

RESOLUTION NO. 157 -11
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

A Resolution Adopting Title 4A, the Yavapai-Apache Nation Duties of Executive Department Code

WHEREAS: The Yavapai-Apache Tribal Council (“Council”) is authorized to represent the Yavapai-Apache Nation (“Nation”) and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation; and

WHEREAS: The Council is the legislative body of the Nation authorized to enact laws, ordinances and resolutions incidental to the exercise of legislative powers as provided by Article V(v) of the Nation’s Constitution; and

WHEREAS: The Council has the authority pursuant to Article X of the Nation’s Constitution to establish the duties of the Chairperson, Vice-Chairperson, Secretary and Treasurer; and

WHEREAS: The Council finds it in the best interest of the Nation to specifically set forth the duties and responsibilities of the Chairman, Vice Chairperson, Secretary and Treasurer as set forth in Title 4A, the Yavapai-Apache Nation Duties of Executive Department Code, attached as Exhibit A.

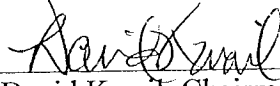
NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby enacts the attached Yavapai-Apache Nation Duties of Executive Department Code as Title 4A of the Yavapai-Apache Nation Tribal Code.

BE IT FURTHER RESOLVED that the originals of this Code shall be filed with the Secretary of the Tribe, the Treasurer of the Tribe, the Clerk of the Court, and the Attorney General.

BE IT FINALLY RESOLVED that the Chairman, and Vice-Chairman, or either of them, are hereby authorized and approved to take such further action as deemed necessary to carry out the purposes and intent of this Resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, presented for approval on September 15 2011, by a vote of 8 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.



David Kwall, Chairman

ATTEST:

Karla Reimer
Karla Reimer, Council Secretary

Approved as to Form:

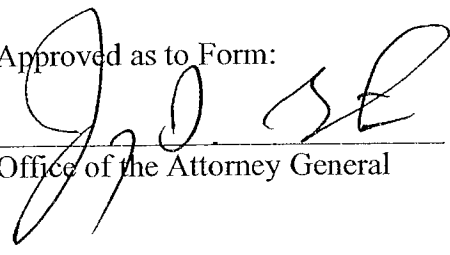

Office of the Attorney General

Exhibit A

TITLE 4A
YAVAPAI-APACHE NATION
DUTIES OF EXECUTIVE DEPARTMENT CODE

SECTION 101. AUTHORITY 2
SECTION 102. PURPOSE 2
SECTION 103. SCOPE 2
SECTION 201. DEFINITIONS 2
SECTION 301. DUTIES OF THE CHAIRPERSON 3
SECTION 401. DUTIES OF THE VICE CHAIRPERSON 4
SECTION 501. DUTIES OF THE SECRETARY 4
SECTION 601. DUTIES OF THE TREASURER 5
SECTION 701. SEVERABILITY AND NON-LIABILITY 6
SECTION 801. REPEAL OF PRIOR ORDINANCES/CODES/LAW 6

Enacted on _____ by Resolution No. _____

SECTION 101. PURPOSE

The purpose of this Title 4A, the Yavapai-Apache Nation (“Nation”) Duties of the Executive Department Code, is to set forth the responsibilities and obligations of the Chairperson, the Vice Chairperson, the Secretary and the Treasurer pursuant to the authority vested in the Nation’s Tribal Council (“Council”) under the Nation’s Constitution.

SECTION 102. AUTHORITY

A. Article III, Section 1, of the Nation’s Constitution divides the Nation’s government into three (3) separate and independent branches: the Legislative (i.e., the Tribal Council), the Judiciary, and the Executive Department. No person or group of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except as the Constitution may otherwise expressly direct or permit.

B. Article VII, Section 1, of the Nation’s Constitution states that the Executive Department shall consist of the Chairperson, Vice Chairperson, Secretary and Treasurer of the Council; the Chairperson is in charge of the Executive Department and the Executive Department shall oversee, and is responsible for, the administration of tribal business.

C. Article VII, Section 2(a), of the Nation’s Constitution states that the Chairperson makes all decisions regarding personnel within the Executive Department with the condition that any decision affecting departmental directors requires the concurrence of the Council.

D. Article VII, Section 2(b), of the Nation’s Constitution provides that in addition to overseeing the administration of tribal business, the Executive Department shall exercise those authorities delegated to it by the Council.

E. Article X of the Nation’s Constitution grants the Council the power to establish by ordinance (i.e., “code”) the duties of the Chairperson, Vice Chairperson, Secretary and Treasurer.

SECTION 103. SCOPE

This Code sets forth the duties of the Chairperson and the Vice Chairperson in their roles as Executive Department Officials to the extent not otherwise in conflict with the Constitution; the duties of the Secretary and the Treasurer are also set forth herein.

SECTION 201. DEFINITIONS

A. **“Chairperson”** means that individual elected by the voters of the Nation as provided by Article VIII, Section 10, of the Nation’s Constitution to fill the role as Chairman of the Nation.

