



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

(Authorizing Separate Account and Budget for Land Operations Program Income)

- 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 Public Law 93-638 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, Sec. 106(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 106(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 \$220,000 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,** Land Operations' Program Manager has come before the Tribal Council with a request to establish a separate account number at the Tribe's Grants & Contracts Office to better coordinate the expenditures of these funds; and
- WHEREAS,** several budget line items have been presented before the Tribal Council and are incorporated by reference, and this budget is expected to further the general purposes of the Agriculture Contract and enhance the Department's ability to complete additional projects that will result in more program income; and
- WHEREAS,** the potential for program income is not known but depends on the availability of funds from various agencies, therefore the Program Manager requests for the ability to make amendments to the budget categories, except for Capital Expenditures, which shall require additional approval by the Tribal Council.

Resolution No. 08-2009-281

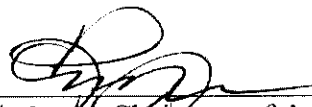
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

1. Authorization is hereby approved for the Land Operations Department to establish a separate account number for the program income it has earned under the Agriculture P.L. 93-638 Contract (Contract No. CTH52T60730).
2. The Land Operations Program Manager is authorized to work with the Chief Financial Officer, Treasurer, and Grants and Contracts Manager to establish the separate account for the program income.
3. The Tribe's Accounts Payable, Treasury, Payroll, Health Benefits, and Pension and Retirement sections are hereby authorized to debit the new account for purposes of providing timely payment of salaries and benefits and vendor payments for the Department using the program income.
4. The budget line items that were presented to the Tribal Council are hereby approved and are incorporated by reference.
5. The budget is expected to further the general purposes of the Agriculture Contract and enhance the Department's ability to complete additional projects that will result in more program income.
6. The potential for program income is not known but depends on the availability of funds from various agencies; therefore the Program Manager is authorized to make amendments to the budget categories, except for Capital Expenditures, which shall require approval by the Tribal Council.

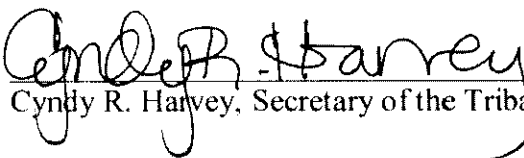
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event of any inconsistency between this Resolution and any prior Resolution or Policy, this Resolution shall govern.

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 19, 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), (c), (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).



Ronnie Lupa, Chairman of the Tribal Council



Cyndy R. Harvey, Secretary of the Tribal Council