

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

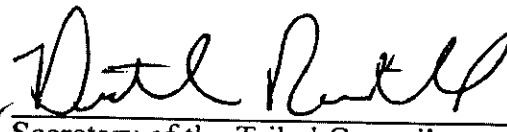
- WHEREAS,** by Resolution No. 04-2001-109, the Tribal Council released the Tribal Controller, Jaci Ulmer, from employment with the White Mountain Apache tribe; and
- WHEREAS,** by Resolution No. 11-2003-264, the Tribal Council released the Tribal Planning and Enterprise Director, Milfred Cosen, from employment with the White Mountain Apache Tribe and all positions and financial and consulting arrangements with the Tribe and all its subordinate entities; and
- WHEREAS,** by Resolution No 03-2004-54, the Tribal Council released the Behavioral Health Program Director, Dr. Bill Arnett, from employment with the White Mountain Apache Tribe; and
- WHEREAS,** all of the above-referenced terminations were founded upon good cause shown and duly considered by the Tribal Council; and
- WHEREAS,** in each instance the cause shown was of a degree and character fully sufficient to mandate that the employee released not be eligible for rehire in any employment, consulting, or other capacity whatsoever by the White Mountain Apache Tribe; and
- WHEREAS,** it was the clear intent of the Tribal Council's resolutions to sever completely both present and all future work relationships between these terminated employees and the White Mountain Apache Tribe; and
- WHEREAS,** despite the governing Council resolutions cited herein, the above-named terminated employees either continue to hold Tribal employment with the Tribal government or its subordinate entities or have been returned to this employment; and
- WHEREAS,** there is concern that other Tribal employees in good standing may be terminated for reasons other than good cause shown; and
- WHEREAS,** Article V - Rights of Members of the Constitution of the White Mountain Apache Tribe declares that: "All members of the White Mountain Apache Indian Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the Tribe;" and
- WHEREAS,** Section 1.6 of the Tribal Personnel Policies and Procedure Manual of the White Mountain Apache Tribe provides the following guiding principle: "the assurance of fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, family ties, age, race, color, national origin, sex, or religious creed and with proper regard for their privacy and other constitutional rights as citizens;" and

- WHEREAS,** Section 1.7 of the Tribal Personnel Policies and Procedures Manual of the White Mountain Apache Tribe provides also as a guiding principle in pertinent part: "to assure that employees are protected against coercion for partisan political purposes...;" and
- WHEREAS,** Section 3 of the Tribal Personnel Policies and Procedures Manual of the White Mountain Apache Tribe further provides that with certain limited exceptions specified therein: "The personnel polices shall apply to all White Mountain Tribal positions...;" and
- WHEREAS,** Section 14 of the Tribal Personnel Policies and Procedures Manual of the White Mountain Apache Tribe mandates exclusive standards and process by which Tribal employees may be terminated from their employment; and
- WHEREAS,** Section 1302 of the Indian Civil Rights Act of 1968, 25 U.S.C.A. et seq., provides that: "No Indian tribe in the exercise of self-government shall...deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law."

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that no employee shall be terminated from their Tribal employment for reasons or in a manner that violates the proscriptions of the Constitution of the White Mountain Apache Tribe, the Tribal Personnel Policies and Procedures Manual of the White Mountain Apache, or the Indian Civil Rights Act, and that in no event shall they be terminated for so long as Jaci Ulmer, Milfred Cosen, or Dr. Bill Arnett continue in employment with the White Mountain Apache Tribe.

The foregoing resolution was on 05/04/04 duly adopted by a vote of SIX for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (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

*for*   
\_\_\_\_\_  
Secretary of the Tribal Council

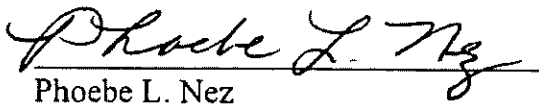
Signatures of the members of the Tribal Council represent their approval of Tribal Resolution  
No. 05-2004-80 . Dated this 4th day of May , 2004 .

