



Resolution No. 07-2005-173

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

**(Requesting Moratorium on the BIA's Termination of an Intergovernmental  
Personnel Act Agreement with the Tribe for Land Operations)**

**WHEREAS**, there are currently five (5) employees who are under an Intergovernmental Personnel Act ("IPA") assignment for the Office of Land Operations, consisting of a Secretary, a heavy equipment mechanic, a heavy equipment operator and two laborers; and

**WHEREAS**, on May 26, 2005, the Western Regional Office of the United States Department of Interior, Bureau of Indian Affairs ("BIA") provided notice to the White Mountain Apache Tribe of the termination of the five IPA assignments, an action that is allowable pursuant to 5 CFR 334.107(a); and

**WHEREAS**, the Western Regional Office cited funding restrictions as the basis for the cancellation of the IPA assignments; and

**WHEREAS**, the annual amount retained at the agency for Agriculture to fund the five IPA personnel is approximately \$229,115; and

**WHEREAS**, all five of the IPA positions are part of the function under Contract No. CTH52T60790 (the "Contract"); and

**WHEREAS**, the Tribal Council finds that a moratorium on the termination of the IPA Agreement for Land Operations for the five IPA assignments is in the best interests of the Tribe; and

**WHEREAS**, in the original contract proposal for Agriculture, the BIA and the Tribe agreed that "when IPA assignments are no longer required or when the agreements are terminated, the Tribe would convert the positions to the Tribe's personnel system"; and

**WHEREAS**, when the Land Operations Officer, who was also under an IPA agreement, retired from Federal Service, thus terminating his IPA agreement, the funding for his position was not added back to the Contract which has resulted in a funding shortage for Agriculture and Land Operations since January 1999; and

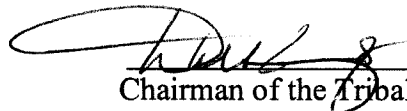
**WHEREAS**, the Tribal Council further finds that funding for the Land Operations Officer was never transferred to the Contract and should be restored.

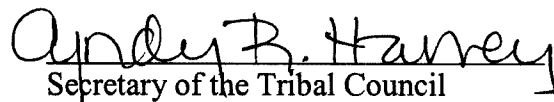
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**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that:

1. A moratorium on the BIA's termination of the Intergovernmental Personnel Act Agreement with the Tribe for Land Operations is hereby requested for the Secretary, heavy equipment mechanic, heavy equipment operator and two laborers.
2. In the event that any of the five positions referenced herein and in the Contract retire, resign or otherwise leave federal service, it is hereby requested that the BIA allow the Tribe to convert the positions to the Tribe's personnel system.
3. Additional funding for the Land Operations Officer position is hereby requested to be returned and added back to the Contract for Agriculture and Land Operations.
4. The Tribal Chairman, or in his absence, the Vice Chairman, is further authorized to negotiate and sign all documents necessary to effectuate the intent of this resolution.

The foregoing resolution was on July 6, 2005, duly adopted by a vote of TEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (i), (k), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe 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).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council