



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 05-2013-105

**(Suspending Arnold Beach, Sr., and Alvin DeClay, Sr.,
Pending Results of Criminal Trial)**

WHEREAS, on May 9th, District I Council representative Arnold Beach Sr., was arraigned in Tribal Court for the following criminal offenses, as alleged in a complaint filed by the Special Tribal Prosecutor:

1. Theft – Section 2.67
2. Embezzlement – Section 2.81
3. Receiving Stolen Property – Section 2.59

; and

WHEREAS, on May 9th, District III Council representative Alvin DeClay, Sr., was also arraigned in Tribal Court for the following criminal offenses, as alleged in a complaint filed by the Special Tribal Prosecutor:

1. Theft – Section 2.67
2. Other criminal charge(s)

; and

WHEREAS, in 2012 and 2013, the Tribal Council suspended two members of the governing body after they were charged with criminal offenses in Tribal Court. In accordance with the Tribal Constitution, when a member of the Tribal Council is convicted of certain types of crimes, a conviction may result in removal from office; and

WHEREAS, due to the severity of the charges filed and because such criminal offenses, upon conviction, could result in removal from office, the Tribal Council is in agreement that it has no choice but to suspend District I Councilman Arnold Beach, Sr., and District III Councilman Alvin DeClay, Sr., in order to best serve the interests of the Tribe and to ensure that Tribal justice is served, regardless of the final disposition of the case.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Personnel Office to place District I Councilman, Arnold Beach, Sr., and District III Councilman, Alvin DeClay, Sr., on administrative leave, without pay, until all criminal charges have been appropriately addressed in Tribal Court.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby declares that this resolution shall not be interpreted as the Council passing judgment on Councilman Arnold Beach, Sr., or Councilman Alvin Declay, Sr., for any criminal charges filed by the Special Prosecutor, and neither the Tribal Council, Tribal Agencies, or Legal Department shall treat this resolution as a binding final decision until such criminal charges are resolved in Tribal Court.

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.

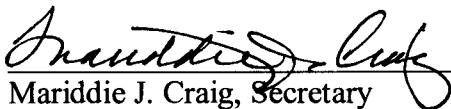
The foregoing resolution was on MAY 13, 2013 duly adopted by a vote of FOUR for and ZERO against, with ZERO abstaining, by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (k), (s), (t) and (u) of the Tribal Constitution, ratified 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).



Ronnie Lupe, Chairman

5/14/13

Date



Mariddie J. Craig, Secretary

05/14/2013

Date