



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

**(Establishing Rules of Procedure for Tribal Council Meetings)**

- WHEREAS,** the Tribal Constitution, Article V, ensures that all members of the White Mountain Apache Tribe will be given the opportunity to petition for the redress of grievances; and
- WHEREAS,** some Tribal members attend Council meetings and act in ways that do not show respect to the institution of the Tribal Council; and
- WHEREAS,** the Tribal Council recognizes that every person is entitled to his/her own personal beliefs and may disagree with the actions of an individual Council member, but the Elected Office of District Representative, Vice-Chairman, and Chairman should be treated with respect and addressed in a respectful manner; and
- WHEREAS,** the Tribal Council has determined that certain rules of procedure and etiquette should be promulgated and adopted to address the Council's concerns about Tribal member behavior during Council meetings; and
- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe wishes to exercise control over the content and duration of speakers in order to expedite Tribal member business, as well as institute a more formal process to ensure that agenda items are dealt with in a timely and efficient manner; and
- WHEREAS,** in an attempt to expedite Tribal Council proceedings, the following rules should be adopted and posted for public notice:

1. **RULES OF PROCEDURE**

- 1.1 Title. Effective this 15th day of January, 2009, pursuant to Article IV, Section 1(s) of the Constitution of the White Mountain Apache Tribe, there is hereby established by order of the White Mountain Apache Tribal Council, this Legislative Order No. 01-2009-01, entitled, White Mountain Apache Tribal Council Rules of Procedure and Code of Ethics.
- 1.2 Source of Authority. The rules of procedure from the various Tribal sources shall be referenced in the following order of authority:
- 1.2.1 Constitution of the White Mountain Apache Tribe
  - 1.2.2 Tribal Resolutions and Ordinances
  - 1.2.3 Adopted Tribal Council Legislative Orders
  - 1.2.4 Judicial Decisions of the White Mountain Apache Court
  - 1.2.5 Parliamentary Law

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- 1.2.6 Customs and usages of the Tribal Council
- 1.2.7 Apache custom and tradition
- 1.3 Agendas. The Secretary of the Council shall be responsible for the preparation of an Agenda.

1.3.1 Regular Meeting Agenda.

Request. Anyone seeking to be placed on the Council's Agenda must submit a written request to the Secretary's Office by the close of business on the Wednesday before the Council's regular meeting. The request shall include:

- (1) a brief description of the Agenda item,
  - (2) a proposed Resolution or Ordinance in electronic form (if applicable),
  - (3) the relevant Committees that have reviewed the item,
  - (4) the applicable section of the Constitution, and
  - (5) any other information that the Secretary may require.
- A. Publication. The Secretary shall publish the Agenda by 4:00 p.m. of the Monday before the Council's regular meeting in front of the Council offices, the Office of the Chairman and the Office of the Vice-Chairman, and distribute copies to each Council member with any relevant attachments for review.
  - B. Full Calendar. In the event that the Agenda is full, the Secretary shall calendar the remaining item(s) for the next meeting of the Council.
- 1.3.2 Special Meetings. In the event that a Special Meeting is called by the Chairman, the Secretary shall publish the Agenda for said meeting.
- 1.3.3 Items not on Agenda. Any matter not on the Council Agenda shall be scheduled for discussion at the next subsequent Council meeting. The Chairman shall have the option to assign any matter to a Committee for further study and recommendation.
- 1.3.4 Legal Review. All Resolutions and Ordinances shall be subject to a review by the Tribal Legal Department prior to inclusion on the Council's Agenda.
- 1.3.5 Member Business. Personal issues of members of the Tribe should be submitted in the form of a brief description of the issue and requested solution to the Council Secretary prior to a meeting of the Tribal Council. The Council Secretary will present Member business to the Agenda committee for review. If approved, Each Tribal member will be given five (5) minutes to present his or her issue to the Tribal Council. The time allotments shall be issued on a first-come, first-served basis. A maximum of one (1) hour shall be allotted to Tribal Member Business. Personal issues include, but are not limited to, requests for financial or

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other assistance, and housing issues. The procedure for such relevance shall be as follows:

- A. Any resolution for personal issues shall be drafted by the Tribe's Legal Department within five business days of its passage by the Tribal Council and transmitted to the Tribal Secretary.
- B. Upon receipt, the Council Secretary shall distribute to the appropriate members of the Tribal Council who had motioned the adoption of the resolution. Upon approval of said members, the Council Secretary seek execution of the Resolution from either the Chair or Vice-Chair of the Tribal Council.

