



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

**(Establishing Policy and Procedure for Energy Benefit Account Funds)**

**WHEREAS**, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

**WHEREAS**, in 2002, the White Mountain Apache Tribe received an allocation of hydroelectric power from the Colorado River Storage Project (CRSP), federally-managed hydroelectric facilities in the Upper Colorado River Basin, from which the Tribe received approximately 6 Megawatts of electricity as its annual allocation through a remarketing process of an allocation that is assured for twenty years from October 1, 2004, the date it was first made available, and is priced at a level significantly below current retail electric rates; and

**WHEREAS**, the Tribe could not receive its allocation directly for use on the Reservation due to the lack of its own operating electric utility; and

**WHEREAS**, the Tribe ultimately chose to partner with the Ak-Chin Indian Community's operating utility, Ak-Chin Energy Services, to manage the Tribe's allocation for the Community and in exchange credits the Tribe in the form of a monthly payment; and

**WHEREAS**, since 2005, the Tribe has received approximately \$1.3 million in funds, which have been deposited into an Energy Benefit Account ("EBA") held with the Wells Fargo Bank in the form of a checking account; and

**WHEREAS**, there are no legal restrictions by resolution or pursuant to statute limiting the use of funds in the EBA; and

**WHEREAS**, the Tribe's Treasurer has this day informed the Tribal Council that there exist certain cash flow requirements over and above the protections afforded through the Wells Fargo Bank's line of credit; and

**WHEREAS**, pursuant to Resolution No. 09-2007-358, the Tribal Council had previously authorized use of the EBA to supplement the line of credit; and

**WHEREAS**, the Tribe's Treasurer recommends that:

- (1) As a matter of policy, the EBA should be made available to satisfy the Tribe's cash flow requirements, as may be required from time-time when funds are not available through the Wells Fargo Bank line of credit;
- (2) The procedure for utilizing EBA funds shall be as follows:

**Resolution No. 12-2007-532**

- a. At such time as funds are not available through the Wells Fargo Bank line of credit, the Treasurer and Chief Financial Officer shall advise the Tribal Council in writing.
- b. The Chief Financial Officer shall identify high priority accounts payable for payment.
- c. High priority accounts payable shall be those bills for goods and services which are required by legal obligation, such as by contract.
- d. The Treasurer shall transfer sufficient funds from the EBA to the General Fund Checking Account and earmark said funds for the purposes of high priority accounts payables.
- e. The funds remaining in the EBA shall continue to be invested into an account of the same name with Wells Fargo Bank pursuant to the Investment Policies and Procedures.
- f. Funds drawn down from the EBA should be replenished at such time as additional funds may be made available, but no longer than in ten months; and

**WHEREAS**, the Tribal Council finds that the policy and procedure herein requested should be undertaken, as such transfer is in the best interest of the Tribe and its cash flow requirements.

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

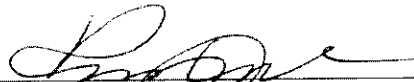
1. It shall be the policy of the White Mountain Apache Tribe that funds in the EBA shall be made available to supplement cash flow requirements as may required from time-to-time in the event that funds available in the Tribe's line of credit are insufficient for accounts payable.
2. The procedure for utilizing EBA funds shall be as follows:
  - a. At such time as funds are not available through the Wells Fargo Bank line of credit, the Treasurer and Chief Financial Officer shall advise the Tribal Council in writing of the insufficiency and the need to transfer funds from the EBA.
  - b. The Chief Financial Officer shall identify high priority accounts payable for payment.
  - c. High priority accounts payable shall be those bills for goods and services which are required by legal obligation, such as by contract.
  - d. Upon request of the CFO and after written notice has been sent to the Tribal Council, the Treasurer shall transfer funds from the EBA to the General Fund Checking Account and earmark said funds for the purposes of high priority accounts payables.
  - e. The funds remaining in the EBA shall continue to be invested into an account of the same name with Wells Fargo Bank pursuant to the Investment Policies and Procedures.
  - f. Funds drawn down from the EBA should be replenished at such time as additional funds may be made available, but no longer than in ten months.

**Resolution No. 12-2007-532**

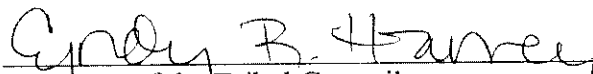
3. The Tribe's Financial Policies and Procedures shall be amended to include use of the EBA for the purposes described herein. The Treasurer and CFO are hereby directed to effect said amendment.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on December 20, 2007, duly adopted by a vote of TEN for and ZERO 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), (h), (j), (k), (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