



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

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

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- 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 Apache County had an agreement in place for the housing of the Tribe’s inmates, executed on October 1, 2013, which provided for a rate of \$55.00 per inmate per day; and
- WHEREAS,** That agreement was never subsequently approved by the Tribal Council, and currently the Tribe is expending a substantial amount of money under it to house inmates; and
- WHEREAS,** The Tribe’s Office of the Attorney General has renegotiated the agreement’s terms with Apache County in a manner more favorable to the Tribe; and
- WHEREAS,** The Council has reviewed the draft agreement (attached and incorporated herein by reference) 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.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the attached agreement between the Tribe and Apache County for the temporary housing of the Tribe’s inmates at Apache County Detention Center.


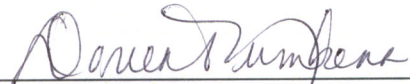
Resolution No. 05-2019-97

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).

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