council of the White Mountain Apache, pursuant to authority vested in it by the White Mountain Apache Tribal Constitution, including Article IV, Section 1 (a), (c), (e), (f), (g), (h), (l), (m), (n), (q), (t) and (u) of the Constitution of Tribe, ratified by the Tribe September 30, 1993 and approved by the Secretary of Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council