



# WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance  
Over the Fort Apache Indian Reservation*

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## **Resolution No. 09-2012-144**

### **(Rescind Resolution No. 09-2012-141 Reinstating Cheyanne Burnette as Employee)**

**WHEREAS,** the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

**WHEREAS,** on September 5, 2012, against the advice of the Legal Department, the Tribal Council voted against the decision of the Tribal Chairman to decline Cheyanne Burnette’s invitation to reinstate her at her previous salary regardless of responsibilities that came with the employment position she was offered; and

**WHEREAS,** in order to avoid political sparring during a time when the Tribe had much greater problems to solve than individual employment actions, the Tribal Council decided it would be in their best interest to override the Chairman’s actions and grant Ms. Burnette her prior position within Health Benefits; and

**WHEREAS,** after discussing this matter further, and receiving alternative opinions from other staff within her previous office of employment, the Council concluded that it was mistaken in directing Personnel to rehire Cheyanne Burnette and for that reason shall now rescind Resolution No. 09-2012-141 in order to right the wrong; and

**WHEREAS,** the Tribal Council finds it in the best interest of the Tribe to rescind the resolution that attempted to reinstate Cheyanne Burnette because the Council recognizes that it was wrong to violate Tribal Personnel Procedures and Policies already in place and that it acted erroneously by reinstating Ms. Burnette, not because of merit, but merely to avoid the political ramifications of taking much warranted disciplinary action.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby rescinds Resolution No. 09-2012-141 because the governing body now acknowledges that it acted erroneously in reinstating Cheyanne Burnette to her prior position within the Tribe. The decision of the Chairman stands and the Tribal Council fully supports his decision to impose disciplinary action and terminate Ms. Burnette’s employment with the Tribe.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

The foregoing resolution was on **SEPTEMBER 10, 2012** duly adopted by a vote of **FOUR** for, **TWO** against and **THREE** abstentions 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 Tribal Constitution, 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).

  
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Ronnie Lupe, Chairman

12/3/12  
Date

  
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Mariddie J. Craig, Secretary

11-28-2012  
Date