



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

(Authorization to Purchase a Caterpillar 320D Excavator)

- 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 Land Operations Department administers a 638 contract for Agriculture (Contract No. CTH52T60730); and
- WHEREAS**, over the life of the contract, the Department has accumulated approximately \$650,000 in program income resulting from reimbursements for work completed, that is in addition to the normal work funded by the Bureau of Indian Affairs ("BIA"); and
- WHEREAS**, these extracurricular projects match the scope of the Department, which is to conserve, protect, and restore tribal natural resources; and
- WHEREAS**, these projects are funded by outside agencies including, but not limited to the U.S.D.A. Natural Resources Conservation Service, the U.S.D.A. Animal and Plant Health Inspection Service, other BIA 638 contracts, and other tribal departments and programs; and
- WHEREAS**, P.L. 93-638, as amended, Section (j) states, "Notwithstanding any other provision of law, a tribal organization may use funds provided under a self-determination contract to meet matching or cost participation requirements under other Federal and non-Federal programs;" and
- WHEREAS**, P.L. 93-638, as amended, Section (m) states, "The program income earned by a tribal organization in the course of carrying out a self determination contract: 1) shall be used by the tribal organization to further the general purposes of the contract, and 2) shall not be a basis for reducing the amount of funds otherwise obligated to the contract;" and
- WHEREAS**, approximately \$175,000 of the program income has been expended thus far in accordance with the law on small purchases that further the general purposes of the contract; and
- WHEREAS**, the Program Manager has come before the Budget and Finance Committee and the Tribal Council to purchase a piece of heavy equipment which costs approximately \$200,000 using the aforementioned program income; and
- WHEREAS**, this capital expense purchase for equipment can be expected to further the general purposes of the contract and enhance the Department's ability to complete additional projects that will result in more program income.

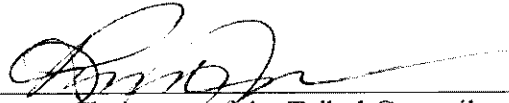
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

Resolution No. 06-2009-177

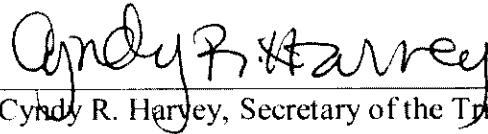
1. Authorization for the Land Operations Department to purchase a Caterpillar 320D excavator for \$199,979 is hereby approved.
2. In consideration of the Tribe's current cash flow situation, the Land Operations Department is authorized to debit the Agriculture account (00053-727600-7709-000) in five (5) equal installments of \$39,995.80 to make the above purchase, using the program income earned under the Agriculture contract.

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 **JUNE 11, 2009** duly adopted by a vote of **SIX** for and **ONE** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (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).



Ronnie Lupe, Chairman of the Tribal Council



Cindy R. Harvey, Secretary of the Tribal Council