



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Architectural Service Agreement between the Tribe and Buffalo Design Architects in the Amount of \$223,800.00 and Limited Waiver of Tribe's Immunity for the Same)

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, The Council allocated funds for the construction of a new replacement convenience store/tire shop complex in downtown Whiteriver on the site of the current Apache Service Station (the "Project"); and

WHEREAS, After a bidding process, the Tribe's Property Management and Planning Office has selected Buffalo Design Architects, of Albuquerque, NM to perform the design and architecture services for the Project; and

WHEREAS, The Parties have negotiated an architectural services agreement (the "Draft Agreement") (attached and incorporated herein by reference) in the amount of \$223,800.00 for the services contemplated thereunder; and

WHEREAS, Section 5.3 and 5.4 of the Tribe's Procurement Policy and Procedures requires Council approval for awards over \$100,000.00; and

WHEREAS, The Agreement requires a limited waiver of the Tribe's sovereign immunity from suit for the purposes of allowing arbitration and enforcement of any arbitration award; and

WHEREAS, Council has reviewed the Draft Agreement and finds that approving, and the limited waiver of immunity contained therein, will allow the Project to progress in a professional and timely manner, 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 Draft Agreement between the Tribe and Buffalo Design Architects in the amount of \$223,800.00 with the limited waiver of the Tribe's immunity 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

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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 JANUARY 18, 2023 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez 1.30.23
Kasey Velasquez, Chairman Date

Vaneysa Johnson 1/30/2023
Vaneysa Johnson, Tribal Secretary Date