



# WHITE MOUNTAIN APACHE TRIBE

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

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## **Resolution No. 05-2012-38**

### **( Approval of Agreement with Miami Tribe of Oklahoma for Lease of Class II Machines )**

**WHEREAS**, the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

**WHEREAS**, the White Mountain Apache Tribe, as a federally recognized Indian tribal government, with inherent rights of self governance, pursuant to the Indian Gaming Regulatory Act ("IGRA") and the Arizona State Gaming Compact ("Compact") owns and operates the Hon-Dah Resort and Casino; and

**WHEREAS**, IGRA and the Compact classify all types of gaming as, Class I, Class II or Class III; and

**WHEREAS**, Class II games are not subject to State jurisdiction and the Tribe is not required to make financial contributions to the State fund which result from the operation of Class II games; and

**WHEREAS**, Hon-Dah Resort and Casino management has determined that the operation of Class II games may provide increased revenue for the Casino; and

**WHEREAS**, Hon-Dah entered into negotiations with the Miami Tribe of Oklahoma Business Development Authority to lease 6 (six) Class II games; and

**WHEREAS**, the Agreement proposed by Miami Tribe requires the Tribe to agree to a limited waiver of sovereign immunity; and

**WHEREAS**, after reviewing the agreement the Tribal Council has determined the agreement is in the Tribe's best interest.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby agrees to enter into an agreement with the Miami Tribe of Oklahoma for the lease of (six) 6 Class II games.

**BE IT FURTHER RESOLVED** the Tribal Council of the White Mountain Apache Tribe that it hereby agrees to the limited waiver of sovereign immunity as described in the agreement, reviewed and approved by legal counsel.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that if the requested grant is awarded to the Tribe, a budget for expenditure of the awarded funds is hereby approved, subject to the terms and conditions of the grant and to a review by the Tribe's Legal Department.

**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. This Resolution shall not be subject to Judicial Interpretation, only the Tribal Attorney, with the assistance of the Tribal Council Secretary, may opine on Tribal Council intent and the meaning of the language as used herein.

**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 provided that the Tribal Secretary and a Tribal Attorney attest to the veracity of the subject matter of this Resolution.

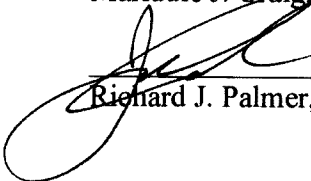
The foregoing resolution was on May 7, 2012 duly adopted by a vote of TEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (i), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe September 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

5-14-12  
Date

  
\_\_\_\_\_  
Mariddie J. Craig, Secretary

05-11-2012  
Date

  
\_\_\_\_\_  
Richard J. Palmer, Jr., Attorney

5/11/12  
Date