

**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

**WHEREAS,** the Tribal Council in prior resolutions 05-2003-139 and 06-2003-175 authorized an independent investigation into the use of funds by the Tribal Housing Authority to pay the private attorney fees of Chairman Dallas Massey in the election challenge last year and other questioned practices; and

**WHEREAS,** pursuant to those resolutions, the Tribe has authorized attorney Eric Dahlstrom of the firm of Rothstein, Donatelli, Hughes, Dahlstrom, Schoenburg & Frye, L.L.P. to serve as Special Investigation Counsel to undertake the independent investigation; and

**WHEREAS,** attorney Eric Dahlstrom has identified for the Council the proposed components of the independent investigation which is included as an attachment to this resolution; and

**WHEREAS,** the investigation work and reporting by the Special Investigation Counsel will be made directly to the Council working as needed through a subcommittee of the Council consisting of Councilmember Jacob Henry, Councilmember Mariddie Craig, and Councilmember Phoebe Nez; and

**WHEREAS,** the Tribal Council finds that the Housing Commission Board Members must be recused from involvement in any actions by the Housing Authority in complying with the investigation; and

**WHEREAS,** the Tribal Council finds that the Tribal Council Chairman, and Tribal Council Vice-Chairman must also be recused from involvement with the Housing Authority action or action by the Tribal Council to coordinate and direct the investigation activities authorized by this resolution and prior Council resolutions; and

**WHEREAS,** the Tribal Attorney will also assist in coordinating communication and exchange of information, but will not have any role in directing the investigation or in limiting access by the Special Investigation Counsel to Tribal officials and Tribal documents needed for completing the investigation; and

**WHEREAS,** the Tribal Council concludes that in order to make the investigation as effective as possible to resolve this matter that it must issue the following directives to ensure compliance with the investigation process.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it directs that all Tribal Council Members, Tribal employees, Tribal representatives and independent contractors, as well as all Housing Authority employees, Housing Commission members, and Housing Authority independent contractors (hereinafter, "Tribal Contacts"), abide by the following independent investigation requirements:

**Resolution No. 07-2003-196**

1. All Tribal Contacts shall give their full cooperation to the Special Investigation Counsel and anyone authorized by him, including responding to questions and providing documents as requested. Tribal Contacts shall not interfere with or obstruct, either directly or indirectly, the investigation process, or face severe sanctions, including but not limited to potential dismissal.
2. All Tribal Contacts are reminded and advised that destruction or alteration of any Tribal or Housing Authority document is prohibited and any such destruction or alteration shall result in sanctions, including, but not limited to potential dismissal, and other remedies available under the law. Tribal Contacts are further directed to report to the Special Investigation Counsel knowledge of any document destruction or alteration which has already occurred.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it appoints Councilmember Jacob Henry, Councilmember Mariddie Craig, and Councilmember Phoebe Nez to serve as a subcommittee of the Council to coordinate the communication between the Council and the Special Investigation Counsel, in conjunction with the Tribal attorney, provided that neither the Tribal Attorney nor the subcommittee members shall limit or alter the subject matter of the investigation or the findings of the Special Investigation Counsel.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the Housing Authority Board of Commissioners and the Tribal Council Chairman and Tribal Council Vice-Chairman recuse themselves from all actions, deliberations, and other activities of the Tribal Council and the Tribal Housing Authority to carry out and complete the special investigation authorized under this resolution and prior resolutions, but that they shall comply with the investigation interviews and requests for information, as authorized pursuant to Tribal Council resolution.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Special Investigation Counsel is retained to conduct this investigation in order to give legal advice to the Tribal Council, including legal advice about potential litigation. Communications between Tribal officials and the Special Investigation Counsel are protected by the attorney-client privilege of the White Mountain Apache Tribe; however, no person or entity shall assert the attorney-client privilege or any other privilege or claim of confidentiality of the White Mountain Apache Tribe as a reason for not responding to questions or requests for documents from the Special Investigation Counsel.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Special Investigation Counsel is authorized to employ the services of a private investigator and a competent auditor as needed to complete the investigation and financial analysis required by the Council resolution.

