



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

**(Approving Sovereignty Endorsement for the Sovereign Nation All Lines Aggregate Insurance
Policy of the Hudson Insurance Group)**

- WHEREAS**, pursuant to Article IV, Section 1(a) 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**, pursuant to Section 13(d) of the Tribe's Gaming Compact with the State of Arizona, the Tribe "shall maintain a policy of commercial general liability insurance with a combined single limit for personal injury and property damage of not less than two million dollars (\$2,000,000) per occurrence and in the aggregate" and the policy "shall include an endorsement providing that neither the insurer nor the Gaming Facility Operator may invoke Tribal sovereign immunity [from suit] up to the limits of the policy. . .with respect to any claim covered under the policy and disposed of in accordance with the Tribe's tort claim procedures, provided, that the policy shall not exclude all claims made by a patron or invitee for personal injury or property damage"; and
- WHEREAS**, the White Mountain Apache Judicial Code does provide for remedies in tort by and through the White Mountain Apache Tribe Tort Claims Act (Chapter Three, Ordinance No. 177, enacted May 07, 1992), and provides a limited waiver of the Tribe's sovereign immunity from suit for such purposes; and
- WHEREAS**, the White Mountain Apache Tribe maintains a policy known as Sovereign Nation All Lines Aggregate Insurance Policy, held by the Hudson Insurance Group, for the purposes of effecting remedies in tort with a combined single limit for personal injury and property damage of not less than two million dollars per occurrence and in the aggregate; and
- WHEREAS**, the Tribe's Risk Manager has submitted a "Sovereignty Endorsement" to the Tribal Council of the White Mountain Apache Tribe, as attached and incorporated by this reference, which amends the Hudson Insurance Group Policy and is consistent with Section 13(d) of the Gaming Compact; and
- WHEREAS**, the Tribal Council finds that the Sovereignty Endorsement should be approved as in the best interests of providing gaming within the lands of the Fort Apache Indian Reservation and that said approval satisfies the requirements of Section 13(d) of the Tribe's Gaming Compact with the State of Arizona.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that:
1. The Sovereignty Endorsement of the Hudson Insurance Group's Sovereign Nation All Lines Aggregate Insurance Policy, as attached and incorporated by this reference, is hereby approved.

Resolution No. 12-2007-524

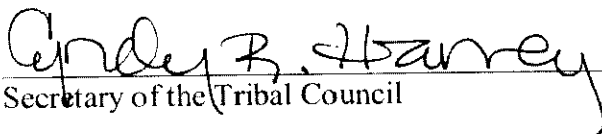
2. The limited waiver of the Tribe's sovereign immunity from suit as provided pursuant to the White Mountain Apache Tribe Tort Claims Act is hereby re-affirmed and authorized for the purposes of effecting the Endorsement and the terms therein, and said waiver is in conformance with the Tribe's Gaming Compact with the State of Arizona, Section 13(d).

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on December 12, 2007, duly adopted by a vote of EIGHT 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), (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