

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

**(Approval of Authority to Apply for the FY 2004 HUD Indian Community
Development Block Grant and Other Grants to Construct an Adult
Detention Center located near the Tribal Fair Grounds)**

- WHEREAS,** the Tribe lacks suitable facilities necessary to accommodate the needs for an Adult Detention and Rehabilitation Center (“ADRC”); and
- WHEREAS,** the current correctional facility has a capacity of 45 inmates, but it has become substantially overcrowded beyond capacity and inadequate; and
- WHEREAS,** constructing an ADRC would meet an essential community development need by providing space to house adult inmates; and
- WHEREAS,** the Tribe lacks the financial resources essential to construct an ADRC;
- WHEREAS,** the trust responsibility of the federal government should include construction projects, such as the ADRC, yet the Bureau of Indian Affairs has cut available construction funds, leaving the Tribe with no alternative but to apply to other sources; and
- WHEREAS,** the Tribal Council understands that sufficient funds are available through the Indian Community Development Block Grant Program (“ICDBG”) of the United States Department of Housing and Urban Development to fund the construction of an ADRC, but the ICDBG program requires the Tribe to supplement the application with its own funds; and
- WHEREAS,** the Tribal Council has reviewed the Building Maintenance and Operations Plan and Procurement Policy requirements under the ICDBG application; and
- WHEREAS,** the Tribal Council further understands that it is necessary to work with the Bureau of Indian Affairs (“BIA”) Office of Law Enforcement and Facility Management to ensure that all detention facilities developed by the Tribe comply with all applicable federal and tribal regulations; and
- WHEREAS,** the Tribe, with a qualified architect, has developed a preliminary project design and cost-analysis to support an application for necessary ICDBG funds; and
- WHEREAS,** the Tribe has sufficient policies and procedures for procurement, financial management and internal controls according to the applicable guidelines and regulations set forth under Code of Federal Regulations 24, part 85 and part 1003; and

WHEREAS, a budget has been developed, as attached and incorporated by this reference, by the Tribe's Department of Environmental Planning, which projects a total project cost of \$3,450,900.00 of which \$2,750,000 will be provide by the HUD ICDBG, and at least \$700,900.00 will be provided in-kind by the Tribe, including land, fees and labor for which the Tribe will contribute \$127,500 in donated land and \$172,000 in waive Tribal fees; and

WHEREAS, the Tribe will provide at least \$65,000 a year in funding to maintain and operate the proposed ADRC, including, but not limited to, funds available through P.L. 93-638; and

WHEREAS, the Tribe has identified an approximately 20-acre parcel near the Tribal Fair Grounds which is suitable for the proposed ADRC; and

WHEREAS, the Tribe through published procedures will ensure that the proposed buildings shall be used to provide essential health, public safety, education and community services to help meet the needs of the community.

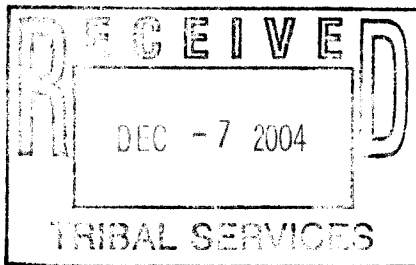
NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

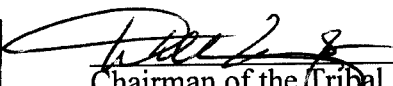
1. The Tribe's Department of Environmental Planning is authorized to apply for funds available through the Indian Community Development Block Grant Program of the United States Department of Housing and Urban Development to fund the construction of an Adult Detention and Rehabilitation Center.
2. The proposed budget of \$3,450,900.00, which includes an in-kind contribution of \$700,900.00 from the Tribe, as attached and incorporated by this reference, is hereby approved for the purposes of the ICDBG application, subject to available and appropriated funds.
3. Tribal in-kind contribution shall include at lease \$127,500 in donated land and \$172,000 in waived Tribal fees.
4. The approximately 20-acre parcel near the Tribal Fair Grounds is hereby set aside for the proposed ADRC, subject to approval of the ICDBG assistance and favorable outcome of an Environmental Review required under Code of Federal Regulations 24, part 58.
5. As part of the proposed ADRC project, the Tribe will work with the Bureau of Indian Affairs Office of Law Enforcement and Facility Management to ensure that all detention facilities developed by the Tribe complies with all applicable federal and tribal regulations.
6. The Building Maintenance and Operations Plan and Procurement Policy requirements under the ICDBG application are hereby approved.

