



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

**(Approving Expenditure for Satisfaction of Debra L. Childs' 22-H Land Settlement
Judgment Claim)**

- WHEREAS,** pursuant to Article IV, 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,** there was a Plan for the use and distribution of judgment funds awarded to the White Mountain Apache Tribe in Docket 22-H of the Federal Court of Claims, which required distribution in accordance with the plan as administered by the Special Trustee for American Indians through the U.S. Department of Interior, Office of Trust Funds Management; and
- WHEREAS,** Debra Childs' is a member of the White Mountain Apache Tribe (date of birth as March 16, 1983), who was enrolled on November 5, 1999, pursuant to Resolution No. 11-99-292; and
- WHEREAS,** pursuant to the Plan, a List of Membership Roll was publicly posted on September 2, 1997, but said Roll did not list the name of Debra L. Childs; and
- WHEREAS,** similarly, the Certified List of Membership Payment Roll submitted by the Tribe to the Special Trustee did not list the name of Debra L. Childs; and
- WHEREAS,** according to Delbert Childs, Debra had been enrolled but the records had been lost, which is why she was enrolled subsequently in 1999; and
- WHEREAS,** it appears the Tribe may have inadvertently omitted Ms. Childs' name from the Roll; and
- WHEREAS,** Ms. Childs' name was therefore not submitted as part of the payment roll for distribution of funds made in settlement of Claims Docket 22-H and pursuant to Resolution Nos. 05-97-128 and 10-97-322; and
- WHEREAS,** the Chairman of the Tribal Council did send a letter requesting an explanation from the U.S. Department of Interior's Superintendent of the Bureau of Indian Affairs' Fort Apache Agency regarding whether the BIA may be able to pay Ms. Childs' claim; and
- WHEREAS,** according to the Fort Apache Agency Superintendent, no record exists of an Appeal for Ms. Childs; and
- WHEREAS,** the Tribal Council finds that the Tribe should remit payment to Ms. Childs in the amount that would have been due had her name been included as part of the 22-H

Resolution No. 03-2007-054

Settlement plus accrued interest, if the Tribe is responsible for the omission of her name.

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

1. The Legal Department is hereby directed to ascertain from the Superintendent of the BIA's Fort Apache Agency whether any record of enrollment exists for Debra Childs prior to the cutoff for 22-H claims, and whether she may be paid from whatever funds may remain from the 22-H Settlement Fund.
2. In the event that the BIA has no funds to settle Mr. Ball's 22-H claim and it appears that the Tribe may have omitted Ms. Childs' name from enrollment records, the Controller is hereby directed to remit payment to Ms. Childs in the amount that would have been due with accrued interest had her name been included.

The foregoing resolution was on March 7, 2007 adopted by a vote of TEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Sections 1 (a), (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