

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

- WHEREAS, Tribal Council Resolution No. 86-141 and its attachments delineates the authority of the Director of Business Operations to review and submit recommendations to the Tribal Council on any and all grants and contracts, leasing agreements, and other contractual obligations relating to the tribal business enterprises and private business ventures operating within the reservation, a copy of said resolution being attached to this resolution and incorporated by reference herein; and
- WHEREAS, Resolution No. 86-141 grants the business operations office authority to determine, assess, and revise existing business license fees, and other charges, and to revise existing business activity taxes and fees imposed on tribal and private businesses; and
- WHEREAS, Tribal Ordinance No. 60 provides that building contractors and earth movers shall be licensed and pay a fee or tax for the privilege of doing business on the Fort Apache Indian Reservation; and
- WHEREAS, the Tribal Council wishes to reaffirm that the Director of Business Operations is authorized pursuant to tribal resolution No. 86-141 to assess and revise the business license fees imposed by Tribal Ordinances Nos. 60 and 32, and that the Tribal Council approves the same; and
- WHEREAS, the Business Operations Office has acted pursuant to the Tribal Council's grant of authority to revise the license fee provided for in Ordinance No. 60, Section 15-A, and 15-B from its original rate to an amount equal to 1% of the total contract value of contracts entered into by construction type businesses operating on the Fort Apache Indian Reservation, said amount being payable in equal installments and assessed against the general contractor; and
- WHEREAS, the Business Operations Office has acted pursuant to its grant of authority to revise the building permit fee provided for in Ordinance No. 60, Section 15-C from its original rate to a rate of \$2,000 per permit, payable prior to the start of construction; and

WHEREAS, pursuant to said grant of authority the Business Operations Office, with the approval of the Tribal Council, has imposed a raw material royalties fee which is to be assessed against construction type businesses, subject to negotiation between the White Mountain Apache Tribe and the contractor or relevant contracting officer, for the use by the contractor of raw materials which include: water, soil, sand, gravel, and other natural resources which may be available from tribal lands for use on construction projects.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reaffirms the authority granted the Director of Business Operations pursuant to Resolution No. 86-141 to determine, assess, and revise existing business license fees, charges, and existing activity taxes imposed on tribal and private businesses including but not limited to construction businesses carrying out activities on the Fort Apache Indian Reservation and to negotiate raw materials royalties fees to be assessed construction type businesses operating on the reservation.


BE IT FURTHER RESOLVED that the Tribal Council hereby directs the Tribal Chairman and Mr. Milfred Cosen as Director of the Business Operations Office for the White Mountain Apache Tribe, to oversee the assessment revision, and collection of business license fees, taxes and other assessments currently imposed by applicable tribal ordinances and resolutions and to collect all fees, taxes, and royalties including the fees imposed by Tribal Ordinances No. 32 and No. 60, including but not limited to the fee assessed against construction type businesses doing business on the Fort Apache Indian Reservation, said fee having been revised to an amount equal to 1% of the total contract value of contracts entered into by construction type businesses doing business on the Fort Apache Indian Reservation, which amount is due and payable in equal installments, the initial installment being due within thirty (30) days after the start of construction, the failure of which to pay within the thirty (30) day time frame shall result in the assessment of a penalty of 10% of the license fee due for that period.

BE IT FURTHER RESOLVED that the Tribal Chairman and the Business Operations Office are empowered to collect the building permit fee in the amount of \$2,000 due and payable prior to the start of any construction activity which shall be subject to an additional late charge of 10% interest per annum imposed on the unpaid amount of the \$2,000 permit fee accruing from the date construction labor activities commence until the date full payment is received.

BE IT FURTHER RESOLVED that the Chairman and the Business Operations Office are further authorized to negotiate, assess and collect royalty fees for the use of Tribal natural resources on the Fort Apache Indian Reservation.

The foregoing resolution was on November 7, 1986, duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i&o) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984)


Chairman of the Tribal Council


Secretary of the Tribal Council

