



# WHITE MOUNTAIN APACHE TRIBE

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

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## **Resolution No. 05-2012-47**

### **(Contracting with Ochoco Management Inc. and ATICA, Inc. 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 Management Inc. ("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 and ATICA, Inc., on this day, did present a proposal to the Tribal Council by which both would undertake the sales responsibilities with administrative management services as needed and the equipment repair and start-up responsibilities of FATCO, respectively, 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 and ATICA, Inc. 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 and ATICA, Inc. for the benefit of FATCO that will include authorizing Ochoco to provide sales management and oversight over the lumber mill, and ATICA, Inc. to provide equipment repair and start-up with ongoing mill operations and hiring, 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.

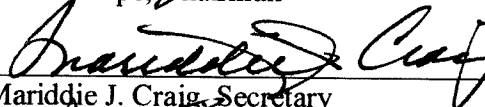
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect. This 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.

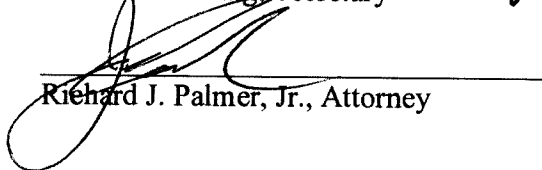
The foregoing resolution was on May 16, 2012 duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (f), (i), (k), (s), (t) and (u) of the Tribal Constitution, ratified by 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).

  
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Ronnie Lupe, Chairman

6-7-12  
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Date

  
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Mariddie J. Craig, Secretary

06-07-2012  
\_\_\_\_\_  
Date

  
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Richard J. Palmer, Jr., Attorney

6/7/12  
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Date