



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 05-2012-29

(Authorizing Limited Waiver of Immunity in Engagement Letter with Moss-Adams LLP to Conduct a Review and Formal Audit on Housing Authority Allegations of Mismanagement and Fraud)

- 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,** the Tribe’s Business office has had positive results when working with the professionals at the Moss-Adams, LLP, accounting firm due to their thorough and excellent work in conducting prior forensic audits for the Tribe; and
- WHEREAS,** on this day, the Tribal Council was advised by the Tribal Treasurer that due to prior conflicting information, confusion, and serious concerns that were raised regarding the Housing Authority audit administered by Henry & Horne and a report prepared by Ron Sells, the Tribe’s interests would best be served by authorizing a limited waiver of immunity for the purpose of entering into an agreement with Moss-Adams LLP to conduct an extensive review, as described in the attached engagement letter, of the information revealed by the audits in order to guide the Tribal Council in determining how best to resolve questionable appropriations of Housing Authority funds; and
- WHEREAS,** the Tribal Council was advised by the Tribal Treasurer that he would like to engage Moss-Adams LLP to provide an analysis on the economic viability of the FATCO mill, as described in the attached engagement letter; and
- WHEREAS,** the Tribal Council finds it in the best interest of the Tribe to authorize limited waivers of the Tribe’s immunity for the purposes described in the engagement letters between the Tribe and Moss-Adams LLP. The Tribal Council further finds that the Legal Department and Business Office should determine the scope of the engagement with Moss-Adams LLP, which will best serve the interests of the Housing Authority and greater White Mountain Apache Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a limited waiver of immunity as part of a formal engagement with Moss-Adams LLP. The Engagement Letters shall, among other things, authorize Moss-Adams to review the Housing Authority’s prior audits, to conduct a thorough review of the serious allegations of financial mismanagement and to help the Tribal Council determine the best course of action that will solve and prevent such financial abuses in the future, and to analyze the economic potential or reopening the FATCO mill.

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 FINALLY 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.

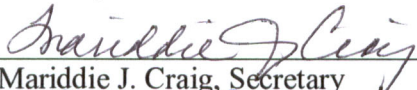
The foregoing resolution was on May 4, 2012 duly adopted by a vote of SEVEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (f), (k), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe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

5-9-12

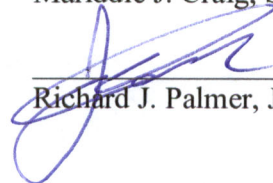
Date



Mariddie J. Craig, Secretary

05-09-2012

Date



Richard J. Palmer, Jr., Attorney

5/9/12

Date