



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 05-2012-44

(Appointing FATCO Board of Directors)

WHEREAS, pursuant to *Resolution No. 05-2012-43*, the Tribal Council of the White Mountain Apache Tribe ("Tribe") authorized the adoption of a new Articles of Incorporation for the Fort Apache Timber Company ("FATCO") that separates the business management of the enterprise from the political affairs and administrative actions of the Tribe; and

WHEREAS, by providing true separation, the Tribal Council is acknowledging that the best environment for FATCO to flourish in is one in which experts in timber and business management are allowed to operate the mill and are fully capable of making the critical decisions necessary to facilitate the reopening and reoperation of the lumber mill for the economic benefit of the Tribe and its members; and

WHEREAS, the Tribal Council further recognizes the consequences and negative financial impacts that result when politics and business are forced to co-exist in managing Tribal enterprises and is in consensus that a new approach is necessary for the viability of a profitable and successful FATCO enterprise; and

WHEREAS, in furtherance of the above principles and general policy direction of the 2012 Tribal Council, the Tribal Council has been asked by Planning Director Joe Waters to appoint a qualified Board of Directors to oversee the management of FATCO pursuant to the newly adopted Articles of Incorporation; and

WHEREAS, a list of candidates was previously vetted by the Planning Department, FATCO management, other relevant agencies and the Chairman's office and is presented as follows for Tribal Council approval:

**Mike Cooley
Larry Vicario
Tom Beck
Dorothy Tyler
Roscoe Pusher**

Alternate:
Rob Davis

WHEREAS, the Tribal Council finds it in the best interest of the Tribe to appoint a new FATCO board, operating under the recently adopted Articles of Incorporation and serving under the guidance of temporary operating by-laws that shall be considered by the Tribal leadership following the adoption of this Resolution.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that pursuant to the FATCO Articles of Incorporation adopted by *Resolution No. 05-2012-43*, it hereby appoints the following individuals to serve on the FATCO Board of Directors:

Mike Cooley
Larry Vicario
Tom Beck
Dorothy Tyler
Roscoe Pusher

Alternate:
Rob Davis

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the Board of directors shall be governed by the newly adopted Articles of Incorporation and shall adhere to the forthcoming adoption of temporary by-laws to facilitate the reinitiating of FATCO business operations until such time that a formal presentation is made by the new Board to the Tribal Council with recommended changes and a final draft presentation for Tribal Council adoption.

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 16, 2012 duly adopted by a vote of **EIGHT** 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), (f), (i), (k), (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).



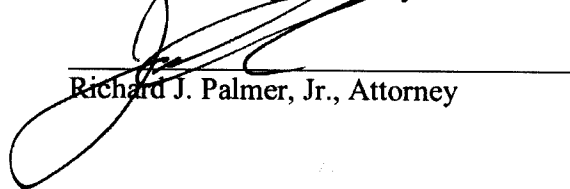
Ronnie Luge, Chairman

5-25-12
Date



Mariddie J. Craig, Secretary

05-23-2012
Date



Richard J. Palmer, Jr., Attorney

5/25/12
Date