



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

(Authorizing a Request for P.L. 93-638 Contract Proposal for Law Enforcement and Criminal Investigation Services)

- 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**, pursuant to Resolution 01-2005-14, the Tribal Council did previously make a proposal request to the U.S. Department of Interior, through the Bureau of Indian Affairs, to contract the federal functions of law enforcement and criminal investigations, pursuant to the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 25 U.S.C. § 450, et seq.); and
- WHEREAS**, in April, 2006, the Contract was awarded as Contract No. CTH52T60720, which has since expired as of September 30, 2006, and subsequently been extended by modification; and
- WHEREAS**, Resolution No. 01-2005-14 stated that federal funding under the existing contract remains insufficient and does not fully address the needs and services that are being currently provided, yet the BIA still has not increased funding; and
- WHEREAS**, WMAPD and the Tribe's Division of Public Safety report that the BIA-OLES Program Reviews of 2002, 2004 and 2006 have been substantially addressed by WMAPD, but WMAPD has not formally responded to the deficiencies noted therein; and
- WHEREAS**, the Tribal Council acknowledges the findings of the BIA-OLES Program Reviews; and
- WHEREAS**, the Tribal Council finds that these Program Review findings may be substantively addressed through a Technical Assistance Plan ("TAP") that utilizes BIA-OLES expertise and assistance, with a timeline for strategically accomplishing tasks and objectives, and that such a TAP should be incorporated into a contract; and
- WHEREAS**, pursuant to 25 CFR 900.23, the "Secretary may not decline to enter into a contract with an Indian tribe or tribal organization based on any objection that will be overcome through the contract;" and
- WHEREAS**, the Tribal Council further finds that the TAP forms the basis for overcoming any objections that the Secretary of the U.S. Department of Interior may have to the Tribe's contract proposal; and

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WHEREAS, the Tribal Council further finds that a proposal to the U.S. Department of Interior, through the Bureau of Indian Affairs, to contract the federal functions of law enforcement and criminal investigations, pursuant to the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 25 U.S.C. § 450, et seq.) to be in the best interest of public safety and the Tribe; and

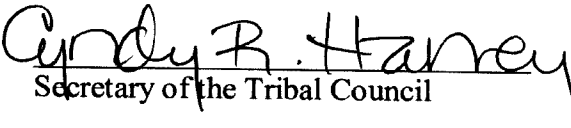
WHEREAS, the Tribal Council further finds that the proposal should be in the form of an Annual Funding Agreement and Model Section 106 Contract, as attached and incorporated by this reference, and should include provisions for a two-year duration and increased funding by the BIA over and above its current commitment.

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

1. A proposal is hereby authorized to be made by the Tribe to the U.S. Department of Interior, through the Bureau of Indian Affairs, to contract the federal functions of law enforcement and criminal investigations, pursuant to the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 25 U.S.C. §450, et seq.).
2. Said contract proposal shall include a Technical Assistance Plan that: (i) substantively addresses the BIA-OLES Program Review deficiency findings of 2002, 2004 and 2006; (ii) utilizes BIA-OLES expertise and assistance; (iii) sets a timeline for strategically accomplishing tasks and objectives.
3. Said contract proposal should be in the form of an Annual Funding Agreement and Model Section 106 Contract, as attached and incorporated by this reference, and should also include provisions for a two-year duration and increased funding by the BIA over and above its current commitment.
4. The Chairman, or in his absence the Vice-Chairwoman, is hereby authorized to negotiate, together with the 638 Negotiating Team, the Model 106 Contract and Annual Funding Agreement, and execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on November 13, 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), (b), (c), (j), (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