



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 05-2012-47

(Contracting with Ochoco Lumber Company to Run FATCO Lumber Mill)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe ("Tribe") has reviewed and considered various proposals over the last year by potential third party business partners that could work with the Tribe to start-up the Fort Apache Timber Company ("FATCO") mill; and

WHEREAS, in line with recommendations provided by one of the prospects, the Ochoco Lumber Co. ("Ochoco"), the Tribal Council took action today to separate FATCO's business operations from the Tribe to assist future FATCO management by creating a foundation that allows business to operate efficiently and free from political interference in order to serve the enterprise and Tribe's best interest; and

WHEREAS, Ochoco, on this day, did present a proposal to the Tribal Council by which it would undertake the administrative responsibilities of FATCO, operating under the supervision of the newly appointed FATCO Board of Directors, and fully adhering to the Articles of Incorporation and By-laws adopted on behalf of the FATCO enterprise; and

WHEREAS, the Tribal Council is determined to follow through on its initiative to restore FATCO to its former glory and after much discussion and deliberation has decided that it is in the best interest of FATCO and the Tribe to authorize an agreement with Ochoco to manage the FATCO lumber mill, provided that it adheres to Tribal and Federal rules and regulations and operates under the direct supervision of the FATCO Board of Directors, Articles of Incorporations and By-Laws as adopted pursuant to Resolutions No. 05-2012-43, 44, and 45.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribe to enter into an agreement with Ochoco for the benefit of FATCO that will include authorizing Ochoco to provide management and oversight over the lumber mill, subject to final review by the Tribe's Legal Department.

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 **NINE** 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).



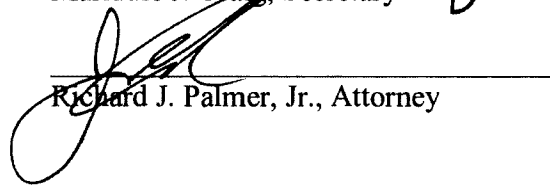
Ronnie Lupe, Chairman

5-29-12
Date



Mariddie J. Craig, Secretary

05-29-2012
Date



Richard J. Palmer, Jr., Attorney

5/30/12
Date