



Resolution No. 02-2006-43

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

**(Transferring the Intergovernmental Personnel Act Employees Assigned to Land
Operations to the Tribe's Personnel System)**

WHEREAS, there are five (5) employees who have worked for the Tribe's Land Operations Office through an Intergovernmental Personnel Act Agreement ("IPA"), consisting of a secretary, a heavy equipment mechanic, a heavy equipment operator and two laborers; and

WHEREAS, on May 26, 2005, the Western Regional office of the United States Department of Interior, Bureau of Indian Affairs ("BIA") provided notice to the White Mountain Apache Tribe ("Tribe") of the termination of the five IPA agreements, an action that is allowable pursuant to 5 CFR 334.107(a); and

WHEREAS, the BIA cited funding restrictions as the basis for the cancellation of the IPA agreements; and

WHEREAS, on July 6, 2005, the Tribe passed Resolution No. 07-2005-173, requesting a moratorium on the BIA's termination of the IPA; and

WHEREAS, on December 19, 2005, the Fort Apache Agency of the BIA provided these five employees a 60-day notice of a reduction-in-force (RIF) to be completed by February 17, 2006; and

WHEREAS, in the original contract proposal for Agriculture, the BIA and the Tribe agreed that "when IPA assignments are no longer required or when the agreements are terminated, the Tribe would convert the positions to the Tribe's personnel system"; and

WHEREAS, the Tribal Council finds that the BIA should transfer the remaining funding for the positions and functions that were under the IPA and that these positions should continue under the Tribe's personnel system.


BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

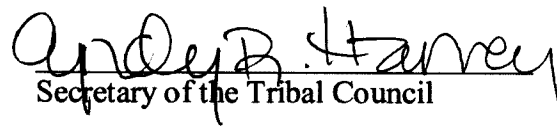
1. The BIA is hereby requested to transfer the remaining funding for the positions and functions referenced herein to the Tribe's P.L. 93-638 contract for Agriculture.
2. The five IPA positions shall be hereafter transferred to the Tribe's personnel system.

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3. The IPA employees shall be granted preference when filling these positions should they choose to apply.
4. The BIA is hereby further requested to provide for program resources and these should not be reduced to pay for any displacement costs for the five IPA positions pursuant to the Section 205 of Public Law 100-472 (1998 amendments to the Indian Self-Determination and Education Assistance Act).
5. The Tribal Chairman, or in his absence, the Vice Chairman, is further authorized to negotiate and sign all documents necessary to effectuate the intent of this resolution.

The foregoing resolution was on February 8, 2006, duly adopted by a vote of THREE for and ONE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (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 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