

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

- WHEREAS,** the Tribal Council adopted Resolution No. 03-95-184 on March 1, 1995 wherein it resolved to appropriate One Million Dollars to be used in conjunction with approximately Five Million Dollars of Whiteriver School District funding for the construction of a gymnasium and activity center for school district and tribally sponsored activities to be known as the Chief Alchesay Activity Center; and
- WHEREAS,** the Tribal Council appropriated the One Million Dollars, without which the Alchesay Activity Center could not have been built, in reliance upon representations made to the Council by Superintendent John Clark and members of the School Board that, although the Activity Center would be a school district facility, it would be available to the Tribe for community events, such as concerts and plays; and
- WHEREAS,** Superintendent John Clark of the Whiteriver Unified School District has been quoted in a newspaper article as stating that, although the Center was being built by the school district primarily for school activities, it would also “serve as a place to hold community events” and further, that the same article recounts that the Tribe offered to contribute construction materials to the building, thereby enabling the district to add another level of functionality to the new building and to upgrade the facility so as to serve as an emergency shelter with lights, heat, and its own generator; and
- WHEREAS,** a copy of said newspaper article with quotes from Superintendent John Clark and School Board members is attached to this resolution and incorporated by reference herein; and
- WHEREAS,** pursuant to Resolution No. 03-95-084, the Tribal Chairman was to develop with the Whiteriver School District Superintendent an Intergovernmental Agreement (IGA) regarding the policies and procedures for usage of the Activity Center for tribal and community activities; and
- WHEREAS,** subsequently, on May 15, 1995, the Tribal Chairman entered into such Agreement with the Whiteriver Unified School District and the Agreement states in part that “it would benefit the entire community to make the Whiteriver Activity Center available for community use when not required for school activities . . .” and further that the purpose of the Intergovernmental Agreement was to set basic use guidelines for the Whiteriver Activity Center; and

- WHEREAS**, the IGA provides that the Superintendent will be the approval authority for all use of the facility; and
- WHEREAS**, the IGA also provides that "the Tribe shall have unlimited access to the facility as long as the primary use priorities to the building for school activities are satisfied."; and
- WHEREAS**, the IGA also provides that if a dispute arises regarding interpretations or implementation of the agreement, that a resolution will be attempted between the School District governing board and the Tribal Council; and
- WHEREAS**, the Tribal Council, in good faith, has requested the use of the Alchesay Activity Center for this year's Tribal Fair and Rodeo for a concert on or about Sunday, September 1, 1996 at 10:00 p.m.; and
- WHEREAS**, the governing board of the Whiteriver Unified School District has denied use of the Activity Center for the requested concert; and
- WHEREAS**, despite repeated requests to the School Board by the Council to meet and discuss the concert issue for the benefit of the community and students, the School Board has steadfastly refused to participate in any attempt, pursuant to the IGA, to resolve said dispute; and
- WHEREAS**, the Tribal Council to date has extended itself in every way possible in its attempt to reach an amicable resolution of the concert issue with the School Board and to develop appropriate guidelines for the mutual benefit of the Tribe and the School District for use of the Activity Center; and
- WHEREAS**, the Tribal Council concludes that a resolution should be adopted that formally requests that Superintendent John Clark again call for a School Board meeting with the Tribal Council at a location to be agreed upon by the Council and governing board, or at a location selected by the Board, in order to comply with dispute resolution procedures set forth in the Intergovernmental Agreement.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby declares that it has always acted in the utmost good faith and in reliance upon representations and promises made by Superintendent John Clark and School Board members, in public and private meetings, including the Activity Center's planning process, and in the media, that the Alchesay Activity Center would be available for tribal wide activities.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby declares that in reliance upon the representations made by Superintendent John Clark and members of the governing School Board for the Whiteriver Unified School District, the Tribal Council appropriated a One Million Dollar contribution to the School District, without which the Activity Center could not have been built.

BE IT FURTHER RESOLVED by the Tribal Council that it is hereby exercising its rights under the Intergovernmental Agreement and requests a meeting with the School District governing board for the purpose of resolving disputes arising from the implementation of the IGA, and further, requests that Superintendent John Clark call for a School Board meeting with the Tribal Council so that there can be a good faith and earnest sharing of ideas to develop appropriate guidelines in respect to the use of the Activity Center that primarily serves the students as well as the needs of the tribal community at large.

BE IT FURTHER RESOLVED by the Tribal Council that it requests that this meeting be noticed for Monday, August 19, 1996 at a time convenient for all the parties, or as soon thereafter as the parties can meet and confer, but in no event later than Friday, August 23, 1996.

BE IT FURTHER RESOLVED by the Tribal Council that it directs the Tribal Council Secretary to hand deliver or cause to be delivered a copy of this resolution to Superintendent John Clark and members of the governing board of the Whiteriver Unified School District No. 20.

