



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

**(Approving the Reduction of the present 5% TERO Fee to 2.5% for the
Duration of the two AZ2007-2008-1-BIA ERFO Projects)**

- 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 WMAT Transportation Committee duly appointed by the Tribal Council is authorized to advise and recommend to the Tribal Council in all policy and program matters related to the Indian Reservation Roads Program. IRR Program covers all classes of roadways, bridges, trails, etc within the Fort Apache Indian Reservation and other inter-modal initiatives for the benefit of the members of the White Mountain Apache Tribe; and
- WHEREAS**, the WMAT Transportation Committee is further authorized to interact, meet, and represent the Tribe in such matters with outside agencies such as the Bureau of Indian Affairs, Federal Highway Administration, and Arizona Department of Transportation and other transportation groups, associations, and committees concerning transportation policies, procedures and funding related to but not limited to 25 CFR 170 et. Seq. regarding primary rules, regulations and federal funding initiatives; and
- WHEREAS**, the Tribal Transportation Committee at a duly convened meeting on June 11, 2009, did approve and recommend that the White Mountain Apache Tribe support the reduction of the present TERO rate of 5% to 2.5% for the duration of the two ERFO Projects; and
- WHEREAS**, the Tribal Transportation Committee requests the Tribal Council of the White Mountain Apache Tribe approve the recommendation to defer WMAT, Building Permit Fee, TERO Routing Fee and to allow the reduction of the 5% per job TERO Fee to 2.5% for the duration of the two ERFO AZ2007 & 2008-1-BIA Projects; and
- WHEREAS**, the WMAT , TERO Department is in agreement and has previously agreed that this would be in the best interest of the Tribe as it would make additional funding available within the project to insure the completion and employe of FATCO and Public works employees in the completion of AZ2007 & 2008-1-BIA Projects; and
- WHEREAS**, the Transportation Committee requests that the Tribal Council of the White Mountain Apache Tribe approve and amend the current Tribal Transportation Improvement Plan to include the above mentioned projects.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it approval this reduction from 5% to 2.5% TERO rate for the two duration AZ2007-2008-1-BIA ERFO Projects.

Resolution No. 07-2007-228

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 9, 2009 duly adopted by a vote of TEN 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), (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).

for Margaret Dawn Wolf **ACTING**
Chairman of the Tribal Council

Gregory B. Hussey
Secretary of the Tribal Council