



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 07-2013-159

(Directing the Bureau of Indian Affairs –Western Regional Office – to Transition the Contracting Powers to the Fort Apache Agency)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

WHEREAS, the United States Department of the Interior, Bureau of Indian Affairs (the “Bureau”), is authorized by 25 C.F.R. 163.21 to manage fire preparedness, suppression, post suppression activities, and responding to and operating emergencies and non-emergency incidents, both natural and human caused, as well as to provide funding, equipment and supplies, and to provide technical oversight and training to Tribal and Bureau employees working in any fire activity; and

WHEREAS, the White Mountain Apache Tribe has personnel, equipment, supplies, and facilities to assist the Bureau in a variety of wildland fire and public safety programs at the Tribal, local, state, and national levels including fire suppression, training, prescribed burning, and response to other emergency and non-emergency incidents as requested under the National Interagency Incident Management System/Incident Command System (NIIMS); and

WHEREAS, various departments of the White Mountain Apache Tribe have developed the capacity, employees, resources, and facilities to provide assistance in such emergency and non-emergency incidents managed through the NIIMS; and

WHEREAS, utilizing tribal employees, resources, and facilities for such emergency and non-emergency incidents directly enhances Tribal goals of providing increased employment opportunities for Tribal members; and

WHEREAS, the Tribal-BIA Cooperative Agreement provides an avenue for Tribal departments to participate as full partners in the participation of such emergency and non-emergency incidents thus assisting employees to maintain and/or enhance their qualifications, as well as to provide the mechanism for financial reimbursement to the Tribe when qualified Tribal employees and resources are preapproved and utilized through NIIMS; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has authorized and supports a Cooperative Agreement between the White Mountain Apache Tribe and the Bureau to provide financial reimbursement to the Tribe for their response to emergency and non-emergency incidents as requested under the NIIMS; and

WHEREAS, Tribal Departments have provided employees and resources to assist the Bureau in a variety of wildland fire and public safety programs at the Tribal, local, state, and national levels including fire suppression, training, prescribed burning, and response to other emergency and non-emergency incidents as requested under the National Interagency Incident Management System/Incident Command System (NIIMS); and

WHEREAS, Tribal Departments have not yet been fully reimbursed by the Bureau of Indian Affairs – Western Regional Office for such services and resources in the previous two years (2011 and 2012); and

WHEREAS, the amount of these unpaid reimbursements total between \$400,000 and \$500,000; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe does not believe that the Bureau of Indian Affairs – Western Regional Office – has been acting with due diligence or professionalism regarding the financial issues of the White Mountain Apache Tribe as they relate to the Coop Agreement.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests the appropriate officials of the Bureau of Indian Affairs – Western Regional Office – transition the contracting powers from the Bureau of Indian Affairs – Western Regional Office – back to the Bureau of Indian Affairs – Fort Apache Agency.

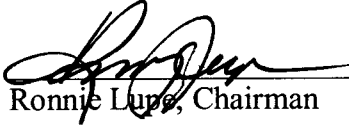
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

The foregoing resolution was on **JULY 16, 2013** 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), (s), (t) and (u) of the Tribal Constitution, 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 Lupp, Chairman

7/19/23

Date



Mariddie J. Craig, Secretary

07/18/2013

Date