



# WHITE MOUNTAIN APACHE TRIBE

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

## Resolution No. **08-2012-120**

( Approving the Application and Accepting the Grant Award for the SMART Office FY 2012 Support for Adam Walsh Act Implementation Grant Program and Authorizing the WMAT Office of Planning and Community Development to Submit the Grant Package )

**WHEREAS,** the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

**WHEREAS,** the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, the "Adam Walsh Act," created a National Sex Offender Registration and Notification System in which Congress required all jurisdictions to implement this legislation by July 27, 2009; and

**WHEREAS,** Section 127 of the Adam Walsh Act mandated that the State in which the Tribe is located is granted jurisdiction for that State to enter onto tribal lands to enforce the Act if a Tribe did not affirmatively elect to comply by July 27, 2007; and

**WHEREAS,** the Tribal Council, on behalf of the White Mountain Apache Tribe, elected to preserve its sovereignty and maintain its jurisdiction by agreeing to carry out the Sex Offender Registration and Notification Act (SORNA) functions specified in the Adam Walsh Act on June 6, 2007; and

**WHEREAS,** the Tribe has largely met the requirements of SORNA; and

**WHEREAS,** the Tribe recognizes a need to continue the program created with and supported by a previous grant from the Department of Justice Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office; and

**WHEREAS,** a funding opportunity exists in the form of a grant solicitation from the SMART Office; and

**WHEREAS,** this funding, if granted, would be used to maintain the Tribe's compliance with the requirements of the Adam Walsh Act as it pertains to tribal jurisdictions, and to expand the program to meet the needs of the White Mountain Apache Tribe.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that Tribe's Office of Planning and Community Development is authorized to submit a grant proposal for the SMART Office FY12 Support for Adam Walsh Act Implementation Grant Program.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that this grant from the Department of Justice (DOJ) Office of Justice Programs is hereby accepted in the event that it is approved by the DOJ, subject to a review by the Tribe's Legal Department.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that a budget for the expenditure of the Tribal funds is hereby approved for purposes of cost reimbursement for the DOJ's SMART grant, if approved by the DOJ and subject to Tribal funds as they may be appropriated and available.

**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 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.

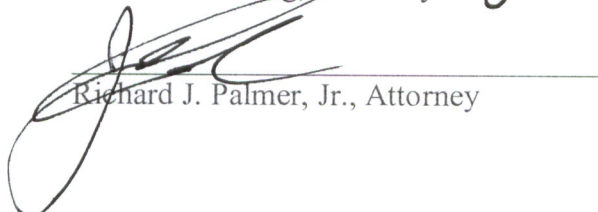
The foregoing resolution was on **August 8, 2012** duly adopted by a vote of **NINE** for and **ZERO** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (d), (j), (k), (s), (t) and (u) of the Tribal Constitution, 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).

  
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Ronnie Lupe, Chairman

8-13-12  
Date

  
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Mariddie J. Craig, Secretary

08-13-2012  
Date

  
\_\_\_\_\_  
Richard J. Palmer, Jr., Attorney

8-14-12  
Date