



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

(Rescinding Resolution No. 01-2008-014)

- 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 April 4 and 13 2007, the Budget and Finance Committee did review WMAPD's budget modification, which proposed wage increases for officers and certain employees named herein, but rejected the modification, due to fiscal constraints; and
- WHEREAS**, on June 4, 2007, the Tribal Council did adopt Resolution No. 11-2007-516, the Tribal Council did re-affirm Resolution No. 06-2007-256, "Approving Cost Containment Measures for Fiscal Year 2007-2007," which had instituted certain cost containment measures; and
- WHEREAS**, on June 13, 2007, WMAPD presented its proposed budget to the Tribal Council, but increases were approved only for police officers, and no other employees; and
- WHEREAS**, Resolution No. 06-2007-256 did allow for overtime for emergency personnel, including WMAPD, but prohibited salary increases for all other employees without review by the Budget and Finance Committee; and
- WHEREAS**, in October 2007, the management of the White Mountain Apache Police Department nevertheless did provide wage increases to the employees who are the subject of Resolution No. 01-2008-014, despite the cost containment measures which were in effect pursuant to Resolution No. 06-2007-256; and
- WHEREAS**, on January 11, 2008, the Tribal Council did adopt Resolution No. 01-2008-014, "Approving modification of WMAPD budget for the purposes of providing salary increases for Patricia DeClay and Joenice Lavender effective October 29, 2007," but was not provided full information of the wage adjustment transaction; and
- WHEREAS**, by providing wage increases, WMAPD did not abide by the terms and conditions of Resolution No. 06-2007-256, and disregarded the determination of the Budget and Finance Committee; and
- WHEREAS**, the Tribal Council finds that WMAPD was in error for providing the wage increases, while disregarding both Resolution No. 06-2007-256 and the determination of the Budget and Finance Committee, and therefore Resolution No. 01-2008-014 should be rescinded; and
- WHEREAS**, the Tribal Council further finds that the WMAPD management should be disciplined for its failure to abide by the cost containment measures instituted by Resolution No. 06-2007-254, and that the employees should be informed that management is responsible therefor; and
- WHEREAS**, the employees named herein seek resolution of the issue prior to the next regularly scheduled meeting of the Tribal Council; and

Resolution No. 02-2008-37

WHEREAS, given the urgency to provide resolution to the issue described herein, the Tribal Council further finds that the rescission of Resolution No. 01-2008-014 needs to be considered and made outside of its regularly scheduled meeting; and

WHEREAS, the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

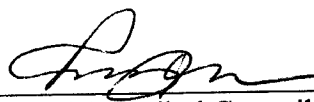
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

1. Resolution No. 01-2008-014 is hereby rescinded.
2. WMAPD management is hereby directed to inform the employees named herein that management was in error and should not have processed the wage increases, because the increases were in violation of the cost containment measures instituted by Resolution No. 06-2007-256, and in disregard of the determination by the Budget and Finance Committee.
3. In the event of any inconsistency between the terms of this Resolution and any prior Resolution, the terms of this Resolution shall govern and control.

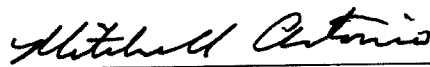
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairwoman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on February 14, 2008, duly adopted by a vote of 6 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (h), (k), (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

ACTING 

Secretary of the Tribal Council

Resolution No. 02-2008-37

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 02-2008-37 initiated the 14th day of February 2008. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

Ronnie Lupe
Tribal Chairman

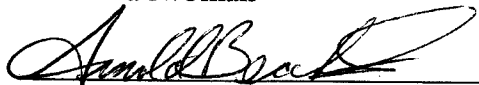
Date Signed

TCS Initials

Margaret Baha-Walker
Vice Chairwoman

Date Signed

TCS Initials



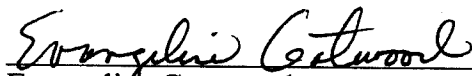
Arnold Beach, Sr.
District I Council Member

2-19-8

Date Signed

CM

TCS Initials



Evangeline Gatewood
District I Council Member

2/15/08

Date Signed

CM

TCS Initials

Lafe Altaha
District II Council Member

Date Signed

TCS Initials



Victoria Brewer
District II Council Member

2/15/08

Date Signed

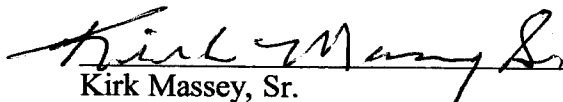
CM

TCS Initials

Alvin DeClay, Sr.
District III Council Member

Date Signed

TCS Initials



Kirk Massey, Sr.
District III Council Member

2/14/08

Date Signed

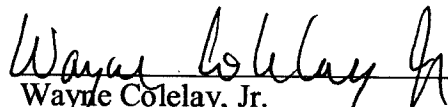
CM

TCS Initials

Noland Clay
District IV Council Member

Date Signed

TCS Initials



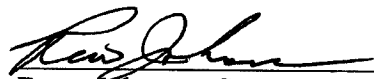
Wayne Colelay, Jr.
District IV Council Member

2/15/08

Date Signed

CM

TCS Initials



Reno Johnson, Sr.
District IV Council Member

2-15-08

Date Signed

CM

TCS Initials

ATTEST:

ACTING



Cyndy R. Harvey, Tribal Council Secretary

02-21-08

Date Signed