



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

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, in 2002, the White Mountain Apache Tribe received an allocation of hydroelectric power from the Colorado River Storage Project (CRSP), federally-managed hydroelectric facilities in the Upper Colorado River Basin, from which the Tribe received approximately 6 Megawatts of electricity as its annual allocation through a remarketing process of an allocation that is assured for twenty years from October 1, 2004, the date it was first made available, and is priced at a level significantly below current retail electric rates; and

WHEREAS, the Tribe could not receive its allocation directly for use on the Reservation due to the lack of its own operating electric utility; and

WHEREAS, the Tribe ultimately chose to partner with the Ak-Chin Indian Community's operating utility, Ak-Chin Energy Services, to manage the Tribe's allocation for the Community and in exchange credits the Tribe in the form of a monthly payment; and

WHEREAS, since 2005, the Tribe has received approximately \$1.3 million in funds, which have been deposited into an Energy Benefit Account held with the Wells Fargo Bank in the form of a checking account; and

WHEREAS, the Tribe's Treasurer has this day informed the Tribal Council that there exist certain cash flow requirements over and above the protections afforded through the Wells Fargo Bank's line of credit; and

WHEREAS, the Tribe's Treasurer recommends that

- (1) \$1 million in funds from the Energy Benefit Account be made available to satisfy the Tribe's cash flow requirements;
- (2) the remainder be invested into an account of the same name with Wells Fargo Bank pursuant to the Investment Policies and Procedures;
- (3) the Energy Benefit Account be replenished at such time as additional funds may be made available, but no longer than in ten months; and

WHEREAS, the Tribal Council finds that the transfer herein requested should be undertaken, as such transfer is in the best interest of the Tribe and its cash flow requirements.

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

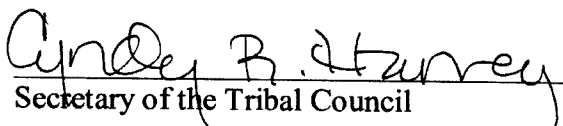
- (1) up to \$1 million in funds from the Energy Benefit Account is hereby made available to satisfy the Tribe's cash flow requirements;
- (2) the Treasurer is hereby directed to effect the transfer for the purposes described herein and invest the remainder into an account of the same name with Wells Fargo Bank pursuant to the Investment Policies and Procedures;
- (3) the Treasurer is hereby further directed to replenish the \$1 million in funds withdrawn from the Energy Benefit Account at such time as additional funds may be made available, but no longer than ten months from the date of this Resolution.

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 documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on September 5, 2007, duly adopted by a vote of SEVEN 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), (h), (j), (k), (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