



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

**(Permitting Application by Travois New Markets, LLC for an
Allocation of New Market Tax Credits)**

- WHEREAS**, pursuant to Section 1 (a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS**, on December 14, 2004, the Tribal Council of the White Mountain Apache Tribe adopted Resolution No. 12-2004-292, approving a Plan For The Use and Distribution of Judgment Funds ("Use Plan") as a result of a settlement in the United States Court of Federal Claims, Case No. 99-148L, entitled *White Mountain Apache Tribe v. United States of America*; and
- WHEREAS**, the Tribal Council, pursuant to Resolution No. 05-2006-140, requested transfer of Judgment and Settlement Funds from the Office of Special Trustee to the White Mountain Apache Tribe in accordance with the Use Plan; and
- WHEREAS**, the Tribal Council, pursuant to Resolution No. 11-2006-393, selected Merrill Lynch as the company best suited to invest the Fort Apache Settlement Fund; and
- WHEREAS**, Travois New Markets, LLC ("Travois") has proposed assisting the Tribe secure funding for future projects, which may include, but not be limited to, the rehabilitation of Fort Apache; and
- WHEREAS**, the U.S. Department of the Treasury Community Development Financial Institutions (CDFI) operates a program known as New Markets Tax Credit (NMTC); and
- WHEREAS**, NMTC permits taxpayers to receive a credit against Federal income taxes for making qualified equity investments in designated Community Development Entities (CDEs); and
- WHEREAS**, substantially all of the qualified equity investment must in turn be used by the CDE to provide investments in low-income communities, while the credit provided to the investor totals 39 percent of the cost of the investment and is claimed over a seven-year credit allowance period; and
- WHEREAS**, investors may not redeem their investments in CDEs prior to the conclusion of the seven-year period; and

Resolution No. 02-2007-35

WHEREAS, Travois has requested that Travois be permitted to submit an application for an allocation of NMTCs on behalf of the Tribe, based upon an investment of approximately half of the Fort Apache Settlement Fund and, if awarded, the tax credits could assist the Tribe with raising an additional \$2.9 million in the rehabilitation of Fort Apache and/or other related projects; and

WHEREAS, the Tribe without obligation agrees to consider using New Market Tax Credits to finance projects including, but not limited to, the rehabilitation of Fort Apache, subject to (1) review and approval of the transaction by Merrill Lynch and the Tribe's Budget and Finance Committee, (2) Travois New Markets receiving an allocation of New Market Tax Credits from the U.S. Department of Treasury CDFI; (3) review and action by the Tribal Council as to whether to approve or disapprove the transaction utilizing the New Market Tax Credits for the purposes contemplated herein.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby permits Travois to submit an application for New Market Tax Credits on behalf of the Tribe, but such permission does not obligate the Tribe participate in the NMTC program.


BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that Travois receives an allocation of New Market Tax Credits, any agreement for such purposes must be reviewed and approved by the Tribe's Budget and Finance Committee, Legal Department and Merrill Lynch, and is contingent upon formal action by the Tribal Council either approving or disapproving the transaction contemplated therein.

BE IT FINALLY RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute a letter of interest in participating and providing permission to apply as described herein.

The foregoing resolution was on February 8, 2007 duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (i), (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