



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

(Consolidating Emergency Cost Containment Measures)

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, pursuant to Resolution No. 06-2007-256, "Approving Cost Containment Measures for Fiscal Year 2007-2008," certain cost containment measures were instituted and reaffirmed pursuant to Resolution No. 11-2007-516; and

WHEREAS, the Tribal Council adopted further cost containment measures that affected the central Tribe budget in Resolution No. 11-2008-260; and

WHEREAS, the Budget and Finance Committee reports that expenditures nevertheless continue largely unabated, despite the cost containment measures, which have not been followed, resulting in payables not being timely released or otherwise paid, and deficit spending, which has placed the Tribe in financial risk, requiring emergency cost containment measures over and above those already instituted; and

WHEREAS, the Treasurer and the Office of Grants and Contracts report that funding from P.L. 93-638 grants and contracts have not timely been received, resulting in the Tribe subsidizing programs for long periods of time; and

WHEREAS, the Tribe's Treasurer has a constitutional duty to "safeguard all funds" pursuant to Article XI, Section 4, of the Constitution of the White Mountain Apache Tribe; and

WHEREAS, the Budget and Finance Committee recommended the following emergency cost containment measures for Fiscal Year 2008-2009 for the purpose of operational efficiency, monitoring and reporting, and accountability:

1. Travel. All employees should use the TR100 form for travel, except for members of the Tribal Council. All travel should be suspended until further notice, unless otherwise justified or approved by the Tribal Treasurer. No payments should be made for hotel incidental expense deposits.
2. Credit cards. All credit cards should be immediately cancelled, except for Tribal Forestry which shall use such cards only for responding to dispatch of services to fires. All charges made require receipts. Any use requires justification and authorization by an employee's supervisor. Any charges not supported by an authorized justification and receipts should be the financial responsibility of the employee making the charge.
3. Gas cards. All gas cards should be suspended, except for those programs that require fuel to deliver services as may be determined by the Office of the Treasurer. In addition, Division of Public Safety departments, Wildlife and Outdoor Recreation Division, and Tribal Forestry should be exempted for the purpose of emergency services or justifiable off-reservation travel. However, all gas charges made should require receipts. Any use of a gas card requires justification and authority from an

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employee's supervisor. Any gas charges not supported by an authorized justification and receipts should be the financial responsibility of the employee making the charge.

4. Meeting pay. All meeting pay for employees shall be reduced in dollar amount by half of the current applicable rate for all subordinate committees, commissions, boards, advisory or otherwise, as appointed by the Tribal Council, provided that the frequency of all meetings are not to exceed two meetings per month. Members of the Tribal Council are exempt from this provision.
5. Sick leave transfers. All sick leave transfers should be suspended. The Office of Personnel, together with the Chief Financial Officer, Treasurer and Legal Department, should undertake an analysis of sick leave and its costs to the Tribe, with recommendations to the Tribal Council as to its disposition.
6. Treasurer Authority. The Treasurer should be authorized to institute any and all further measures necessary to contain costs in effort to safeguard the Tribe's assets. In the event that additional measures are required, the Treasurer should review such measures with the Budget and Finance Committee, and provide reasonable notice thereof to the Tribal Council.
7. Grants and Contracts. Any grant programs that have exceeded their budgets should immediately cease expenditures and/or reduce in force those employees not otherwise funded by the grant or contract. All Directors and staff should immediately review all grants and contracts managed by their program to collect any outstanding reimbursements by providing any necessary reports or deliverables. In the event that either reports or deliverables are not timely submitted, those employees responsible should be subject to discipline, including termination. The Chief Financial Officer and staff should assist the Office of Grants and Contracts with completion of program reports and other requirements. Quarterly meetings with the BIA should resume.
8. Cell Phones. All programs, departments and divisions should switch over to the new, cost effective plan available through CellularOne. Only one cell phone should be assigned to a manager or director in each department. All other cell phones should be suspended until further notice, unless otherwise justified or approved by the Tribal Treasurer.
9. Vehicles. All tribal vehicles, as may be determined by the Treasurer, should be parked in the following designated areas after work hours and on weekends: Department of Public Works and FATCO.
10. Health Insurance. The Investment Committee should be directed to evaluate the extent of cost savings to the Tribe that may be made by amending its applicable health insurance and benefits plans.
11. Expenditures. No expenditures (capital or otherwise), obligations or reimbursements shall be made on behalf of the Tribe, its programs, departments, divisions or its subsidiary economic development enterprises without (i) funds being actually available, and (ii) a purchase order authorized by the Accounting Department.
12. Policy Changes. The following should be permanent changes in policy for all programs, including grants and contracts:

