

RESOLUTION NO. 04-95-144

RESOLUTION OF THE TRIBAL COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE OF THE FORT APACHE INDIAN RESERVATION, ARIZONA, DECLARING FOR PURPOSES OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES

WHEREAS, the White Mountain Apache Tribe of the Fort Apache Indian Reservation, Arizona (the "Tribe"), is authorized and empowered under its Constitution, to issue or cause to be issued obligations to finance the costs of various capital facilities owned or to be owned by the Tribe; and

WHEREAS, it is contemplated that certain expenditures made by the Tribe with regard to capital facilities owned by the Tribe will be reimbursed from the proceeds of the sale of obligations to be issued in the future by the Tribe;

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE OF THE FORT APACHE INDIAN RESERVATION, ARIZONA, AS FOLLOWS:

Section 1. Definitions. The following terms shall have the meanings assigned thereto as follows:

"Official intent" means a declaration of intent of the Tribe to reimburse an original expenditure with proceeds of an obligation.

"Original expenditure" means an expenditure for a governmental purpose that is originally paid from a source other than a reimbursement bond.

"Reimbursement bond" means the portion of an issue of obligations allocated to reimburse an original expenditure that was paid before the issue date of such issue.

Section 2. Official Intent. This Resolution is official intent relating to reimbursement for the original expenditures indicated in Exhibit A hereto which are capital expenditures (being any cost of a type that is properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles).

Section 3. Project Description. The project for which such original expenditures are to be paid are for the Tribe's Executive Building Project and the Youth Facilities Project (Swimming Pool) and the maximum principal amount of obligations

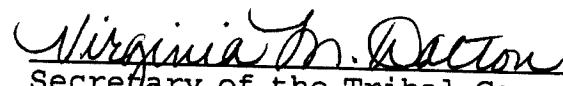
(including the reimbursement bonds for such purposes) to be issued for such project is \$660,619.73.

Section 4. Reasonableness of Official Intent. On the date of this Resolution, the Tribe has a reasonable expectation (being that a prudent person in the same circumstances as the Tribe would have based on all the objective facts and circumstances) that it will reimburse such original expenditures with proceeds of such obligations. (Official intents have not been declared by the Tribe as a matter of course or in amounts substantially in excess of the amounts expected to be necessary for such project. Moreover, the Tribe does not have a pattern (other than in extraordinary circumstances) of failure to reimburse actual original expenditures covered by official intents.)

Section 5. Public Record. This Resolution shall be included as of the date hereof in the publicly available official records of the Tribe, such records being maintained and supervised by the Secretary of the Tribal Council, being the main administrative office of the Tribe, and shall remain available for public inspection on a reasonable basis.

The foregoing resolution was on April 19, 1995 duly adopted by a vote of eight for and one against by the Tribal Council of The White Mountain Apache Tribe of the Fort Apache Indian Reservation, Arizona, pursuant to authority vested in it by Article IV, Section 1(a), (b), (h), (l), (t) and (u) of the Constitution of the Tribe, 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).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

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ATTACHMENTS:

Exhibit "A" - Original Expenditures Intended To Be Reimbursed

EXHIBIT A

ORIGINAL EXPENDITURES INTENDED TO BE REIMBURSED

	<u>Descriptions of Original Expenditures</u>	<u>Amounts of Original Expenditures</u>	<u>Dates of Original Expenditures</u>
1.	Hauling Foundation Materials	\$ 1,325.00	March 2, 1995
2.	Phone Line	1,130.00	March 6, 1995
3.	Construction of Executive Office Building	79,897.50	March 14, 1995
4.	Construction of Road Base	25,760.00	March 27, 1995
5.	Furniture	37,592.00	March 30, 1995
6.	Furniture	21,187.50	March 31, 1995
7.	Swimming Pool	10,996.40	April 10, 1995
8.	Construction of Executive Office Building	169,336.07	April 12, 1995
9.	Construction of Executive Office Building	313,395.26*	April, May and June, 1995*

\*Amount and dates are estimated