



WHITE MOUNTAIN APACHE TRIBE
A Sovereign Tribal Nation

**(Rescinding Resolution No. 05-2013-105 and Approving Back Pay of Salary
Accrued During Term of Administrative Leave of Councilmember Alvin
Declay, Sr.)**

WHEREAS, The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation provides, at Article IV, Section 1(s) that the Tribal Council (“Council”) shall exercise the power “To regulate its own procedures...”; and

WHEREAS, On May 13, 2013 by Resolution No. 05-2013-105 the Council placed Councilmembers Alvin Declay, Sr. and Arnold Beach on administrative leave without pay in response to a series of criminal allegations; and

WHEREAS, Neither Councilmember was ever convicted on charges related to the allegations; and

WHEREAS, Councilmember Declay has never been subsequently paid the salary he accrued during the period which he was on administrative leave; and

WHEREAS, After careful consideration, the Council has been determined that back pay should be approved for Councilman Alvin Declay, Sr. for the salary he earned during the term of his administrative leave, and that Resolution No. 05-2013-105 should be rescinded.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby rescinds Resolution 05-2013-105.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves back pay for Alvin Declay, Sr. in the amount of the salary he accrued during the term of his administrative leave, and directs him to negotiate installments of reimbursement payments with the Tribal Treasurer.

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 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 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.

Resolution No. 07-2018-154

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her 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 **JULY 11, 2018** duly adopted by a vote of **EIGHT** for, **ZERO** against, and **ONE** abstentions 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).



Gwendena Lee-Gatewood, Chairwoman

7/22/19

Date



Doreen T. Numkena, Tribal Secretary

7-22-19

Date