



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving a \$750,000.00 Allocation from the Tribe to the White Mountain Apache Community Development Corporation for Temporary use as a Revolving Fund for WMATCO Facility Upgrades Funded Through a \$3.3 million Economic Development Administration Grant)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(k) that the Tribal Council (“Council”) shall exercise the power, “To appropriate tribal funds for tribal purposes...”; and
- WHEREAS,** the White Mountain Apache Tribe established the White Mountain Apache Community Development Corporation (“CDC”) as an IRS approved non-profit corporation with the objective to promote economic development and job creation, among other things, and to raise and receive funds to carry out its mission; and
- WHEREAS,** The CDC is currently working in partnership with White Mountain Apache Timber Company (“WMATCO”) to identify and seek funding to address critical needs for sawmill equipment modernization; and
- WHEREAS,** As the qualifying entity, the CDC applied for and was awarded a \$3.3 million Economic Development Administration grant to purchase and install various upgrades for the WMATCO sawmill production line; and
- WHEREAS,** The EDA grant will be distributed to the CDC to acquire designated equipment on a reimbursement basis, whereby the CDC pays for the equipment from its own funds, enters into a written agreement with WMATCO for use of the equipment at the sawmill, and is reimbursed by the EDA from the grant award; and
- WHEREAS,** However, the CDC does not have the funds to pay for the equipment purchases prior to receipt of the EDA reimbursements; and
- WHEREAS,** To enable the CDC and WMATCO to utilize the EDA grant, the CDC and WMATCO request a distribution in the amount of \$750,000.00 from the Tribe to the CDC to be used by the CDC as a temporary revolving fund for equipment acquisition during the term of the grant administration; and

Resolution No. 01-2022-006

WHEREAS, After the Tribal Council gives its approval for the funding and its consent for the CDC to partner with WMATCO in compliance with the EDA grant terms and conditions, the CDC will submit its acceptance to the EDA of the grant award and its commitment to the grant conditions; and

WHEREAS, the Tribal Council finds that the use of the requested Tribal funds and the CDC's acceptance of the EDA grant award will bring critically needed improvements for the Tribe's commercial lumber business, and it commends the initiative and collaboration of the two Tribal programs, the CDC and WMATCO, to obtain resources that benefit the Tribal economy and workforce.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the disbursement of \$750,000.00 in Tribal funds to the CDC to be used by the CDC as a revolving fund for acquisitions under the EDA grant, as described above, with such funds to be returned to the Tribe after the completion of the grant drawdowns.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it endorses the collaboration and partnership between the CDC and WMATCO for the purposes related to the EDA grant and for development of other funding opportunities for WMATCO.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it confirms the CDC's authority to formally accept the EDA grant award and to be bound by the grant conditions, including the authority for lien rights in favor of the EDA in the equipment acquired under the grant, and the execution of documentation between the CDC and WMATCO to confirm the CDC's ownership of the equipment for purposes of grant compliance.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it confirms its understanding that additional Tribal Council assurances and stipulations may be requested from time to time during the term of the grant administration for purpose of grant compliance, with such requests to be considered by the Tribal Council at that time.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

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.

Resolution No. 01-2022-006

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on JANUARY 5, 2022 duly adopted by a vote of NINE for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Gwendena Lee-Gatewood *1.6.22* *Doreen T. Numkena* *1-6-2022*
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date