



WHITE MOUNTAIN APACHE TRIBE
A Sovereign Tribal Nation

**(Approving Public Sector Technical Support Services Agreement Between
Oracle America Inc. and Hon-Dah Resort Casino in the Amount of
\$195,414.35)**

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 of every description...”; and

WHEREAS, Hon-Dah Resort Casino (“Hon-Dah”) is an economic enterprise wholly-owned by the Tribe and possessing its sovereign immunity from suit; and

WHEREAS, Hon-Dah previously entered into contract with Oracle America Inc. for software technical service and assistance, which contract will expire on December 31, 2021; and

WHEREAS, Hon-Dah management, this day, presents a new proposed agreement (“Agreement”) attached and incorporated herein) for the provision of technical support for Hon-Dah’s software and computer systems, for a term of five years, and for the amount of \$195,414.35; and

WHEREAS, By executing the Agreement, the Tribe agrees to a limited waiver of sovereign immunity up to the Agreement amount only, and in the courts of the state of California, for disputes related to this Agreement only; and

WHEREAS, The Council finds that approving the Agreement and the limited waiver will help Hon-Dah to keep its computer systems running properly and enable operations to continue uninterrupted, 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 public sector technical support services agreement and limited waiver of immunity, between Hon-Dah Resort Casino and Oracle America Inc. is hereby approved.

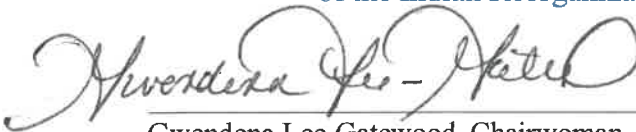
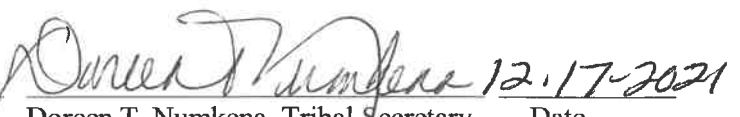
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

Resolution No. 12-2021-268

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).

 12.17.21  12.17.2021
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date