**1.3.6 Walk-Through Resolutions.**

- A. From time to time, there may exist a resolution that requires emergency consideration by the Tribal Council before it can be considered at a regularly scheduled meeting.
- B. An emergency is defined as a transaction that must be approved because of a deadline that must be met at a time before the Council is able to schedule a special meeting, or an administrative action likely to receive unanimous approval.
- C. A transaction is defined as a written agreement which is contractual in nature and creates performance or financial obligations for the Tribe.
- D. In such case, the Tribal Council Secretary shall personally contact each member of the Tribal Council and attempt to obtain that member's signature, which shall include the date and time of said signature. A signature of a member shall include whether the Council member approves or disapproves or is absent. Any member may append to the resolution a written explanation of their approval or disapproval.
- E. A walk-through resolution shall be considered passed only upon the signatures of no less than six members of the Tribal Council approving the resolution.
- F. Time Limit. The Tribal Council Secretary shall have 24 hours to process the walk-through resolution for signature and attestation. In the event that a walk-through resolution is not processed within 24 hours, it shall be considered null and void.

**1.3.7 Personnel Matters.** All personnel matters shall be handled through the grievance process established under the Tribe's Personnel Policies and Procedures.

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1.4 Order of Business. The order of business at any regular or special meeting of the Tribal Council in which a quorum exists shall be as follows:

- 1.4.1 The Chairman shall call the meeting to order
- 1.4.2 The Secretary shall undertake and record the roll call
- 1.4.3 The Secretary shall read the minutes of the last Council meeting
- 1.4.4 Upon motion and vote, the Council may approve the minutes
- 1.4.5 Call to the Audience
- 1.4.6 Reports
- 1.4.7 Resolutions, Memorials
- 1.4.8 Business on the Chairman's Desk
- 1.4.9 Unfinished Business
- 1.4.10 New Business
- 1.4.11 Adjournment

1.5 Minutes.

- 1.5.1 The Secretary of the Council shall record any meeting of the Council in the form of written Minutes. The Minutes shall be filed in the office of the Tribal Secretary within thirty (30) days from the time of completion of a meeting.
- 1.5.2 Attendance records shall be filed with the office of the Tribal Secretary within two days (24 hours) from the time of completion of meetings.
- 1.5.3 Except for Executive Sessions, records of Minutes and attendance shall be made available to the members of the Tribe.

1.6 Voting.

- 1.6.1 Motions. Upon a motion for a vote, followed by a second, the Chairman shall call for the question, a period in which debate may follow. Upon conclusion of the question period, the Chairman shall call for the vote.
- 1.6.2 Debates. After the call for the question, only the following actions are either debatable or amendable:

	DEBATABLE	AMENDABLE	MAJORITY VOTE
Adjourn	No	No	Yes
Take a Recess	No	Yes	Yes
Lay on the Table	No	No	Yes
For the previous question	No	No	Yes
To postpone to time certain	Yes	Yes	Yes
To commit, refer or re-commit	Yes	Yes	Yes

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To amend	Yes	Yes	Yes
To amend	Yes	No	Yes
To offer substitute amendment	Yes	Yes	Yes
To amend substitute amend	Yes	No	Yes
To postpone indefinitely	Yes	No	Yes

