



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 09-2012-145

(Amend Legal Budget Line Replacing \$120,000 removed by Resolution No. 08-2012-129 to Pay Peter Larson of Lewis & Roca for Bond Refinance)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

WHEREAS, pursuant to Resolution No. 08-2012-129, the Tribal Council removed all of the money from the Legal Department's outside counsel line item in order to shift the money to the Tribal Chairman's budget so that the Chairman and Council may directly monitor its use in prosecuting individuals alleged to have engaged in criminal activity during their tenures working for the Housing Authority; and

WHEREAS, the Legal Department explained that the outside counsel budget was necessary to pay attorneys such as Water Rights Attorney Bob Brauchli, outside counsel George Hesse, and other legal employees of the Tribe, however, the Tribal Council determined that it was in the Tribe's best interest to remove the line item and put it under the Chairman's budget due to the slow pace at which prior incidents had been prosecuted; and

WHEREAS, the Tribal Attorney previously advised the Council that the direct role of the Tribal Attorney's Office was not prosecutorial in nature, and the fact notwithstanding, while not the responsibility of the Tribal Attorney, Federal and Tribal prosecution does not happen overnight. On this day, the Legal Department was directed by the Tribal Council to submit payment for Peter Larson's work related to the bond refinance. However, as Legal had previously explained, by removing the outside counsel budget from Department's Budget, it could no longer submit payment for other Tribal legal matters; and

WHEREAS, the Tribal Council finds it in the best interest of the Tribe to revert the money taken from the Legal Department pursuant to Resolution No. 08-2012-129 and to use that money to pay for the services provided by Lewis and Roca for the bond refinance, which amounted to \$120,000.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the money diverted from the Legal Department from the outside counsel budget be reallocated