



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

(Approving Facility Use Agreement with Whiteriver Unified School District)

- WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) 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,** in September, the Tribal Courthouse sustained significant fire and smoke damage and the Tribal Council was notified immediately of the obstacles facing the court's return to business; and
- WHEREAS,** as a result of the damage, the Tribal Court staff is overwhelmed with administrative and logistical issues, including working in temporary offices without full access to court records and with suspect security, thus preventing the Court from conducting official business; and
- WHEREAS,** the Tribal Court has postponed trials and other legal proceedings for an extended period of time because of the problems described herein and the Tribal Council has been asked to help the Tribal Court find a temporary (if not permanent) solution to the Court's dislocation; and
- WHEREAS,** among numerous venues considered for temporary relocation of the Court is the Whiteriver Unified School District's (District) former Alchesay High School's administrative area; and
- WHEREAS,** the District has agreed in principle to allow the Tribal Court to relocate the Tribal Court staff to the administrative area of the former Alchesay High School and has provided the Tribe with a tentative "Facility Use Agreement" (Contract) so the Tribal Court may resume its function; and
- WHEREAS,** the Legal Department has reviewed and discussed the Contract with the Tribal Court, and the Tribal Court agrees in principal to the terms, but the Court administration and Legal Department would like to further refine the agreement; and
- WHEREAS,** the Tribal Council believes it is in the best interest of the Tribe to allow the Tribal Court to enter into an agreement with the Whiteriver Unified School District, subject to legal review, in order to temporarily house the Tribal Court and allow it to conduct normal business; and
- WHEREAS,** due to the Tribal Court's urgent need to begin conducting business immediately, for logistical, legal and constitutional reasons, the Tribal Council finds that it must make this issue an express priority and render a decision outside of the Council's regularly scheduled meeting; and

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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 members 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.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Court to enter into a "Facility Use Agreement," subject to legal review, with the Whiteriver Unified School District for the purpose of providing the Court with a temporary venue to conduct its daily operations.


BE IT FURTHER RESOLVED by the Tribal Council that it hereby agrees to make this critical decision outside of its regularly scheduled meeting in order to avoid further delay, to ensure that Tribal members are afforded their constitutional right to a speedy trial and to provide Tribal members and residents of the Fort Apache Indian Reservation the assurance they need that justice will be carried out to the full extent of the law, despite the difficult circumstances that the Tribal Court has had to contend with.

BE IT FURTHER RESOLVED by the Tribal Council 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 members 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.

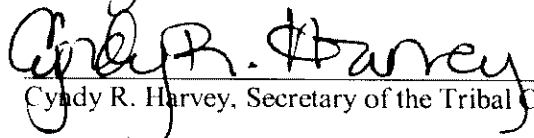
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

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 October 27, 2009, duly adopted by a vote of SIX 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), (q), (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 Dupe, 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. 10-2009-350 initiated the 27th day of October 2009.

Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

Ronnie Lupe
Tribal Chairman

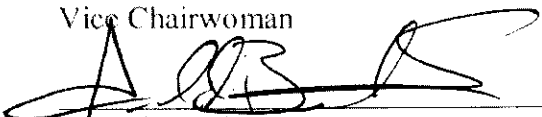
Date Signed

TCS Initials

Margaret Baha-Walker
Vice Chairwoman

Date Signed

TCS Initials


Arnold Beach, Sr.
District I Council Member

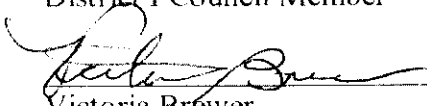
10/28/09
Date Signed

AM TCS Initials

Evangeline Gatewood
District I Council Member

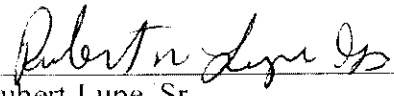
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TCS Initials


Victoria Brewer
District II Council Member

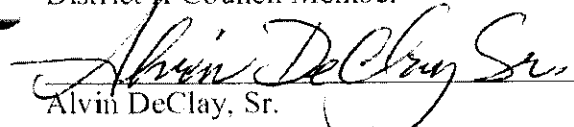
10/27/09
Date Signed

AM TCS Initials


Rubert Lupe, Sr.
District II Council Member

10/27/09
Date Signed

AM TCS Initials


Alvin DeClay, Sr.
District III Council Member

10/27/09
Date Signed

AM TCS Initials

Kirk Massey, Sr.
District III Council Member

Date Signed

TCS Initials

Noland Clay
District IV Council Member

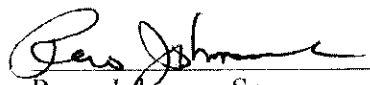
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TCS Initials


Wayne Colelay, Jr.
District IV Council Member

10-27-09
Date Signed

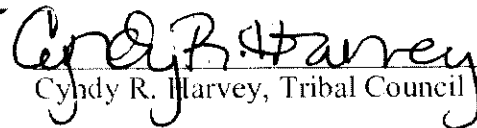
AM TCS Initials


Reno Johnson, Sr.
District IV Council Member

10-27-09
Date Signed

AM TCS Initials

ATTEST:


Cindy R. Harvey, Tribal Council Secretary

10-28-09
Date Signed