



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Rescinding Resolution No. 02-2020-045 “Approving a Benefit-Credit Agreement with Utah Associated Municipal Power System for the Tribe’s CRSP Allocation”)**

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- 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 negotiates, make and perform contracts and agreements of every description, not inconsistent with Federal law or [the Tribe’s] constitution, with any municipality or any county, or with the State of Arizona or the United States... ”; 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 take actual delivery of the electricity and provide the Tribe with a benefit payment; and
- WHEREAS,** In 2019, the Tribe identified alternate partners interested in using its CRSP hydroelectric resource and providing a corresponding benefit; and
- WHEREAS,** These potential benefit credit partners included the Utah Associated Municipal Power Systems (“UAMPS”); and
- WHEREAS,** On February 25, 2020, via Resolution No.02-2020-045, the Tribe approved a new benefit-credit agreement with Utah Associated Municipal Power Systems; and
- WHEREAS,** The Tribe subsequently learned that the UAMPS personnel making that offer had not obtained Board approval for the action; and
- WHEREAS,** Due to delays in that approval and disagreements as to specific terms since the offer was made, the Tribe has determined that withdrawing the agreement with UAMSP and pursuing an alternate partnership 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 rescinds Resolution No. 02-2020-045 “Approving a Benefit-Credit Agreement with Utah Associated Municipal Power Systems for the Tribe’s CRSP Allocation”.


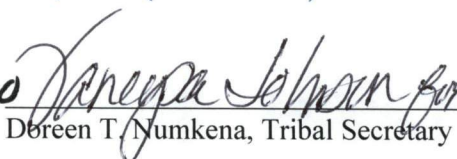
**Resolution No. 05-2020-93**

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Chairwoman or her, in her absence, the Vice-Chairman to execute any and all documents needed for this purpose, with the assistance of the Tribe's Office of the Attorney General.

**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.

The foregoing resolution was on MAY 8, 2020 duly adopted by a vote of ELEVEN 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>05/12/20</u>		<u>5/12/2020</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date