



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

**(Granting a Lease to ADOT for Fencing Project No. 260 NA 356 H6812 02 C 260-C-NFA at Hondah)**

- 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 Arizona Department of Transportation ("ADOT") has requested an amendment to their existing Right-of-Way along Highway 260, for the purpose of including additional land for the construction and maintenance of ADOT Fencing Project No. 260 NA 356 H6812 02 C 260-C-NFA, from Rim Road to Hon-Dah Casino, which is proposed for construction June, 2008; and
- WHEREAS,** the additional right-of-way will include certain areas located along Highway 260, the Smoke Shop and the Hon-Dah Home Center (see Exhibit A, as attached and incorporated by this reference); and
- WHEREAS,** the White Mountain Apache Tribe Transportation Committee and the Tribal Project Planning and Review Committee have reviewed ADOT's proposal and in accordance with their responsibilities to protect the environmental interests and construction safety, find no objection; and
- WHEREAS,** after review by the Tribal Legal Department, it is recommended that a lease, rather than a right-of-way, be granted to ADOT for the proposed fencing project, which will limit the lease period and include provisions to allow for future business activity within the premises; and
- WHEREAS,** after careful review and consideration, the Tribal Council finds that the proposed fencing project will address public safety and is in the best interest of the Tribe, and therefore, ADOT should be granted a lease along Highway 260, to include land identified in Exhibit A, for the purpose of construction and maintenance of right-of-way fencing from the Rim Road to Hon-Dah Casino; and
- WHEREAS,** given the urgency of the need for fencing in the Hon Dah community, the Tribal Council further finds that the lease for the Fencing Project needs to be considered and made outside of its regularly scheduled meeting; and
- WHEREAS,** the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by

signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

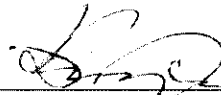
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that:

1. A lease is hereby granted to ADOT for the purpose of construction and maintenance of ADOT Fencing Project No. 260 NA 356 H6812 02 C 260-C-NFA, from Rim Road to Hon-Dah Casino, as well as certain areas located along Highway 260, the Smoke Shop and the Hon-Dah Home Center (identified is Exhibit A, attached hereto), contingent upon satisfactory negotiations between the Tribe and ADOT.
2. It hereby directs the Tribal Legal Department, Tribal Realty Office and Tribal Transportation Coordinator to negotiate the terms and conditions of the lease with ADOT, to include provisions for future business activity within the premises.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairwoman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

**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 August 15, 2008, 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), (h), (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



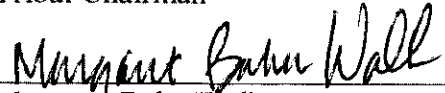
Secretary of the Tribal Council

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 08-2008-195 initiated the 15<sup>th</sup> day of August 2008. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

TCS Initials

Ronnie Lupe  
Tribal Chairman

Date Signed



8/19/08

cm TCS Initials

Margaret Baha-Walker  
Vice Chairwoman


Date Signed



cm TCS Initials

Arnold Beach, Sr.  
District I Council Member

Date Signed

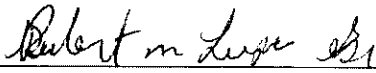


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erh TCS Initials

Evangelina Gatewood  
District I Council Member

Date Signed

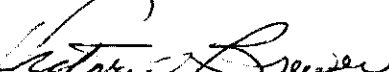


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cm TCS Initials

Rubert Lupe Sr.  
District II Council Member

Date Signed

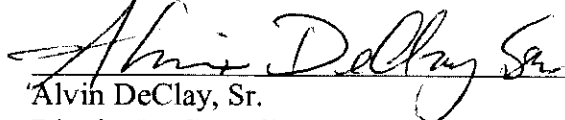


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cm TCS Initials

Victoria Brewer  
District II Council Member

Date Signed

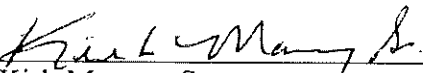


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cm TCS Initials

Alvin DeClay, Sr.  
District III Council Member

Date Signed



8/19/08

cm TCS Initials

Kirk Massey, Sr.  
District III Council Member

Date Signed

TCS Initials

Noland Clay  
District IV Council Member

Date Signed



8-19-08

cm TCS Initials

Wayne Colelay, Jr.  
District IV Council Member

Date Signed



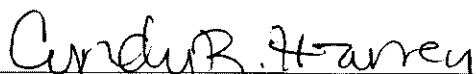
8-29-08

cm TCS Initials

Reno Johnson, Sr.  
District IV Council Member

Date Signed

ATTEST:



8.19.08

Cyndy R. Harvey, Tribal Council Secretary

Date Signed