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- a. No annual leave payment will be authorized, other than for separation from employment.
 - b. No further payroll advances should be allowed.
 - c. Early release of payroll checks should not be authorized, except for a death or medical emergency involving a catastrophe or a major illness for the employee or the employee's immediate family. Doctor's appointments are not considered a major illness or an emergency.
 - d. Any and all new hires should replace budgeted vacancies or positions previously established, including those funded by grants and contracts agreements.
 - e. Overtime expense should be (i) reviewed and justified by the Program Manager, (ii) allowed only if it is part of the scope of work under a grant or contract, and (iii) otherwise within the existing budget.
 - f. Program managers should be reminded that it is their responsibility to monitor their budget and strictly prohibited from overspending the applicable program budget, or otherwise face appropriate disciplinary action, including, but not limited to, reprimand and/or termination.
 - g. Personnel funded under grants and contracts should not be transferred to a tribal funded program when funds are depleted. Where feasible, tribal personnel should be transferred to grant and contract funded projects.
 - h. Donations using grant or contract funds should not be authorized.
 - i. All programs, departments and divisions, including those funded through grants or contracts, should first secure advance funds as may be allowed under the applicable grant or contract provisions for all capital and non-capital expenses.
 - j. All salary increases or pay adjustments should be negotiated at the beginning of the budget cycle, subject to available funds as may be determined by the Chief Financial Officer and the Treasurer and a positive performance evaluation should be provided to justify such action. No increases should occur after the budget has been adopted by resolution.
 - k. Bonus pay should be no longer authorized.
 - l. Administrative leave for non-job related activities should no longer be authorized (i.e., sports activities or other major events) by either the Chairman or applicable manager unless otherwise approved by the Tribal Council.
 - m. All employees should follow the terms and conditions of the Tribal Personnel Policies and Procedures.
 - n. All grants and contracts funded programs should follow the Tribal Financial Policies and Procedures, unless otherwise required by a specific grant or contract provision.
13. Compliance. Any failure to comply with the measures set forth herein should be cause for discipline, including termination.

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WHEREAS, the Tribal Council finds that Resolution No. 06-2007-256, "Approving Cost Containment Measures for Fiscal Year 2007-2008," should be re-affirmed for Fiscal Year 2008-2009; and

WHEREAS, the Tribal Council further finds that additional, emergency cost containment measures as proposed by the Budget and Finance Committee and described herein should be instituted immediately for Fiscal Year 2008-2009; and

WHEREAS, the Tribe's Finance and Budget Committee recommended that additional cost containment measures be instituted to ensure the financial stability and future economic growth of the Tribe, and those measures shall continue until the end of the fiscal year and the following represents some of those recommendations:

1. All tribally funded positions be reduced to a 32 hour work week, however this provision shall not apply to positions funded by a state or federal grant, the Tribal Gaming Office, the Tribe's attorneys, or to essential employees who provide emergency services, such as the Police Department, the Fire Department, EMS, Woodland Patrol, Game and Fish law enforcement, the Cibecue CHR and other law enforcement officers, provided this provision should still apply to non-essential administrative officers of such emergency service departments;
2. The Tribe's official holidays be reduced to New Years Day, Memorial Day, Labor Day, Veterans Day, Independence Day, Christmas Day and Thanksgiving Day;
3. All Tribal employees, including the Tribal Council, should utilize the TR-100 (at 90%) for travel required for tribal business;
4. Meeting pay should be set at \$75.00 for Tribal Council meetings, and all Tribal Committees and Boards, provided said paid meetings should not exceed 3 meetings per month, and all tribal employees attending said Committee and/or Board meetings should be required to take annual leave or administrative leave without pay for the time spent at the Committee and/or Board meeting; and
5. All sick leave accrual should be suspended, with employees being allowed to utilize their current sick leave, in an amount not to exceed 100 hours per employee, until December 31, 2008, and thereafter no sick leave shall be allowed

