



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Rescinding Resolution No. 05-2012-25)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(s) that the Tribal Council (“Council”) shall exercise the power “To regulate its own procedures...”; and
- WHEREAS,** On May 4, 2012, the Council enacted Resolution No. 05-2012-25 “Recognizing Tribal Chairman’s Authority to Make Temporary Emergency Appointments, Responsibly Manage Key Personnel and Conduct Day-to-Day Administrative Duties on Behalf of the Tribe” to acknowledge existing authority exercised by the Chairman; and
- WHEREAS,** Current members of the Council have raised concerns over confusion caused by the language of the aforementioned Resolution, and the term “executive authority”, which is not a phrase specifically used in the text of the Constitution; and
- WHEREAS,** The Constitution provides, in Article XI, Section 1, that the Chair[person] of the Council derives authority from three sources: 1) Enumerated - That which is explicitly enumerated in the Constitution (such as presiding and voting); 2) Delegated - That which is delegated by the Council; and 3) Inherent - That which is necessary to “perform all duties of a Chair[person]”; and
- WHEREAS,** Since the Council was first convened in 1938, its Chairperson has performed inherent, enumerated, and delegated executive functions, including, but not limited to, representing the Tribe, signing and certifying resolutions, and executing the will of the Council by ensuring that its mandates through resolution or otherwise are fulfilled; and
- WHEREAS,** The Council recognizes that the inherent, enumerated, and delegated authority of the Chairperson includes managing the day-to-day operations and other time sensitive matters of the Tribe, such as decision making concerning fires, natural disasters, financial issues, and so forth, and that such responsibilities, and other inherent and enumerated authorities will not be changed by rescinding Resolution No. 05-2012-25; and
- WHEREAS,** In light of the above, the Council finds the language of Resolution No. 05-2012-25 to be unnecessary and confusing; and

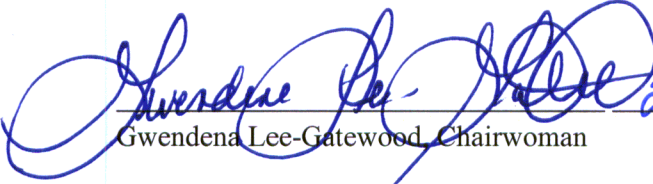
Resolution No. 12-2019-256


WHEREAS, The Council finds that rescinding Resolution No. 05-2012-25 will eliminate some of the confusion that it has caused regarding the term “Executive Authority” and is in the best interest of the Tribe and its members.

NOW THEREFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Resolution No. 05-2012-25 “Recognizing Tribal Chairman’s Authority to Make Temporary Emergency Appointments, Responsibly Manage Key Personnel and Conduct Day-to-Day Administrative Duties on Behalf of the Tribe” is hereby rescinded.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her 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 **DECEMBER 9, 2019** duly adopted by a vote of **NINE** for, **TWO** against, and **ZERO** abstentions 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).

 2/3/20
Gwendena Lee-Gatewood, Chairwoman Date

 2/3/2020
Doreen T. Numkena, Tribal Secretary Date