

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

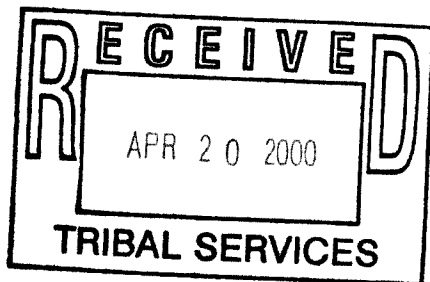
- WHEREAS,** the Hon Dah Casino and Resort ("Hon Dah") is a retail outlet for gasoline fuels to its customers and residents of the White Mountain region; and
- WHEREAS,** Hon Dah desires to improve its gasoline delivery system by installing new gasoline pumps and accompanying lines; and
- WHEREAS,** BRADCO, Inc., a supplier of gasoline, desires to assist Hon Dah with its intent to install new gasoline pumps by funding the cost of such pumps and their installation ("Improvements"), a total of \$120,513.96; and
- WHEREAS,** in exchange for its commitment to fund the Improvements, BRADCO requires Hon Dah's guarantee that it will; (1) purchase 100% of its gasoline and diesel fuel requirements from BRADCO for four (4) consecutive years from the date of the agreement, (2) administer and fund all maintenance of the gasoline pumps, (3) timely remit payment for all delivered gasoline, (4) maintain accurate inventory reconciliation records of BRADCO fuels delivered to Hon Dah, which are subject to review and audit with adequate notice, (5) repay BRADCO for the advanced funds with interest, should Hon Dah terminate the agreement prior to the expiration of the four year initial term, and (6) settle any and all disputes through binding arbitration; and
- WHEREAS,** BRADCO further requires that the Tribal Council agree to a limited waiver of the sovereign immunity of the White Mountain Apache Tribe and the Hon Dah Resort and Casino to; (1) be joined in and demand arbitration before the American Arbitration Association of a claim or dispute arising out of the Agreement, (2) sue and be sued in the White Mountain Apache Tribal Court in an action to enforce the arbitration requirement, (3) sue and be sued in the White Mountain Apache Tribal Court to enforce an arbitration award and to execute judgement on such an award, (4) consent to the execution and enforcement against the White Mountain Apache Tribe of any order issued from the White Mountain Apache Tribal Court, (5) be sued in the White Mountain Apache Tribal Court to enforce Hon Dah's indemnification obligation to BRADCO as described in paragraph 16 of the Agreement; and
- WHEREAS,** BRADCO shall; (1) indemnify and defend Hon Dah and the White Mountain Apache Tribe against all actions brought for any fuel spills, leaks or discharge caused by BRADCO as described in paragraph 16 of the Agreement, and (2) waive its right to appeal any arbitration decision or award as described in paragraph 11 of the Agreement; and
- WHEREAS,** the Tribal Council has heard from Roger Leslie, General Manager of the Hon Dah Resort and Casino, and Brent Kurth, Assistant General Manager for Hon Dah Resort, who have expressed their desire for BRADCO to fund the Improvements and are fully

aware of the terms of the proposed agreement for Hon Dah's relationship with BRADCO.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe, that it hereby grants a limited waiver of the sovereign immunity of the Hon Dah Resort and Casino which shall be strictly limited to its ability to be joined in and to demand any arbitration before the American Arbitration Association and to sue and be sued in the White Mountain Apache Tribal Court according to the terms of the attached agreement between BRADCO and Hon Dah, which the Council has reviewed this day.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it directs the submission of this agreement to the Secretary of the Interior and the Commissioner of Indian Affairs for approval under 25 U.S.C. §81.

The foregoing resolution was on April 7, 2000 duly adopted by a vote of EIGHT 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), (i), (j), (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).



Frank D. Field Jr.
ACTING Chairman of the Tribal Council

Cindy Harvey-Burnette
Secretary of the Tribal Council