

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

WHEREAS, the White Mountain Apache Tribe currently has a PL-638 Contract with the BIA to implement approximately \$4,300,000 dollars (\$1.3 million remaining under contract, \$3.0 million under negotiation for amendment to contract) of stabilization & rehabilitation work on the Rodeo- Chediski Fire, and is in the process on contracting an additional \$1 million dollars of stabilization and rehabilitation work on the Kinishba Fire; and

WHEREAS, there is a need for vehicles to provide transportation to complete the tasks required by the contract and by the BAER implementation plans; and

WHEREAS, the funds for transportation have been provided by the BAER program require rental or lease arrangements; and

WHEREAS, Fuller Ford of Show Low offers a Municipal Lease program that the tribe qualifies for, which allows the tribe to make lease payments using BAER funding for three years, and then purchase the vehicle with a \$1.00 buyout which would allow the tribe clear ownership of the vehicle without having to return property valued over \$5,000 to the Agency at the end of the project; and

WHEREAS, several tribal departments working on BAER will be able to acquire the following vehicles for the following programs

Tribal Forestry (BAER Office):

4 Ford Rangers Extended Cab 4WD	Reforestation
1 F-250 Regular Cab 4WD	Log Erosion Barriers
1 F-250 Crew Cab 4WD	Log Erosion Barriers
1 F-250 Super Cab 4WD	Reforestation
1 Ford Expedition 4WD	Implementation

Watershed:

1 F250 Crew Cab 4WD	Wetland Treatments
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Hydrology:

1 Ford Focus	Early Flood Stream Gauge
1 F150 4WD	Soil Stabilization Treatment

Wildlife & Outdoor Recreation Department:

2 F150 Super Cab 4WD	Law Enforcement
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Land Operations:

1 F250 Reg. Cab 4WD	Feral Horse removal
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; and

Resolution No. 05-2004-106

WHEREAS, the total cost of the leasing for these vehicles would amount to approximately \$294,807.21 with an annual payment of approximately \$103,005.64 which will be paid out of the federal 638 BAER grant; and

WHEREAS, the agreement incorporates a limited waiver of the tribe's sovereign immunity for enforcement of the agreement following the 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 the due process review, should it be requested by the parties and jurisdiction found by the federal court.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves applying for leasing these vehicles through the Ford Motor Company's municipal leasing program.

The foregoing resolution was on MAY 20, 2004 duly adopted by a vote of FIVE for and FOUR against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (j), (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