



# WHITE MOUNTAIN APACHE TRIBE

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

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## **Resolution No. 05-2013-105A**

### **(Approving the Adoption and Implementation of the Emergency Operations Plan to Prepare for and Respond to Disaster Incidents and Elimination of the L.E.R.C. Commission)**

**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 White Mountain Apache Tribe is responsible for assuring that the communities are prepared for and have the resources to address natural, technological and human causes emergencies and disasters; and

**WHEREAS,** the White Mountain Apache Tribe recognizes that disasters and emergencies may result in loss of life, human suffering, loss of income, and loss or damage to property of the community and/or Tribe as well as damage to the environment and infrastructure with the Fort Apache Indian Reservation; and

**WHEREAS,** the White Mountain Apache Tribe also recognizes the need for a comprehensive plan and procedures for preparedness, response, recovery and mitigation of damages when disasters or emergencies occur; and

**WHEREAS,** by prior action in resolution 06-2002-144; the Tribal Council created the White Mountain Apache Tribe Local Emergency Response Commission (L.E.R.C.) which was charged with the responsibility of planning and coordinating the Tribe’s response to emergencies with or affecting the Fort Apache Indian Reservation which hereby is disbanded; and

**WHEREAS,** the Chairman of the White Mountain Apache Tribe or in the absence of the Chairman, the Vice-Chairman; has the sole responsibility and authority to declare an emergency within the exterior boundaries of the Fort Apache Indian Reservation. The Chairman is authorized to sign documents relating to the emergency and can seek assistance from the Federal and/or State governments; and

**WHEREAS,** by prior action in Resolution No. 09-2005-256, the Tribal Council also adopted the National Incident Management System (NIMS) to prepare for and respond to disaster

incidents from an all hazard approach and which prescribes and Incident Command System standardizing incident organization for management of all incidents; and

**WHEREAS,** the Tribal Council has been informed by the Director of Public Safety and the Tribal Emergency Services Coordinator that the current White Mountain Apache Emergency Operation Plan and Emergency Support Function needs to be updated on a periodic basis in order to maintain its effectiveness; and

**WHEREAS,** the Tribal Council has considered all the information presented and determined that it is in the best interest of the Tribe to adopt the Emergency Operations Plan to Prepare for and Respond to Disaster Incidents and to disband the Local Emergency Response Commission (L.E.R.C.).

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the adoption of the Emergency Operations Plan to Prepare for and Respond to Disaster Incidents and the disband of the Local Emergency Response Commission (L.E.R.C.).

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Chairman and/or Vice-Chairman to make a declaration of an emergency when an event or incident occurs, whether it is human or natural cause which requires resources beyond the tribe's ability and means.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the emergency Management Coordinator(s) will conduct an annual review of the Emergency Operation Plan and the Emergency Support Functions in order to change or modify the Plan.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that in the event of an emergency, the Designated Emergency Management Coordinator(s) will be the liaison, information source, advisors, support service to the Chairman and the Tribal Programs/Departments/Enterprises that is responding to the Emergency.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman may delegate the authority and responsibility of overseeing the response operation (Incident Commander) to any of the Tribal Division of Public Safety Program Directors or any Tribal Program Director or any other person that the Chairman determines to be best qualifies to administer the emergency.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Director of Public Safety (DPS) and the DPS staff will provide support services to ensure that the emergency operations is performed effectively, efficiently and safely.

**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.

**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.

The foregoing resolution was on MAY 16, 2013 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), (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

6/26/13  
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Date

  
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Mariddie J. Craig, Secretary

06/25/2013  
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Date