

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

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11/30/09

- WHEREAS,** the Tribal Council on this date has reviewed plans for the Tribe's development of the sewer and water system in the Hon-Dah/McNary area; and
- WHEREAS,** the Tribe's Housing Authority needs prompt development of a portion of the system to service new housing construction they have planned for the area; and
- WHEREAS,** current funding is not available for the entire sewer and water project, anticipated to cost approximately 8 million dollars when completed for the entire service area for the communities; and
- WHEREAS,** it has been determined that approximately 2.8 million dollars is needed for this first phase of the project with 2.3 million dollars needed for the local contribution following use of federal grants which have been awarded for this work; and
- WHEREAS,** this phase of the project would also make it possible to tie in the McNary community to the new system, utilizing funding from a separate grant award for this purpose; and
- WHEREAS,** based on upon calculations from the IHS Engineer, the Housing Authority share for this 2.3 million dollar amount is approximately 800,000 dollars, leaving approximately 1.5 million dollars for the Tribe's share; and
- WHEREAS,** these figures are subject to further clarification and negotiation between the Tribe and the Housing Authority with the assistance of the IHS Engineer; and
- WHEREAS,** the Tribal Council is advised that for an additional two to three hundred thousand dollars the Tribe could connect the Hon-Dah Casino Convention Center and Hotel, thereby eliminating reliance upon the existing Hon-Dah Casino sewage lagoons, and bringing the Tribe's share to an amount not to exceed 1.8 million dollars; and
- WHEREAS,** the Tribal staff is exploring the option of funding a portion or all of this amount through Rural Development grants and/or loans; and
- WHEREAS,** in the event these grant and/or loans would not be available the Housing Authority has agreed to lend the Tribe the full amount of 1.8 million dollars at a rate of interest not to exceed 5 percent and for a repayment term of not less than 15 years following the date that repayments would begin under the loan documents; and
- WHEREAS,** the Tribal Council finds that this project would provide substantial benefits to the region and to the Tribe; and that either funding source would be acceptable to help develop the first phase of this important long term project; and
- WHEREAS,** additional phases in subsequent years to tie in the Hon-Dah Homesites and other outlying portion of the community.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves development of the first phase of the Hon-Dah sewer and water project, such phase to include the needed sewer and water development for the approximate 100 home development by the Housing Authority using its Apache Dawn funds, the connection to the Hon-Dah Casino Convention Center and Hotel, and the tie in to the community of McNary.

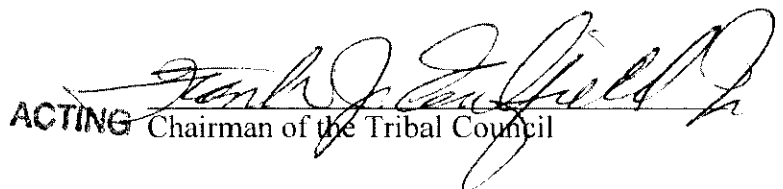
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it approves the location and placement of the sewer lagoons recommended by the advisors from the Tribe, including the Tribal cultural preservation office, the Housing Authority and the IHS.

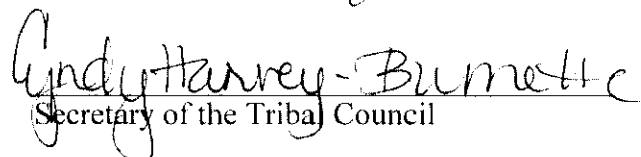
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and delegates authority to the Tribal Chairman with the assistance of the Legal department, and engineering staff to negotiate on behalf of the best interests of the Tribe, the terms for calculating and funding the Tribe's share of costs for this phase, including:

- a) Completing the calculation of the allocation of the local cost share between the Tribe and the Housing Authority at an allocation not greater than the 1.5 million dollar share for the Tribe, totaling 1.8 million dollars with the tie-in costs for Hon-Dah Casino;
- b) Negotiating and executing loan/grant documents with Rural Development or Housing Authority, provided that the full loan amount shall not exceed 1.8 million dollars, at a rate of interest not to exceed 5% and subject to a repayment term of not less than 15 years from the date on which the initial loan payment would become due.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby delegates authority to the Chairman, or in his absence the Vice-Chairman, to negotiate and execute an agreement with the Housing Authority or Rural Development as the case may be for the loan amount described above, provided it is consistent with the parameters set forth within this resolution.

The foregoing resolution was on September 10, 2001 duly adopted by a vote of SEVEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (h), (j), (s), (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).


ACTING Chairman of the Tribal Council


Secretary of the Tribal Council