



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### (Approving Agreement Between Tribal Forestry and Kindelays Construction L.L.C. to Remove Non-Merchantable Forest Material from the Bull Flat Management Unit)

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power, “To negotiate, make and perform contracts and agreements of every description, not inconsistent with federal law or [the] constitution, with any person, association, or corporation... ”; and

**WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(f) that the Council shall exercise the power, “To protect and preserve the wildlife, plant life, forests, natural resources and water rights of the Tribe...”; and

**WHEREAS,** Tribal Forestry wishes to enter into an agreement with Kindelays Construction L.L.C. to remove non-merchantable forest materials from the Bull Flat Management Unit to reduce tree densities, disease infestation, and fire hazards (the “Project”); and

**WHEREAS,** Section 5.3 and 5.4 of the Tribe’s Procurement Policy and Procedures requires Council approval for awards over \$100,000.00; and

**WHEREAS,** Per the Tribe’s Procurement Policy and Procedures, Tribal Forestry needs Council approval to enter into this agreement; and

**WHEREAS,** Three bids were solicited for the Project, and it has been approved by Tribal Plan and Project Review Board; and

**WHEREAS,** The Council have reviewed the agreement and find that approving it will help Tribal Forestry manage and improve the forest health, and is in the best interests of the Tribe and its members.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Agreement between Tribal Forestry and Kindelays Construction L.L.C. to reduce tree densities, disease infestation, and fire hazards in the Bull Flat Management Unit is hereby approved.

**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

**Resolution No. 09-2021-186**

Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**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 the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on SEPTEMBER 08, 2021 duly adopted by a vote of TEN for, ZERO against, and ONE abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 9/14/2021  9-14-2021  
Gwendena Lee-Gatewood, Chairwoman      Date      Doreen T. Numkena, Tribal Secretary      Date