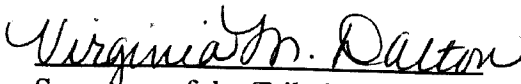
The foregoing resolution was on **August 14, 1996** duly adopted by a vote of nine for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribe Constitution, including Article IV, Section 1 (a), (b), (g), (h), (i), (k), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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AUG 16 1996

**FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA**


Chairman of the Tribal Council


Secretary of the Tribal Council

Construction of new activity center slated to begin later this month

Construction is slated to start in late February on a new high school gymnasium and community center that will seat up to 3,200 people.

Located on the site of the old baseball field behind the Chagache Day Care Center, the new building will be called the Whiteriver Activity Center.

John Clark, superintendent for Whiteriver Unified School District, said the new center will be largest building of its kind in Navajo County and the best facility for basketball in Northern Arizona.

Although the center is being built by the school district primarily for school activities, it also will serve as a

a place to hold community events.

"We're really excited because this is something we have needed for along time," said Ermon Colelay, president of the Whiteriver School Board.

"We've been trying to get this building for the last three years, and it was just last

year we found that out that we were going to have some funding to do this."

Colelay said that the school board got a lot of input from the community on how the building should look.

"It will be air conditioned, have a sound system, acoustical paneling—the whole

works," Colelay said enthusiastically.

The current seating capacity of Alcheyas gym for basketball games is 1,350, and often times people who want to watch the games are turned away when that capacity is reached, he added.

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The new gym will seat 2,700 for basketball games and other court activities. The full capacity of 3,200 can be reached when seating is added to the floor.

The final architectural plans for the building have been accepted and construction will begin after a construction bid is approved, Clark said.

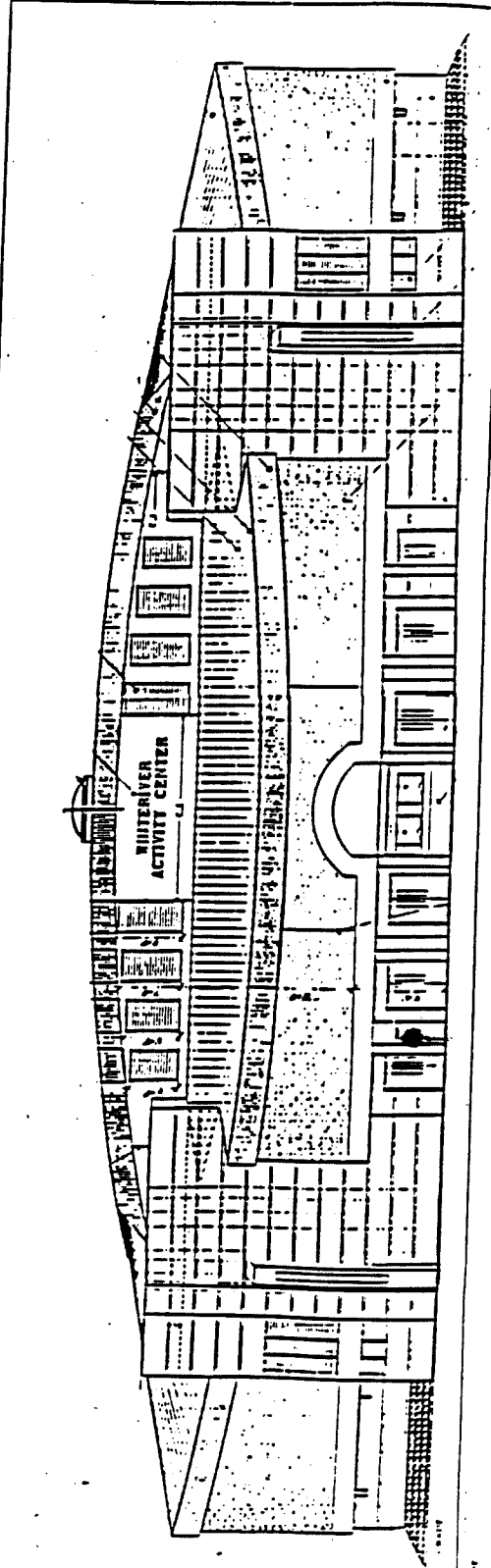
Further, the Tribe has offered to contribute construction materials to the building, enabling the district to add yet another level of functionality to the new building.

"With the Tribe's willingness to contribute materials, we were able to upgrade this facility to serve as an emergency shelter with lights, heat and its own generator," Clark said.

Taking almost one year to build, the new facility will mean construction jobs for Tribal members, Clark added.

Clark points out that although that the activity center is a school district facility, it will be available to the Tribe for community events such as concerts and plays. Also, a walking track will be built on the second floor for those wishing to exercise indoors.

Clark expressed his gratitude to those people who have made the new community center a reality: "I'd like to thank all the people who served as members of the community liaison. We have something we can be proud of and that represents the White Mountain Apache people. People will still be proud of this building 50 years from now."



Architectural sketch of the new Whiteriver Activity Center. Construction is expected to begin later this month and be completed in late 1995 or early 1996. The new facility will seat 2,700 people for basketball games and up to 3,200 when seats are added to the floor.