



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Agreement with Navajo County for Temporarily Housing of WMAT Inmates)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe of the Fort Apache Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power “To negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law or this constitution... with any municipality or any county...”; and
- WHEREAS,** The White Mountain Apache Tribe’s (Tribe”) Adult Detention Facility has been rendered unfit for occupation because of structural damage to outside walls; and
- WHEREAS,** To mitigate the situation caused by this structural damage, on February 20, 2019, Tribal Chairwoman Gwendena Lee-Gatewood pronounced an emergency declaration, providing that she would “...execute for and on behalf of the Tribe’s Department of Corrections the immediate evacuation of the detention facility. The expenditure of emergency funds from all available sources, the invoking of mutual aid agreements, and the requesting of assistance from neighboring counties and townships”; and
- WHEREAS,** The Tribe and Navajo County had an agreement in place for the housing of the Tribe’s inmates, executed on August 27, 2013, which provided for a rate of \$55.00 per inmate per day, however, that agreement expired in 2013; and
- WHEREAS,** Despite not having a current agreement, the Tribe has placed a number of inmates in Navajo County’s Detention Center; and
- WHEREAS,** For the month of March 2019, Navajo County has billed the Tribe a total amount of \$81,235.00 for housing the Tribe’s inmates, but the Tribe cannot remit payment until a current agreement is in place; and
- WHEREAS,** The Tribe’s Office of the Attorney General has negotiated a draft agreement for this purpose with Navajo County (attached and incorporated herein by reference); and
- WHEREAS,** The Council has reviewed the draft agreement and finds that approving it at this time will facilitate the placement of the Tribe’s inmates until the rehabilitation of the Adult Detention Facility, and is in the best interests of the Tribe and its members.

Resolution No. 05-2019-96


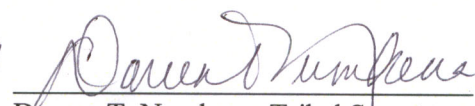
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the attached agreement between the Tribe and Navajo County for the temporary housing of the Tribe's inmates at Navajo County Detention Center.

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 any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

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 the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on MAY 1, 2019 duly adopted by a vote of TEN for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	<u>5/6/19</u>		<u>5/6/2019</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date