



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Directing the Attorney General to Look into Options for Taking Legal Action Against the Bureau of Indian Affairs Regarding Lack of Adequate Maintenance and Repair of the Whiteriver Detention Facility)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power, “To represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution”; and
- WHEREAS,** The Bureau of Indian Affairs (“BIA”) owns the Whiteriver Detention Facility, and the Tribe’s Department of Corrections operates it under a P.L. 93-638 contract for that purpose; and
- WHEREAS,** Despite the existence of the P.L. 93-638 contract, the BIA and the United States retains a trust responsibility to the Tribe, which includes a responsibility to maintain facilities in a workable, safe, and healthy condition; and
- WHEREAS,** The BIA has continually failed to address serious maintenance deficiencies in the Whiteriver Detention Facility, including but not limited to, holes in the exterior walls, leaks in the roof, and large cracks throughout walls, floors and ceilings, which issues have caused hardships, including the multiple evacuations of the facility and relocations of inmates to contracted facilities, some at great distance; and
- WHEREAS,** Department of Corrections has, for several years, consistently requested that BIA address the building’s dilapidated state and the consequential health and safety problems caused by it, and BIA has not sufficiently remedied the problems; and
- WHEREAS,** Because of BIA’s persistent failure to address and correct these issue, Council finds that directing the Tribe’s Attorney General to explore options for taking legal actions against the BIA to remedy the state of the Whiteriver Detention Facility 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 directs the Tribe’s Attorney General to explore options for taking legal actions against the Bureau of Indian Affairs for neglecting their trust responsibilities regarding the Whiteriver Detention Center.

Resolution No. 05-2022-128

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Attorney General shall, after exploring such options, advise Council accordingly.

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 Chairman, or in his 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 23, 2022 duly adopted by a vote of NINE for, ZERO against, and ONE 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

<u>Kasey Velasquez</u>	<u>6/30/2022</u>	<u>Vaneysa Johnson</u>	<u>6/30/2022</u>
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, Tribal Secretary	Date
White Mountain Apache Tribe			