



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## (Directing Use of the Tribe's American Rescue Plan Act Coronavirus State Fiscal Relief Fund Monies for Tribal and Grant-Funded Employee Bonuses)

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- 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 at Section 1(k) that the Council shall exercise the power “[t]o appropriate tribal funds for tribal purposes and to expend such funds in accordance with an annual budget”; and
- WHEREAS,** The Tribe has received monies from the American Rescue Plan Act (“ARPA”) Coronavirus State Fiscal Recovery Fund (“FRF”); and
- WHEREAS,** On July 8, 2022, the Council enacted Resolution No. 06-2022-170 allocating \$15 million of the Tribe’s FRF monies “to assist in meeting current and future payroll obligations for the next year”; and
- WHEREAS,** The Council finds that the \$15 million allocated for payroll expenses uses the portion of the Tribe’s monies that are permitted to be used under ARPA “for the provision of government services to the extent of the reduction in revenue of such ... Tribal government due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the ... Tribal government prior to the emergency”; and
- WHEREAS,** The U.S. Department of the Treasury stated in its *Coronavirus State and Local Fiscal Recovery Funds Final Rule: Frequently Asked Questions* (updated July 27, 2022), that FRF-funded government services “generally include any service traditionally provided by a government unless Treasury has stated otherwise”; and
- WHEREAS,** The Council finds that year-end bonuses for government employees are an expenditure traditionally provided by governments as part of their payroll expenditures and nowhere has Treasury prohibited funding this expenditure as a government service; and
- WHEREAS,** The Council finds it in the best interest of the Tribe to use a portion of the \$15 million in FRF monies allocated to payroll expenses to provide a year-end bonus to all tribal and grant-funded employees in recognition of their service and dedication during difficult times.

**Resolution No. 12-2022-298A**

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves a \$1,000 bonus to be paid to Tribal and grant-funded employees using money the Tribe received from the American Rescue Plan Act Coronavirus State Fiscal Recovery Fund and which the Tribe allocated to payroll expenses in Resolution No. 06-2022-170.

**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 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 **DECEMBER 9, 2022** duly adopted by a vote of **EIGHT** 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez  
Kasey Velasquez, Chairman

12-19-22  
Date

Vaneysa Johnson  
Vaneysa Johnson, Tribal Secretary

12/19/2022  
Date