



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Limited Waiver of the Tribe's Sovereign Immunity to Allow for Arbitration, as Provided for by Arizona Revised Statutes Section 12-1518, Related to Arizona Department of Transportation Grant 5311 for Rural Area Public Transit Programs)

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 with...the State of Arizona..."; and

WHEREAS, On October 8, 2019, by Resolution No. 10-2019-219 the Council authorized the Tribe's Department of Transportation to apply for the Arizona Department of Transportation ("ADOT") 5311 grant, which provides assistance to rural public transit programs (the "Grant") ; and

WHEREAS, The Tribe has been selected for receipt of the Grant, but to award it, ADOT is requiring that the Tribe execute a limited waiver of its sovereign immunity for the purpose of arbitration, and if necessary, enforcement of an arbitration award, pursuant to Arizona Revised Statutes Section 12-1518, and as provided for in the Grant agreement; and

WHEREAS, The Council finds that approving this limited waiver of immunity will enable the Tribe to receive needed money for its transit program, and is in the best interests of the Tribe and its members.

NOW THEREFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the limited waiver of the Tribe's sovereign immunity for the purposes of the 2020 5311 Grant Agreement between the Tribe and Arizona Department of Transportation is hereby approved, for the limited purpose of authorizing arbitration as provided for by Arizona Revised Statutes Section 12-1518, thereunder.

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.

Resolution No. 02-2020-46

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	Doreen T. Numkena, Tribal Secretary
	
Date	Date