



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 01-2012-03

(Authorization for Dishchii'Bikoh Community Schools to Apply for the United States Department of Housing and Urban Development 2012 Indian Community Development Block Grant with the Consent of the Tribal Council of the White Mountain Apache Tribe)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

WHEREAS, Cibecue Community Education Board Inc., (School Board), representing Dishchii'Bikoh Community Schools, formerly known as Cibecue Community Schools, has come before the Tribal Council this date to request authorization from the Council to apply through the Tribal Planning Office for a FY 2012 Indian Community Development Block Grant (ICDBG), from the United States Department of Housing and Urban Development in the amount of \$2,750,000 for construction of a new middle school with a noncash in-kind contribution from Dishchii'Bikoh Community Schools of at least \$917,000; and

WHEREAS, the School Board explains to the Tribal Council that there are substantial and compelling reasons for construction of a new middle school in Cibecue, including but not limited to the following:

- (1) middle school students are currently attending classes in six portable units that area approximately 30 years old;
- (2) the units are need of roof replacements;
- (3) the units do not have dial-out telephone lines in case the fire alarm goes off;
- (4) the units contain asbestos in ceilings and baseboards;
- (5) the units have inadequate restroom facilities;
- (6) the units' doors (hardware) violate fire codes;
- (7) the units have inadequate heating;
- (8) the units are not on BIA property inventory, therefore there is no funding to maintain them;
- (9) Students who occupy portable buildings are considered "unhoused" because portable classrooms are classified as temporary;
- (10) after 30 years of student use, the overall condition of the portable units is "very deteriorated;"

- (11) the units are located between the high school and elementary school which causes problems of inadequate playground space;
- (12) units' placement allows for truancy and other student misconduct (too many places to hide and contraband);
- (13) the units have plumbing problems and lack of Internet access; and

WHEREAS, the School Board advises the Tribal Council that the Bureau of Indian Affairs is not permitted to provide any funds for construction of new classrooms or facilities and an Indian Community Development Block Grant is the only source of funding available to the Dishchii'Bikoh Community Schools for construction for the middle school, and without such funds it will be impossible to construct the proposed middle school; and

WHEREAS, the School Board explains further that construction of a new middle school is a child safety issue and that a new middle school would provide safe classrooms for students and would insure the proper separation between the high school, middle school and elementary school students, which is necessary to insulate and protect elementary students from older high school and middle school students; and

WHEREAS, the School Board estimates that it will cost about \$5 million to construct a complete middle school that would include eight classrooms, administration offices, a nurse's station, counseling office, computer room, science room, industrial arts, recreation fields, outdoor basketball courts, indoor basketball practice court (the middle school basketball teams will play in the high school dome), parking lots and a facility room; and

WHEREAS, the proposed block grant application would fund Phase 1 of a Two-Phase Program and will provide the minimum space required to house the middle school students as Phase One does not provide any recreation or play areas for the students; and

WHEREAS, the second phase will enable the School Board to build additional classrooms, administration and service space and needed recreation and athletic facilities to provide students with a full-service middle school; and

WHEREAS, the School Board has held public meetings to determine the best use of the Indian Community Development Block Grant funds; and

WHEREAS, it was determined that the development of the proposed Cibecue Middle School would be the best use of the grant funds; and

WHEREAS, the School Board will, if the above grant is funded, provide up to \$100,000 a year from Dishchii'Bikoh Community School funds to maintain, operate, insure, and provide for the building replacement costs for the proposed middle school; and

WHEREAS, the Dishchii'Bikoh Community Schools have sufficient policies and procedures for procurement, financial management and internal controls according to applicable guidelines and regulations set forth under Code of Federal Regulation 24 part 85 and part 1003; and

- WHEREAS,** the Dishchii'Bikoh Community Schools have certain published procedures that will ensure that the proposed buildings will be used to provide essential educational, recreation, and health, services to help meet the needs of the community; and
- WHEREAS,** Dishchii'Bikoh Community Schools have established maintenance and operation policies and procedures for the operation of their physical facilities; and
- WHEREAS,** the Dishchii'Bikoh Community Schools have established a code of conduct that has been approved by the Cibecue Board of Education; and
- WHEREAS,** if the Tribal Council of the White Mountain Apache Tribe authorizes Dishchii'Bikoh Community Schools to apply for the grant through the Tribal Planning office, and if the grant is subsequently awarded, \$2,750,000 will be available to Dishchii'Bikoh Community Schools to construct Phase I of the proposed Middle School; and
- WHEREAS,** attached and incorporated by this reference is the proposed budget for the Dishchii'Bikoh Community Schools' middle school Indian Community Development Block Grant proposal based upon drawings completed by the qualified architect hired by the School Board to complete the preliminary project design and cost-analysis; and
- WHEREAS,** Dishchii'Bikoh Community Schools will be the sub-recipient of the White Mountain Apache Tribe's Indian Community Development Block Grant application; and
- WHEREAS,** if funded, the White Mountain Apache Tribe will transfer all grant funds received to a bank account designated by Dishchii'Bikoh Community Schools; and
- WHEREAS,** Dishchii'Bikoh Community Schools will manage all ICDBG funds and be accountable for them; and
- WHEREAS,** the Tribal Council finds that the proposal presented today by the School Board of Dishchii'Bikoh Community Schools for the Tribal Planning Department to apply for ICDBG funding for the purposes described herein is in the best interests of the White Mountain Apache Tribe and should be approved.