**Resolution No. 07-2003-196**

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it approves the scope of proposed investigation components in the attachment to this resolution, and directs that the Special Investigation Counsel make a preliminary report of his findings to date to the Council in two weeks, on August 5, 2003.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Special Investigation Counsel is authorized to administer oaths, to take statements of witnesses under oath, and to issue document and testimonial subpoenas in the name of the Special Investigation Counsel, White Mountain Apache Tribe to compel testimony and production of documents to aid in the investigation.

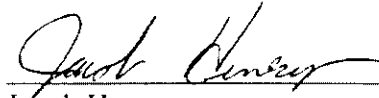
The foregoing resolution was on July 22, 2003 duly adopted by a vote of SIX for and \_\_\_\_\_ against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 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).

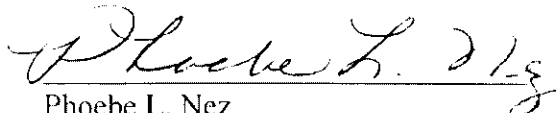
\_\_\_\_\_  
Chairman of the Tribal Council

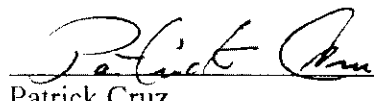
\_\_\_\_\_  
Secretary of the Tribal Council

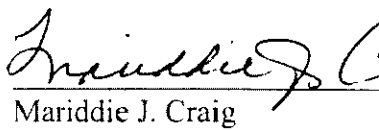
Signatures of the members of the Tribal Council represent their approval of Tribal Resolution  
No. 07-2003-196.

\_\_\_\_\_  
Dallas Massey, Sr.  
Tribal Chairman

  
\_\_\_\_\_  
Jacob Henry  
District I Council Member


  
\_\_\_\_\_  
Phoebe L. Nez  
District II Council Member

  
\_\_\_\_\_  
Patrick Cruz  
District III Council Member

  
\_\_\_\_\_  
Mariddie J. Craig  
District IV Council Member

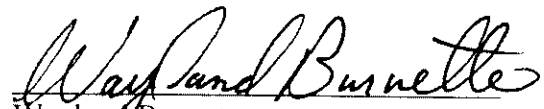
\_\_\_\_\_  
Noland Clay  
District IV Council Member

\_\_\_\_\_  
Frank Johnny Endfield, Jr.  
Vice-Chairman

  
\_\_\_\_\_  
Ronnie Lupe  
District I Council Member

\_\_\_\_\_  
Lynn Cody  
District II Council Member

\_\_\_\_\_  
Margaret Baha-Walker  
District III Council Member

  
\_\_\_\_\_  
Wayland Burnette  
District IV Council member

ATTEST:

\_\_\_\_\_  
Cyndy R. Harvey  
Tribal Council Secretary

Dated this 22nd day of July, 2003.

**SPECIAL INVESTIGATION COUNSEL**  
**White Mountain Apache Tribe**  
**Work Plan**  
**July 22, 2003**

Scope of Work

The Special Investigation Counsel will investigate and determine if the White Mountain Apache Housing Authority or others have acted lawfully and ethically with respect to the payment to Kutak Rock for Chairman Massey's legal fees, payment of employee bonuses, payment of travel expenses, expenses charged to non-program income, and other related allegations. The Special Investigation Counsel will report his findings and recommendations to improve oversight of and accountability of the Housing Authority to the Tribal Council.

Investigation Implementation

1. Obtain and analyze all relevant documents including financial records, transactional documents, and policy documents. Documents will be obtained from WMAT, the Housing Authority, individuals, and from other parties that have dealt with the Housing Authority.
2. Research all relevant authorities establishing requirements for the operation of the Housing Authority, including tribal and federal laws, policies and internal regulations.
3. Conduct interviews of all persons with first hand knowledge of relevant events, of relevant routine practices, and of relevant background information.
4. An accountant will review all relevant and related financial transactions to determine if transactions are prudent, in compliance with applicable financial policies, and consistent with prudent internal controls.
5. Analyze results of investigation. Prepare written and oral report of investigation, including recommendations, to present to Tribal Council of the WMAT.