



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

(Approval of Authority to Apply for the FY 2006 HUD Indian Community Development Block Grant and Other Grants and Loans to construct the Tribe's Detention Center Expansion Project)

- WHEREAS**, a substantial number of members of the Tribe require to be held in a Tribal Detention facility on the Fort Apache Indian Reservation; and
- WHEREAS**, the Tribe's current facility was originally built by the Bureau of Indian Affairs (BIA) on or about 1967, with an addition for juveniles built in 1988; and
- WHEREAS**, by BIA-LES Special Order 04-003, of April 29, 2004, the BIA closed the Tribe's juvenile section of the facility, without providing alternative placement; and
- WHEREAS**, on average, the Tribe's current facility runs over its legal capacity; and
- WHEREAS**, the Tribe requires a facility to hold up to 200 detainees; and
- WHEREAS**, the Tribal Council has found that it is in the best interests of inmates to construct a new Adult and Juvenile Detention Facility to better meet the detention needs of the Tribe; and
- WHEREAS**, the expansion of the new detention center will provide the Tribe's Department of Corrections with approximately 40 additional detention beds; and
- WHEREAS**, the Tribal Council understands that sufficient funds are available through the Indian Community Development Block Grant (ICDBG) of the United States Department of Housing and Urban Development (HUD) to fund the construction of the expansion of the detention center, according to the application as attached and incorporated by this reference; and
- WHEREAS**, the Tribe, with the assistance of its architect, Merry Carnell & Schlect, has developed a preliminary project design and cost-analysis and an effective Maintenance and Operation plan to support the Tribe's ICDBG application; and
- WHEREAS**, the Tribe has sufficient policies and procedures for procurement, financial management and internal controls that meet the standards, guidelines and regulations set forth under Code of Federal Regulation ("CFR") 24 part 85 and part 1003; and
- WHEREAS**, the ICDBG does require compliance with 25 CFR part 135, Economic Opportunities for Low and Very Low Income Persons, and the Indian Preference requirements listed in Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 4503(b)); and

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WHEREAS, the Tribe has developed a budget, as attached and incorporated by this reference, which projects a total cost of \$3,877,235 of which \$2,750,000 will be provided by the HUD ICDBG and at least \$1,127,235 will be provided in-kind by the Tribe, including at least \$385,000 in donated land and waived tribal fees of \$233,830; and

WHEREAS, the Tribal Council understands that the Tribe must provide up to \$100,000 a year to maintain and operate the expansion of the detention center included in the grant application, and it is the Tribe's further understanding that the BIA will cover this cost under its P.L. 93-638 with the Tribe; and

WHEREAS, the Tribe will provide the necessary resources to operate the expanded detention facility; and

WHEREAS, the Tribe has identified and reserved an approximately 20.0 acre parcel near the Tribal Fair Grounds in Whiteriver which is suitable for the proposed project; and

WHEREAS, the Tribe elects to submit demographic data that are unpublished and not generally available in order to meet the requirements of the application process; and

WHEREAS, the Tribe through published procedures will ensure that the proposed buildings shall be used to provide essential health, public safety, education and community services to help meet the needs of the community; and

WHEREAS, the Tribal Council certifies that there has been numerous public meetings concerning the development of needed detention facilities as contained in this grant application.

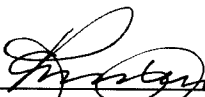
NOW THEREFORE BE IT RESOLVED by the White Mountain Apache Tribal Council that:

1. The Tribe's Community Development Department is hereby authorized to apply for funds available through the Indian Community Development Block Grant Program of the United States Department of Housing and Urban Development to fund the expansion of the Tribe's new detention center.
2. The proposed budget, as attached and incorporated by this reference, is hereby approved for \$3,877,235 for the purposes of the grant application described herein, of which \$2,750,000 will be provided by the HUD ICDBG and at least \$1,127,235 will be provided in-kind by the Tribe, including at least \$385,000 in donated land and waived fees of \$233,830 and in Tribal fees and cash.
3. The Tribe will provide up to \$100,000 to maintain and to operate the proposed expansion of the detention center through its P.L. 93-638 contract with the BIA Office of Law Enforcement Services.

