



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### (Authorizing Grant Agreement Between the Tribe and Native American Agriculture Fund and Approving the Agreement for a Limited Waiver of the Tribe's Sovereign Immunity Attached Thereto)

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation provides, at Article IV, Section 1(j) that the Tribal Council ("Council") shall exercise the power, "To accept grants from any person, state, or the United States"; and

**WHEREAS,** The Native American Agriculture Fund ("NAAF") provides grants to eligible organizations, including tribes, for agriculture and business assistance using money from the *Keepseagle v. Vilsack* class action lawsuit settlement fund ; and

**WHEREAS,** The Tribe's farming program, Ndee Bikiyaa has applied for and been selected to receive a grant (the "Grant") from the NAAF to assist in its farming and business activities; and

**WHEREAS,** The Grant is governed by a draft grant agreement (attached and incorporated herein), which also requires a limited waiver of the Tribe's sovereign immunity from suit, up to the amount of the award, and has been negotiated between NAAF and the Tribe's Attorney General's office ("Waiver Agreement" attached and incorporated herein); and

**WHEREAS,** The Council finds that authorizing the attached draft Grant Agreement, with the limited waiver of sovereign immunity will help to secure additional funds for Ndee Bikiyaa 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 Ndee Bikiyaa is hereby authorized to execute, on the Tribe's behalf, the attached draft Grant Agreement between the Tribe and the Native American Agriculture Fund.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the attached agreement for a limited waiver of the Tribe's sovereign immunity for the purposes of the NAAF grant is hereby approved.



**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. 11-2020-264**

**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 **NOVEMBER 4, 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).

 11/5/2020  11-6-2020  
Gwendena Lee-Gatewood, Chairwoman      Date      Doreen T. Numkena, Tribal Secretary      Date