



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

(Authorizing AZPOST Certification for Boundary and Natural Resource Patrol)

- 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,** Tribal Forestry has employed a Tribal Woodlands Officer, Marty Gatewood, for the past four years, to enforce the Tribe's Natural Resource Code; and
- WHEREAS,** according to Tribal Forestry, Officer Gatewood has significantly reduced crimes related to the Tribe's forest, such as illegal timber harvesting, and assisted in the successful prosecution of such crimes; and
- WHEREAS,** Officer Gatewood has been certified by the Arizona Peace Officer Standards and Training ("AZPOST") Board to act as a peace officer; and
- WHEREAS,** Officer Gatewood's AZPOST certification had expired; and
- WHEREAS,** the Tribe's Division of Public Safety ("WMADPS") now has authority over the position of Tribal Woodlands Officer, pursuant to Resolution No. 05-2006-167, and the DPS Director recommends that the position become its own agency, to be known as the Boundary and Natural Resource Patrol Agency ("BNRPA"); and
- WHEREAS,** the Tribal Council did recently pass Resolution No. 07-2005-197, adopting a Trespass Ordinance; and
- WHEREAS,** according to WMADPS, the Tribe has no effective response system for crimes related to trespass and cultural resources, such as archaeological sites; and
- WHEREAS,** WMADPS seeks to have the BNRPA responsible for the enforcement of laws related to trespass, natural and cultural resources, and assist the White Mountain Apache Police Department ("WMA PD") and Rangers as may be required; and
- WHEREAS,** WMADPS seeks to have Officer Gatewood to have authority to carry a firearm, power to enforce the laws of the Tribe and a radio system to communicate effectively with WMA PD and the Rangers; and
- WHEREAS,** the Tribal Council understands that neither the Boundary and Natural Resource Patrol or the Rangers Program are afforded protection under the Federal Tort Claims Act (28 U.S.C. §2671 *et seq.*), but that the Tribe's insurance policy does provide coverage to both agencies for any potential injury claims; and
- WHEREAS,** the WMADPS Director requests authority from the Tribal Council to submit an AZPOST-A1 Form for the re-certification of Officer Gatewood under AZPOST and

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the establishment of the Boundary and Natural Resource Patrol Agency ("BNRPA") under WMADPS; and

WHEREAS, the Tribal Council further understands that while Officer Gatewood may be re-certified upon acceptance of the A1 Form and background check by AZPOST, Officer Gatewood has three years to become a sworn peace officer; and

WHEREAS, WMAPDS further seeks ninety days within which to develop a policies and procedures for the BNRP, and a job description; and

WHEREAS, the Tribal Council finds that re-certification of Officer Gatewood and the establishment of the BNRP is in the best interest of natural resource protection and the Tribe.

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

1. AZPOST is hereby requested to re-certify Officer Gatewood.
2. Officer Gatewood is hereby authorized to carry a firearm and have a radio system sufficient to effectively communicate with other law enforcement agencies.
3. Officer Gatewood is further authorized to enforce the laws of the Tribe as related to trespass and natural resources, and assist WMAPD and the Rangers as may be required.
4. WMADPS is hereby authorized to submit an AZPOST A1 Form for the establishment of the BNRPA under WMADPS.
5. The Director of WMADPS is hereby directed to submit policies and procedures, and a job description for the BNRPA within ninety (90) days of the date of this Resolution.
6. While Officer Gatewood has three years to become a sworn peace officer, WMADPS is hereby directed to facilitate this act as soon as possible.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence the Vice-Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **MAY 8, 2007** 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, Sections 1 (a), (b), (c), (f), (g), (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