



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

(Rescinding Resolution No. 10-2006-347 and Re-affirming Authority of the Chief of Police to Administer WMAPD)

- WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** on October 12, 2006, pursuant to Resolution No. 10-2006-347, "Extending Suspension with Pay for Chief Perry and Lt. Martin," the Tribal Council did extend the suspensions of Chief Perry and Lt. Martin until such time as certain federal and state investigations were completed; and
- WHEREAS,** at the Tribal Council hearing for Resolution No. 10-2006-347, the Tribe's law enforcement officials led the Tribal Council to believe that the investigations were to be forthcoming, based upon representations by federal and state agencies; and
- WHEREAS,** pursuant to Resolution No. 09-2006-314, the Tribal Council had appointed Ray Burnette to the position of Acting Chief, and then pursuant to Resolution No. 11-2006-405, the Tribal Council did appoint Ray Burnette to the position of Chief of the White Mountain Apache Police Department; and
- WHEREAS,** Chief Burnette did have cause to terminate Lt. David Martin, and did so on November 28, 2006; and
- WHEREAS,** the Chairman of the Tribal Council did uphold the suspension and termination of Mr. Martin; and
- WHEREAS,** the U.S. Department of Interior, Bureau of Indian Affairs, Office of Law Enforcement Services, did issue a report on February 27, 2007, months after it was expected, which did sustain the allegation of Careless Performance of Duty by Mr. Martin and would prevent his testimony in a court of law and further bar his certification as a peace officer by the BIA; and
- WHEREAS,** the Tribal Council concurs with the suspension and termination of Mr. Martin and finds the basis for Resolution No. 10-2006-347 to no longer apply and should therefore be rescinded; and
- WHEREAS,** for the purposes of clarification, the Tribal Council further finds that the appointment of Ray Burnette pursuant to Resolution Nos. 09-2006-314 and 11-2006-405, provided Chief Burnette with all the powers and authority of a Chief of Police, as commonly understood within the profession, including, but not limited to, the following: (1) personnel actions of appointment and termination; (2) the authority to

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promulgate rules, regulations, policies and procedures for WMAPD; and (3) the authority to undertake internal investigations into the actions of subordinates.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

1. Resolution No. 10-2006-347 is hereby rescinded and without force or effect.
2. The suspension and termination of David Martin, as upheld by the Chairman of the Tribal Council, are hereby reaffirmed.
3. The position of Chief of WMAPD shall be understood as historically having all the powers and authority of a Chief of Police, including, but not limited to, the following: (1) personnel actions of appointment and termination; (2) the authority to promulgate rules, regulations, policies and procedures for WMAPD; and (3) the authority to undertake internal investigations into the actions of subordinates.
4. The Director of the Division of Public Safety is hereby directed to revise the position description for the Chief of WMAPD, if necessary, for the purposes described herein.

The foregoing resolution was on APRIL 24, 2007 adopted by a vote of NINE for, ZERO against and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Sections 1 (a), (b), (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