- 1.6.3 Role Call. When a vote is ordered, the Secretary shall identify the Resolution number and title, and then undertake a role call. Each member present shall be individually polled by the Secretary for their vote and in turn shall cast his or her vote "in favor" or "against" or "abstain", unless the member polled informs the Council of a conflict pursuant to Article XIII, § 7 of the Constitution.
- 1.6.4 Vote Tabulation. Upon completion of the roll call, the Secretary shall tabulate and record the votes. Once tabulated, the Secretary shall announce the numbers voting in favor, against, or abstaining, and whether the Resolution, identified by number and title, is approved or disapproved. The Secretary shall file the record and the Resolution as the permanent record of the matter, which shall be made available to members of the Tribe upon request.
- 1.6.5 Conflicts. In the event of a conflict, the vote shall be suspended in order to determine whether the remaining members of the Council should provide permission to vote for the member who has a conflict. The conflicted member shall be required to state specifically the reason for the conflict. If the reason is other than a personal financial interest in the matter, the Chairman, or in his absence the Vice-Chairman, shall submit the question to the remaining Council members, "Shall the member be excused from voting for the reason given?" The question shall not be debated before the role call vote is taken by the Secretary and the result is announced.
- 1.6.6 Vote changes. A member may change his vote after the roll call vote has been completed but before announcement of the result and not thereafter.
- 1.6.7 Upon conclusion of the vote, each member of the Council shall be allowed to explain the reasons for his or her vote and shall be permitted to have a written explanation placed on file in the office of the Tribal Secretary.
- 1.6.8 Executive Session. Upon a motion adopted by the majority of all the members of the Council, the Council may enter itself into Executive Session for the discussion of any business which in the opinion of the Council, requires confidentiality. The Chairman may direct the meeting place to be cleared, except that personnel that the Chairman may deem necessary; the doors shall remain closed during the discussion. The rules of the Council shall apply while in Executive Session.

1.7 Standing Committees.

1.7.1 Standing Committees, except those that the Tribal Council shall select, shall be appointed by the Tribal Council.

1.7.2 Standing Committees of the Tribal Council shall consist of the following:

- A. Budget/ Finance
- D. Judiciary/ Public Safety/ Law & Order
- F. Economic Development
- G. Tax Commission

1.8 Resolutions and Ordinances.

1.8.1 Execution.

- A. Chairman, Vice or Acting Chair. The Constitution requires that all resolutions or ordinances “should be” signed by the Chairman of the Tribal Council or the acting Chairman. See *Constit.*, Article XV, § 1. Use of the term “should” means that the Chairman or acting Chairman is not required to execute a resolution. Since the Constitution does not provide a veto power, a Chairman who disagrees with or did not vote for a resolution thus signifies such disapproval by not executing a resolution. Thus, a resolution or ordinance is valid without the Chairman’s signature. A Chairman may memorialize the depth and breadth of such disapproval by appending a statement to the resolution.
- B. Tribal Council Secretary. All resolutions have to be attested to by the Tribal Council Secretary. See *Constit.*, Art. XV, § 1. Once attested by the signature of the Tribal Council Secretary, the resolution or ordinance becomes the official ruling and/or law of the Tribe.
- C. Walk-Through Resolutions. In the event that an emergency resolution meeting the requirements of Section 1.3.6 above is required, every Tribal Council member seeking to approve the resolution must do so by signature. A Tribal Council member may withdraw his or her vote by crossing out his or her signature and appending his or her initials. A vote cannot be withdrawn after the Tribal Council Secretary has attested the resolution.

1.8.2 Delegation of Executory Authority.

- A. Executory authority is the power to execute documents, such as contracts, Memorandums of Agreement, Intergovernmental Agreements, Memorandums of Understanding, resolutions, or other official documents that create obligations for the Tribe. Pursuant to the Constitution, the

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Tribal Council may delegate powers, including executive authority, to the Chairman of the Tribal Council. *Constit.*, Art XI, § 1.

- B. Delegation to executory authority may be memorialized by the following resolution provision: "The Chairman of the Tribal Council, or in his absence the Vice-Chair, is hereby authorized to execute any and all documents necessary to effectuate the intent of this resolution."
- C. Tribal Secretary. The Tribal Secretary is chosen by the Tribal Council. *Constit.*, Art IV, § 4. Only the Tribal Council may delegate the executory authority of the Tribal Council Secretary by resolution. In the event that a Tribal Council Secretary is not available to attest resolutions or do other business required of the office by the Constitution, the Tribal Council shall choose an individual to fulfill the duties of the office until such time as the Tribal Council Secretary may return.

1.83 Ordinances.

- A. All proposed ordinances should be reviewed by the relevant oversight personnel for any potential financial impacts to the Tribe's budget and resources.
- B. Once reviewed and approved by the relevant personnel, the proposed ordinance should be presented to the Tribal Council for its approval by resolution to be submitted to each district for public comment.
- C. Under the Constitution, proposed ordinances of the Tribal Council shall be posted in each district for at least 10 days prior to final action by the Council. *Constit.*, Art XV, § 2. This provision allows for public comment.
- D. Once the comment period has expired, any comments should be submitted to the relevant Committee(s) for review and a determination as to whether the ordinance should be amended to include comments by the public. The ordinance and any proposed amendments to it, should be then put on the agenda by the Tribal Council Secretary to be presented to the Tribal Council at its regularly scheduled meeting for enactment by a second resolution.

