

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

- WHEREAS,** the Tribal Council has received a written report from the Tribe's Risk Manager expressing serious concerns about a new 2003 Ford F-150 pick-up truck obtained by Tribal Planning and Enterprise Director, Milfred Cosen in the name of the White Mountain Apache Tribe; and
- WHEREAS,** the Report indicates that Mr. Cosen obtained the new vehicle for his own use at a price of \$31,073.37 (after rebate) on or about January 31 from Mel Clayton Ford, which then was charged to and became a financial obligation of the White Mountain Apache Tribe through Mr. Cosen's actions as described below; and
- WHEREAS,** the 2003 Ford pick-up was obtained without any prior budgetary approval, Council review or approval, or any other administrative, or legal review or approval, and as an independent contractor to the Tribe, the Planning/Enterprise Director has no authority to operate or use a Tribal government vehicle without express Tribal authorization; and
- WHEREAS,** the Risk Management investigation shows that Mr. Cosen arranged to make the Tribe responsible for payment of the Ford pick-up by altering documents previously approved by the Tribal Council to finance capital improvements at the Fort Apache Timber Company; and
- WHEREAS** the altered financing documents were used and intended by Mr. Cosen to obligate the Tribe to pay a total of \$35,899.00 in finance fees and repayment of principal to Lehigh Municipal Leasing, Inc., of Allentown Pennsylvania for the 2003 Ford pick-up; and
- WHEREAS,** in the altered financing documents, Mr. Cosen personally waived the sovereign immunity of the White Mountain Apache Tribe and made other representations on behalf of the Tribe without any authorization whatsoever from the Tribal Council or its administrative departments; and
- WHEREAS,** no notice nor record of the 2003 Ford pick-up purchase was provided to the Tribe or its duly authorized representatives, and in fact, the Tribe learned of the purchase only after Mr. Cosen damaged the vehicle in an accident near Grants NM, where it was brought for repairs; and
- WHEREAS,** after learning of the vehicle, the Tribal Risk Manager and other Tribal representatives demanded documentation and an explanation from Mr. Cosen about his authorization for the purchase of the new pick-up, the purpose for his travel in New Mexico, and copies of current driving records, however he has refused to comply with the Tribe's requests and directives, other than to assert that he was authorized to buy the vehicle in the Tribe's name for his own use; and
- WHEREAS,** Mr. Cosen's refusal to cooperate and respond to the Tribe's legitimate questions has forced the Tribe to make an independent records investigation which shows the following: 1) the pick-up truck which was purchased this year now has more than 40,000 miles on the odometer, 2) Mr. Cosen has two outstanding court required appearances in Albuquerque New Mexico for traffic violations, and one outstanding court required appearance in Grants New Mexico for a traffic violation, and 3) Mr. Cosen is driving with a suspended driver's license, suspended by the State of New Mexico, in violation of tribal, and Arizona and New Mexico state law; and

WHEREAS, on this date the Tribal Council has discussed these serious allegations with Mr. Cosen; and

WHEREAS, the Tribal Council has a sworn duty and constitutional obligation to protect Tribal assets, to ensure financial accountability of Tribal funds, and to maintain and protect Tribal sovereignty and control over its own affairs and must take appropriate action to address the serious liability risks it faces from allowing an unlicensed driver with numerous traffic violations to operate a Tribal vehicle on public roadways; and

WHEREAS, the Tribal Council established administrative positions and programs for the very purpose of providing oversight and accountability, which have been seriously undermined by the unauthorized actions of Mr. Cosen, thereby obstructing the Tribal Council's constitutional obligation to safeguard Tribal assets and manage all economic affairs on behalf of the membership of the Tribe; and

WHEREAS, in light of the unauthorized purchase, misrepresentation, and misuse of Tribal funds, as well as the serious jeopardy Mr. Cosen's actions have created for the welfare of the Tribe, the Tribal Council this date takes immediate action to protect the sovereignty and preserve the assets of the White Mountain Apache Tribe and its people.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it directs that Planning/Enterprise Director, Milfred Cosen is hereby removed this date from any and all positions and financial or consulting arrangements with the Tribe and all its subordinate entities, whether by written or verbal contract or agreement, or on the basis of employment.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the 2003 Ford F-150 pickup truck purchased without authorization by Mr. Milfred Cosen be returned immediately to the control and safe-keeping of the Tribe, and that Mr. Cosen turn in to the Tribe on this day all Tribal property, including, but not limited to, cell phones, gas cards and credit cards, office equipment and computers, and other property and directs Tribal staff to take all appropriate measures to safeguard Tribal property and to defend the rights, interests, property and laws of the White Mountain Apache Tribe in this matter.

The foregoing resolution was on NOVEMBER 13, 2003 duly adopted by a vote of SIX for and FIVE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (e), (h), (i), (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

Andy R. Harney

Secretary of the Tribal Council