



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Expanding Authority to Investigate Former Councilman Clinton Kessay and Prosecute or Refer to Federal Authorities Any Criminal Matters Identified Throughout the Course of the Investigation.)

WHEREAS, on January 21, 2014, at a duly called Tribal Council meeting, members of the governing body passed *Resolution No. 01-2014-09* ("the Resolution") directing the Attorney General to hire an independent prosecutor to investigate, indict and prosecute Councilman Clinton Kessay Jr., on allegations that he violated Section 2.87 of the Criminal Code (Fraudulent Schemes and Practices); and

WHEREAS, during the January meeting mentioned above, the Tribal Council was primarily interested in a controversial telecommunications agreement that was passed as a result of intentional omissions or a blatant misrepresentation of material facts. The Tribal Council handled the matter administratively and suspended Councilman Kessay, Jr., for 90 days, and further directed the Attorney General to hire an independent special prosecutor to review and prosecute as appropriate ; and

WHEREAS, when the Council directed the Attorney General to hire a Special Prosecutor ("Prosecutor") in January via the Resolution, the language specifically mentioned Section 2.87 of the Criminal Code "or any other sections that may be applicable"; and

WHEREAS, although strictly reading the resolution, it appears as though there may be authority to prosecute on any criminal matter arising out of the investigation, it could also be interpreted that prosecution is limited to those matters related to telecommunications, misrepresentation, and fraud pursuant to Sec. 2.87. In order to clarify the extent of authority granted, the Special Prosecutor seeks to prosecute Councilman Kessay, Jr., on any potential criminal activity discovered through the criminal investigation; and

WHEREAS, the Tribal Council understands the Special Prosecutor's concern and has no intention of interfering with or thwarting the criminal prosecution of former Councilman Clinton Kessay, Jr., whether directly related to misrepresentation or fraud or indirectly discovered while in the process of investigating and reviewing allegations of fraud.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the Special Prosecutor investigating former Councilman Clinton Kessay, Jr., is authorized to prosecute or refer to Federal Authorities for prosecution, *any* criminal activity discovered throughout the investigation process pursuant to Resolution No. 01-2014-09. The Council has no intention of restricting the scope of the investigation or authority to prosecute Clinton Kessay, Jr. Any crimes that may have been committed, whether or not related to the scope of the prior authorizing resolution, should be prosecuted to the full extent of the law and the Council, without conditions or restrictions of any kind.

Resolution No. 08-2014-108

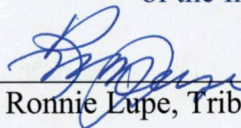
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs all Tribal Departments, Enterprises and Agencies, to cooperate fully with this investigation should the Special Prosecutor require the Tribe's assistance through the remainder of this process.

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, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed 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 Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

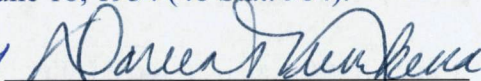
The foregoing resolution was on August 6, 2014 duly adopted by a vote of SEVEN for and ZERO against with ONE abstaining by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Ronnie Lupe, Tribal Chairman

6-8-14

Date



Doreen T. Numkena, Tribal Secretary

6-8-2014

Date