2. CODE OF ETHICS

2.1 Conflicts of Interest.

2.1.1 Definitions.

- A. Personal Financial Interest. A Council Member is aware and it is reasonably foreseeable that an action while discharging his official duties will result in a material financial benefit or detriment directly or indirectly

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on the Council Member, his spouse or any minor child, except that no personal financial interest shall exist if the Council Member or a member of his household is a member of a class of persons and it appears that a majority of the total members of that class will be affected by such action.

- B. An Action While Discharging His Official Duties. Means the sponsorship, debate, amendment, passage, defeat, approval, consideration or any other official action on any resolution, ordinance, law, amendment, confirmation, nomination, appointment or any other matter pending or proposed in a committee, sub-committee, Council meeting or execution session.
- C. Agency or Department, means all courts, and any department, agency, board, commission or instrumentality of the White Mountain Apache Tribe.
- D. Business, means any corporation, partnership, joint venture, sole proprietorship, business trust, enterprise, organization, trade, occupation or profession.
- E. Gift, means any gratuity, special discount, favor, service, economic opportunity loan, or the benefit received without consideration of tribal law and to provide the members of the general public. Gift shall not include any political campaign contribution as provided by the Election Law of the White Mountain Apache Tribe.

2.1.2 Personal Financial Interest. A member who anticipates taking an action in the discharge of his official duties in which he may have a personal financial interest shall declare and describe the matter to be acted upon and the nature of the conflict of interest. The description may be in writing and if so, the written statement shall be delivered to the Tribal Chairman and the Tribal Council Secretary to be entered into the record and shall become a public record.

- A. A member may abstain from taking any action in which he has a personal financial interest. Upon declining to participate in any action in any meeting of the Tribal Council or any Committee of the Tribal Council, the member shall state his decision and the underlying reasons for his decision and such decision shall be recorded in the minutes of that body.
- B. A member who is in doubt as to the propriety of any action proposed to be taken by him and involving a potential financial interest, may request the members of the Tribal Council to render an advisory opinion of the facts. The advisory opinion shall be issued as quickly as reasonably possible. Such opinion shall be retained by the Secretary of the Tribal Council as a public record.

2.1.2 Prohibitions. No member shall:



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- A. Intentionally solicit, accept or agree to accept from any source, whether directly or indirectly, or whether by himself or through any other person, any personal financial benefit or any gift for himself or another person upon an agreement or understanding that his vote, opinion, judgment, or other action as a Council member will be influenced.
- B. Disclose or use information designated by Tribal Law as confidential in any manner prohibited by Tribal Law.
- C. Enter into any contract with a Tribal agency or department for the sale of services or goods or **have an interest in the profits or benefits of a contract entered into with a tribal agency or department** by any other person or entity for the sale of services or goods unless:
  - (1) The total annual gross value of the contract is less than \$1,500 dollars; or
  - (2) Any contract entered into by a business in which the member, his spouse or minor child of whom the member has custody, owns, controls individually or combined, less than ten (10) percent of the business; or
  - (3) The contract has been awarded through public and competitive bidding pursuant to tribal policy or law, or
  - (4) The subject of the contract between a member and a tribal agency or department is an appointment or employment for which an exception exists pursuant to the tribal constitution or tribal law.
- D. A Tribal Council member shall be deemed to "have an interest in the profits of a contract" if: the contract is entered into by the Tribal Council Member or his spouse or any minor child of whom the Council Member has legal custody.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts the following Rules of Procedure to be used during Tribal Council meetings:

1. **RULES OF PROCEDURE**

- 1.1 Title. Effective this 15th day of January, 2009, pursuant to Article IV, Section 1(s) of the Constitution of the White Mountain Apache Tribe, there is hereby established by order of the White Mountain Apache Tribal Council, this Legislative Order No. 01-2009-01, entitled, White Mountain Apache Tribal Council Rules of Procedure and Code of Ethics.
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- (4) the applicable section of the Constitution, and
- (5) any other information that the Secretary may require.

