



# **WHITE MOUNTAIN APACHE TRIBE**

**A Sovereign Tribal Nation**

## **( Approving Special Counsel Contract for Robert C. Brauchli )**

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- WHEREAS,** the Tribal Council on May 16, 2013, adopted Resolution No. 05-2013-109 approving a three (3) year Special Counsel Contract for Robert C. Brauchli, attorney at law, and said Special Counsel Contract will expire on June 6, 2016; and
- WHEREAS,** Special Counsel Robert C. Brauchli provides legal representation to the Tribe in the areas of water rights and related natural resource issues, breach of trust claims against the United States, the Tribe's long-standing claim to approximately 14,697 acres of land erroneously surveyed outside the Tribe's 1871 Executive Order Reservation's northern boundary by the federal government, , and other legal matters as from time to time requested by the Tribe's Attorney General and by the Tribal Chairman on behalf of the Tribe; and
- WHEREAS,** attorney Robert C. Brauchli has provided legal representation to the White Mountain Apache Tribe since November 1980; first as Tribal Attorney from 1980 through May 1998, and thereafter as Special Counsel; and
- WHEREAS,** as Special Counsel, Mr. Brauchli, among other matters, represented the White Mountain Apache Tribe in the negotiation and drafting of the 2009 White Mountain Apache Tribe Water Rights Quantification Agreement and subsequently, the White Mountain Apache Tribe Water Rights Quantification Act of 2010, and continues to represent the Tribe in regards to meeting the enforceability requirements of Section 409(d)(1) of the WMAT Water Rights Act; negotiated an amendment to the 2009 Quantification Agreement to conform to the 2010 Water Rights Act, as required by the Act; and obtained state court approval of the Amended and Restated Quantification Agreement at a hearing on December 18, 2014 ; and
- WHEREAS,** Special Counsel Robert C. Brauchli currently provides legal representation for the WMAT in regards to the Self-Determination Act Contract between the Bureau of Reclamation and the Tribe for the design and construction of the Miner Flat Rural Water System (RWS)Project, and the Environmental Impact Statement(EIS) pertaining thereto; and approval of the design and the EIS by the Secretary of the Interior is the last remaining precondition in the WMAT Water Rights Act of 2010 that must be satisfied in order for that Act to become enforceable and thereafter, construction can begin on the RWS project which includes the Miner Flat Dam reservoir, treatment plant and pipeline from Whiteriver to Cibecue and to communities in between; and
- WHEREAS,** legal work assigned to Robert C. Brauchli as described in this resolution is necessary for the implementation and enforceability of the WMAT Water Rights Act of 2010 ; and
- WHEREAS,** the Tribal Council has concluded that continued representation of the WMAT in the forgoing matters by Mr. Brauchli is in the best interests of the White Mountain Apache Tribe; and



***Resolution No. 04-2016-63***

**WHEREAS,** Mr. Brauchli advises the Tribal Council that, subject to Tribal Council approval, he is willing to, and wishes to continue legal representation of the White Mountain Apache Tribe as described herein pursuant to the terms of the proposed Special Counsel Attorney Contract attached and incorporated by reference herein; and

**WHEREAS,** the Tribal Council concludes that the Special Counsel Contract attached hereto should be approved by the Council for a three (3) year term, subject to the thirty (30) day termination of the contract by the Tribe as provided therein so that Mr. Brauchli may continue to provide legal advice and representation to the Tribe on the matters identified in this resolution and on such other matters as may be assigned from time to time by the Tribe through the Tribal Chairman and the Attorney General; and

**WHEREAS,** the Tribal Council, as a priority of the Tribe, requires strict performance of the payment provisions in the Special Counsel Contract to enable Mr. Brauchli to perform the legal services required therein for the benefit of the Tribe and its members without financial constraint.

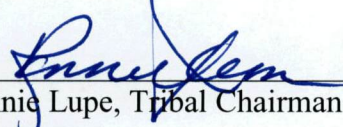
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Special Counsel Contract, between the White Mountain Apache Tribe and Robert C. Brauchli, attorney at law, in the form and content attached to this resolution and incorporated by reference herein, for the term June 7, 2016 through June 6, 2019, subject to the thirty (30) day termination provision therein, and hereby authorizes and directs the Tribal Chairman, and in his absence, the Vice Chairman, to sign and execute the Special Counsel Contract between the White Mountain Apache Tribe and Robert C. Brauchli, attorney at law, for the purposes contained therein.

**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.

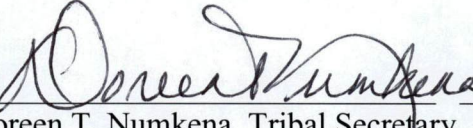
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**BE IT 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 APRIL 13, 2016 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 September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
Ronnie Lupe, Tribal Chairman

4-14-2016  
Date

  
Doreen T. Numkena, Tribal Secretary

4-14-2016  
Date