



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## **(Terminating Public Safety Division Head and Detention Director)**

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- WHEREAS,** on this day, the Tribal Council has determined that several legislative directives have been ignored for too long by Department and Division heads with enough experience and notice to take action in a timely manner; and
- WHEREAS,** most recently, the Public Safety Division Head was advised of a problem wherein a director under his supervision had failed to submit reports since 2009, pursuant to federal reporting requirements; and
- WHEREAS,** numerous attempts have been made over the years to resolve this issue through the Legal and Grants & Contracts Departments and by way of Tribal administrative pressure, as well as threats from the Bureau of Indian Affairs that funding would be in jeopardy if action was not taken to resolve this problem with reporting; and
- WHEREAS,** in May of this year, Vice-Chairman Kasey Velasquez and Attorney General Jim Palmer reported to the Tribal Council that the Public Safety Division Head was made fully aware of failures by the Detention Facility Director to submit federally required reports, and they were assured that an ultimatum would be sent in writing to require that all reports be submitted by a set deadline, which was not met; and
- WHEREAS,** the Public Safety Division Head is responsible for enforcement of all Tribal and Federal policies and directives and promised to impose appropriate disciplinary action for any failures to comply with imposed deadlines. That did not happen, and because this most recent attempt was the final warning in a series of attempts to enforce compliance with all reporting requirements, the Council has been put in a difficult position and must now take action to resolve this issue at the highest level; and
- WHEREAS,** it was decided that because this problem has been ongoing for many years at the Detention Center, and the Public Safety Division Head was advised of it almost immediately upon his placement as the Head of the Public Safety Division, the Council now believes that the time for discussion has passed; and
- WHEREAS,** after much deliberation and time spent on this issue, the Tribal Council finds that it is in the Tribe's best interest to relieve both the Public Safety Division Head and the Detention Center Director of their duties for failure to perform their responsibilities as Division and Department Heads.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the Public Safety Division Head Andrew Kane and Detention Center Director Leandro Garcia be

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terminated for failing to perform their respective job duties and for failure to comply with or enforce federal reporting requirements, despite being fully aware of these serious deficiencies.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby acknowledges that there may be policies pursuant to the Tribe's Personnel Policies and Procedures that are relevant with respect to grievance and related relief, however, as both individuals are being terminated for cause and with respect to severe deficiencies and failures in carrying out their duties as supervisors, this matter has not been taken lightly and furthermore, as the Personnel Policies were passed pursuant to resolution, this resolution will supersede and govern in the event that an objection is raised.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby appoints Ronnie Peaches as the Acting Detention Manager, provided he meets all federal and Tribal legal requirements for the position.

**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, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed 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 Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **JULY 15, 2014** duly adopted by a vote of **EIGHT** for and **ZERO** against with **TWO** abstaining by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	<u>7/17/14</u>		<u>7-17-2014</u>
Ronnie Lupe, Tribal Chairman	Date	Doreen T. Numkena, Tribal Secretary	Date