



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Rescinding Resolution No. 04-2019-86 “Modification of Hydroelectric Benefit Calculation Ak-Chin Energy Services”)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(f) that the Tribal Council (“Council”) shall exercise the power “To protect and preserve...the water rights of the Tribe...”; and

WHEREAS, In 2004 the White Mountain Apache Tribe began receiving its Colorado River Storage Project (“CRSP”) hydroelectric allocation through an agreement with the U.S. Department of Energy; and

WHEREAS, From that initial date, the Ak-Chin Indian Community partnered with the Tribe to receive the electricity and provide the Tribe with a benefit payment; and

WHEREAS, In mid-2019 Ak-Chin asked to reduce what it is required to pay to the Tribe for this resource; and

WHEREAS, By Resolution No. 04-2019-86, the Council approved an annual 10% benefit payment reduction; and

WHEREAS, The Tribe later learned that Ak-Chin desired a payment reduction of up to 30% per year; and

WHEREAS, The Tribal Council rejected this larger benefit payment reduction, and Ak-Chin has not subsequently agreed to the 10% figure instead; and

WHEREAS, Resolution 04-2019-86 has become invalid as a result and must accordingly now be rescinded.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby rescinds Resolution 04-2019-86.

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. 12-2019-242

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 **DECEMBER 4, 2019** duly adopted by a vote of **EIGHT** or, **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).

	
Gwendena Lee-Gatewood, Chairwoman	Doreen T. Numkena, Tribal Secretary
	
Date	Date