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that all previous cost containment resolutions are hereby rescinded.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that effective immediately, the Tribal Council shall not consider any request for funds for any purpose by any program, department, division or individual without the request first being reviewed by the Budget and Finance Committee for its recommendations.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the following emergency cost containment measures are hereby instituted for Central Tribe, all grant and contract funded programs managed by the Tribe, and all subsidiary economic development enterprises of the Tribe for the purpose of operational efficiency, monitoring and reporting, and accountability:

1. Travel. All Tribal employees, including the Tribal Council, shall utilize the TR-100 (at 90%) for travel required for tribal business. All travel shall be suspended until further notice, unless

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otherwise justified or approved by the Tribal Treasurer. No payments shall be made for hotel incidental expense deposits.

2. Credit cards. All credit cards shall be immediately cancelled, except for Tribal Forestry which shall use such cards only for responding to dispatch of services to fires. All charges made require receipts. Any use requires justification and authorization by an employee's supervisor. Any charges not supported by an authorized justification and receipts shall be the financial responsibility of the employee making the charge.
3. Gas cards. All gas cards are hereby be suspended, except for those programs that require fuel to deliver services as may be determined by the Office of the Treasurer. In addition, Division of Public Safety departments and Tribal Forestry are hereby be exempted for the purpose of emergency services or justifiable off-reservation travel. Members of the Tribal governing body are authorized a budget of \$500 a month, except for District 1 and District 2 Council representatives, who are authorized a budget of \$800 a month. However, all gas charges made shall require receipts. All charges made require receipts. Any use of a gas card requires justification and authority from an employee's supervisor. Any gas charges not supported by an authorized justification and receipts shall be the financial responsibility of the employee making the charge.
4. Meeting pay. Meeting pay shall be reduced to \$75.00 for Tribal Council meetings, and all Tribal Committees and Boards, provided said paid meetings shall not exceed 3 meetings per month, and all tribal employees attending said Committee and/or Board meetings shall be required to take annual leave or administrative leave without pay for the time spent at the Committee and/or Board meeting. Committee members who received less than \$75.00 a meeting shall not receive more than their original meeting pay; and
5. Sick leave transfers. All sick leave transfers are herewith suspended. All sick leave accrual shall be suspended, with employees being allowed to utilize their current sick leave, in an amount not to exceed 100 hours per employee, until December 31, 2008, and thereafter no sick leave shall be allowed.
6. Treasurer Authority. The Treasurer is hereby authorized to institute any and all further measures necessary to contain costs in effort to safeguard the Tribe's assets. In the event that additional measures are required, the Treasurer shall review such measures with the Budget and Finance Committee, and provide reasonable notice thereof to the Tribal Council.
7. Grants and Contracts. Any grant programs that have exceeded their budgets are hereby directed to immediately cease expenditures and/or reduce in force those employees not otherwise funded by the grant or contract. All Directors and staff shall immediately review all grants and contracts managed by their program to collect any outstanding reimbursements by providing any necessary reports or deliverables. In the event that either reports or deliverables are not timely submitted, those employees responsible shall be subject to discipline, including termination. The program managers and staff shall assist the Office of Grants and Contracts with completion of program reports and other requirements. Quarterly meetings with the BIA shall resume.
8. Cell Phones. All programs, departments and divisions are hereby directed to switch over to the new, cost effective plan available through CellularOne. Only one cell phone shall be assigned to a manager or director in each department. All other cell phones shall be suspended until further notice and returned to the Treasurer, unless otherwise justified or approved by the Tribal Treasurer.
9. Vehicles. All tribal vehicles, except for those used by the members of the Tribal governing body, the Tribal legal department, emergency services, or those identified by the Treasurer shall be

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parked in the following designated areas after work hours and on weekends: Department of Public Works and FATCO.

