

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

WHEREAS, the Tribal Council on June 5, 2002 in Resolution No. 06-2002-114 approved the purchase of fifteen Dodge Intrepid police vehicles for the Tribal Police Department; and

WHEREAS, the resolution authorized a three year financing at a rate not to exceed 8.5%, with a total cost of purchase and financing not to exceed \$339,734.25; and

WHEREAS, the Tribe has been able to obtain tax exempt financing through Wells Fargo Bank Fleet Service Division at a rate of prime, less 1.25% for a term of not more than 50 months; and

WHEREAS, the total cost of the purchase and financing for these vehicles would amount to \$281,488.00; and

WHEREAS, the proposed agreement with Wells Fargo Bank would incorporate the same terms utilized between the Tribe and the bank for dispute resolution in other transactions, including the Tribe's line of credit agreement, most recently amended on February 8, 2002; and

WHEREAS, the agreement incorporates a limited waiver of the Tribe's sovereign immunity for enforcement of the agreement following a mandatory arbitration process; and

WHEREAS, the enforcement provisions would allow for enforcement in Tribal court only with the use of a visiting Tribal court judge appointed from Arizona Superior Court; and

WHEREAS, the provisions would also allow for federal court review following appeal through the Tribal court process for the limited purpose of due process review, should it be requested by the parties and jurisdiction found by the federal court; and

WHEREAS, the Tribal Council finds that these terms and revised financing parameters, which constitute a savings of \$58,246.00 to the Tribe from the prior proposal are in the best interest of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the lease financing transaction between the Tribe and Wells Fargo Fleet Services.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it approves the enforcement provisions within the transaction document, including the limited waiver of the Tribe's sovereign immunity for enforcement for such agreement in the Tribal court, as set forth in the attached limited waiver.

Resolution No. 07-2002-148

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby delegates authority to the Chairman, or in his absence the Vice-Chairman to execute the documents necessary to carry out the intent of this resolution.

The foregoing resolution was on July 10, 2002 duly adopted by a vote of FOUR for, THREE against, and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (h), (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).

RESOLVED, THAT THE TRIBAL COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE DO hereby delegate authority to the Chairman, or in his absence the Vice-Chairman to execute the documents necessary to carry out the intent of this resolution.

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Chairman of the Tribal Council



Secretary of the Tribal Council