B. **“Constitution”** or **“Nation’s Constitution”** means the Constitution of the Yavapai-Apache Nation adopted by the registered voters of the Yavapai-Apache Indian Community on March 7, 1992, in accordance with Section 16 of the Indian reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

C. **“Council”** or **“Tribal Council”** means the legislative body of the Yavapai-Apache Nation as set forth in Article IV of the Nation’s Constitution consisting of nine (9) members of the Nation inclusive of the Chairperson and Vice Chairperson.

D. **“Nation”** means the Yavapai-Apache Nation.

E. **“Secretary”** means that individual hired by the Council to perform various tasks for the Council including, but not limited to, keeping the minutes of Council meetings and preparing the agenda for Council meetings.

F. **“Treasurer”** means that individual hired by the Council to oversee the Finance Department of the Nation and appointed by the Council to oversee all of the financial interests of the Nation.

G. **“Vice Chairman”** means that individual elected by the voters of the Nation as provided by Article VIII, Section 10 of the Nation’s Constitution to fill the role as Vice Chairman of the Nation.

SECTION 301. DUTIES OF THE CHAIRPERSON

The duties of the Chairperson in his or her role in the Executive Department shall consist of:

1. Being in charge of, setting the goals and objectives for, and having responsibility over, the Executive Department;
2. Conveying (e.g., publish notice of), implementing and enforcing the laws of the Nation;
3. Making personnel decisions for the Executive Department in line with personnel policies and procedures, provided, that any personnel decisions regarding departmental directors shall also be made with the concurrence of the Council before such decisions are implemented;
4. Making final decisions in terms of administrative issues;
5. Overseeing the overall administration of the tribal government;

6. Direct, or delegated oversight of all governmental departments (excluding subordinate economic organizations and independent committees and boards (e.g., Gaming Commission));
7. Carrying out the directives of any and all Council decisions, delegated authorities, and initiatives properly made under the Constitution; and
8. Coordinating with the Vice Chairperson on all Executive Department matters and to make such delegations of authority to the Vice Chairperson as is needed for the oversight, guidance and direction of the Executive Department.

SECTION 401. DUTIES OF THE VICE CHAIRPERSON

The duties of the Vice Chairperson in his or her role within the Executive Department shall consist of:

1. In the absence of the Chairperson, performing the duties and responsibilities of the Chairperson;
2. Keeping the Chairperson and the Executive Director informed of day to day governmental operations;
3. Taking direct oversight of internal projects (e.g., waste water);
4. Coordinating projects both within and between Executive departments, programs and committees; and
5. Ensuring Executive Department functions are completed in a timely manner.

SECTION 501. DUTIES OF THE SECRETARY

The duties of the Secretary of the Tribal Council shall be:

1. To develop an annual general fund budget for the Tribal Council;
2. To serve as the manager for the Office of the Secretary (by paying bills, arranging travel, paying funeral expenses, providing clothing allowances, etc.)
3. To supervise such staff as the Office of the Secretary shall have from time to time;

4. To develop the agenda for Council meetings and disseminate materials pertaining to the agenda at least 3 days prior to the scheduled meeting;
5. To take minutes at all Council meetings and disseminate such minutes as required;
6. To maintain Council member schedules; and
7. To perform any other duties and assignments as required by the Chairperson or Vice Chairperson or a job description.

SECTION 601. DUTIES OF THE TREASURER

The duties of the Treasurer of the Council shall be:

1. To serve as the Finance Director for the Finance Department and as the Chief Financial Officer for the Nation;
2. To prepare an annual budget for the entire Nation and to work in conjunction with all the Nation's subordinate economic organizations, committees and boards in the development of their annual budgets for presentation to and approval from the Council;
3. To advise the Council and the Executive Department as needed or requested on all Finance Department matters and financial issues of the Nation that come before the Council or the Executive Department;
4. To understand, implement and follow the financial policies of the Nation and to recommend changes thereof to the Council as needed;
5. To oversee minor trust accounts and financial investments of the Nation;
6. To secure loans for projects as directed by the Council;
7. To collect taxes for the Nation, have the Nation's annual financial audits conducted, to negotiate and secure an indirect cost rate for the Nation;
8. To advise the Council on any financial matters of the Nation;
9. To review and oversee the budgets and financial records of the Nation and the Nation's subordinate economic organizations in

order to make recommendations to the Council as to appropriate actions or amendments that may need to be made by the Council to such budgets; and

10. To perform any other duties and assignments as required by the Council, the Executive Department, and or a job description.

SECTION 701. SEVERABILITY AND NON-LIABILITY

A. If any provision of this Code is held to be unconstitutional or otherwise invalid, the remainder of this Code shall not be affected thereby.

B. The Nation declares that there is no liability on the part of the Nation, its officials, officers, agents, or employees for, from, and against any damages, which may occur as a result of reliance upon or conformance with this Code. The Nation, by the adoption of this Code, does not waive its sovereign immunity in any respect.

SECTION 801. REPEAL OF PRIOR ORDINANCES/CODES/LAW

A. Ordinance No. _____ and Code No. _____ are hereby repealed in their entirety.