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

1. Dishchii'Bikoh Community Schools are hereby authorized to apply for ICDBG funds by and through the Tribal Planning Department in the amount of \$2,750,000; and
2. the proposed budget of at least \$3,667,000.00 is approved of which \$2,750,000 will be provided by the HUD ICDBG, and at least \$917, 000.00, will be provided a non-cash contribution by the Tribe; and
3. in the event that the grant application is approved and funds are received by the Tribe, the proposed budget is hereby approved for expenditure, subject to the terms and conditions of the grant; and

4. the Dishchii'Bikoh Community Schools' Building Maintenance and Operations Plan and Procurement Policy requirements under the ICDBG application are hereby approved; and
5. the School Board will, if the above grant is funded, provide up to \$100,000 a year from Dishchii'Bikoh Community School funds to maintain, operate, insure, and provide for building replacement costs for the proposed middle school; and
6. Dishchii'Bikoh Community Schools will be the sub-recipient of the White Mountain Apache Tribe's Indian Community Development Block Grant application; and
7. if funded, the White Mountain Apache Tribe will transfer all grant funds received to a bank account designated by Dishchii'Bikoh Community Schools; and
8. Dishchii'Bikoh Community Schools will manage all ICDBG funds and be accountable for them; and
9. the Tribal Council hereby certifies that there have been numerous public meetings concerning the proposed facilities and both the Tribal Council and each Tribal Community support the projects outlined in this grant after they had the opportunity to review and make input to this proposal.

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 supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect. This Resolution shall not be subject to Judicial Interpretation, only the Tribal Attorney, with the assistance of the Tribal Council Secretary, may opine on Tribal Council intent and the meaning of the language as used herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign provided that the Tribal Secretary and a Tribal Attorney attest to the veracity of the subject matter of this Resolution.

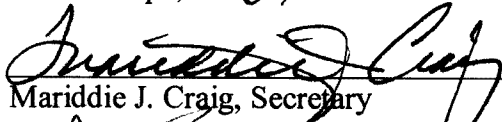
The foregoing resolution was on JANUARY 4, 2012 duly adopted by a vote of TEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe September 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).



Ronnie Lupe, Chairman

6-8-12

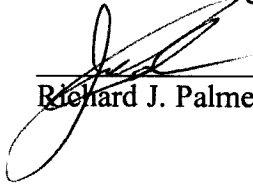
Date



Mariddie J. Craig, Secretary

06-07-2012

Date



Richard J. Palmer, Jr., Attorney

6/11/12

Date

BUDGET AND COST ESTIMATES

RATING FACTOR 4 LEVERING RESOURCES (8 Points)

BUDGET AND COST ESTIMATES

The following budget includes both the Indian Community Block Grant Construction Budget and the Tribal In-Kind Budgets for the Cibecue middle school buildings and parking lots included in this proposal.

BUDGET NARRATIVE

Project construction and contingencies ICDBG: Grant Amount \$2,750,000
Construction costs:

1. Administration (Two years)		
Building Inspector 2% (\$1,807,515	\$36,616.00	
Environmental Assessment	10,000.00	
Audit	20,000.00	
Project Manager (including benefits)	80,000.00	
Grant Manager (including benefits)	80,000.00	
Accounting and finance	50,000.00	
		276,616.00
2. Construction		1,807,516.00
3. Overhead and Profit		325,353.00
4. Bond		63,986.00
5. Soils Report		6,500.00
6. Building Permit		2,000.00
7. (TERO) Employment Rights Office Tax @ 5%:		106,643.00
8. Architect and Engineering		<u>161,385.00</u>
Total		\$2,750,000.00

Grant Totals

1. Indian Community Development Block Grant funding Phase 1 of the construction of the Cibecue Middle School	\$2,750,000.00
2. Tribal In-Kind Contribution (non-cash)	<u>917,000.00</u>
Total Estimated Project Cost	\$ 3,667,000.00

The Cibecue Community Schools will provide the following in-kind resources and expenses in order to construct the proposed middle school.

TRIBAL IN-KIND CONTRIBUTIONS (Non-ICDBG Share)

1. Land and building Values (See Attachment 13-8)

Land for Buildings and Parking Lots (minimum)	917,000.00
ICDBG	<u>2,750,000.00</u>
Total Value of the Project	\$3,667,000.00

Non-ICDBG contribution to the construction of the four buildings in this Grant Proposal is 25.0% of the total project cost of \$3,667,000.00

Cibecue Community Schools In-Kind Contribution is \$917,000 or 25.0%.

The Cibecue Community Schools are applying for the grant funding by and through the Tribal Council of the Whuite Mountain Apache Tribe which has committed by Council resolution to provide nearly XX acres of land that will be used for building construction, shared common space and facilities with the Schools' Elementary and High School campuses.

The White Mountain Apache Tribe will submit this grant application and an accompanying Tribal Council Resolution approving this application.

Tribal Resolution see Appendix XX Faxed

Land Appraisals by a Licensed Land Appraiser see Appendix XX Faxed