



Resolution No. 04-2006-96

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

**(Revising Personnel Policies and Procedures to Provide Tribal Council with Sole Executive Authority to Appoint and Terminate Directors and Key Employees of the Tribe and its Enterprises)**

**WHEREAS**, pursuant to Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe, and to appoint tribal officials and employees; and

**WHEREAS**, Resolution 05-2004-82 did provide the Chairman of the Tribal Council with certain "executive authority...to make personal appointments of key employees of the White Mountain Apache Tribe and to decide when the appointments will terminate, as an authorized duty of his office, by authority vested in him by the Tribal Council; and

**WHEREAS**, by Resolution No. 11-2005-344, the Tribal Council did approve Personnel Policies and Procedures ("Policies") for the Tribe, which under Section 1(A)(8) "replaced and rescinded any and all previously adopted policies and resolutions addressing the personnel requirements contained [in the Policies] or affecting employees of the Tribe," such as Resolution 05-2004-82; and

**WHEREAS**, the Policies provide certain executive authority within the Office of the Chairman in Section 1(A)(1), and for confirmable and emergency appointments; and

**WHEREAS**, confirmable appointments are defined under the Policies as an appointment made by the Chairman or the Tribal Council, pursuant to the Tribe's Constitution, statute or ordinance, that requires confirmation by the Tribal Council, and an appointee serves at the pleasure of the Chairman of the Tribe or Tribal Council; and

**WHEREAS**, emergency appointments are defined under the Policies as "made by the Chairman for a period not to exceed ninety (90) days"; and

**WHEREAS**, the Tribal Council finds that the Policies should be revised to conform with the Constitutional authority of the Council, such that the executive authority to appoint and terminate tribal officials and employees remains exclusively with the Tribal Council and not the Office of the Chairman.

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**NOW THEREFORE BE IT RESOLVED** by the White Mountain Apache Tribal Council that:

1. Resolution No. 11-2005-344 is hereby amended to provide the Tribal Council with sole authority for confirmable and emergency appointments, and executive authority over Directors and key employees of the Tribe's Departments and enterprises.

2. Key employee is defined as an individual who manages a program of the Tribe, but not necessarily a Department.

3. Section 1(A)(1) is hereby revised as follows:

“Authority and Administration. Authority to manage the government of the White Mountain Apache Tribe was expressly provided in Article IV, Sections 1(b), (i) and (s) of the *Constitution of the White Mountain Apache Tribe*, as ratified by the Tribe on 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). The Personnel Director shall have overall responsibility for implementing personnel policies and procedures, subject to approval by the Tribal Council. Any substantive changes, exemptions or waivers of the Personnel Policy Manual may only be made by the Tribal Council by Resolution.”

4. Confirmable appointment under the Policies shall be re-defined as follows:

“Confirmable Appointment. The Tribal Council has the sole executive authority to appoint Directors and key employees of the Tribe's Departments and enterprise, pursuant to the Tribe's Constitution, statute or ordinance, that requires confirmation by the Tribal Council. Confirmed individuals shall serve for the time period prescribed and/or at the pleasure of the Tribal Council. All Directors of the Tribe's Departments and enterprises are at-will employees, who may be terminated at any time, with or without cause.”

5. Emergency Appointment under the Policies shall be re-defined as follows:

“Emergency Appointment. An appointment made by the Tribal Council or a Department Head for a period not to exceed ninety (90) days.”


6. The Tribal Council has the sole executive authority to appoint, hire and terminate any Director or key employee of the Tribe's Departments and enterprises.

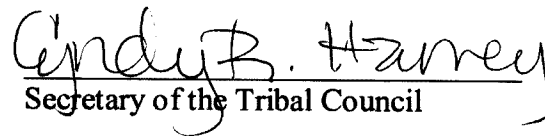
7. This Resolution cannot be rescinded except by two-thirds majority vote of the Tribal Council at a duly convened, regular meeting.

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8. The Legal Department is hereby authorized to edit the Personnel Policies and Procedures Manual to incorporate the changes directed by this Resolution herein.

The foregoing resolution was on April 12, 2006, duly adopted by a vote of SIX for and FIVE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (s), (t) and (u) of the Constitution of the Tribe, 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).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council