



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 04-2013-83

(Clarifying the Intent of Council in Specific Prior Resolutions Pertaining to Budgets and Funding)

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, the Tribal Council in February, 2013 passed Resolution No. 02-2013-35 cutting costs and setting specific maximum allowable spending and a budget for each organizational unit; and

WHEREAS, after the unit met the targeted spending by cost cuts, including RIF’s, subsequent events as resignations, terminations, long term illness, receipt of grant funds allowing the shift of funded personnel to the grant cost center, created salary room and a need for other personnel to fill the vacancy to accomplish the objectives of the unit; and

WHEREAS, the Council has been advised that Form E’s are being rejected due to budget constraints when events listed above create salary room within the approved budget limits; and

WHEREAS, the Council is also aware that Form E’s for personnel funded by contracts or grants are also being rejected or processing delayed due to concerns about long term funding; and

WHEREAS, handling long term budgets is the responsibility of the managers and directors to decide how to handle when the occasion arises; and

WHEREAS, the Council passed Resolution No 02-2011-44 in 2011 establishing the FATCO startup account to be funded by sale of excess FATCO property and proceeds from the sale of wood products obtained by thinning operations; and

WHEREAS, this fund has had deposits totaling over \$250,000 since it was established and to date has seen expenditures of less than \$100,000 all specifically for payments necessary for obtaining funding for the reopening of FATCO; and

WHEREAS, this fund has been supplemented by BIA grants of \$110,000 in the current and past fiscal year used exclusively to pay consultants needed for the FATCO reopen; and

WHEREAS, the FATCO startup fund was not included in Resolution No 02-2011-44 and the need to utilize these funds now is imperative as the funding date for FATCO is scheduled for June 15, 2013, requiring extensive and intense work to meet the demands of the investors and US Bank.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby:

1. Form E's shall not be denied after the unit has met its mandated spending limits if subsequent events free salary room. Managers may use the freed salary to move personnel from expiring grants to the 01 budget, recall Riffed employees, or fill the position by normal recruitment processes.
2. Form E's funded by grants or contracts shall not be denied or held due to concerns about long term funding. Managers and director will be held accountable for dealing with future budgets if funding is reduced or the future funding does not support the number of personnel or their salaries.
3. The balance of the FATCO startup funds may be used for personnel, operating costs, consultants, or any other funding need until FATCO is reopened and fully operating. Once that milestone is reached, any remaining funds shall be transferred to the FATCO Board to expend as they deem appropriate.
4. Council desires to hold managers and directors accountable for accomplishments or lack of accomplishments requiring they be given maximum flexibility within budgetary constraints imposed by Council. As a general rule maximum flexibility is achieved when managers and directors are not denied or delayed personnel moves so long as such moves are within budget and in conformance with personnel policies.


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 it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

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.

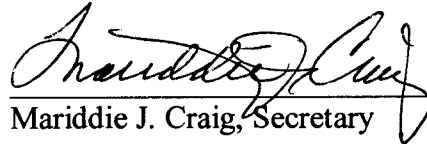
The foregoing resolution was on APRIL 17, 2013 duly adopted by a vote of FIVE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (i), (k), (s), (t) and (u) of the Tribal Constitution, ratified by the 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).



Ronnie Lupe, Chairman

5-1-13
Date



Mariddie J. Craig, Secretary

05/02/2013
Date