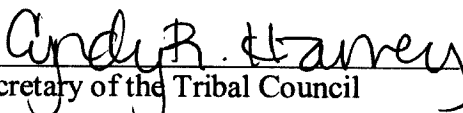
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4. The DCEP is authorized to expend any grant funds received from HUD ICDBG, according to the budget as approved, and subject to the terms and conditions of the grant.
5. The Tribal Council has previously approved a 20 acre site for the DCEP near the Tribal Fairgrounds in Whiteriver, subject to approval of the ICDBG assistance and favorable outcome of an Environmental Review required under the Code of Federal Regulations 24, Part 58.
6. The Tribe will comply with 25 CFR part 135, Economic Opportunities for Low and Very Low Income Persons, and the Indian Preference requirements listed in Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 4503(b)), as well as applicable guidelines and regulations under 24 CFR part 85 and 1003; and
7. The Community Development has established Building Maintenance and Operations Plan and Procurement Policy that satisfies the requirements of the ICDBG application are hereby approved.
8. The Tribe elects to submit demographic data that are unpublished and not generally available in order to meet the requirements of the ICDBG application process.
9. As part of the proposed DCEP, the Tribal Council hereby certifies that:
 - A. the Tribe will work with the Bureau of Indian Affairs and the Indian Health Services to ensure that the DCEP will comply with all applicable Federal, State and Tribal regulations and standards; and
 - B. the Tribe has sufficient policies and procedures for the procurement, financial management and internal controls according to the applicable guidelines and regulations set forth under Code of Federal Regulation 24, part 85 and part 1003; and
 - C. there have been numerous public meetings concerning the construction of Detention center, Tribal Council and each Tribal Community strongly support the development of the DCEP as contained in this grant application.

The foregoing resolution was on May 18, 2006, duly adopted by a vote of 6 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (c), (h), (i), (j), (k), (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).




Chairman of the Tribal Council



Secretary of the Tribal Council


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Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 05-2006-172 dated the 18th day of May 2006.




Ronnie Lupe
Tribal Chairman
WHITE MOUNTAIN APACHE TRIBE

Margaret Baha-Walker
Vice Chairwoman
WHITE MOUNTAIN APACHE TRIBE

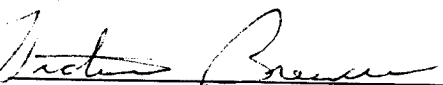


Arnold Beach, Sr.
District I Council Member
WHITE MOUNTAIN APACHE TRIBE

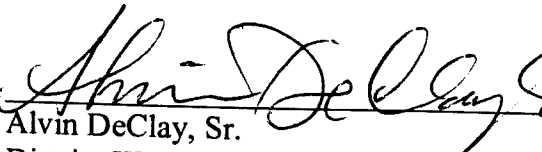
Evangeline Gatewood
District I Council Member
WHITE MOUNTAIN APACHE TRIBE



Lufe Altaha
District II Council Member
WHITE MOUNTAIN APACHE TRIBE



Victoria Brewer
District II Council Member
WHITE MOUNTAIN APACHE TRIBE

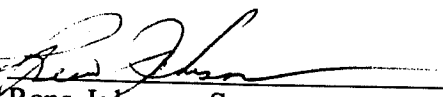


Alvin DeClay, Sr.
District III Council Member
WHITE MOUNTAIN APACHE TRIBE

Kirk Massey, Sr.
District III Council Member
WHITE MOUNTAIN APACHE TRIBE

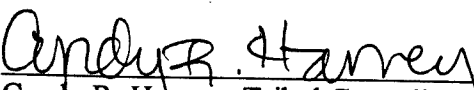
Noland Clay
District IV Council Member
WHITE MOUNTAIN APACHE TRIBE

Wayne Colelay, Jr.
District IV Council Member
WHITE MOUNTAIN APACHE TRIBE



Reno Johnson, Sr.
District IV Council Member
WHITE MOUNTAIN APACHE TRIBE

ATTEST:



Cyndy R. Harvey, Tribal Council Secretary
WHITE MOUNTAIN APACHE TRIBE

BUDGET AND COST ESTIMATES

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The following budgets include both the Indian Community Block Grant Construction Budget and the Tribal In-Kind Budgets for the buildings and parking lots included in this proposal.

