



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

(Requesting P.L. 93-638 Contract with U.S. Department of Interior for Certain Federal Programs)

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, the United States of America has a constitutional fiduciary duty to provide adequate law enforcement and other services to the White Mountain Apache Tribe; and

WHEREAS, the White Mountain Apache Tribe has managed the following federal programs pursuant to a P.L. 93-638 (25 U.S.C. §450 et seq.) contract with the Secretary of the U.S. Department of Interior:

Agriculture	Hydrologic, Evaluation & Design
Community Fire Protection	Law Enforcement
Education	Prescribed Fire & Smoke Monitoring
Detention	Realty and Probate Services
Fire Management Administration	Safety of Dams Maintenance
Fisheries, Wildlife and Sensitive Species	Social Services
Forest Management & Protection	Tribal Courts
Forestry Thinning	Wildland & Fuels Management
Housing Improvement	Wildland Prescribed Fire Management

WHEREAS, the Tribal Council of the White Mountain Apache Tribe finds that certain programs, including but not limited to Law Enforcement, are in dire need of more funding to provide adequate services to its members and to visitors to the Fort Apache Indian Reservation; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe finds that continuing to contract, and requesting additional funding, for the foregoing programs pursuant to P.L. 93-638 are in the best interests of the Tribe; and

WHEREAS, given the urgency of the deadline for notifying the United States of the Tribe's desire to continue to contract certain Federal responsibilities, the Tribal Council further finds that the contract request needs to be considered and made outside of its regularly scheduled meeting; and

WHEREAS, the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

Resolution No. 09-2009-309

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

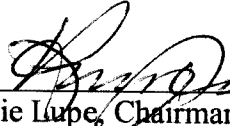
1. The Secretary of the U.S. Department of Interior, by and through the Bureau of Indian Affairs, is hereby requested to contract the federal functions identified herein, pursuant to the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 25 U.S.C. §450, et seq.).
2. Said contract should be in the form of an Annual Funding Agreement and Model Section 106 Master Contract, and should include provisions for:
 - a) A three-year duration; and
 - b) Increased funding by the BIA over and above its current commitment
3. The Tribal Council of the White Mountain Apache Tribe hereby requests a formal face-to-face negotiation of the contracts for certain programs, including by not limited to law enforcement, to begin no later than September 23, 2009.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice Chairwoman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by not signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

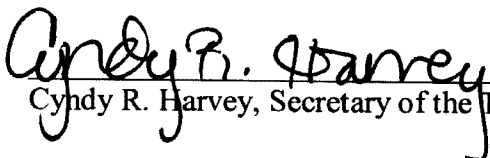
BE IT FURTHER RESOLVED by the Tribal Council that in the event of any inconsistency between this Resolution and any prior Resolution or Policy, this Resolution shall govern.

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 September 16, 2009, duly adopted by a vote of SEVEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the 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).



Ronnie Lupe, Chairman of the Tribal Council



Cyndy R. Harvey, Secretary of the Tribal Council

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 09-2009-309 initiated the 16th day of September 2009. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

 Ronnie Lupe
 Tribal Chairman
 _____ Date Signed
 _____ TCS Initials

 Margaret Baha-Walker
 Vice Chairwoman
 _____ Date Signed
 _____ TCS Initials

 Arnold Beach, Sr.
 District I Council Member
 _____ Date Signed
 _____ TCS Initials

Evangeline Gatewood
 Evangeline Gatewood
 District I Council Member
9/17/09
 Date Signed
CM TCS Initials

Victoria Brewer
 Victoria Brewer
 District II Council Member
9/17/09
 Date Signed
CM TCS Initials

Rubert Lupe Sr
 Rubert Lupe, Sr.
 District II Council Member
9-16-09
 Date Signed
CM TCS Initials

Alvin DeClay Sr.
 Alvin DeClay, Sr.
 District III Council Member
09-17-09
 Date Signed
CM TCS Initials

Kirk Massey Sr.
 Kirk Massey, Sr.
 District III Council Member
9/16/09
 Date Signed
CM TCS Initials

Noland Clay
 Noland Clay
 District IV Council Member
9/17/09
 Date Signed
CM TCS Initials

 Wayne Colelay, Jr.
 District IV Council Member
 _____ Date Signed
 _____ TCS Initials

Reno Johnson
 Reno Johnson, Sr.
 District IV Council Member
9-17-09
 Date Signed
CM TCS Initials

ATTEST:
Cyndy R. Harvey
 Cyndy R. Harvey, Tribal Council Secretary

9.17.09
 Date Signed