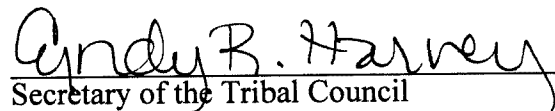
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7. The Tribe elects to submit demographic data that are unpublished and not generally available in order to meet the requirements of the application process.
8. The Tribe shall provide at least \$65,000 a year in funding to maintain and operate the proposed ADRC, including, but not limited to, funds available through P.L. 93-638.
9. The Tribe has sufficient policies and procedures for procurement, financial management and internal controls according to the applicable guidelines and regulations set forth under Code of Federal Regulations 24, part 85 and part 1003.
10. The Chairman, or in his absence the Vice-Chairman, is hereby authorized to contract on behalf of the Tribe for ICDBG funds.

The foregoing resolution was on November 4, 2004 duly adopted by a vote of FOUR for, ONE against, and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (c), (h), (i), (j), (k), (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

BUDGET AND COST ESTIMATES

The following budgets include both the Indian Community Block Grant Construction Budget and the Tribal In-Kind Budgets for the buildings and parking lots included in this proposal.

BUDGET NARRATIVE

Project construction and contingencies ICDBG:

Construction costs:

1.	Adult Detention and Rehabilitation and Courthouse	\$ 2,450,000.00
2.	Site Development	100,000.00
3.	Architectural Fees, Soil Testing & Survey	<u>200,000.00</u>
	Total Estimated Project Cost	\$ 2,750,000.00

- A. The White Mountain Apache Tribe will provide or wave the following services and expenses in order to construct, renovate or move the four buildings included in this proposal.

TRIBAL IN-KIND CONTRIBUTIONS Non-ICDBG Share

1.	Planning Grants and Contracts Manager at \$52,000 a year for 3 years and 1 month @ 50%	\$ 80,200.00
2.	Office Manager/Procurement Officer \$36,000 a year for 3 years and 1 month @ 50%	55,500.00
3.	Building Inspector/Project Manager at \$40,000 a year for 3 years and 1 month @ 50%	61,600.00
4.	Office Staff ½ FTE @ 20,000 a year for 3 years and 1 month @ 50%	30,800.00
5.	Planning Director, Facility Manager and Environmental Engineer/Planner Oversight and staff @ 10% of their time @ \$12,000 a month for 3 years and 1 month @ 50%	<u>22,200.00</u>
	Subtotal	\$ 250,300.00
6.	Benefits for Tribal Employees @ 29%	<u>72,600.00</u>
7.	Total Cost of Labor	\$ 322,900.00
8.	Prepare ICDBG	20,000.00
9.	Audit fees	20,000.00
10.	Environmental Review	20,000.00
11.	Tribal building permits 1 @ \$2,000.00 each	2,000.00
12.	5% Tribal TERO Fee	137,500.00
13.	Office and Supplies @ \$1,000.00 a month for 37 months @ 50%	18,500.00

14.	Mileage and Travel Expenses @ \$1,000.00 a month for 37 months (three employees will require mileage reimbursement) @ 50%	<u>18,500.00</u>
	Subtotal of labor, expenses and benefits	\$ 236,500.00
15.	Total Administration Expenses	\$ 559,400.00
16.	Tribal wiring buildings for voice and data lines and install computer systems	15,000.00
17.	Land and building values (See Appendix 26)	
	a. Land for buildings and parking lots @ 50%	127,500.00
18.	Total value of sites, materials and services	\$ 142,540.00
	Total In-Kind Contribution	\$ <u>701,900.00</u>
	Total Value of the Project	\$ 3,451,900.00

Non-ICDBG contribution to the construction of the three buildings in this Grant Proposal is 20.3% of the total project cost of \$3,451,900.00.

See Appendix 4A – Tribal Council Resolution approving the Tribe’s contribution of land and resources as in-kind contribution.

See Appendix 26 – Land appraisal of the site for the proposed Tribal Adult Detention and Rehabilitation Center.

B. The Tribal Council has committed by resolution to provide nearly 20 acres of land and buildings that will be used for the purpose of this grant. To demonstrate the Tribe’s commitment to this project the Tribal Council approved by resolution to be subject to the approval of the ICDBG assistance and favorable outcome of any environmental review required under 24 CFR, part 58 for this project.