



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Professional Services Agreement between Rainbow Treatment Center and Reese and Rowe Architects and Limited Waiver of Sovereign Immunity for the Same)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation 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 (“RTC”) is the Tribe’s residential and outpatient alcohol and substance abuse treatment center; and
- WHEREAS,** RTC has developed plans and received Council approval for implementation of several initiatives which will require construction projects in Cibecue and Whiteriver; and
- WHEREAS,** RTC has negotiated a professional services agreement with Reese and Rowe Architects, from Flagstaff, to complete design and construction administration services for both construction projects; and
- WHEREAS,** The proposed agreement (“Agreement” attached and incorporated herein) authorizes a limited waiver of RTC’s sovereign immunity, in that it would authorize enforcement of any claims in the Tribe’s court, on the condition that the Tribe appoint a visiting federal or state court judge to preside over any case, under the jurisdiction of the Tribal Court; and
- WHEREAS,** The Council finds that approving the Agreement, with its limited waiver of RTC’s immunity, will help RTC complete the necessary construction projects, 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 professional services agreement, with its limited waiver of RTC’s sovereign immunity, 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. 11-2021-235

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).

 11.17.21
Gwendena Lee-Gatewood, Chairwoman Date

 11-17-2021
Doreen T. Numkena, Tribal Secretary Date