



Resolution No. 09-2006-331

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

**(Approving Inter-Tribal Council Resolution Demanding Action by the U.S. Department of Interior Bureau of Indian Affairs on Issues Associated with Adult and Juvenile Detention)**

- WHEREAS**, pursuant to Article IV, Section 1(a) 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
- WHEREAS**, the Tribe receives certain detention services from the U.S. Department of Interior Bureau of Indian Affairs, but these are inadequate to meet the crime rate experienced on the Fort Apache Indian Reservation; and
- WHEREAS**, the BIA's current detention facility, located in Whiteriver, Arizona, was originally built by the BIA in 1967, with an addition for juveniles built in 1988; and
- WHEREAS**, the Tribe has operated the BIA's detention facility through its contract with the BIA, pursuant to the Indian Self-Determination Assistance and Education Act (P.L. 93-638, 25 U.S.C. § 450 *et seq.*); and
- WHEREAS**, on average, the BIA's detention facility in Whiteriver runs substantially over its legal capacity of 45 beds; and
- WHEREAS**, the Tribe requires a detention facility to hold a minimum of 200 detainees; and
- WHEREAS**, owing to the demand for detention beds, the Tribe applied for and received an Indian Community Development Block Grant in the amount of \$5.5 million to construct a new facility with a third grant pending for an additional request of \$2,750,000; and
- WHEREAS**, the BIA has not provided a written commitment for maintenance and operations funds necessary to operate the proposed new facility, despite ICDBG funding; and
- WHEREAS**, by BIA-LES Special Order 04-003, of April 29, 2004, the BIA closed the Tribe's juvenile section of the facility, without providing alternative placement, forcing the Tribe to seek a third-party contractor for which the BIA has refused to pay, resulting in a Contract Disputes Act claim being filed by the Tribe against the BIA; and
- WHEREAS**, the Vice-Chairwoman and a number of other Tribal Council members did recently meet with elected officials from other Tribes from the State of Arizona, where the shared experience of those present was that the BIA was not adequately meeting its obligation for providing detention services; and

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**WHEREAS**, a resolution for action by the Inter-Tribal Council of Arizona, as attached and incorporated by this reference, has been proposed; and

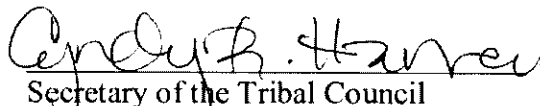
**WHEREAS**, the Tribal Council finds that detention services are part of the trust responsibility of the United States, that the BIA has not adequately provided for that trust responsibility, and that the Inter-Tribal Council of Arizona should seek to address the detention needs of Tribes in the State of Arizona similarly situated.

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

1. The proposed resolution for action by the Inter-Tribal Council of Arizona, as attached and incorporated by this reference, is hereby approved.
2. The Chairman, or in his absence the Vice-Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on September 26, 2006, duly adopted by a vote of SEVEN 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), (c), (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).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council