



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Limited Waiver of the Tribe’s Sovereign Immunity to Consent to Arbitration Pursuant to A.R.S. § 12-1518 for the ADOT Airport Overlay and Pavement Markings Grant)

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... with the State of Arizona...”; and

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation also provides, at Article IV, Section 1(j) that the Tribal Council (“Council”) shall exercise the power, “To accept grants and donations from any person, state, or the United States”; and

WHEREAS, On August 4, 2021, via Resolution No. 08-20210145, the Council authorized the White Mountain Apache Department of Transportation (“WMADOT”) to accept the Arizona Department of Transportation (“ADOT”) Airport Runway Surface Treatment Program FY 2022 Grant in the amount of \$901,192.00 with a \$90,111.00 (10%) Tribal match (the “Grant”); and

WHEREAS, Subsequent to that resolution, ADOT has provided WMADOT with the Grant agreement (attached and incorporated herein) which also requires a limited waiver of the Tribe’s sovereign immunity, only to consent to arbitration, as provided by Arizona Revised Statutes §12-1518, in the event of a conflict; and

WHEREAS, The Council has reviewed the Agreement and finds that authorizing the limited waiver contained therein will allow the Tribe to obtain a valuable grant for needed maintenance of the Whiteriver Airport’s runway, 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 limited waiver of the Tribe’s sovereign immunity only for the purposes of consenting to arbitration as provided by Arizona Revised Statutes §12-1518 and as contained in the Arizona Department of Transportation Airport Runway Surface Treatment Program FY 2022 Grant is hereby authorized.

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

Resolution No. 05-2022-124

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 Chairman, or in his 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 MAY 17, 2022 duly adopted by a vote of NINE for, ZERO against, and ONE 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).

			
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, Tribal Secretary	Date