



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 05-2012-42

(Granting Manzanita Mortuary Permission to Operate a Mortuary on Reservation)

- WHEREAS**, the White Mountain Apache Tribe ("Tribe"), as a federally recognized Indian tribal government, with inherent rights of self-governance, and pursuant to its Tribal Constitution, exercises rights of self-determination through its duly elected Tribal Council ("Council") leaders; and
- WHEREAS**, on this day Justin White, a licensed funeral director, provided a written proposal to the Council to operate a mortuary on the Fort Apache Indian Reservation; and
- WHEREAS**, his proposal included a request to lease the community services building located on East Manzanita Drive in Whiteriver, Arizona; a request that his company Manzanita Mortuary be given the right to operate on the reservation exclusive of any other competing mortuaries; and a description of the services he intended to provide; and
- WHEREAS**, Mr. White indicated that he worked for Silver Creek Mortuary for three years serving the White Mountain Apache Tribe, but felt he could provide improved service to tribal members through lower costs and by reducing the need to travel off-reservation for mortuary services; and
- WHEREAS**, the Council discussed several factors including cultural concerns over having a mortuary on Tribal land; whether an exclusive agreement would affect tribal member choice; what services would be included in a package that did not exceed the amount available to tribal members for burial assistance; and whether the community services building might be used for some other purpose; and
- WHEREAS**, a concern was raised regarding the disposal of byproducts from the embalming process to which Mr. White indicated no chemicals are discharged but that human fluids are; Mr. White indicated this is common practice for mortuaries and hospitals; and
- WHEREAS**, the Deputy Tribal Attorney discussed the benefits and drawbacks of offering an exclusive agreement to Manzanita Mortuary and inquired if Manzanita Mortuary was incorporated and whether Mr. White had proper licensing to operate the mortuary;
- WHEREAS**, Mr. White offered to work without an exclusive arrangement but asked that social services refer tribal members to his mortuary; he also indicated that he was in the process of incorporating Manzanita Mortuary and that he was licensed by the Arizona Board of Funeral Directors and Embalmers as an embalmer and funeral services director; and
- WHEREAS**, the Council finds that it is in the best interest of the White Mountain Apache Tribe to grant Manzanita Mortuary permission to operate a mortuary on the Fort Apache Indian Reservation on the following conditions: (1) that Mr. White, as owner, comply with all applicable Tribal laws, Arizona state statutes regulating funeral directors and embalmers (currently codified in the Arizona Revised Statutes, Title 32, Chapter 12) and all rules regulating funeral directors and embalmers (currently published in Arizona Administrative Title 4, Chapter 12); (2) that Mr. White maintain at all times an embalmer and funeral services director license from the Arizona Board of Funeral Directors and Embalmers; and (3) that Manzanita Mortuary obtain a business license from the White Mountain Apache Tribe; and

WHEREAS, the Council further finds that it is in the best interest of the White Mountain Apache Tribe to authorize Manzanita Mortuary to lease from the White Mountain Apache Tribe the community services building located on East Manzanita Drive, Whiteriver, Arizona on terms and conditions to be determined and agreed to by the Tribal Attorney and the Tribe's Realty Specialist.

WHEREAS, the Council further finds that it is in the best interest of the White Mountain Apache Tribe to direct Tribal Social Services Department to refer tribal members seeking burial assistance to Manzanita Mortuary.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby grants Manzanita Mortuary permission to operate a mortuary on the Fort Apache Indian Reservation on the following conditions: (1) that Mr. White, as owner, comply with all applicable Tribal laws, Arizona state statutes regulating funeral directors and embalmers (currently codified in the Arizona Revised Statutes, Title 32, Chapter 12) and all rules regulating funeral directors and embalmers (currently published in Arizona Administrative Title 4, Chapter 12); (2) that Mr. White maintain at all times an embalmer and funeral services director license from the Arizona Board of Funeral Directors and Embalmers; and (3) that Manzanita Mortuary obtain a business license from the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes Manzanita Mortuary to lease from the White Mountain Apache Tribe the community services building located on East Manzanita Drive, Whiteriver, Arizona on terms and conditions to be determined and agreed to by the Tribal Attorney and the Tribe's Realty Specialist.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Tribal Social Services Department to refer tribal members seeking burial assistance to Manzanita Mortuary.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and of have no legal effect. This Resolution shall not be subject to Judicial Interpretation, only the Tribal Attorney, with the assistance of the Tribal Council Secretary, may opine on Tribal Council intent and the meaning of the language as used herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign provided that the Tribal Secretary and a Tribal Attorney attest to the veracity of the subject matter of this Resolution.

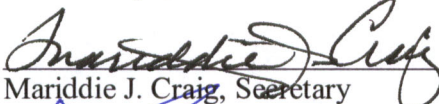
The foregoing resolution was on May 14, 2012 duly adopted by a vote of FIVE for and FOUR against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b),(f), (i), (k), (s), (t) and (u) of the Tribal Constitution, ratified by the 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).



Ronnie Lupe, Chairman

5-18-12

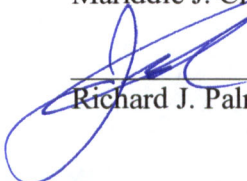
Date



Mariddie J. Craig, Secretary

05-17-2012

Date



Richard J. Palmer, Jr., Attorney

5/18/12

Date