10. Health Insurance and Benefits. The Investment Committee is hereby directed to determine the extent of cost savings to the Tribe that may be made by amending its applicable health insurance and benefits plans.
11. Expenditures. No expenditures, obligations or reimbursements shall be made on behalf of the Tribe, its programs, departments, divisions or its subsidiary economic development enterprises without both (i) funds being actually available, and (ii) a purchase order authorized by the Accounting Department. The CFO shall have the authority to reject any and all expenditure requests or purchase orders.
12. Policy Changes. The following shall be permanent changes in policy for immediate implementation by all programs, departments and divisions, including grants and contracts funded programs:
 - a. No annual leave payment shall be authorized other than for separation from employment.
 - b. No further payroll advances shall be allowed.
 - c. Administrative manager shall not authorize the early release of payroll checks, except for death or medical emergency involving a catastrophe or a major illness for the employee or employee's immediate family. Doctor appointments are not considered a major illness or an emergency.
 - d. Any and all new hires shall replace budgeted vacancies or positions previously established, including those funded by grants and contracts agreements.
 - e. Overtime expense (i) shall be reviewed and justified by the applicable Program Manager, (ii) shall be allowed only if it is part of the scope of work under a grant or contract, and (iii) otherwise within the existing budget.
 - f. Program managers are hereby directed to monitor their budget and are strictly prohibited from overspending the applicable program budget, or otherwise face appropriate disciplinary action, including, but not limited to, reprimand and/or termination by administrative manager.
 - g. Personnel funded under grants and contracts shall not be transferred to a tribal funded program when funds are depleted. Where feasible, tribal personnel shall be transferred to grant and contract funded projects.
 - h. Donations of any kind for any purpose using grant or contract funds are hereby disallowed and shall not be authorized.
 - i. All programs, departments and divisions, including those funded through grants or contracts, are hereby directed to first secure advance funds as may be allowed under grant or contract provisions for all capital and non-capital expenses.
 - j. All salary increases or pay adjustments shall be negotiated at the beginning of the budget cycle and only if funds are available as may be determined by the Treasurer and the Chief Financial Officer, and subject to a positive performance evaluation shall be provided to justify such action. No increases shall occur after the budget has been adopted by resolution.

- k. Bonus pay shall no longer be authorized.
 - l. Administrative leave for non-job related activities is hereby disallowed and shall no longer be authorized (i.e., sports activities or other major public events) by the Chairman or applicable Program Manager, unless otherwise approved by the Tribal Council.
 - m. All employees shall follow the terms and conditions of the Tribal Personnel Policies and Procedures.
 - n. All grants and contracts funded programs shall follow the Tribal Financial Policies and Procedures, unless otherwise required by a specific grant or contract provision.
13. All tribally funded government positions (Central Tribe), excluding enterprises shall be reduced to a 32 hour work week, however this provision shall not apply to positions funded by a state or federal grant, the Tribe's attorneys, and to essential employees who provide emergency services, such as the Police Department, the Fire Department, EMS, Woodland Patrol, Game and Fish law enforcement, the CHR and other law enforcement officers, provided this provision shall still apply to non-essential administrative officers of such emergency service departments;
14. Compliance. Any failure to comply with the measures set forth herein shall be cause for discipline, including termination.

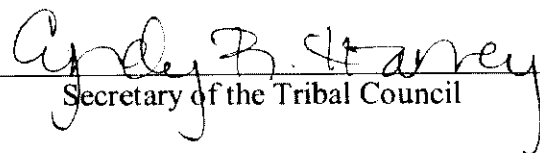
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event of any inconsistency between this Resolution and any other resolution and any other policy of the Tribe, this Resolution shall govern, supersede and apply.

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 November 19, 2008 duly adopted by a vote of NINE 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), (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



Secretary of the Tribal Council