



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 05-2012-45

(Adopting Temporary Operating By-laws for FATCO)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe ("Tribe") has on this day passed Resolutions 05-2012-45 and 05-2012-46 which together serve to provide independent administrative oversight and management over the business operations of the Fort Apache Timber Company ("FATCO"); and

WHEREAS, in order to best serve the interests of FATCO and in furtherance of the Tribal Council's new hands-off approach to management, Planning Director Joe Waters has requested that the Tribal Council adopt temporary operating by-laws, incorporated by this reference, for the benefit of the newly appointed FATCO Board of Directors; and

WHEREAS, after full consideration, the Tribal Council agrees with the Tribal Planner and finds that it is in the best interest of FATCO and the Tribe to adopt the temporary operating by-laws as referenced and incorporated herein until such time that the newly appointed FATCO Board of Directors is able to review, recommend, and present a final draft of operating by-laws for permanent adoption under Tribal Law.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the by-laws presented on this day are hereby adopted by the Tribal Council for the benefit of FATCO and its newly appointed Board of Directors and such rules shall be adhered to temporarily until the Tribal Council is presented with a final set of by-laws for adoption under Tribal Law.

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 16, 2012 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), (f), (i), (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

5-25-12

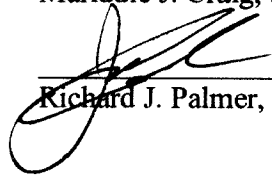
Date



Mariddie J. Craig, Secretary

05-23-2012

Date



Richard J. Palmer, Jr., Attorney

5/23/12

Date