



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

**(Authorizing Richard Di Valentino Jr. to  
Sub-Contract for Fence Construction at Canyon Day)**

**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 an effort to assist the Canyon Day Livestock Association, the Land Operations Department has applied for funding from the Natural Resources Conservation Service (NRCS) to replace 16-miles (84,480 ft.) of barbed wire fence at the Association's Pine Flat Pasture; and

**WHEREAS**, the construction cost for 4-miles (21,120 ft.) has been funded thus far under NRCS' Wildlife Habitat Incentive Program (WHIP), and the remaining 12-miles (63,360 ft.) is expected to be funded by NRCS in the near future; and

**WHEREAS**, Mr. Richard Di Valentino Jr., independent labor contractor has made a request to the Tribal Council to complete half of the aforementioned fence work in accordance with NRCS' fence specifications and at NRCS' practice rate, which is \$5.40 per linear ft.; and

**WHEREAS**, in an effort to complete fencing sooner and providing opportunity to tribal member entrepreneurs, Mr. Di Valentino is requesting to enter into a sub-contract with the Tribe to build 2-miles (10,560 ft.) of fence; and

**WHEREAS**, the Tribal Council finds it in the best interest of the Tribe to encourage tribal member entrepreneurs and supports the efforts of the Land Operations Department to provide assistance to the Canyon Day Livestock Association by providing barbed wire fence, funding and the support needed to maintain the Association's Pine Flat Pasture.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby supports Land Operations' effort to assist the Canyon Day Livestock and other Tribal Livestock Associations in acquiring funding from the NCRS to replace 16-miles of barbed wire fence at the Pine Flat Pasture.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Tribe's Grants and Contracts Department is hereby ordered to establish an account and monitor the progress of the WHIP Contract to ensure that incoming funds are properly administered.

**BE IT FURTHER RESOLVED** by the Tribal Council that it hereby authorizes the Tribe to enter into an agreement with Richard Di Valentino Jr., an independent labor contractor, for the purpose of completing half of the fence work (10,560 ft.) in accordance with NRCS fence specifications at the rate of \$5.40 per linear ft.

**BE IT FURTHER RESOLVED** by the Tribal Council that it hereby authorizes Richard Di Valentino Jr. to obtain a business license through the Tribal Treasurer for this work.

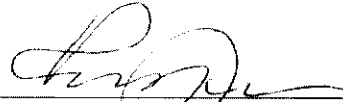
**BE IT FURTHER RESOLVED** by the Tribal Council that Victor Velasquez, Administrative Manager, is hereby authorized to assume responsibility and administer the WHIP Contract to avoid any potential conflicts of interest and shall be granted authority to sign and oversee all sub-contracts and requests for payment submitted by Mr. Di Valentino for the duration of this project.

**BE IT FURTHER RESOLVED** by the Tribal Council that this Resolution or subsequent agreement(s) may not, in any manner, preempt or modify the respective rights and responsibilities of either party.

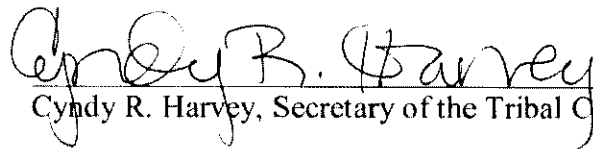
**BE IT FURTHER RESOLVED** by the Tribal Council that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

**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 August 12, 2009 duly adopted by a vote of SIX 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), (i), (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).



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Ronnie Lupe, Chairman of the Tribal Council



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Cindy R. Harvey, Secretary of the Tribal Council