



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

**(Authorizing the Loan from the Housing Authority
In Support Of the FATCO Sawmill Refinancing)**

- WHEREAS,** the Tribal Council has previously given approval to complete the financing and documentation necessary to rehabilitate and resume operations at the FATCO sawmill; and
- WHEREAS,** the transaction relies upon an allocation of federal New Market Tax Credits to help pay for capital improvements and operational costs; and
- WHEREAS,** the financing terms require that the Tribe establish and fund a reserve in the amount of \$3 million to be used as authorized by the investment partners to pay for any operating deficits which may occur in the FATCO operations; and
- WHEREAS,** the Tribe is unable provide the funding, due to its current financial hardships, but it greatly needs the funding as a critical component of the terms necessary to bring the sawmill back to operation along with the valuable jobs it will provide; and
- WHEREAS,** as the tribally designated housing entity, the Tribe's Housing Authority, pursuant to federal law has the authority to use certain funds for economic development activities; and
- WHEREAS,** the Tribe has previously borrowed other Housing Authority funds for Tribal government operations and to begin preparations to secure the award of New Market Tax Credits for the sawmill financing; and
- WHEREAS,** as a component of this new loan agreement, the Tribe will commit to repayment terms for those previous loans, so that those funds will become available for future housing development on Tribal lands; and
- WHEREAS,** the Tribal Council acknowledges that it exercises governmental control over the Housing Authority, which serves as the tribally designated housing entity of the Tribe by directive from the Tribal Council; however, the Council shall affirm and respect the operational and management independence granted to the Housing Authority under Tribal law and federal regulation, notwithstanding the Tribal debt owed to the Housing Authority; and
- WHEREAS,** the Tribal Council has reviewed this date the proposed loan agreement with the Housing Authority and concludes that the arrangement serves the best interests of the Tribe by making essential funding available for the sawmill project, while serving the objectives and mission of the Housing Authority.

Resolution No. 06-2013-137

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the loan agreement reviewed this date between the Tribe and the White Mountain Apache Housing Authority in the total aggregate amount of \$5,037,500 for the purpose of establish repayment terms, as detailed in the loan agreement, for prior disbursements of Housing Authority Non-Program Income funds for Tribal needs, and for the payment of costs and establishment of a \$3,000,000 Operating Deficit Reserve Account, pursuant to the terms of the New Market Tax Credit transaction documents.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby affirms that the Housing Authority is empowered to engage in this form of loan transaction with the Tribe as a means of promoting Tribal economic development.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that for the purpose of committing to the loan terms so that they are binding on the parties, the Council pledges and affirms that the Housing Authority will operate solely under the authority and independence delegated to it under Tribal law and federal regulation.

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 and deliver any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **JUNE 12, 2013** duly adopted by a vote of **SIX** 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), (e), (f), (h), (i), (k), (l), (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).


Chairman of the Tribal Council


Secretary of the Tribal Council