

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

- WHEREAS,** the Tribal Attorney advises the Tribal Council that the Juvenile Prosecutor and Legal Secretary positions under the Tribal Courts 638 Contract were terminated in January 1996, and that since that time the Administrative Assistant/Tribal Prosecutor Advocate and Tribal Prosecutor have had to handle all the duties and responsibilities previously assigned to those two positions, in addition to their own duties and responsibilities; and
- WHEREAS,** juvenile dependency cases continue to be handled by the Juvenile Prosecution Advocate; and
- WHEREAS,** in the three months of February, March, and April 1996, the Prosecution Unit reviewed 292 juvenile criminal complaints and opened 47 formal files and, in the same time frame, reviewed and opened up 157 adult criminal complaints; and
- WHEREAS,** these figures do not include pre-trials, trials, motions, and other court-related matters, as well as the time expended in preparation of these matters, including meetings with tribal members; and
- WHEREAS,** in order to provide quality legal services for the Tribe and to maintain the public peace and safety, it is necessary to have adequate staffing for the Prosecution Unit; and
- WHEREAS,** the Tribal Attorney advises that he has requested Superintendent Ben Nuvamsa of the Fort Apache Agency to determine if there are any year-end funds available for the Tribal Council that could be utilized to provide additional financial assistance and funding to the Prosecution Unit in order to improve services because of the loss of fifty percent of the prosecution staff due to the termination of the 638 funds in January 1996; and
- WHEREAS,** the Superintendent has located approximately \$27,000 in year-end funds and the Tribal Attorney, after consulting with the Tribal Prosecutor, requests that the funds be utilized in accordance with the following budget: to hire a full time Administrative Assistant who would take over all clerical and administrative duties, thereby allowing the adult prosecutor advocate to devote full time to advocacy at a salary range of \$18,000 and after one year, \$19,000 plus benefits \$4,860 for a total of \$22,860 in the first year and \$23,860 the second year, with the remaining \$3,140 for training, travel, and supplies for the Adult Prosecutor Advocate; and
- WHEREAS,** as a further cost-saving measure, the Prosecution Unit will only be appearing in contested dependency actions and will do further training of the present Juvenile Prosecutor Advocate to assist in the prosecution of juvenile criminal cases; and

Resolution No. 10-96-248

**WHEREAS,** the Tribal Attorney explains that there is still a great need to hire an attorney as a Juvenile Prosecutor to handle the growing number of juvenile criminal cases on the Reservation, and that the costs thereof would be approximately \$30,000 a year for attorney salary with payroll tax and benefits at 27% for an additional \$8,100 and that telephone, office supplies, training and travel would be an additional \$6,000 for a total budget of approximately \$45,000 and

**WHEREAS,** the Tribal Attorney realizes that because of the budgetary restraints in existence at the present time, it is not feasible to request Tribal Council funding for a Juvenile Prosecutor Attorney position, but requests permission to resubmit a request for the Juvenile Prosecutor Attorney position after January 1997, if tribal finances permit such funding at that time.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the allocation of \$27,000 in year-end Tribal Court funds for use by the Tribal Prosecution Unit as outlined herein.


**BE IT FURTHER RESOLVED** by the Tribal Council that it acknowledges that need for a full-time attorney as Juvenile Prosecutor and authorizes the Tribal Attorney's Office to resubmit a budget request for same after January 1997, at which time the Tribal Council will review the budget and determine if funding is available for said position.

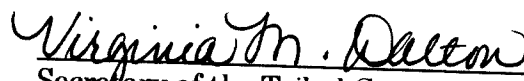
The foregoing resolution was on October 03, 1996, duly adopted by a vote of seven for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribal Constitution, including Article IV, Sections 1 (a), (i), (j), (k), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe on September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

**RECEIVED**

OCT 15 1996

**PORT APACHE INDIAN AGEN  
WHITERIVER, ARIZONA**

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council