



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Lease Agreement between NARCH and Ford Motor)

WHEREAS, the National Institute of Health (NIH) and the Indian Health Service (IHS) jointly operate and fund the Native American Research Center for Health (NARCH) program which provides grants to develop and implement tribally-controlled health research activities and training; and

WHEREAS, the White Mountain Apache/Johns Hopkins NARCH program is in need of vehicles to provide transportation to carry-out health research activities and training. In order to become eligible for the funds, NARCH is required to enter into a rental or lease agreement; and

WHEREAS, Show Low Ford offers a lease program that the Tribe qualifies for, which would allow the Tribe to make payments using NARCH funding over a 3 year period; and

WHEREAS, NARCH will acquire two 2014 Ford Escapes. The cost of leasing these vehicles is approximately \$50,231.00, which shall be paid out of the NIH grant that NARCH was awarded; and

WHEREAS, the lease agreement incorporates a limited waiver of sovereign immunity for enforcement of the agreement as follows:

“Lessee irrevocably waives its sovereign immunity from suit solely for the limited purpose of enforcement of the terms of this Master Agreement by Lessor. This limited waiver of immunity is granted solely for purposes of Lessor enforcing this Master Agreement and shall be regarded as a limited waiver of sovereign immunity in any proceeding commenced by Lessor for purposes of enforcing the terms of this Master agreement. Nothing contained in this limited waiver shall be construed to confer any benefit, tangible or intangible, on any person or equity not a party to this Master Agreement, their successors and assigns, or as waiver with respect to any such third person or entity, or with respect to any matter not set forth in this Section.”

; and

WHEREAS, the enforcement provisions would allow for the Master Lease Agreement and any Schedule incorporating the terms of the Master Agreement to be construed in accordance with, and governed by, the laws of the State of Arizona.

Resolution No. 06-2014-70

WHEREAS, the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes NARCH, under the Tribal umbrella, to enter into an agreement with Ford Motor Company for the lease of two vehicles as considered herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby grants a limited waiver of sovereign immunity for the purpose of enforcing the terms of the lease agreement as follows:

Lessee irrevocably waives its sovereign immunity from suit solely for the limited purpose of enforcement of the terms of this Master Agreement by Lessor. This limited waiver of immunity is granted solely for purposes of Lessor enforcing this Master Agreement and shall be regarded as a limited waiver of sovereign immunity in any proceeding commenced by Lessor for purposes of enforcing the terms of this Master agreement. Nothing contained in this limited waiver shall be construed to confer any benefit, tangible or intangible, on any person or equity not a party to this Master Agreement, their successors and assigns, or as waiver with respect to any such third person or entity, or with respect to any matter not set forth in this Section.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

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 it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, 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.

Resolution No. 06-2014-70

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 **JUNE 9, 2014** duly adopted by a vote of 6 for and 0 against with 0 abstaining 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 September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 6/9/14  6-9-2014
Ronnie Lupe, Tribal Chairman Date Doreen T. Numkena, Tribal Secretary Date