



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing WMATCO/CDC Security Agreement Enforcement for EDA Grant)

WHEREAS, Pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe (“Tribe”), *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, Representatives from WMATCO and the Community Development Corporation have collaborated to apply for and obtain a grant award from the federal Economic Development Administration (“EDA”) in the amount of \$3.3 million to purchase equipment for WMATCO’s sawmill modernization; and

WHEREAS, The EDA requires that the proceeds of the grant award be secured by a security agreement and related documentation to secure EDA’s interest in the equipment and to ensure WMATCO’s and the CDC’s faithful performance of the grant conditions; and

WHEREAS, The security agreement authorizes the filing of a financing statement with the Arizona Secretary of State to perfect a lien on equipment that is obtained with the grant funding and to allow for the repossession of the equipment in the event of a material default by WMATCO or the CDC; and

WHEREAS, The waiver is requested because the EDA requires the right of immediate enforcement in the event of default; and

WHEREAS, The Tribal Council has reviewed the request and gives its authorization, as provided herein is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the execution and filing of security agreement documents with the Arizona secretary of State to cover the equipment obtained through and under the terms of the EDA grant for the sawmill upgrades.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it acknowledges the right of the EDA to enforce the remedies under the security agreement in the event of a breach or default, and for that purpose, the Council authorizes the waiver of the Tribe’s Business Code, Section 6.6, concerning the requirement for written consent or court order at the time of repossession, pursuant to the exemption authorized under the Business Code, Section 6.6.I.1.


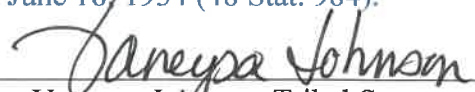
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution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

Resolution No. 08-2023-194

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 the Chairman, or in his 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 AUGUST 02, 2023 duly adopted by a vote of SEVEN for, ZERO against, and FOUR 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 8.7.2023  8/8/2023
Kasey Velasquez, Chairman Date Vaneysa Johnson, Tribal Secretary Date