



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

(Appointing Commissioners to the White Mountain Apache Tax Commission, Re-Affirming Business Activity Tax, Waiving Transaction Surcharge as Applied to Subsidiary Enterprises of the Tribe and Diverting the Surcharge Toward Capital Development Planning)

- 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**, the purpose of the laying and collecting of taxes is to provide revenue to the government of the White Mountain Apache Tribe to provide programs and services to enrolled members as may be required; and
- WHEREAS**, pursuant to Ordinance 159, enacted April 27, 1988, the Tribal Council adopted the White Mountain Apache Tax Code, which established the tax laws of the White Mountain Apache Tribe; and
- WHEREAS**, pursuant to Chapter Two of the Tax Code, the White Mountain Apache Tax Commission has certain powers and under Section 2.5 the Commission shall be comprised of three commissioners, at least two of whom must be Apaches residing within the Fort Apache Indian Reservation; and
- WHEREAS**, pursuant to Section 2.6 of the Tax Code, the Chairman of the Tribal Council has this day nominated Victor Velasquez, Jerry Gloshey, Jr. and Milfred Cosen to serve as members of the White Mountain Apache Tax Commission; and
- WHEREAS**, Chapter Eleven of the Tax Code allows for the imposition of a Business Activity Tax on the gross receipts of business within the Reservation, which was set at three percent; and
- WHEREAS**, the Tribe currently operates subsidiary economic development enterprises, which fall within the definition of businesses as set forth under the Tax Code; and
- WHEREAS**, a chart of proposed BAT rates on enterprises shows a projected revenue of up to \$1.9 million for a rate of three percent, as attached and incorporated by this reference; and
- WHEREAS**, the Tribe currently collects a transaction surcharge of three percent from the gross sales revenues of subsidiary economic development enterprises of the White Mountain Apache Tribe, but according to the Tribe's Enterprise Director this surcharge currently prevents the enterprises from investing in capital development necessary to increase sales volume; and
- WHEREAS**, the Tribal Council finds that the nominations to the Tax Commission of the individuals referenced herein to be in the best interest of the Tribe and the implementation of fair and appropriate regulations; and
- WHEREAS**, the Tribal Council further finds that the tax rate of three percent should be reviewed by the Tax Commission to determine whether the rate sufficiently meets the needs of the Tribe's government operations; and

Resolution No. 12-2007-534

WHEREAS, the Tribal Council further finds that in re-affirming the Business Activity Tax, the necessity for collection of the transaction surcharge from the gross sales revenues of the enterprises is unnecessary, and that the enterprises should instead retain three percent of gross sales revenue for the purposes of capital development planning and expanding sales volumes.

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

1. Victor Velasquez, Jerry Gloschay, Jr. and Milfred Cosen are hereby confirmed and appointed to serve as members of the White Mountain Apache Tax Commission.
2. The Business Activity Tax rate of three percent is hereby reaffirmed and shall be collected effective January 1, 2008, from all businesses within the exterior boundaries of the Fort Apache Indian Reservation, and said businesses shall include subsidiary economic development enterprises of the White Mountain Apache Tribe.
3. The transaction surcharge of three percent as applied against the gross sales revenues of subsidiary economic development enterprises of the White Mountain Apache Tribe is hereby waived and shall no longer apply. The enterprises are hereby directed to retain three percent of their annual budget for purposes of capital development and increasing sales volume.
4. The Tax Commission is hereby directed to provide notice of the taxes imposed by the White Mountain Apache Tax Code.
5. The Tax Commission is hereby further directed to study and evaluate whether the existing Business Activity Tax rate is sufficient to meet the needs of the Tribe's government operations.
6. The Controller is hereby directed to issue tax bills on behalf of the Tax Commission, and to establish accounts for said purpose.

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), (i), (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