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C. Full Calendar. In the event that the Agenda is full, the Secretary shall calendar the remaining item(s) for the next meeting of the Council.

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Council Secretary prior to a meeting of the Tribal Council. The Council Secretary will present Member business to the Agenda committee for review. If approved, Each Tribal member will be given five (5) minutes to present his or her issue to the Tribal Council. The time allotments shall be issued on a first-come, first-served basis. A maximum of one (1) hour shall be allotted to Tribal Member Business. Personal issues include, but are not limited to, requests for financial or other assistance, and housing issues. The procedure for such relevance shall be as follows:

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**1.3.6 Walk-Through Resolutions.**

- A. From time to time, there may exist a resolution that requires emergency consideration by the Tribal Council before it can be considered at a regularly scheduled meeting.
- B. An emergency is defined as a transaction that must be approved because of a deadline that must be met at a time before the Council is able to schedule a special meeting, or an administrative action likely to receive unanimous approval.
- C. A transaction is defined as a written agreement which is contractual in nature and creates performance or financial obligations for the Tribe.
- D. In such case, the Tribal Council Secretary shall personally contact each member of the Tribal Council and attempt to obtain that member's signature, which shall include the date and time of said signature. A signature of a member shall include whether the Council member approves or disapproves or is absent. Any member may append to the resolution a written explanation of their approval or disapproval.
- E. A walk-through resolution shall be considered passed only upon the signatures of no less than six members of the Tribal Council approving the resolution.
- F. Time Limit. The Tribal Council Secretary shall have 24 hours to process the walk-through resolution for signature and attestation. In the event that

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a walk-through resolution is not processed within 24 hours, it shall be considered null and void.

1.3.7 Personnel Matters. All personnel matters shall be handled through the grievance process established under the Tribe's Personnel Policies and Procedures.

1.4 Order of Business. The order of business at any regular or special meeting of the Tribal Council in which a quorum exists shall be as follows:

- 1.4.1 The Chairman shall call the meeting to order
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- 1.4.3 The Secretary shall read the minutes of the last Council meeting
- 1.4.4 Upon motion and vote, the Council may approve the minutes
- 1.4.5 Call to the Audience
- 1.4.6 Reports
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- 1.4.8 Business on the Chairman's Desk
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1.5 Minutes.

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- 1.5.3 Except for Executive Sessions, records of Minutes and attendance shall be made available to the members of the Tribe.

1.6 Voting.

- 1.6.1 Motions. Upon a motion for a vote, followed by a second, the Chairman shall call for the question, a period in which debate may follow. Upon conclusion of the question period, the Chairman shall call for the vote.
- 1.6.2 Debates. After the call for the question, only the following actions are either debatable or amendable:

	DEBATABLE	AMENDABLE	MAJORITY VOTE
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Take a Recess	No	Yes	Yes

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Lay on the Table	No	No	Yes
For the previous question	No	No	Yes
To postpone to time certain	Yes	Yes	Yes
To commit, refer or re-commit	Yes	Yes	Yes
To amend	Yes	Yes	Yes
To amend	Yes	No	Yes
To offer substitute amendment	Yes	Yes	Yes
To amend substitute amend	Yes	No	Yes
To postpone indefinitely	Yes	No	Yes

- 1.6.3 Role Call. When a vote is ordered, the Secretary shall identify the Resolution number and title, and then undertake a role call. Each member present shall be individually polled by the Secretary for their vote and in turn shall cast his or her vote "in favor" or "against" or "abstain", unless the member polled informs the Council of a conflict pursuant to Article XIII, § 7 of the Constitution.
- 1.6.4 Vote Tabulation. Upon completion of the roll call, the Secretary shall tabulate and record the votes. Once tabulated, the Secretary shall announce the numbers voting in favor, against, or abstaining, and whether the Resolution, identified by number and title, is approved or disapproved. The Secretary shall file the record and the Resolution as the permanent record of the matter, which shall be made available to members of the Tribe upon request.
- 1.6.5 Conflicts. In the event of a conflict, the vote shall be suspended in order to determine whether the remaining members of the Council should provide permission to vote for the member who has a conflict. The conflicted member shall be required to state specifically the reason for the conflict. If the reason is other than a personal financial interest in the matter, the Chairman, or in his absence the Vice-Chairman, shall submit the question to the remaining Council members, "Shall the member be excused from voting for the reason given?" The question shall not be debated before the role call vote is taken by the Secretary and the result is announced.
- 1.6.6 Vote changes. A member may change his vote after the roll call vote has been completed but before announcement of the result and not thereafter.
- 1.6.7 Upon conclusion of the vote, each member of the Council shall be allowed to explain the reasons for his or her vote and shall be permitted to have a written explanation placed on file in the office of the Tribal Secretary.
- 1.6.8 Executive Session. Upon a motion adopted by the majority of all the members of the Council, the Council may enter itself into Executive Session for the

