

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

- WHEREAS, the Tribal Council on this date has heard testimony from the Indian Health Service, a school employee, the Tribal Safety Officer, stockmen from tribal cattle associations, the Fish and Game Department, Chief of the Whiteriver Police Department, the Whiteriver Fire and Rescue Department and Emergency Medical Services and from several tribal members, all of whom presented substantial testimony, factual data and recommendations regarding the hazards to public safety that horses and other livestock have created on tribal highway, community roadways, school and government compounds and other areas within the Fort Apache Indian Reservation, but specifically on Route 73 and Route 260 from McNary to Hondah to Whiteriver, Cedar Creek, Carrizo and Cibecue; and
- WHEREAS, Ordinance No. 99 enacted by the Tribal Council on March 4, 1976, provides that the General Livestock Coordinator is authorized to impound all livestock in trespass but due to lack of funding the position of General Livestock Coordinator has not been filled in recent years; and
- WHEREAS, public awareness, increased population density and a concomitant increase in motor vehicle accidents involving animals over the last five (5) years mandates that the Tribal Council take immediate and strong enforcement action for the protection of the general public; and
- WHEREAS, the Tribal Council after lengthy discussion and after due consideration given to the testimony of witnesses appearing before the Tribal Council has arrived at a consensus for a plan of action.
- BE IT RESOLVED by the Tribal Council that in the interest of public safety it hereby authorizes and appoints Fitzgerald Lupe as Acting General Livestock Coordinator as defined in Ordinance No. 99 for the sole purpose of enforcing the trespass provisions of Ordinance No. 99 until further notice by the Tribal Council.
- BE IT FURTHER RESOLVED by the Tribal Council that Mr. Fitzgerald Lupe shall be considered a tribal employee and shall act under the Chief of Police of the Whiteriver Police Department.

BE IT FURTHER RESOLVED by the Tribal Council that the Tribal Brand Inspector, Tribal Fish and Game Department, Whiteriver Police Department, and Tribal Cattle Associations shall provide backup support on an as-needed basis and shall otherwise cooperate and assist Fitzgerald Lupe in carrying out his duties under Ordinance No. 99.

BE IT FURTHER RESOLVED by the Tribal Council that all impounded livestock shall be taken by Fitzgerald Lupe to the tribal feedlot where they shall be made secure, fed, watered and kept until the owner has redeemed said livestock pursuant to Ordinance No. 99 which requires payment of a gathering and daily impound fee; further, that all unbranded animals must be branded by the owner prior to release from the feedlot.

BE IT FURTHER RESOLVED by the Tribal Council that Fitzgerald Lupe shall receive minimum wage plus reimbursement for mileage and a reasonable rate for the use of his equipment utilizing in gathering and transporting animals to the feedlot.

BE IT FURTHER RESOLVED by the Tribal Council that it authorizes \$10,000 to finance impoundment of animals pursuant to this resolution and request that the Bureau of Indian Affairs reimburse the tribe for said safety program pursuant to grants or monies that may be available to alleviate highway safety hazards.

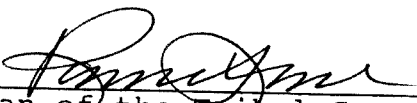
BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Tribal Attorney's Office to draft necessary amendments to Ordinance No. 99 in accordance with recommendations made by members of the Tribal Council.

The foregoing resolution was on August 08, 1991, 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 V, Section 1 (a) (i) (q) and (s) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

RECEIVED

AUG 16 1991

FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA



Chairman of the Tribal Council



Secretary of the Tribal Council