

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

(Authorizing a Memorandum of Agreement with the U.S. Department of Interior Bureau of Indian Affairs Fort Apache Agency for the coordination of Geographic Information System Data)

WHEREAS, the Geographic Information System (hereinafter "GIS") program operated by the U.S. Department of Interior Bureau of Indian Affairs Fort Apache Agency (the "Agency") has sensitive data that includes confidential, cultural sites of the White Mountain Apache Tribe; and

WHEREAS, there exists a need to institute coordination between the Agency and the Tribe in order to share personnel, equipment and related services necessary for the effective and efficient operation of the GIS program; and

WHEREAS, the Legal Department has prepared a Memorandum of Agreement ("MOA") between the Agency and the Tribe, as attached and incorporated by this reference; and

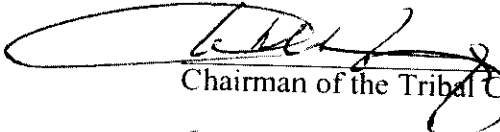
WHEREAS, the Planning Department recommends adoption of the MOA; and

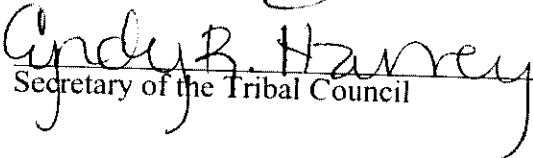
WHEREAS, the Tribal Council has reviewed the MOA and finds it in the best interests of the Tribe.

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

1. Approves the Memorandum of Agreement with the U.S. Department of Interior Bureau of Indian Affairs Fort Apache Agency, as attached and incorporated by this reference.
2. Authorizes the Tribal Chairman, and in his absence, the Vice-Chairman, to negotiate and execute any and all documents necessary to implement the intent of this Resolution.

The foregoing resolution was on JULY 13, 2005 duly adopted by a vote of SIX for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (j), (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).


Chairman of the Tribal Council


Secretary of the Tribal Council

**MEMORANDUM OF AGREEMENT
BETWEEN
THE BUREAU OF INDIAN AFFAIRS
FORT APACHE AGENCY
AND
THE WHITE MOUNTAIN APACHE TRIBE**

- 1.0 **Purpose.** The purpose of this Memorandum of Agreement (hereinafter the "Agreement") is to foster a stronger level of cooperation and coordination between the Bureau of Indian Affairs, Fort Apache Agency ("Agency"), and the White Mountain Apache Tribe ("Tribe"), whereby both parties will share personnel, equipment, and related services necessary for effective and efficient operation of the Geographic Information System ("GIS") program on the Fort Apache Indian Reservation (Reservation).
- 2.0 **Scope.** This Agreement is limited to programs operated by the Agency Information Management Services Branch and the Tribal Forestry Department.
- 3.0 **Authority.** This Agreement authorized the Agency Superintendent and the Tribal Chairman to execute, modify, and administer this Agreement and any other subsequent amendments. Nothing in this Agreement shall be construed as diminishing the Agency's trust responsibility to the Tribe.
- 4.0 **Background.** The Tribe and the Agency has historically shared resources for the operation of Bureau programs, whereby Tribal employees are assigned to the Agency to work under the supervision of the Agency on projects of mutual interest. This partnership has lead to a more productive and efficient completion of joint GIS projects of mutual benefit to various federal and Tribal organization.
- 5.0 **General Provision.** This Agreement stipulates the general terms and conditions, and sets forth the organization, authority, and funding for the Agreement, as follows.
- 5.1 The Agency hereby agrees to the following:
- A. Allow the day to day work assignment of federal GIS Branch staff to be provided by the Cartographic Technician, a Tribal employee position.
 - B. Acknowledge that the Cartographic Technician is the GIS Project Manager for the Fort Apache GIS organization.
 - C. Acknowledge that the Cartographic Technician has the authority to direct and coordinate al GIS staff in the accomplishment of all GIS projects coming through the Fort Apache GIS organization.
- 5.2 The Tribe hereby agrees to the following:

- A. Authorize the Tribe's Cartographic Technician to hold the position of GIS project Manager, and direct and coordinate all GIS work projects for the Fort Apache GIS organization.
 - B. Acknowledge that the Tribe's Cartographic Technician has the authority to direct and coordinate all GIS staff for the efficient and productive completion of GIS work project, both federal and tribal.
- 5.3 The Cooperators hereby agrees to the following:
- A. This Agreement in no way infers formal supervision of federal employees.
 - B. All personnel actions and inherent supervisory and administrative functions of federal employees remain the responsibility of the BIA's Supervisory IT Specialist.
 - C. Likewise, all formal supervisory functions of Tribal employees in the Fort Apache GIS organization are the responsibility of the Tribe's Tribal Forest Manager.
 - D. Information generated under the auspices of this Agreement will be shared equally by both parties, will be the property of both parties, and will be released for publication only after review and approval of the other party. Such information sharing shall exclude any Tribal information that is proprietary and confidential. Information that is the property of the U.S. Government generally is considered to be in the Public Domain and as such is not subject to copyright. Information in the custody of federal employees may be federal records subject to the provisions of Freedom of Information Act requests.

6.0 Funding. It is the intent of the Cooperators to Provide Adequate funding to maintain the programs at a level sufficient to achieve the program objectives; provided that nothing in this Agreement shall be construed as obligating the Agency or Tribe to expend, or as involving the parties in any obligation for future payment or money in excess of appropriations authorized by annual Congressional appropriations for the Agency, or appropriated by the Tribal Council for the Tribe.

7.0 Modifications to the Agreement. Modifications to this Agreement shall by made upon a written request by either Cooperator and shall require mutual concurrence before modification can be affected.

8.0 Period of Agreement. This Agreement shall be in effect on the date of signing by the authorized representatives of the Tribe and the Agency; and shall remain in effect until modified upon mutual agreement of the Cooperators; and my be terminated by either party upon a written advance notification at least thirty (30) days prior to the proposed termination date.

BUREAU OF INDIAN AFFAIRS
Fort Apache Agency

WHITE MOUNTAIN APACHE TRIBE

Allen Anspach, Superintendent (Date)

Dallas Massey, Tribal Chairman (Date)