



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

(Certifying that the White Mountain Apache Tribe will provide Payroll, Payroll Tax, and Employee Benefit Services for the Fort Apache Heritage Foundation, Inc.)

WHEREAS, pursuant to Article IV, 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, the Fort Apache Heritage Foundation, Inc. (Foundation), and I.R.S. designated 501(c)(3) nonprofit corporation, was chartered by the Tribal Council of the White Mountain Apache Tribe in 1998 to provide technical, financial, and other support to the Tribe's heritage perpetuation and historic preservation efforts; and

WHEREAS, pursuant to the terms of the Settlement Agreement entered into between the Tribe and the United States government of the case of White Mountain Apache Tribe v. United States of America, the Memorandum of Agreement entered into on November 20, 2006 by the Tribe and Foundation and other authorities, the Foundation has assumed responsibility for managing the preservation, rehabilitation, and adaptive reuse of the Fort Apache/Theodore Roosevelt School Historic District for the benefit of the Tribe; and

WHEREAS, the Tribe has well established capacities to provide Payroll, Payroll Tax, and Employee Benefits services and currently provides such services to the Community Development Corporation, an I.R.S. designated 501(c)(3) nonprofit corporation; and

WHEREAS, the Foundation wishes to maximize administrative efficiency by utilizing the Tribe to act as Fiduciary for purpose of providing the Foundation with Payroll, Payroll Tax, and Employee Benefits services in exchange for prepayment to the Tribe for those obligations; and

WHEREAS, the Tribal Council finds that the Tribe may act as the Fiduciary for the Foundation, and that to act in such capacity would be in the best interest of the Foundation and the Tribe.

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

1. The Tribe's Accounting Department, by and through the Grants and Contracts Office, is hereby authorized to establish a fiduciary account for the receipt of Payroll and Payroll expense funds from the Foundation from which the Foundation's Payroll and Payroll expense will be debited.
2. The Tribe's Personnel Office, Health Benefits Office, Pension and Retirement Office, and Payroll Department are hereby authorized to accept and process all necessary paperwork to provide Payroll and Benefits services to Foundation Employees as may be required by the Foundation.

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3. Be it known that the White Mountain Apache Tribe has no employment or other relationship to Foundation Employees; that this Resolution is limited to the transaction for payroll services contemplated herein and does not establish any employment or other beneficial relationship between the Tribe and Foundation employees; and that Foundation employees are employees of the Foundation, not the White Mountain Apache Tribe, and are employed at the sole pleasure of the Foundation Board.

BE IT FURTHER 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 any and all document necessary to effectuate the intent of this Resolution.

The foregoing resolution was on July 18, 2007, duly adopted by a vote of EIGHT 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), (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).



Chairman of the Tribal Council



Secretary of the Tribal Council