



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

(Authorizing the Temporary Appointment of Ed Peace as Acting Prosecutor)

- 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,** the public safety and protection of civil rights of tribal members is of the utmost concern to the White Mountain Apache Tribe; and
- WHEREAS,** the Prosecutor position has been open and unfilled since December, 2007 and the Prosecution Department has been without full time supervision by an attorney since December, 2007; and
- WHEREAS,** the Tribal Attorney has been aware of Prosecution's request for legal assistance and complaints from tribal members which require an attorney's attention; and
- WHEREAS,** Edward Peace did apply for the position of Prosecutor with the White Mountain Apache Tribe; and
- WHEREAS,** Edward Peace is a temporary employee who was appointed as an Assistant Tribal Attorney on April 10, 2008 and has been on administrative leave since July 7, 2008 and expected to return in August; and
- WHEREAS,** the Law and Order Committee requests that the Tribal Council assign an attorney to supervise the Prosecution Department immediately to ensure that the Tribe is in compliance with the Indian Civil Rights Act; and
- WHEREAS,** the Tribal Council is concerned about scarcity of tribal resources and is aware that in the past, the Tribe paid for study materials for certification, application fees, paid administrative leave and miscellaneous expenses for employees in cases where the employees resigned after being certified and were under no contractual obligation to repay the Tribe, which is a waste of the Tribe's resources; and
- WHEREAS,** there is a consensus by the Tribal Council that Edward Peace should be required to take and pass the Arizona Bar and be Arizona Bar certified within one year of his appointment in order to remain employed with the White Mountain Apache Tribe; and
- WHEREAS,** there is also a consensus by the Tribal Council that Edward Peace work for the White Mountain Apache Tribe for a minimum of one year from the date of appointment or be required to repay the administrative leave salary and other Arizona Bar related expenses paid on his behalf; and

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WHEREAS, the Tribal Council finds that it is in the best interest of the White Mountain Apache Tribe that Edward Peace be temporarily appointed as Acting Tribal Prosecutor to assist Doreen Burnette and to supervise the Prosecution Department as an attorney on a full-time basis to be effective immediately; and


WHEREAS, upon his assumption of his duties as Acting Tribal Prosecutor, pursuant to Resolution No. 4-2008-91, "Approving Temporary Appointment of Edward Peace for the Position of Assistant Tribal Attorney for the White Mountain Apache Tribe," shall be rescinded and this Resolution shall take effect.

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

1. Edward Peace is required to take and pass the Arizona Bar exam within one year of his appointment in order to remain employed with the White Mountain Apache Tribe.
2. Edward Peace is required to work for the White Mountain Apache Tribe for a minimum of one year from the date of appointment or must repay the administrative leave salary and other Arizona Bar related expenses paid on his behalf.
3. Edward Peace is temporarily appointed as Acting Tribal Prosecutor to assist Doreen Burnette and to supervise the Prosecution Department as an attorney on a full-time basis, effective immediately.
4. 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 **JULY 29, 2008** duly adopted by a vote of **EIGHT** for and **ZERO** 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), (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