



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving an Intergovernmental Agreement between the Tribe and Arizona Department of Economic Security for the Workforce Innovation and Opportunity Act Program and Approving Limited Waiver of Sovereign Immunity for the Purposes of Arbitration Thereunder)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power “[t]o represent the tribe and act in all matters that concern the welfare of the Tribe, and to make decision not inconsistent with or contrary to this constitution”; and

WHEREAS, For many consecutive years, the Tribe has had an intergovernmental agreement with Arizona Department of Economic Security (“ADES”) to receive state grants to operate the Workforce Innovation and Opportunity Act (“WIOA”) Title I Program, serving Tribal members on the Fort Apache Indian Reservation; and

WHEREAS, The intergovernmental agreement (“IGA”) (attached and incorporated herein) is in the process of being renewed and it has been recommended that the terms of renewal to be effective from July 1, 2020 through June 30, 2025, unless otherwise amended; and

WHEREAS, The IGA requires a limited waiver of the Tribe’s sovereign immunity for the purpose of consenting to arbitration, to the extent required by A.R.S. Sec. 12-1518(B) and 12-133; and

WHEREAS, The Council finds it in the best interest of the Tribe to approve the intergovernmental agreement with the Arizona Department of Economic Security for the operation of the Workforce Innovation and Opportunity Act Title I Program.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the intergovernmental agreement with the Arizona Department of Economic Security to receive the grant to operate the Workforce Innovation and Opportunity Act (“WIOA”) Title I program, to remain effective until 2025, and the limited waiver of sovereign immunity attached thereto, for the purposes of consenting to arbitration to the extent required by A.R.S. Sec. 12-1518(B) and 12-133.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the WIOA Director to update and modify the intergovernmental agreement as needed until expiration in 2025, provided that any substantive changes are subject to review by the Office of the Attorney General.

Resolution No. 12-2021-263

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 **DECEMBER 15, 2021** duly adopted by a vote of **TEN** for, **ONE** 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, Chairwoman

Date

12.17.21


Doreen T. Numkena, Tribal Secretary

Date

12-17-2021