

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

**(Approving a Limited Waiver of Sovereign Immunity for the
Purpose of an Attorney Contract with Anthony J. Lee)**

WHEREAS, by Resolution No. 11-2004-261 the Tribal Council did approve Anthony J. Lee for the Position of Deputy Tribal Attorney for the White Mountain Apache Tribe; and

WHEREAS, Mr. Lee has requested that the Tribal Council provide a limited waiver of the Tribe's sovereign immunity for the purposes of entering into a contractual agreement with the White Mountain Apache Tribe and effecting binding arbitration in the event that a dispute arises; and

WHEREAS, a limited waiver of defense of sovereign immunity for binding arbitration may be provided by the Tribal Council for the purposes of a contractual agreement with Mr. Lee if, and only if, the following conditions exist:

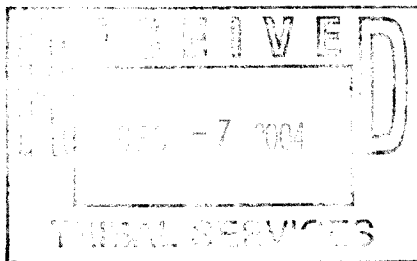
1. A dispute between Anthony Lee and the White Mountain Apache Tribe arises directly from the Agreement between the parties.
2. Any claim submitted by Mr. Lee alleges a breach by the Tribe of one or more specific obligations or duties which the Tribe expressly assumes under the terms of the Agreement.
3. The claim seeks either (1) specific performance by the Tribe; (2) payment of all amounts due under the Agreement and reasonable costs incurred by Mr. Lee in collection of such amounts.
4. The scope of arbitration is solely limited to breach of contract actions brought pursuant to the Agreement referenced herein for the benefit of Anthony J. Lee only.
5. The Tribe does not agree to any arbitration by persons or parties or their assignees which are not a party to the Agreement nor to any arbitration proceeding or other proceeding based on alleged tortious conduct, or for the imposition of incidental, consequential, exemplary or punitive damages or lost profits.


WHEREAS, the Tribal Council finds that after review of the required limited waiver of defense of sovereign immunity, entering into an Agreement with Anthony J. Lee remains in the best interests of the White Mountain Apache Tribe.


NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe, that:

1. A limited waiver of sovereign immunity is hereby granted for any Agreement between the White Mountain Apache Tribe and Anthony J. Lee entered into pursuant to Resolution No. 11-2004-261 and for the purpose of effecting dispute resolution in the form of binding arbitration; and
2. This limited waiver of sovereign immunity is conditionally provided upon the following terms and conditions being included within said Agreement:
 - A. A dispute between Anthony Lee and the White Mountain Apache Tribe arises directly from the Agreement between the parties.
 - B. Any claim submitted by Mr. Lee alleges a breach by the Tribe of one or more specific obligations or duties which the Tribe expressly assumes under the terms of the Agreement.
 - C. The claim seeks either (1) specific performance by the Tribe; (2) payment of all amounts due under the Agreement and reasonable costs incurred by Mr. Lee in collection of such amounts.
 - D. The scope of arbitration is solely limited to breach of contract actions brought pursuant to the Agreement referenced herein for the benefit of Anthony J. Lee only.
 - E. The Tribe does not agree to any arbitration by persons or parties or their assignees which are not a party to the Agreement nor to any arbitration proceeding or other proceeding based on alleged tortuous conduct, or for the imposition of incidental, consequential, exemplary or punitive damages or lost profits.

The foregoing resolution was on NOVEMBER 5, 2004 duly adopted by a vote of FIVE for and FOUR against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (h), (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).




ACTING Chairman of the Tribal Council


ACTING Secretary of the Tribal Council