



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

(Supporting Direct Funding of Facilities and Operations Maintenance at Theodore Roosevelt School)

WHEREAS, the White Mountain Apache Tribe, through its elected Tribal Council, has the sovereign right to control education within the Fort Apache Indian Reservation; and

WHEREAS, the Tribal Council has previously authorized and approved the conversion of the former BIA operated 6th-8th grade Theodore Roosevelt Boarding school to a locally managed education system under Public Law (P.L) 100-297, part B, pursuant to Tribal Council Resolution number 04-96-090 (Resolution 04-96-090); and

WHEREAS, under Resolution 04-96-090 the Tribal Council limited the conversion to academic/education programs and specifically stated that "responsibility for facilities at TRS and the remainder of Fort Apache shall remain with the BIA".

WHEREAS, the Theodore Roosevelt Boarding School now named Theodore Roosevelt School (TRS) was converted to a P.L. 100-297 Grant School pursuant to the above described process; and

WHEREAS, the Tribal Council has been informed of the problems encountered by TRS due to the reservation of facilities operations and maintenance (FO&M) to the BIA, now known as the BIE, and the concomitant problems with the funding for those services also being reserved to the BIE; and

WHEREAS, the Tribal Council recognizes the problems TRS has experienced by reserving FO&M responsibilities to the BIE; and

WHEREAS, the Tribal Council understands that significant funding for FO&M services (estimated to be approximately \$500,000) does not necessarily accrue to TRS and those services may not be performed by White Mountain Apache Tribal members; and

WHEREAS, the Tribal Council finds that TRS, through its duly appointed school board, should be designated to have responsibility and authority over TRS FO&M responsibilities, including the authority to directly receive all FO&M funds under their P.L. 100-297 grant; and

WHEREAS, the Tribal Council has repeatedly informed the BIE and the U.S. Secretary of the Interior of the desperate need for restoration, rehabilitation, and repair to the buildings under BIE control at TRS and the remainder of Fort Apache; and

WHEREAS, the Tribal Council wishes to notify the BIE that conversion of FO&M functions to TRS and direct funding to TRS for those responsibilities will in no way terminate, modify or otherwise diminish the responsibility of the BIE and Department of the Interior for the restoration, rehabilitation and repair of facilities at TRS and the remainder of Fort Apache and that these responsibilities shall remain with the BIE and Department of the Interior (DOI); and

WHEREAS, the Tribal Council's action herein does not waive the BIE's and/or DOI's trust and other obligations to have restored, rehabilitated and repaired in the past and continue to restore, rehabilitate and repair the buildings and grounds of TRS and the remainder of Fort Apache; and

WHEREAS, the Tribal Council finds that securing direct funding to TRS for FO&M purposes while maintaining BIE's overall responsibility for the restoration rehabilitation and repair of facilities at TRS and the remainder of Fort Apache, to be in the best interest of the TRS and the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in recognition of the benefits and opportunities for the direct funding of FO&M responsibilities to TRS and based on the qualifications, conditions and understanding set forth above, it hereby supports the direct funding of FO&M services to TRS as soon as reasonably possible.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the current TRS School Board is designated to receive all current FO&M funds and that said funds shall be utilized to perform FO&M services at TRS.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the above described approval of direct funding of FO&M services shall in no way abridge, modify or terminate the responsibility of the BIE and Department of the Interior to restore, rehabilitate and repair facilities at TRS and elsewhere at Fort Apache until the buildings and grounds at TRS and elsewhere at Fort Apache have been improved by the BIE and/or Department of the Interior to the satisfaction of the Tribal Council.

BE IT FURTHER RESOLVED that should the BIE and the Department of the Interior not continue to accept its responsibility for the restoration, rehabilitation, and repair of the buildings and grounds at Fort Apache, the Tribal

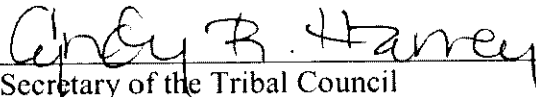
Council's approval of the conversion described herein shall be deemed null and void and said conversion and direct funding of FO&M services shall not be approved and shall not proceed.

BE IT FURTHER RESOLVED that nothing herein shall be deemed to waive modify or otherwise mitigate the trust responsibility of the BIE, Department of the Interior and the United States of America to the White Mountain Apache Tribe.

The foregoing resolution was on March 13, 2007 duly adopted by a vote of EIGHT 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), (h), (j), (s), (t), (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