



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

(Authorizing a Limited Waiver of Sovereign Immunity as set Forth in the Intergovernmental Agreement with the Arizona Office of Economic Recovery)

- WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** the Arizona Office of Economic Recovery recently announced that the White Mountain Apache Tribe Police Department was awarded a Public Safety and Stabilization Program Grant in the amount of \$25,000.00 for the period of October 1, 2010 through September 30, 2011; and
- WHEREAS,** to receive the grant award the Tribe must enter into an Intergovernmental Agreement (IGA) with the Arizona Office of Economic Recovery (OER); and
- WHEREAS,** the Office of Economic Recovery provided an IGA that required the Tribe to waive sovereign immunity and submit to state court jurisdiction to resolve any dispute that arose from the agreement; and
- WHEREAS,** the Tribe's Legal Department negotiated with the attorney general and found the OER was not willing to enter into an agreement in which the Tribe waived sovereignty only to the extent that claims could be brought in Tribal Court; and
- WHEREAS,** the state of Arizona and other states have been less willing to enter into Agreements with Tribes because of several high-profile defaults on obligations by other tribes; and
- WHEREAS,** this matter was presented to the Tribal Council to determine whether a limited waiver that allowed for enforcement in the state court was acceptable considering the need for the funds to pay officers overtime; and
- WHEREAS,** given the need for overtime pay to officers and the relatively low risk with this grant, the Council determined it was therefore acceptable to provide a limited waiver of sovereign immunity for the purpose of entering into this IGA.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby agrees to a limited waiver of sovereign immunity as set forth in the Intergovernmental Agreement with the Arizona Office of Economic Recovery.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

Resolution No. 12-2010-320

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 10, 2010** duly adopted by a vote of **FIVE** for and **THREE** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), and (j) 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).



Ronnie Lupe, Chairman of the Tribal Council



Mariddie J. Craig, Secretary of the Tribal Council