



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## **(Approving MetersXpress Agreement between Hon-Dah Resort Casino and Everi Payments Inc. for Usage of Progressive Meter Reporting Software and Waiver of Sovereign Immunity)**

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**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, not inconsistent with federal law or [the] constitution, with any person, association, or corporation...”; and

**WHEREAS,** Hon-Dah Resort-Casino (“Hon-Dah”) is a wholly-owned economic enterprise of the Tribe; and

**WHEREAS,** Hon-Dah plans to license software from Everi Payment Inc. (“Everi”) that will help Hon-Dah operate and manage its operations; and

**WHEREAS,** Hon-Dah’s usage of the software will be governed by MetersXpress Agreement, which is attached hereto and incorporated herein; and

**WHEREAS,** The agreement requires a waiver of the Tribe’s sovereign immunity into the courts of Clark County, Nevada and the United States for any and all disputes arising thereunder; and

**WHEREAS,** Hon-Dah management, this day, presents this agreement for approval by the Council; and

**WHEREAS,** The Council has reviewed the agreement and finds that approving it will assist Hon Dah in efficiently managing its operations 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 MetersXpress Agreement between Hon Dah and Everi is hereby approved.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the attached MetersXpress Agreement and its waiver of sovereign immunity, as to Hon Resort-Casino only, 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. 03-2022-40***

**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 MARCH 02, 2022 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).

 3.7.22  3-7-2022  
Gwendena Lee-Gatewood, Chairwoman      Date      Doreen T. Numkena, Tribal Secretary      Date