



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Rainbow Treatment Center Site Work Contract for McNary Location in the Amount of \$1,023,636.00)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(s) that the Tribal Council (“Council”) shall exercise the power “To... regulate subordinate organizations for economic and other purposes”; and
- WHEREAS,** Rainbow Treatment Center is a Tribal program which offers substance abuse treatment and other programs to enhance the well-being of individuals and families; and
- WHEREAS,** Rainbow Treatment Center has purchased a modular office building for its facility in McNary; and
- WHEREAS,** Representatives from Rainbow Treatment Center have negotiated a contract with WCA Construction, LLC, to perform the site preparation work, utility connections and sidewalk and parking lot installation at the location; and
- WHEREAS,** WCA Construction is the successor to Whiteriver Construction, Inc., and is wholly-owned by a subsidiary of the Ute Mountain Ute Tribe; and
- WHEREAS,** The contract contains a limited waiver of sovereign immunity for each party, in order to enforce the terms of the contract, if needed, as shown in the attached exhibit to this Resolution; and
- WHEREAS,** On this date, the Council has reviewed and discussed the final contract documents (“Contract”) between the Tribe and the contractor (attached and incorporated herein); and
- WHEREAS,** The Council finds that approving the Contract will enable needed construction for RTC and 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 attached construction contract between the Tribe and WCA Construction, LLC, for the site work, utility connections and sidewalk and parking installation and related tasks for the work to prepare for modular office installation for Rainbow Treatment Center at its premises in McNary.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes the limited waiver of sovereign immunity for the enforcement of the Contract terms, as shown in the attached exhibit to this Resolution.

Resolution No. 11-2021-234



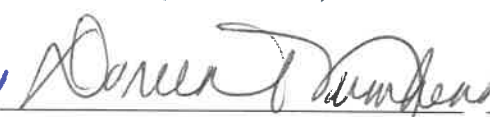
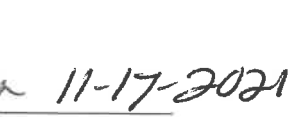
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes and directs the Tribal Chairwoman to execute and deliver the agreements on behalf of the Tribe and directs that the project activities commence as specified in the contract agreements.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe 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 **NOVEMBER 10, 2021** 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	Date	Doreen T. Numkena	Date
Tribal Chairwoman		Tribal Secretary	