



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

(Approving Lease to Navopache Electric Cooperative for Installation of Microwave on Cooley Mountain / Resolution No. 03-2007-92 Relinquished)

- WHEREAS,** pursuant to Article IV, Section 1(a0) 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,** pursuant to Resolution No. 03-2007-92, the Tribal Council directed the Tribal Legal Department to negotiate a lease arrangement with Navopache Electric Cooperative, Inc. (Navopache), to install and maintain digital microwave radios, which would more efficiently operate their electrical system, identified as Supervisory Control and Data Acquisition (SCADA), at McKay's Peak; and
- WHEREAS,** due to inadequate space on the McKay's Peak tower, Navopache is unable to install the digital microwave radios which would enable communication with the Seven Mile Tower; and
- WHEREAS,** the Tribal Communications Supervisor and Navopache were able to locate sufficient space to install the digital microwave equipment on the Cooley Mountain tower, which would also have a clear line of site for radio communications with Seven Mile Hill; and
- WHEREAS,** Navopache is requesting permission to enter into a lease with the White Mountain Apache Tribe to install equipment at the Cooley Mountain tower, instead of McKay's Peak; and
- WHEREAS,** Navopache has further advised that the Fort Apache Timber Company (FATCO) is currently billed for an interruptible power rate, which must have a functioning SCADA and communication system (microwave); and
- WHEREAS,** without the functioning SCADA and microwave communication system, FATCO would no longer be eligible to receive the interruptible power rate, which would substantially increase FATCO's electrical rate (see Attachment A); and
- WHEREAS,** the Tribal Council concludes that it is in the best interest of the Tribe to enter into a lease with Navopache Electric Cooperative, Inc. for the purposes identified herein.

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

1. Resolution No. 03-2007-92 is hereby rescinded in its entirety.
2. The Tribal Legal Department is hereby directed to negotiate a lease arrangement with Navopache Electric Cooperative, Inc. in accordance with the terms set forth herein, to install and

Resolution No. 10-2007-420

maintain equipment at Cooley Mountain, which will provide a line of site for digital microwave radio communication with Seven Mile.

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 October 11, 2007, duly adopted by a vote of SIX for, ZERO against, and ONE abstention 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), (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).



ACTING Chairman of the Tribal Council



Secretary of the Tribal Council