

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

(Authorizing an Increase in Detention Space and a Request to the U.S. Department of Interior for Additional Detention Space)

- WHEREAS**, pursuant to Article IV, Sections 1(a) and (b) 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 to make all decisions not inconsistent with or contrary to this constitution and to negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law or the constitution of the White Mountain Apache Tribe; and
- WHEREAS**, the Tribe has contracted with the U.S. Department of Interior for the provision of detention services, pursuant to P.L. 93-638 (25 U.S.C. §450 *et seq.*); and
- WHEREAS**, the current Fort Apache Detention Facility, located within the White Mountain Apache Police Department in Whiteriver has repeatedly failed to meet minimum federal standards in health and safety inspections conducted by the BIA and the U.S. Department of Health and Human Services; and
- WHEREAS**, the current Detention Facility routinely exceeds the maximum population for detainees of forty-five, often averaging over 100 prisoners per day; and
- WHEREAS**, the Tribe is in critical need of a new adult and juvenile detention facility; and
- WHEREAS**, the Tribe plans to construct a new detention facility for both adults and juveniles in two phases in an area 0.25 miles from Industrial Boulevard on the mesa above the feedlot across from the Tribe's Fair and Rodeo Grounds; and.
- WHEREAS**, for the first phase of the new detention facility, the Tribe expects to build between 15,000 and 20,000 square feet depending on the cost to construct this facility, which would house 38 juveniles and 38 adults; and
- WHEREAS**, for the second phase of construction, the Tribe plans to add a facility housing 120 adults; and
- WHEREAS**, the Tribe lacks the means to pay the cost of maintaining, operating, and staffing the new detention facility that the Tribe is in the process of designing and building; and
- WHEREAS**, in 2004 and 2005, the Tribe secured two HUD ICDBG grants totaling \$5,500,000 and an additional Tribal contribution of \$150,000; and
- WHEREAS**, the Tribal Council finds that staffing, facility maintenance and operation of detention remains within the trust responsibility of the United States, and thus the BIA should include the proposed detention facility in the BIA's inventory of detention facilities

and provide the maintenance and operation costs associated with the proposed facility; and

WHEREAS, the Tribal Council further finds that start-up costs related to furniture, fixtures, necessary equipment and security systems for both the facility and the inmates is also a trust responsibility of the United States, and estimates that these costs are valued at approximately \$175,000.00.

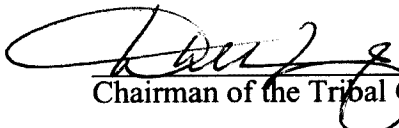
BE IT RESOLVED that:

1. The Tribal Council hereby authorizes an increase of detention space of up to 20,000 square feet in the area located on the mesa above the feedlot across from the Tribe's Fair and Rodeo Grounds.
2. The Tribal Council on behalf of the White Mountain Apache Tribe respectfully requests the Bureau of Indian Affairs Office of Law Enforcement Services authorize up to 20,000 square feet of new space necessary for the construction of the Tribe's proposed detention facility and that the facility be included in the BIA's inventory of detention facilities.
3. The Tribal Council further requests that, the U.S. Congress appropriate sufficient funds for the BIA to provide the start-up, staffing, maintenance and operation costs of the new detention facility, if said funds are not available within the BIA's budget.

BE IT FURTHER RESOLVED that:

1. The Chairman, or in his absence the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.
2. The Chairman, or in his absence the Vice-Chairman, and their designees, are further authorized to immediately begin working with the BIA to insure that the new detention facility is designed and constructed according to BIA's standards.

The foregoing resolution was on JANUARY 5, 2006 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 Article IV, Section 1 (a), (b), (c), (h), (j), (k), (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).


Chairman of the Tribal Council


Secretary of the Tribal Council