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Dallas Massey, Sr.  
Tribal Chairman

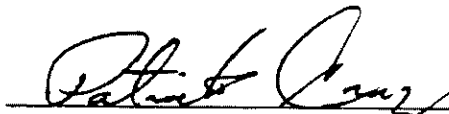
  
\_\_\_\_\_  
Jacob Henry  
District I Council Member

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Frank Johnny Endfield, Jr.  
Vice-Chairman

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


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

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Lynn Cody  
District II Council Member

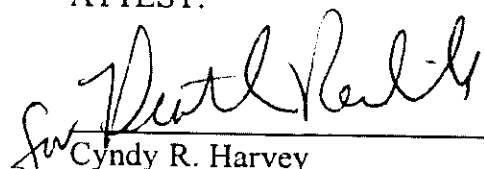
  
\_\_\_\_\_  
Patrick Cruz  
District III Council Member

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

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

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

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

ATTEST:  
  
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Cyndy R. Harvey  
Tribal Council Secretary

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

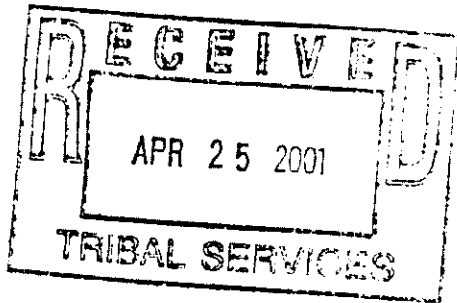
- WHEREAS, the Tribal Council, in a previous session, discussed concerns pertaining to the conduct of the Tribal Controller and Sunrise Park Resort General Manager; and
- WHEREAS, as a result of the concerns identified in those discussions, a directive was issued from the office of the Tribal Chairman removing both individuals from their employment; and
- WHEREAS, the Tribal Council has in executive session this day discussed the grounds for the removal of both individuals from employment with the Tribe, and considered a request for a severance payment submitted by both individuals; and
- WHEREAS, the Tribal Council finds that the removals were based upon cause, resulting from conduct and decisions which undermined the effectiveness of both individuals in their employment with the Tribe; and
- WHEREAS, on this basis the Tribal Council concludes that no severance payment would be justified; and
- WHEREAS, the Tribal Council concludes that an independent audit be completed for the activities in the office of the Controller and with regard to contracts made for and on behalf of Sunrise Park Resort to ensure that the assets of the Tribe have been adequately safeguarded; and
- WHEREAS, the Tribal Council is also concerned about a report of a recent disturbance involving the two individuals at the Hon Dah RV Park; and
- WHEREAS, the White Mountain Apache Tribe, through its Tribal Council, has authority to act on behalf of the welfare of the Tribe, and all members and residents, and to regulate all activities within the Reservation, and on that basis undertakes the following actions.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reaffirms the directive from the Tribal Chairman that the Tribal Controller and the Sunrise Park Resort General Manager be released immediately from employment with the White Mountain Apache Tribe, and eligible for salary payment up to the date of termination only.

Resolution No. 04-2001-109

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in order to assure the security of Tribal assets, there be an independent audit of the functions of the Controller's office and the contracts entered into for and on behalf of Sunrise Park Resort, with audit results reported to the Tribal Council.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in order to reduce the reported state of tension created by the reported temporary residence of one or both of the two former employees at the Hon Dah RV Park, that consistent with Tribal law, the former employees be directed to move to a location off the Reservation.

The foregoing resolution was on April 16, 2001 duly adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (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).



ACTING [Signature]  
Chairman of the Tribal Council

[Signature]  
Secretary of the Tribal Council

**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.

**Resolution No. 11-2003-264**

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

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Secretary of the Tribal Council



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

**WHEREAS**, on this date the Tribal Council has discussed the management and operation of the Tribe's Apache Behavioral Health Program; and

**WHEREAS**, this discussion arose from an employment dispute, but has focused on general issues and concerns of the Tribal Council regarding the Behavioral Health Program management; and

**WHEREAS**, the issues of primary concern center upon the performance of the program director, Dr. Bill Arnett; and

**WHEREAS**, the Tribal Council, in light of the discussions and deliberations this date concludes that it would be in the best interest of the White Mountain Apache Tribe and its people to relieve Dr. Arnett of his position and seek a replacement to serve as the director of the Apache Behavioral Health Program.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby releases Dr. Bill Arnett from employment with the Tribe as the director of the Apache Behavioral Health Program.

The foregoing resolution was on MARCH 17, 2004 duly adopted by a vote of SIX for and TWO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (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

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