

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

**(Authorizing Tribal Attorney to Pursue Breach of P.L. 93-638  
Contract for Law Enforcement Services)**

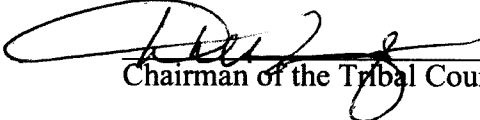
- WHEREAS,** pursuant to Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** on April 29, 2004, Robert Ecoffey, then Deputy Bureau Director of the Office of Law Enforcement Services, through LES Special Order 04-003, directed the removal of juvenile offenders from the White Mountain Apache Police Department's detention facility and promised that LES "will coordinate and cooperate with [WMAPD] to identify and secure alternative placement;" and
- WHEREAS,** on March 3, 2005, Guillermo Rivera, Associate Director of Corrections for LES informed the Tribe that the BIA was no longer going to pay outside contractors for detention costs; and
- WHEREAS,** since March, 2005, the LES has not secured alternative placement for juvenile offenders, and the Tribe has ended up placing its juveniles, but without any funding from LES for juvenile detention; and
- WHEREAS,** recently, the Tribe had no other alternative but to place three juveniles in the Gila County facility in Globe, Arizona, and has incurred a bill of over \$100,000; and
- WHEREAS,** since March, 2005, staff has repeatedly tried to work with LES to negotiate some resolution without any progress; and
- WHEREAS,** by Resolution No. 03-89-082, the Tribal Council proposed to contract for a portion of the BIA's Law Enforcement Program, pursuant to P.L. 93-638, which resulted in Contract No. CTH52T60748 and its predecessor Contract No. CTH52T60748, which was in effect on April 29, 2004; and
- WHEREAS,** Section 102.6 of the Contract was for the "maintenance/operation of any detention program," and did not distinguish between adult or juvenile detention services; and
- WHEREAS,** in the view of the Tribal Council, LES remains responsible for funding both adult or juvenile detention services; and
- WHEREAS,** since LES has directed the removal of juveniles from the WMAPD detention facility, LES remains responsible for funding the detention of juveniles with outside contractors, such as Gila County; and
- WHEREAS,** pursuant to Section 108(b)(12) of the Contract and federal law, there are remedies for disputes that may occur between the parties; and

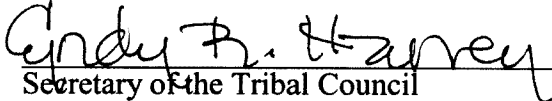
**WHEREAS**, the Tribal Council finds that with the LES act of terminating funding of the placement of juvenile offenders with outside contractors, the U.S. Department of Interior has breached its P.L. 93-638 contract with the Tribe.

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

1. The Tribal Attorney is hereby authorized to assess whether the United States has breached its contract with the Tribe pursuant to P.L. 93-638 for law enforcement services and submit any and all claims according to the remedies provided under the contract and federal law as appropriate.
2. The Chairman, or in his absence the Vice-Chairman, is hereby authorized to negotiate and execute any and all documents as may be necessary to effectuate the intent of this Resolution.

The foregoing resolution was on JANUARY 25, 2006 duly adopted by a vote of FOUR 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), (c), (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