



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Allocating \$250,000 of the Tribe's American Rescue Plan Act Funds For A One Month Subsidy to Assist with WMATCO Operations)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power “[t]o represent the tribe and act in all matters that concern the welfare of the Tribe, and to make decision not inconsistent with or contrary to this constitution”, in Section 1(i), “[t]o manage all economic affairs and enterprises of the Tribe,” and in Section 1(k) “[t]o appropriate Tribal funds for Tribal purposes”; and
- WHEREAS,** The Tribe has received monies from the American Rescue Plan Act (“ARPA”) Coronavirus State Fiscal Recovery Fund (“FRF”); and
- WHEREAS,** The U.S. Department of the Treasury stated in its *Coronavirus State and Local Fiscal Recovery Funds Final Rule: Frequently Asked Questions* (updated July 27, 2022), that FRF-funded government services “generally include any service traditionally provided by a government unless Treasury has stated otherwise”; and
- WHEREAS,** The Tribe finds that business support assistance to tribally owned enterprises are within the scope of expenditures traditionally provided by tribal governments and nowhere has Treasury prohibited funding such assistance as a government service; and
- WHEREAS,** The Tribe’s sawmill business, WMATCO, employs many members of the Tribe and serves a vital role in the management of the Tribe’s timber lands; and
- WHEREAS,** The WMATCO management team has reported to the Tribal Council that the operations are currently in a financial deficit; and
- WHEREAS,** For that reason, WMATCO requests a temporary subsidy of \$250,000 to support operations for a period of one month, effective immediately; and
- WHEREAS,** The Tribal Council recognizes the importance of maintaining WMATCO operations and finds that utilizing \$250,000 of the Tribe’s ARPA revenue replacement funds as a subsidy for WMATCO operations is an advisable and allowable use of these funds for a permissible government service, 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 based on the foregoing, it hereby authorizes the allocation of \$250,000 in ARPA revenue replacement funds for a period of one month as a subsidy to WMATCO, with such subsidy to begin immediately.

Resolution No. 01-2023-13

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 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 Chairman, or in his 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 JANUARY 10, 2023 duly adopted by a vote of TEN for, ZERO against, and ZERO 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

<u>Kasey Velasquez</u>	<u>1-31-23</u>	<u>Vaneysa Johnson</u>	<u>1/31/2023</u>
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, Tribal Secretary	Date