

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

- WHEREAS**, the Public Works Department has identified several construction projects which will require large contracts for concrete and ABC materials; and
- WHEREAS**, the Public Works staff took council members on a tour to demonstrate the condition of some of the equipment that would be needed for those projects; and
- WHEREAS**, it has been determined that it would be more cost effective for the Public Works Department to purchase a portable crusher and feeder and refinance a cat wheel loader for those projects; and
- WHEREAS**, Public Works has received a proposal from Wells Fargo to finance both pieces of equipment for a term of 36 months; and
- WHEREAS**, the lease payments for the crusher would amount to \$5,794.69 per month for a total of \$186,800.00; and
- WHEREAS**, the monthly lease payments for the cat wheel loader would amount to \$4,862.77 per month for a total cost of \$156,758.10; and
- WHEREAS**, the legal terms require that the Tribe submit to binding Arbitration and authorize a limited waiver of its sovereign immunity for actions brought in the White Mountain Apache Tribal Court, for due process review in the U.S. District Court for the District of Arizona and for service of process for such actions; and
- WHEREAS**, the Tribal Council is asked to give approval to commit to a lease purchase proposal and undertake final negotiations.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Public Works Department to purchase the portable jaw crusher - vibrating feeder, and the 972G cat wheel loader through a lease finance transaction, for a term not to exceed 36 months.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a limited waiver of its sovereign immunity to submit to an action brought pursuant to Master lease 100004 with Wells Fargo, within the Courts of the White Mountain Apache Tribe and for service of process under this lease, and due process review in the U.S. District Court for the District of Arizona.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby delegates authority to the Tribal Chairman, and in his absence the Vice-Chairman or other duly authorized representative, to sign any documents necessary to carry out the intent of this resolution.

The foregoing resolution was on AUGUST 21, 2002 duly adopted by a vote of FOUR for and ZERO 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 (u), (b), (g), (h), (i), (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).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council