



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

(Authorizing Mandatory Furlough of WMAT Employees)

- WHEREAS**, the White Mountain Apache Tribal Council have been informed by the Tribal Treasurer Edwin Kane about serious fiscal concerns of the WMAT; and
- WHEREAS**, the Tribal Council of the White Mountain Apache Tribe has deemed it necessary to initiate a mandatory furlough of all tribal employees; and
- WHEREAS**, the furlough shall be effective November 19, 2012, to November 21, 2012; and
- WHEREAS**, employees shall be receive holiday pay for November 22, 23, 2012, as formerly declared by Chairman Ronnie Lupe and supported by the White Mountain Apache Tribe's Personnel Policies and Procedures Manual; and
- WHEREAS**, all federally funded programs are included in the three day furlough; and
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the WMAT employee furlough shall be effective November 19, 2012, to November 21, 2012; and
- BE IF FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe, the mandatory furlough is necessitated by the declaration of emergency concerning fiscal concerns regarding the White Mountain Apache Tribe; and
- BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice Chairman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective tribal council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

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 Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

The foregoing resolution was on November 14, 2012, duly adopted by a vote of Seven for and Zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article I Section (a), (h), (i), (t), (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 of the Act of June 18, 1934 (48 Stat. 984).

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. _____ initiated the 15th day of November 2012. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

[Signature] _____ 11-15-12 _____ TCS Initials
Ronnie Lupe
Tribal Chairman
Date Signed

_____ TCS Initials
Timothy Hinton Sr.
Vice Chairman
Date Signed

_____ TCS Initials
Arnold Beach, Sr.
District I Council Member
Date Signed

[Signature] _____ Nov 14, 2012 [Initials] TCS Initials
Gregg Henry
District I Council Member
Date Signed

[Signature] _____ 11/14/12 [Initials] TCS Initials
Keno Kane
District II Council Member
Date Signed

[Signature] _____ 11-14-12 [Initials] TCS Initials
Clinton Kessay, Jr.
District II Council Member
Date Signed

_____ TCS Initials
Alvin DeClay, Sr.
District III Council Member
Date Signed

[Signature] _____ 11-14-12 [Initials] TCS Initials
Kino Torino
District III Council Member
Date Signed

_____ TCS Initials
Justin Williams
District IV Council Member
Date Signed

[Signature] _____ TCS Initials
Cline Griggs
District IV Council Member
Date Signed

[Signature] _____ 11-14-12 [Initials] TCS Initials
Theresa Larzelere
District IV Council Member
Date Signed

ATTEST:

_____ Date Signed
Mariddie J. Craig, Tribal Council Secretary



WHITE MOUNTAIN APACHE TRIBE LEGAL DEPARTMENT

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M E M O R A N D U M

TO: RONNIE LUPE, Tribal Chairman
TIMOTHY HINTON SR., Tribal Vice-Chairman
TRIBAL COUNCIL MEMBERS

FROM: 
JIM PALMER, Tribal Attorney

DATE: November 15, 2012

RE: Walkthrough Resolution



The Tribal Council passed a walkthrough resolution mandating a furlough for the Monday, Tuesday and Wednesday before Thanksgiving. This was done without any involvement of the Legal Department, and as such, contains many dire unintended consequences. The resolution broadly declares that all Tribal employees and those that receive federal funding are placed on furlough. The resolution therefore covers all Tribal enterprises (including the Hon-Dah Casino), all Law Enforcement agencies, Emergency Services, and regulatory bodies.

This creates a very critical situation for the health, safety, and welfare of the members of the White Mountain Apache Tribe and may put us out of compliance with our 638 contracts and State compacts. Due to the extreme nature of this resolution and the limited time frame involved, the Legal Department strongly urges Council to reconsider the broad nature of their resolution.

Another issue is raised with the Court system, insofar as certain deadlines exist in our codes requiring that arraignments take place within a certain time after arrest, but with no police force, perhaps that will not be a problem. Releasing all detention officers for several days may have deleterious effects on the well-being of inmates at our detention center. Having no Rangers may provide an attractive opportunity for poaching. Having no one at the water treatment plant may cause health problems and having no ability to be taken to the hospital could cause public concern.

The Tribal enterprises are included in this resolution. Hamstringing their efforts to generate income for the Tribe may not result in the savings that Council envisions. I recommend that the Council reconsider this walkthrough resolution, and to include the Legal Department and Business Office in your future discussions.

RJP/msg