



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

(Approving contracting of the AZ2007-1-BIA, Emergency Repairs through PL 93-638, funded under "SAFETEA_LU" Federal Lands Highway Division (FLHD), Emergency Relief for Federally Owned Roads and Bridge (ERFO) program.)

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, Congress authorized funds for Federal-aid highways, highway safety programs, and emergency relief programs and for other purposes under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or "SAFETEA_LU" January 5, 2005 wherein the Indian Reservation Roads (IRR) Program would be administered under both the Federal Lands Highway Administration and the Bureau of Indian Affairs pursuant to Final Rules established in 25 USC Part 170 for Indian Tribes; and

WHEREAS, Section 170.921(2) of 25 CFR Part 170 (effective 10/1/04) (hereinafter Rule) describes the Emergency Relief for Federally Owned Roads (ERFO) Program, which provides disaster assistance for Federal roads, including Indian Reservation Roads, that have been damaged due to natural disasters (floods, hurricanes, tornadoes, *etc.*): and

WHEREAS, Section 170.926 describes that a tribe can administer approved ERFO repairs under a self-determination contract or a self-governance agreement; and

WHEREAS, ERFO Project AZ2007-1-BIA, emergency repairs in the amount of \$ 980,485 for Fort Apache Indian Reservation is approved for funding under the FLHD, ERFO Program, which can assist to supplement two Tribal Programs (Public Works and Fort Apache Timber Company), to make these immediate and necessary identified repairs throughout the various locations on the Fort Apache Indian Reservation; and

WHEREAS, also assisting the BIA Ft Apache Agency, Road Maintenance Program to continue to focus on routine maintenance as the lack of program resource does not allow for sufficient staffing for to make these critical repairs including daily routine maintenance.

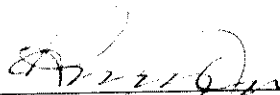
WHEREAS, the Tribal Council finds that it is in the best interest of the Tribe to contract with the federal government through PL 93-638 to make these necessary repairs utilizing the approved Emergency Relief for Federally Owned Roads (ERFO) funding.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves a P.L. 93-638 contract in the amount of \$ 980,485 and the subsequent contract award by and between the White Mountain Apache Tribe and the federal government to make the necessary repairs identified herein utilizing the approved Emergency Relief for Federally Owned Roads (ERFO) funding.

Resolution No. 10-2008-236

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 document necessary to effectuate the intent of this Resolution.

The foregoing resolution was on October 8, 2008 duly adopted by a vote of EIGHT 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), (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