



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 05-2012-35

(Approving the current available 2012 2% Planning Fund amount and remaining 2010, 2011 and 2012 2% Planning Funds to be made available upon receipt by Western Regional Office)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

WHEREAS, Congress authorized funds for federal-aid highways, highway safety programs, and transit programs and for other purposes under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or SAFETEA-LU, wherein the Indian Reservation Roads (IRR) Program would be administered under both the Federal Lands Highways Administration and the Bureau of Indian Affairs pursuant to Final Rules established in 25 USC Part 170 for Indian Tribes; and

WHEREAS, the duly appointed Transportation Committee represents and advises the Tribal Council of the White Mountain Apache Tribe regarding Federal, State, and local issues related to transportation and transportation facilities, addresses current issues and policy matters regarding new laws and regulations as they pertain to tribal transportation, Indian Reservation Road (IRR) Program, and monitors such funding priorities through the Federal Lands Highways Administration (FLHA) and Bureau of Indian Affairs (BIA); and

WHEREAS, Section 402 and 406 of 25 CFR Part 170 (effective 10/01/04; hereinafter Rule) describes the Indian Reservation Roads (IRR) two percent (2%) Transportation Planning funds to support development and implementation of tribal transportation planning and associated strategies for identifying transportation needs of the White Mountain Apache Tribe; and

WHEREAS, the WMAT Tribal Transportation Committee is delegated the responsibility to oversee and direct the transportation planning need related to the development of the LRTP of the White Mountain Apache Tribe; and

WHEREAS, the Transportation Committee thereby recommend to Tribal Council that BIA, Western Regional Office (WRO) make available and award the current 2012 two percent (2%) Planning funds available amount of \$12,653.00 immediately and the remaining 2012 two percent (2%) amount including 2010 two percent (2%) in the amount of \$57,172.00, and 2011 in the amount of \$55,223.00 be awarded as they are received at WRO.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby request for the current available amount of \$12,653 immediately and the remaining 2012 2% amount including 2010 2% in the amount of \$57,172.00, and 2011 in the amount of \$55,223.00 be awarded P.L. 93-638 as the funds become available and are received at WRO.

BE IT FURTHER RESOLVED that the Tribal Council hereby approves and authorize BIA, Western Regional Office, that the current 2% Planning Funds to make immediately available and awarded P.L. 93-638 in the amount of \$12,653.00.

BE IT FURTHER RESOLVED that the Tribal Council hereby approves and authorize BIA, Western Regional Office, that the remaining 2012 2% amount including 2010 2% in the amount of \$57,172.00, and 2011 in the amount of \$55,223.00 be awarded P.L. 93-638 as the funds become available and are received at WRO.

BE IT FURTHER RESOLVED that the Tribal Council of the White Mountain Apache tribe does hereby approve the, attached hereto by this reference is incorporated herein, and that the Bureau of Indian Affairs, Western Regional Office is hereby authorized to take the necessary action to make available and award P.L. 93-638, WMAT's 2012 2% Planning Funds the current availability and the remaining 2012, 2010, and 2011 total amounts as the funds become available and are received at the WRO.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect. This Resolution shall not be subject to Judicial Interpretation, only the Tribal Attorney, with the assistance of the Tribal Council Secretary, may opine on Tribal Council intent and the meaning of the language as used herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign provided that the Tribal Secretary and a Tribal Attorney attest to the veracity of the subject matter of this Resolution.

The foregoing resolution was on May 7, 2012 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), (c), (s), (t) and (u) of the Tribal Constitution, 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

5-15-12

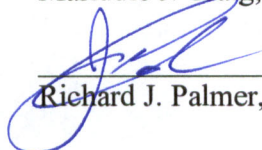
Date



Mariddie J. Craig, Secretary

05/15/2012

Date



Richard J. Palmer, Jr., Attorney

5/15/12

Date