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discussion of any business which in the opinion of the Council, requires confidentiality. The Chairman may direct the meeting place to be cleared, except that personnel that the Chairman may deem necessary; the doors shall remain closed during the discussion. The rules of the Council shall apply while in Executive Session.

1.7 Standing Committees.

1.7.1 Standing Committees, except those that the Tribal Council shall select, shall be appointed by the Tribal Council.

1.7.3 Standing Committees of the Tribal Council shall consist of the following:

- A. Budget/ Finance
- D. Judiciary/ Public Safety/ Law & Order
- F. Economic Development
- G. Tax Commission

1.8 Resolutions and Ordinances.

1.8.1 Execution.

- A. Chairman, Vice or Acting Chair. The Constitution requires that all resolutions or ordinances "should be" signed by the Chairman of the Tribal Council or the acting Chairman. See *Constit.*, Article XV, § 1. Use of the term "should" means that the Chairman or acting Chairman is not required to execute a resolution. Since the Constitution does not provide a veto power, a Chairman who disagrees with or did not vote for a resolution thus signifies such disapproval by not executing a resolution. Thus, a resolution or ordinance is valid without the Chairman's signature. A Chairman may memorialize the depth and breadth of such disapproval by appending a statement to the resolution.
- B. Tribal Council Secretary. All resolutions have to be attested to by the Tribal Council Secretary. See *Constit.*, Art. XV, § 1. Once attested by the signature of the Tribal Council Secretary, the resolution or ordinance becomes the official ruling and/or law of the Tribe.
- C. Walk-Through Resolutions. In the event that an emergency resolution meeting the requirements of Section 1.3.6 above is required, every Tribal Council member seeking to approve the resolution must do so by signature. A Tribal Council member may withdraw his or her vote by crossing out his or her signature and appending his or her initials. A vote cannot be withdrawn after the Tribal Council Secretary has attested the resolution.

1.8.2 Delegation of Executory Authority.

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- A. Executory authority is the power to execute documents, such as contracts, Memorandums of Agreement, Intergovernmental Agreements, Memorandums of Understanding, resolutions, or other official documents that create obligations for the Tribe. Pursuant to the Constitution, the Tribal Council may delegate powers, including executive authority, to the Chairman of the Tribal Council. *Constit.*, Art XI, § 1.
- B. Delegation to executory authority may be memorialized by the following resolution provision: "The Chairman of the Tribal Council, or in his absence the Vice-Chair, is hereby authorized to execute any and all documents necessary to effectuate the intent of this resolution."
- C. Tribal Secretary. The Tribal Secretary is chosen by the Tribal Council. *Constit.*, Art IV, § 4. Only the Tribal Council may delegate the executory authority of the Tribal Council Secretary by resolution. In the event that a Tribal Council Secretary is not available to attest resolutions or do other business required of the office by the Constitution, the Tribal Council shall choose an individual to fulfill the duties of the office until such time as the Tribal Council Secretary may return.

1.83 Ordinances.

- A. All proposed ordinances should be reviewed by the relevant oversight personnel for any potential financial impacts to the Tribe's budget and resources.
- B. Once reviewed and approved by the relevant personnel, the proposed ordinance should be presented to the Tribal Council for its approval by resolution to be submitted to each district for public comment.
- C. Under the Constitution, proposed ordinances of the Tribal Council shall be posted in each district for at least 10 days prior to final action by the Council. *Constit.*, Art XV, § 2. This provision allows for public comment.
- D. Once the comment period has expired, any comments should be submitted to the relevant Committee(s) for review and a determination as to whether the ordinance should be amended to include comments by the public. The ordinance and any proposed amendments to it, should be then put on the agenda by the Tribal Council Secretary to be presented to the Tribal Council at its regularly scheduled meeting for enactment by a second resolution.

