



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving a Benefit-Credit Agreement with Utah Associated Municipal Power Systems for the Tribe's CRSP Allocation)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation ("Constitution") provides, at Article IV, Section 1(b) that the Tribal Council ("Council") shall exercise the power "To negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law or this constitution with any person, association, or corporation, with any municipality or any county..."; 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,** Because the Tribe could not utilize that electricity itself, it partnered with a utility that wanted to receive and use the allocation in exchange for a benefit payment to the Tribe; and
- WHEREAS,** The Tribe does not operate a power company, and so it remains unable to receive the electricity for itself on-Reservation; and
- WHEREAS,** The Utah Associated Municipal Power Systems ("UAMPS") has approached the Tribe and proposed an agreement whereby the Tribe would transfer its CRSP allocation to UAMPS in exchange for monthly credit payments; and
- WHEREAS,** The Tribe has thoroughly negotiated and reviewed the UAMPS proposal and understands that it will offer preferable terms, including monthly credit payments to the Tribe with a reasonable expectation of continuity; and
- WHEREAS,** The Council has reviewed the UAMPS proposal and finds that approving it will help the Tribe continue to make beneficial use of its CRSP allocation, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the execution of a CRSP benefit-credit agreement with the Utah Associated Municipal Power Systems.


Resolution No. 02-2020-45

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.

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 **FEBRUARY 25, 2020** 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).


Gwendena Lee-Gatewood, Chairwoman Date 2/26/2020


Doreen T. Numkena, Tribal Secretary Date 2/26/2020