BUDGET NARRATIVE
BUDGET AND COST ESTIMATES

DETENTION CENTER EXPANSION PROJECT

The following budgets include both the Indian Community Block Grant Construction Budget and the Tribal In-Kind Budgets for the buildings and parking lots included in this proposal.

BUDGET NARRATIVE

Project construction and contingencies ICDBG:

Construction costs:

1.	Detention Center Expansion Project	\$2,677,700.00
2.	Public Works, equipment and materials	100,000.00
3.	TERO fees @ 1.5%	36,300.00
4.	Administration Costs	40,000.00
5.	Architectural Services	240,000.00
	Total Estimated Project Cost	\$2,854,000.00

A. The White Mountain Apache Tribe will provide or wave the following services and expenses in order to construct, renovate or move the four buildings included in this proposal.

TRIBAL IN-KIND CONTRIBUTIONS Non-ICDBG Share

Administration

1.	Planning Grants and Contracts Manager at \$62,000 a year, 1 year @100%, year 2 @ 40%, years 10.0%	\$93,000.00
2.	Office Manager/Administration Assistant @\$39,000 a Year, 1 year @100%, year 2 @ 50%	58,500.00
3.	Grant Writer and Procurement Officer @ \$40,000 a Year, 1 year @100%, year 2 @ 50%	60,000.00
4.	Building Inspector/Project Manager @ \$40,000.00 for 1 year	40,000.00
5.	Office Staff ½ FTE @ 20,000 year, 1 year @100%, year 2 @ 50%	30,000.00
6.	Planning Director, Facility Manager and Environmental Engineer/Planner Oversight and staff @ 10% of their time	
7.	@ \$12,000 a month for 3 years, 1 year @100%, year 2 @ 50%	18,000.00
8.	Shiwoye Bigowa Staff Oversight @ \$30,000 year, 1 year @100%, year 2 @ 50%	45,000.00
	Subtotal	344,500.00
9.	Benefits for Tribal Employees @29%	99,905.00

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10.	Total Cost of Labor	444,405.00
	Other Administrative Expenses	
11.	Audit fees	20,000.00
12.	Office and Supplies @ \$1,000.00 a month for 3 years, 1 year @100%, year 2 @ 50%	18,000.00
13.	Mileage and Travel Expenses @ \$2,000.00 a month for 3 years, 1 year @100%, year 2 @ 50%	
	3 years (Three employees will require	

mileage reimbursement) @50.0% 36,000.00
 Total Administrative In-Kind Contribution \$518,405.00

Non-Administrative In-Kind Contribution

1.	Environmental Review		\$20,000.00
2.	Architectural Schematic Design	30,000.00	
3.	Tribal building permits 2 @ \$2,000.00 ea.		4,000.00
4.	Tribal TERO Fee (waived) 3.5% of \$2,423,700		84,830.00
5.	Tribe Wiring buildings for voice and data lines and install computer systems		25,000.00
6.	Public Works: Equipment and materials for roads and construction		100,000.00
7.	Land and building Values (See Appendix 26)		
	Land for Buildings and Parking Lots (minimum)	<u>385,000.00</u>	
	Total value of sites, materials and services		<u>\$648,830.00</u>
	Sub-total		\$1,167,235.00
	Less Grant Administration Expense		<u>40,000.00</u>
	Total		\$1,127,235.00

Tribal In-Kind Contribution **\$1,127,235.00**
ICDBG **\$2,750,000.00**
 Value of the Project \$3,877,235.00

\$1,127,235 Non-ICDBG contribution to the construction of the two building in this Grant Proposal is 29.1 of the total project cost of \$3,877,235.00

See APPENDIX 4A Tribal Council Resolution approving the Tribe's contribution of Land and resources as in-kind contribution.

See Appendix 26 Land Appraisal of the site for the proposed Detention Center Expansion Project.

The Tribal Council has committed by resolution to provide sufficient funds to maintain, operate the proposed facilities and to care for all residences who are accepted in the facilities and 20.0 of land and buildings that will be used for the propose of this grant. To demonstrate the Tribe's commitment to this project the Tribal Council approved by resolution to be subject to the approval of the ICDBG assistance and favorable outcome of any environmental review required under 24 CFR part 58 for this project.