



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

Approval of a Limited Waiver of Sovereign Immunity for a Non-Disclosure Agreement in relation to the 2019 ATNI/Commnet Application for Broadband Funding through the USDA Reconnect Grant Program to Provide Service to the White Mountain Apache Tribe on the Fort Apache Indian Reservation

WHEREAS, the White Mountain Apache Tribe (Tribe) desires to access contemporary broadband (Internet) on the Fort Apache Indian Reservation (FAIR); and

WHEREAS, the USDA is currently offering funding to support such services through its Reconnect program; and

WHEREAS, ATNI/Commnet is a broadband service provider working in the White Mountains and with other tribes outside the region and is already pursuing this funding for system service in portions of Apache County; and

WHEREAS, ATNI/Commnet wish to add the Tribe and the FAIR to that application and the Tribe approves that inclusion; and

WHEREAS, dealings for that purpose require execution of a non-disclosure agreement (NDA); and

WHEREAS, the form of that NDA includes application of Arizona law and use of Federal courts for any disputes; and

WHEREAS, the scope of this NDA is sufficiently limited such that the waiver is reasonable.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the limited sovereign immunity waiver for the purposes of the ATNI/Commnet 2019 USDA Reconnect funding application non-disclosure agreement.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Chairwoman or her designee to execute the NDA for this purpose.

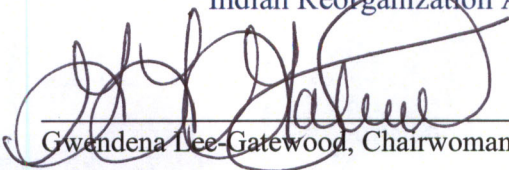
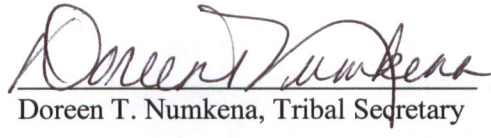
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

Resolution No. 05-2019-104

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 **MAY 14, 2019** 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 September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	<u>5/30/19</u>		<u>5/30/19</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date