

**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

**DECLARING, FOR THE PURPOSES OF SECTION 1.150-2 OF
THE FEDERAL TREASURY REGULATIONS, OFFICIAL
INTENT TO BE REIMBURSED IN CONNECTION WITH
CERTAIN CAPITAL EXPENDITURES.**

- WHEREAS, the White Mountain Apache Tribe of the Fort Apache Indian Reservation, Arizona (the "Tribe") is an Indian tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of 1934, as amended (the "Act"); and
- WHEREAS, pursuant to the Constitution of the Tribe (the "Constitution") the governing body of the Tribe is the White Mountain Apache Tribal Council (the "Council"); and
- WHEREAS, the Council, pursuant to the Constitution, is authorized, for and on behalf of the Tribe, to negotiate, make and perform contracts and agreements of every description and to manage all economic affairs and enterprises of the Tribe; and
- WHEREAS, the Council, pursuant to the Constitution, is authorized and empowered pursuant to issues or cause to be issued obligations to finance the costs of various capital facilities owned or to be owned by the Tribe; and
- WHEREAS, it is contemplated that certain expenditures made by the Tribe with regard to capital facilities owned or to be owned by the Tribe will be reimbursed from the proceeds of the sale of obligations to be issued in the future by or on behalf of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe, that:

Section 1. Definitions The following terms shall have the meanings assigned thereto as follows.

"Official intent" means a declaration of intent of the Tribe to reimburse an original expenditure with proceeds of an obligation.

"Original expenditure" means an expenditure for a governmental purpose that is originally paid from a source other than a reimbursement bond.

"Reimbursement bond" means the portion of an issue of obligations allocated to reimburse an original expenditure that was paid before the issue date of such issue.

Section 2. Official Intent. This Resolution is official intent relating to reimbursement for the original expenditures indicated in Exhibit A attached hereto

and incorporated by reference herein, which are capital expenditures [being any cost of a type that is properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles].

Section 3. Project Description. The project for which such original expenditures are to be paid is for the replacement of Chairlift #1 at Sunrise Ski Park, removal, repair, installation of Chairlift #8 and Pony Chair; purchase of four (4) Piston Bully PB300 Snow Cat Groomers, snowmaking equipment and installation, and snowmaking reservoir improvements and the maximum principal amount of obligations (including the reimbursement bonds for such purposes) to be issued for such project is \$5,018,053.00.

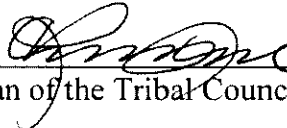
Section 4. Reasonableness of Official Intent. On the date of this Resolution, the Tribe has a reasonable expectation (being that a prudent person in the same circumstances as the Tribe would have based on all the objective facts and circumstances) that it will reimburse such original expenditures with proceeds of such obligations. (Official intents have not been declared by the Tribe as a matter of course or in amounts substantially in excess of the amounts expected to be necessary for such project. Moreover, the Tribe does not have a pattern (other than in extraordinary circumstances) of failure to reimburse actual original expenditures covered by official intents).

Section 5. Public Record. This Resolution shall be included as of the date hereof in the publicly available official records of the Tribe, such records being maintained and supervised by the Secretary of the Tribal Council, being the main administrative office of the Tribe, and shall remain available for public inspection on a reasonable basis.

The foregoing resolution was on May 16, 1997 duly adopted by a vote of six for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (h), (i), (j), (l), (s), (t) and (u) of the Constitution of the Tribe, 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).

RECEIVED

WHITE MOUNTAIN APACHE INDIAN AGENCY
WHITERIVER, ARIZONA


Chairman of the Tribal Council


Secretary of the Tribal Council

EXHIBIT A

| Description of Original Expenditures | | Estimated Amount of Expenditures | Estimated Dates of Original Expenditures |
|---|---------------|--|--|
| Doppelmayr Ski Lift #348/D Quad for Lift No. 1 to replace 27 year old lift | | \$2,890,000.00 | Spring of 1997 through Summer of 1998 |
| Chairlift # 8: | Equipment: | \$ 210,000.00 | Spring of 1997 through Summer of 1998 |
| | Installation | <u>\$ 257,175.00</u> | |
| | | \$ 467,525.00 | |
| Pony Chairlift: | Equipment | \$ 115,750.00 | Spring of 1997 through Summer of 1998 |
| | Installation | <u>\$ 80,325.00</u> | |
| | | \$ 196,075.00 | |
| Four (4) Piston Bully PB 300 Snowcat Groomers at \$181,500 per cat | | \$ 726,000.00 | Spring of 1997 through Summer of 1998 |
| Snowmaking | Equipment: | \$ 491,453.00 | Spring of 1997 through Summer of 1998 |
| | Installation: | <u>\$ 177,000.00</u> | |
| | | \$ 688,453.00 | |
| Snowmaking Reservoir Improvements | | \$ 50,000.00 | Spring of 1997 through Summer of 1998 |
| TOTAL: | | <u>\$5,018,053.00</u> | |