



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

**(Authorizing Prosecutor to Issue Administrative Subpoenas
for Questioning of Five Suspended Employees)**

- WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) 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 Tribal Council of the White Mountain Apache Tribe authorized attorney Troy A. Eid to conduct an independent investigation pursuant to *Resolution No. 02-2010-31*, suspending five tribal employees for alleged tampering and election fraud; and
- WHEREAS,** the laws of the White Mountain Apache Tribe do not presently provide for the practice of issuing a subpoena for investigative purposes, absent the initiation of a criminal process; and
- WHEREAS,** Troy A. Eid requests the Tribal Council to authorize the Prosecutor to issue an administrative subpoena to the five suspended employees for the purpose of compelling testimony that may be useful to his investigation; and
- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe finds it in the best interest of the Tribe to allow the Prosecutor to issue administrative subpoenas for the purpose of assisting Mr. Eid with his investigation pursuant to *Resolution No. 02-2010-31*; and
- WHEREAS,** given the urgency of this request and impending deadline of March 2nd for submission of Mr. Eid's findings to the Tribal Council, the Council further finds that this Resolution should be considered 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 members 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 it hereby authorizes the Tribal Prosecutor to issue administrative subpoenas for the purpose of assisting Mr. Eid with his investigation of the five suspended employees pursuant to *Resolution No. 02-2010-31*.

Resolution No. 02-2010-40

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 outside of Council's regularly scheduled meeting 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 in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

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 26, 2010** duly adopted by a vote of _____ for and against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (d), (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).

Ronnie Lupe, Chairman of the Tribal Council

Cyndy Harvey, Secretary of the Tribal Council