

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, Article IX, Section 1 of the Tribal Constitution provides that a Tribal Council Member position shall be declared vacant if a Council Member is convicted of a misdemeanor involving moral integrity; and

WHEREAS, the Tribal Council, pursuant to Tribal Council Resolution No. 86-354, passed on November 12, 1986, concluded that District II Council Member, Mrs. Gertie Lupe, had been convicted of a misdemeanor involving moral integrity in the Tribal Court, and that her Council seat should be declared vacant according to the mandate of the Tribal Constitution; and

WHEREAS, the Tribal Council, pursuant to Resolution No. 86-354, abstained from declaring Mrs. Lupe's Council seat vacant until such time as the Tribal Court of Appeals rendered a final decision on her motion for reconsideration, but that in the event the Tribal Court of Appeals denied said motion for reconsideration, the position would be declared vacant without any further deliberation by the Tribal Council as the Council had already determined that the crime for which she was convicted of was one involving moral integrity as set forth in Article IX, Section 1 of the Tribal Constitution; and

WHEREAS, the Tribal Council is advised that the Tribal Court of Appeals issued an order on December 9, 1986, which was filed in the Tribal Court on December 31, 1986, denying the motion to reconsider, a copy of which is attached to this Resolution and incorporated by reference herein; and

WHEREAS, pursuant to previous Tribal Council Resolution No. 86-354 and Article IX, Section 1 of the Tribal Constitution, Mrs. Gertie Lupe's Council seat is hereby declared vacant; and

WHEREAS, Article IX, Section 3 of the Tribal Constitution requires that any vacancy on the Council resulting from the application of Article IX, Section 1 be filled at once by a majority vote of the Council; and

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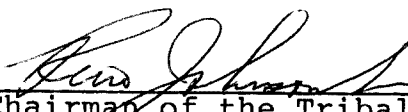
Fort Apache Indian Agency
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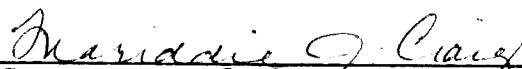
WHEREAS, nominations have been accepted and closed to fill the position declared vacant by the Tribal Council.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby declares the seat of District II Council Member, Gertie Lupe, vacant in accordance with Article IX, Section 1 of the Tribal Constitution.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby accepts nominations from the Tribal Council for persons to complete the remainder of Mrs. Lupe's Council term for District II.

The foregoing resolution was on January 7, 1987, duly adopted by a vote of NINE for and ONE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IX, Section 1 & 3, and Article V, Section 1 (a,i,s,t,u) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council