



# WHITE MOUNTAIN APACHE TRIBE

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

## Resolution No. 06-2012-74

### ( Authorizing Feasibility Study for Fry's Location in McNary )

**WHEREAS,** on this day, Tribal Planner Joe Waters did present to the Tribal Council of the White Mountain Apache Tribe ("Tribe"), a proposal to conduct a feasibility study on whether the Fry's Food and Drug Stores, Inc., ("Fry's") would be a viable business that could flourish on the Fort Apache Indian Reservation ("Reservation"); and

**WHEREAS,** having a business partner and merchant that demands high standards for its stores would help the Tribe meet its goal of enhancing economic development and service offerings to Tribal Members and White Mountain residents alike and could easily serve as a basis for continued economic growth along the prestigious real estate surrounding the Hon-Dah Casino and within close proximity to the Sunrise Ski Resort and cities of Pinetop, AZ and Springerville, AZ; and

**WHEREAS,** after considerable discussion concerning the benefits that Fry's could offer Tribal members and White Mountain residents, and with the Tribal Council recognizing the need for such a business to sell goods within the boundaries of the Reservation, but also to the entire white mountains region, the Tribal Council agrees that it would be in the best interest of the Tribe to authorize the Planning Department to conduct the feasibility study as proposed.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Planning Department, under the Direction of Joe Waters, to conduct feasibility study to determine whether a Fry's location on the Reservation is a viable economic business solution that will benefit the Tribe and the greater White Mountains region.


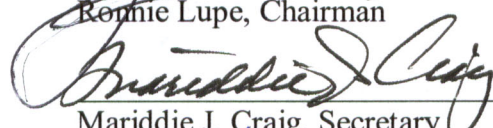
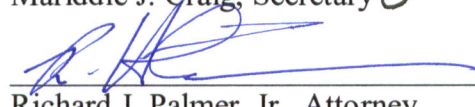
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Joe Waters and the Planning Department to reach out to Fry's Corporate officials to express the Tribe's sincere interest in having a Fry's location on the Reservation and working with such officials to ensure the success of the company for the benefit of all White Mountain Apache Tribal members and neighboring residents of the entire White Mountains area.

**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 June 1, 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), (i), (k), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe on 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	<u>6/20/12</u> _____ Date
 _____ Mariddie J. Craig, Secretary	<u>06/19/2012</u> _____ Date
 _____ Richard J. Palmer, Jr., Attorney	<u>6/19/2012</u> _____ Date