



# WHITE MOUNTAIN APACHE TRIBE

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

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## **Resolution No. 09-2013-192**

**(Amending Resolutions 06-2013-138 and 09-2013-185)**

- WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** on June 12, 2013, the Tribal Council adopted Resolution 06-2013-138, which, among other things, approved a retroactive change to the forestry Roads Suspense Account to eliminate the deduction from stumpage payments, effective as of January 1, 2008; and
- WHEREAS,** on September 4, 2013, the Tribal Council adopted Resolution 09-2013-185, which, among other things, ratified and confirmed the change to the forestry Roads Suspense Account as authorized by the June 12, 2013 resolution; and
- WHEREAS,** the Council actions were taken to resolve and reconcile the several forest management deduction accounts as a condition of closing the recent New Market Tax Credit financing for the reactivation of the Tribe's sawmill and commercial logging operations; and
- WHEREAS,** since the adoption of the two prior resolutions, it has been determined that effective date for the retroactive adjustment to the Roads Suspense Account should be specified as January 1, 2000, rather than January 1, 2008; and
- WHEREAS,** this correction will resolve the remaining unmet account obligations and facilitate approval for upcoming Tribal timber sales under the Tribe's Forest Management Plan, and for that purpose, the Tribal Council acts as follows.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby amends prior Tribal Council Resolution 06-2013-138, dated June 12, 2013, and Tribal Council Resolution 09-2013-185, dated September 4, 2013, solely for the purpose of approving and specifying that the retroactive elimination of the forestry Roads Suspense Account is effective as of January 1, 2000, rather than January 1, 2008, as indicated in the prior resolutions, and for that purpose, the Tribal Council expressly confirms that the Roads Suspense Account, and the obligations it imposed, is eliminated and no longer in effect as of January 1, 2000.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that except as modified above, prior Tribal Council Resolutions 06-2013-138 and 09-2013-185 shall remain in effect according to their terms.

**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.

**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.

The foregoing resolution was on **SEPTEMBER 19, 2013** duly adopted by a vote of **FIVE** for, **ZERO** against and **ONE** abstention 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), (f), (h), (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).

  
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Ronnie Lupe, Chairman

9/25/13  
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Date

  
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Mariddie J. Craig, Secretary

09/25/2013  
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Date