



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Memorandum of Understanding for the North Eastern Arizona 9-1-1 User Association between the Navajo County Sherriff's Office, Apache County Sherriff's Office, Show Low Police Department, Pinetop-Lakeside Police Department, Snowflake-Taylor Police Department and the White Mountain Apache Police Department and Approving Limited Waiver of the Tribe's Sovereign Immunity to Consent to Arbitration)

WHEREAS, The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation 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...with any municipality or any county..."; and

WHEREAS, The White Mountain Apache Police Department ("WMAPD"), this day, informed the Council that the Arizona State 9-1-1 System Services billing and payment process changed, effective July 1, 2019, in a manner necessitating Counties to perform certain 9-1-1 System communication/telephone bill-payment administrative functions for local entities that were previously performed by entities other than Counties; and

WHEREAS, The Navajo County Sherriff's Office ("NCSO") has been designated as the administrator to perform the aforementioned 9-1-1 System communication/telephone bill-payment administrative functions for local entities; and

WHEREAS, The Apache County Sheriff's Office, Show Low Police Department, Pinetop-Lakeside Police Department, Snowflake-Taylor Police Department and the WMAPD (collectively the "Parties") are local agencies for which, according to the aforementioned procedural changes, NCSO will perform certain local 9-1-1 System administrative functions; and

WHEREAS, The Parties have reached an agreement and desire to enter into a Memorandum of Understanding ("MOU" attached and incorporated herein) for administration of grant funds provided by Arizona Department of Administration, Office of Grants and Federal Resources (ADOA-GFR) Arizona 9-1-1 Grant Program to Navajo County Sheriff's Office as the initial System Administrator for all Public Safety Answering Points in Navajo and Apache County; and

WHEREAS, WMAPD requests that the Tribal Council approve the MOU, which requires that the Tribe waive its immunity to consent to mandatory arbitration pursuant to A.R.S. 12-1518, only for disputes related to this MOU; and

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WHEREAS, The Council has reviewed the MOU and finds that its approval will allow NCSO to provide certain administrative support services to Local Agency, including the WMAPD, pursuant to the 9-1-1 telephone bill payment practices, policies, procedures and guidelines provided by the Arizona State 9-1-1 Office, 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 the attached Memorandum of Understanding for the North Eastern Arizona 9-1-1 User Association between the Navajo County Sherriff's Office, Apache County Sherriff's Office, Show Low Police Department, Pinetop-Lakeside Police Department, Snowflake-Taylor Police Department and the White Mountain Apache Police Department is hereby approved, and authorizes the limited waiver of the Tribe's immunity, only for the purposes of this agreement and to consent to mandatory arbitration pursuant to Arizona Revised Statutes Section 12-1518 for conflicts arising therefrom.

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 **OCTOBER 6, 2021** 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).

 10/7/2021  10/7/2021
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date