



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

**(Authorizing Legal Department to Settle Contract Dispute with Cellular One)**

**WHEREAS,** the White Mountain Apache Tribe ("Tribe") and Cellular One have been business partners for over ten years and as a result the Tribe is able to offer its Tribal members mobile phone coverage and other services utilizing the various telecommunications towers located throughout the Reservation; and

**WHEREAS,** for over five years, Cellular One has failed to submit full payment pursuant to their lease agreement that authorizes the Company to place equipment on Tribal fixtures and although numerous Tribal Attorneys and outside counsel have attempted to settle with Cellular One on this issue in the past, Cellular One has asked the Tribe to understand that it had changes in management and business strategies over the last decade that made it difficult for them to settle their debt owed the Tribe; and

**WHEREAS,** Cellular One contends that due to changes in technology, it is impractical and even impossible to calculate the data needed to determine the exact amount owed the Tribe by Cellular One and for this reason, the Legal Department has attempted to come to an agreement with Cellular One to settle the contract dispute in question and move forward with a new master lease that will take newer technology and changes in telecommunication into consideration; and

**WHEREAS,** Councilman Clinton Kessay urged the Tribal Council to make District II a priority with respect to future equipment and tower upgrades and that any funds that are acquired as a result of this settlement should be placed in a separate account to be earmarked at a later date; and

**WHEREAS,** the Tribal Council, therefore, finds it in the best interest of the Tribe to authorize the Legal Department to conduct a final settlement with Cellular One so that the Tribe may receive all money it is due under contract.

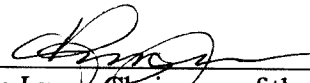
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the Legal Department to finalize the settlement with Cellular One, with all incoming funds placed in a segregated account for a purpose to be determined at a later date, and that the Tribal Council should make District II a priority when discussing any further additions to telecommunications towers on the Fort Apache Indian Reservation.

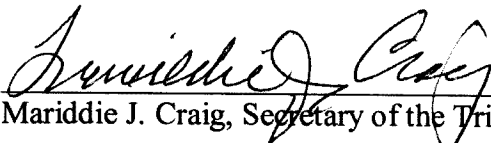
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

**Resolution No. 09-2011-182**

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

The foregoing resolution was on **SEPTEMBER 21, 2011** 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), (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).

  
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Ronnie Lupe, Chairman of the Tribal Council

  
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Mariddie J. Craig, Secretary of the Tribal Council