2. CODE OF ETHICS

2.1 Conflicts of Interest.

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2.1.1 Definitions.

- F. Personal Financial Interest. A Council Member is aware and it is reasonably foreseeable that an action while discharging his official duties will result in a material financial benefit or detriment directly or indirectly on the Council Member, his spouse or any minor child, except that no personal financial interest shall exist if the Council Member or a member of his household is a member of a class of persons and it appears that a majority of the total members of that class will be affected by such action.
- G. An Action While Discharging His Official Duties. Means the sponsorship, debate, amendment, passage, defeat, approval, consideration or any other official action on any resolution, ordinance, law, amendment, confirmation, nomination, appointment or any other matter pending or proposed in a committee, sub-committee, Council meeting or execution session.
- H. Agency or Department, means all courts, and any department, agency, board, commission or instrumentality of the White Mountain Apache Tribe.
- I. Business, means any corporation, partnership, joint venture, sole proprietorship, business trust, enterprise, organization, trade, occupation or profession.
- J. Gift, means any gratuity, special discount, favor, service, economic opportunity loan, or the benefit received without consideration of tribal law and to provide the members of the general public. Gift shall not include any political campaign contribution as provided by the Election Law of the White Mountain Apache Tribe.

- 2.1.2 Personal Financial Interest. A member who anticipates taking an action in the discharge of his official duties in which he may have a personal financial interest shall declare and describe the matter to be acted upon and the nature of the conflict of interest. The description may be in writing and if so, the written statement shall be delivered to the Tribal Chairman and the Tribal Council Secretary to be entered into the record and shall become a public record.
- A. A member may abstain from taking any action in which he has a personal financial interest. Upon declining to participate in any action in any meeting of the Tribal Council or any Committee of the Tribal Council, the member shall state his decision and the underlying reasons for his decision and such decision shall be recorded in the minutes of that body.
  - B. A member who is in doubt as to the propriety of any action proposed to be taken by him and involving a potential financial interest, may request the members of the Tribal Council to render an advisory opinion of the facts.



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The advisory opinion shall be issued as quickly as reasonably possible. Such opinion shall be retained by the Secretary of the Tribal Council as a public record.

2.1.3 Prohibitions. No member shall:


- A. Intentionally solicit, accept or agree to accept from any source, whether directly or indirectly, or whether by himself or through any other person, any personal financial benefit or any gift for himself or another person upon an agreement or understanding that his vote, opinion, judgment, or other action as a Council member will be influenced.
- B. Disclose or use information designated by Tribal Law as confidential in any manner prohibited by Tribal Law.
- C. Enter into any contract with a Tribal agency or department for the sale of services or goods or **have an interest in the profits or benefits of a contract entered into with a tribal agency or department** by any other person or entity for the sale of services or goods unless:
  - (5) The total annual gross value of the contract is less than \$1,500 dollars; or
  - (6) Any contract entered into by a business in which the member, his spouse or minor child of whom the member has custody, owns, controls individually or combined, less than ten (10) percent of the business; or
  - (7) The contract has been awarded through public and competitive bidding pursuant to tribal policy or law, or
  - (8) The subject of the contract between a member and a tribal agency or department is an appointment or employment for which an exception exists pursuant to the tribal constitution or tribal law.
- D. A Tribal Council member shall be deemed to "have an interest in the profits of a contract" if: the contract is entered into by the Tribal Council Member or his spouse or any minor child of whom the Council Member has legal custody.

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

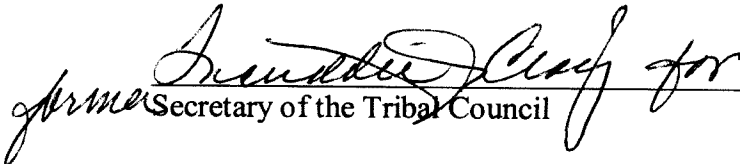
The foregoing resolution was on **JANUARY 15, 2009** duly adopted by a vote of **SEVEN** for and **ZERO** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (s), (t) and (u) of the Constitution of the Tribe, ratified by the

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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