



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Settlement of Lawsuit, *White Mountain Apache Tribe v. The United States of America*, Court of Federal Claims No. 17-359 L and Accepting Trust Fund Statements as Accurate)

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 decisions not inconsistent with or contrary to this constitution;” and

WHEREAS, In 2016, the Council hired the law firm of Ziontz Chestnut to investigate claims against the United States for mismanagement of funds and resources held in trust by the United States for the benefit of the Tribe and subsequently authorized a lawsuit in the United States Court of Federal Claims; and

WHEREAS, On March 15, 2017, Ziontz Chestnut law firm filed the lawsuit on behalf of the Tribe in the United States Court of Federal Claims where it remains pending; and

WHEREAS, After more than six years of litigation, the Tribe and United States have engaged in a settlement process over the last year that has culminated in a proposed settlement; and

WHEREAS, Under the terms of the proposed settlement, the United States would pay \$80 million to the Tribe and the Tribe would agree to the terms of a settlement agreement which contains a broad waiver and release of trust fund and resource mismanagement claims against the United States that accrue through the date of the agreement and an attestation to the most recent balances of the funds held in trust by the United States for the Tribe as stated in the Periodic Statements of Performance furnished by the United States, which are attached to the agreement as Exhibit 1, among other terms and conditions; and

WHEREAS, After the Tribal Council approved the settlement by Resolution No. 12-2022-305, the United States furnished the trust fund statements, known as the Periodic Statements of Performance, for the month ending February 2023 for Tribal review and attestation; and

WHEREAS, The Tribal Treasurer confirmed that the February 2023 Periodic Statements of Performance are accurate; and

WHEREAS, The Tribal Council finds that re-affirming its approval of the settlement agreement and accepting the accuracy of the trust fund statements is in the best interest of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby re-affirms its approval and acceptance of the settlement of the lawsuit, *White Mountain Apache Tribe v. The United States of America*, Court of Federal Claims No. 17-359 L, in the amount of \$80 million and accepts as accurate the February 2023 Periodic Statements of Performance.


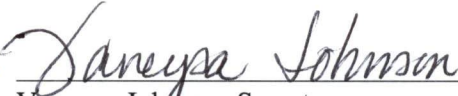
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman, or in his absence the Vice Chairman, to take any and all actions necessary to carry out the settlement and this Resolution, including negotiating any terms consistent with the settlement with the assistance of Ziontz Chestnut law firm and Special Attorney KeAloha Douma, executing any and all documents necessary to effectuate the terms and intent of this Resolution, or other actions pertaining thereto.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes Ziontz Chestnut law firm and Special Attorney KeAloha Douma to take any and all actions necessary to carry out the settlement and this Resolution, including negotiating any terms consistent with the settlement, executing the settlement agreement, and filing with the Court of Federal Claims any and all documents necessary to effectuate the terms and intent of this Resolution, or other actions pertaining thereto.

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 FINALLY 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.

The foregoing resolution was on **MAY 3, 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).

	<u>05/10/2023</u>		<u>05/10/2023</u>
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, Secretary	Date