



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 05-2012-36

(Authorizing Bureau of Indian Affairs, Division of Transportation in Utilizing a Portion from the Indian Reservation Roads Program Allocation)

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 U.S. Department of Interior, Bureau of Indian Affairs, Fort Apache Agency, Road Maintenance program appropriations historically have not had any increase relate to need and inflationary costs; and

WHEREAS, the continual lack of adequate funds has forced the Bureau of Indian Affairs, Fort Apache Agency to continue with actions to downsize with a reduction of services; and

WHEREAS, P.L. 109-59, titled "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users" 4th Extension has provided the right of a Tribe to use a portion of its Indian Reservation Roads (IRR) fund allocation, known as "Tribal Shares," for road maintenance purposes or projects; and

WHEREAS, the Tribal Transportation Committee in an official convened meeting on September 6, 2011 approved the following activities/projects with amounts as shown in Exhibit A:

• Street Lighting per established MOA	\$20,000
• Street sweeping	\$25,000
• Street striping	\$25,000
• Street mowing	\$25,000
• Traffic count update	\$25,000
• Inventory Update	<u>\$25,000</u>
	\$145,000.00

; and

WHEREAS, the White Mountain Apache Tribe (WMAT) has a Long-Range Transportation Plan (LRTP) for its Indian Reservation Roads (IRR) highway improvements and construction program dependent on the update of Traffic Counts and Inventory Update; and

WHEREAS, the Tribe's priority and need to address updating of its LRTP and that the two identified listed activities/projects "Traffic Count Update and Inventory Update" requires being separate of road maintenance and identified as projects; and

WHEREAS, the Traffic Count Update and Inventory Update hereafter known and identified as projects to be conducted in the following manner seventy percent (70%) data collections and thirty percent (30%) for encoding of data into White Mountain's Inventory; and

WHEREAS, the Tribal Council concurs with the Transportation Committee's recommendation authorizing Bureau of Indian Affairs, Division of Transportation in utilizing a portion from the Indian Reservation Roads Program (IRR) allocation for the effort of Road Maintenance and for to assist with the Update of White Mountain Apache Tribe's Inventory for Fiscal Year 2012.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the U.S. Department of Interior, Bureau of Indian Affairs, Division of Transportation in utilizing a portion from the Indian Reservation Roads Program (IRR) allocation for the effort of road maintenance and to assist with the update of White Mountain Apache Tribe's Inventory for Fiscal Year 2012.

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.

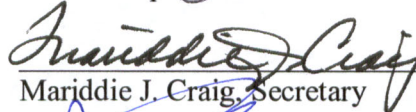
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory 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 May 7, 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), (c), (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).



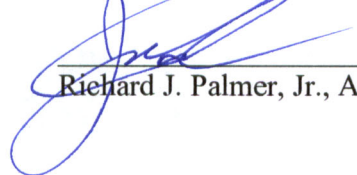
Ronnie Lupe, Chairman

5-15-12
Date



Mariddie J. Craig, Secretary

05/15/2015
Date



Richard J. Palmer, Jr., Attorney

5/15/12
Date