



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 01-2014-08

(Suspending District II Rep. Clinton Kessay, Jr. for 90 days without pay)

WHEREAS, pursuant to Article IV, Section (s) of the Tribal Constitution ("Constitution"), the Tribal Council is empowered to regulate itself, and, in recent years has strived to discipline members of the governing body who threaten the integrity of the office or act in a manner inconsistent with Tribal Law or the Constitution. As such, the Council has established a disciplinary practice that allows for charges of misconduct to be brought to the attention of the Council for review, the governing body then permits the accused to address the allegations and provide a defense, the Tribal Council deliberation on the subject matter follows and a decision is made on how to proceed; and

WHEREAS, citing recent precedent for disciplining prior members of the governing body, a member of the Council requested an executive session in order to address concerns involving Councilman Kessay. Among those concerns, was that during an official Tribal Council meeting, Councilman Kessay deliberately misled the governing body and materially misrepresented facts in order to secure political support for a contract. Additionally, the contract as described was substantially different from the agreement that was signed pursuant to the resolution; and

WHEREAS, the Tribal Council, after much deliberation, finds it in the Tribe's best interest to recommend disciplinary action against Councilman Clinton Kessay, Jr. for no less than 90 days without pay and any potential violations of the criminal code, specifically 2.87 addressing fraudulent schemes and practices, should be forwarded for independent review by a Special Prosecutor.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby imposes disciplinary action against Councilman Clinton Kessay, Jr. for knowingly providing information to the Council that was false, for materially misrepresenting facts in order to secure Tribal Council approval, and for potentially violating Section 2.87 of the Criminal Code which addresses fraudulent schemes and practices.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that Councilman Clinton Kessay, Jr. be suspended for 90 days without pay for misleading the Council and materially misrepresenting facts in order to secure a deal that would benefit his political aspirations.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Treasurer, Personnel, and Information Technology Directors to secure all Tribal property and carry out any actions reasonably necessary to facilitate the suspension process consistent with the terms established in this Resolution.

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 **JANUARY 21, 2014** duly adopted by a vote of **SIX** for and **ZERO** against and **ONE** abstention 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

1-24-14
Date



Mariddie J. Craig, Secretary

01-24-2014
Date