



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Terminating Contracts with Sunrise Park Resort General Manager, for Cause, and with Sunrise Park Resort Operations Director)

WHEREAS, The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(i) that the Tribal Council (“Council”) shall exercise the power “To manage all economic affairs and enterprises of the Tribe”; and

WHEREAS, Sunrise Park Resort (“Sunrise”) is a subordinate governmental entity of the Tribe, over which the Council, pursuant to the Tribe’s Constitution and Sunrise’s Plan of Operations, exercises authority over appointment, removal, and management; and

WHEREAS, The Council, at this time must act directly in a management capacity over Sunrise due to the absence of a sitting Board of Directors who would otherwise be delegated the authority from the Tribal Council to make necessary management decisions pursuant to the Sunrise Plan of Operations and the Constitution; and

WHEREAS, In August of this year, a former employee of Sunrise alerted the Council to financial impropriety by General Manager Taren Burke; and

WHEREAS, In response to the allegations of impropriety, the Council suspended Ms. Burke and her husband, Operations Director Todd Macalady, as well as the Sunrise Board of Directors, and the Sunrise Attorney, and initiated a forensic audit; and

WHEREAS, The auditors have presented their report and findings to the Council for discussion; and

WHEREAS, As a result of the audit discussion, the Council determined that Sunrise Park Resort requires a change of management; and

WHEREAS, The Council finds that immediately terminating the General Manager of Sunrise Park Resort, Taren Burke, for-cause and terminating the contractual relationship with Operations Director, Todd Macalady, pursuant to paragraph 18 of the Professional Service Agreement entered into on September 16, 2018 between Todd Macalady and Sunrise Park Resort, is in the best interests of Sunrise Park Resort, the Tribe and its members.

NOW THEREFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that, effective immediately, the Tribal Council hereby terminates, for-cause, the Resort Management Agreement entered into on August 27, 2019 between Taren Burke and Sunrise Park Resort.

Resolution No. 11-2020-276

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby terminates, in whole and for convenience, the Professional Service Agreement entered into on September 16, 2018 between Todd Macalady and Sunrise Park Resort, effective immediately, pursuant to paragraph 18 of the same.

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.

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 **NOVEMBER 16, 2020** duly adopted by a vote of **TEN** for, **ZERO** against, and **ZERO** 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).

	<u>12/1/2020</u>		<u>12-1-2020</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date