

**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

- WHEREAS**, the White Mountain Apache Tribe owns and operates the Hondah Casino, a Tribal enterprise; and
- WHEREAS**, the Hondah Casino has exceeded profit expectations and the Tribal Council has accordingly authorized expansion of the casino and the installation of additional gaming devices; and
- WHEREAS**, it is necessary in order to enhance the business success of the casino that an automated teller machine (ATM) be installed; and
- WHEREAS**, Hondah Casino General Manager, Mike Lauf advises the Tribal Council that the Agreement is satisfactory and will benefit the Tribe and the Hondah Casino and requests that the Tribal Council approve the Agreement and authorize the Tribal Chairman, and in his absence, the Vice-Chairman and any other required Tribal official or employee, to execute the Agreement on behalf of the White Mountain Apache Tribe; and
- WHEREAS**, the Agreement provides that the Hondah Casino will receive a transaction incentive based upon the number of completed transactions processed each month through the ATMs; and
- WHEREAS**, The Agreement between the Tribe and First Interstate Bank provides that the amount of the transaction incentive and the division thereof in the Agreement shall be kept confidential; and
- WHEREAS**, the Tribal Council has been verbally advised of the transaction incentive in Executive Session; and
- WHEREAS**, the Hondah Casino may be able to earn a greater profit and lower the transaction minimum above which it shall receive a certain sum per ATM transaction, if it allows any financial organization that places an ATM with Tribal consent within the exterior boundaries of the Fort Apache Indian Reservation, the right to impose a fee of not more than \$1.00 per cash withdrawal transaction for each use thereof by a consumer; and
- WHEREAS**, the Tribal Council concludes that Council authorization should be granted to such organizations; and
- WHEREAS**, the Agreement also provides that the Tribal Council agree to a limited waiver of the Tribe's sovereign immunity for enforcement of the ATM Agreement and for the protection of the related rights and interests of the parties thereto; and

WHEREAS, the Legal Department advises the Tribal Council that the risk involved in the waiver of sovereign immunity is slight owing to the nature of the Agreement; and

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that henceforth any organization that places an automated teller machine (ATM) with Tribal Council consent on the Fort Apache Indian Reservation is hereby authorized to impose a fee of up to \$1.00 per ATM cash withdrawal transaction for each completed use thereof by a consumer.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby consents to the placement of an ATM by First Interstate Bank of Arizona at the Hondah Casino.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby waives the sovereign immunity of the White Mountain Apache Tribe for enforcement of the Agreement and the protection of the related rights and interests of the parties to said Agreement.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes the Tribal Chairman, and in his absence the Vice-Chairman, and any other required Tribal official, manager or employee to execute the Cash Center Concession Agreement (self-service option) for the purposes set forth in said Agreement.

The foregoing resolution was on May 25, 1994, duly adopted by a vote of seven for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1(a), (b), (i), (k), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA



Chairman of the Tribal Council



Secretary of the Tribal Council