



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving a Non-Disclosure Agreement Between the Tribe and Schneider Electric for Tribal Electric Data and Generation Project Feasibility Report Review)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power “To negotiate, make and perform contracts and agreements or every description...”; and

WHEREAS, The White Mountain Apache Tribe (“Tribe”) has conducted and contracted for several biomass and other energy generation feasibility studies for the Fort Apache Indian Reservation (“FAIR”); and

WHEREAS, It is timely for the Tribe to again review this work and its current electricity usage data so that it is positioned to take advantage of any new energy projects or configurations that would create cost savings or other advantages; and

WHEREAS, Schneider Electric has extensive expertise in the area of analyzing energy savings/efficiency and contemporary engineering and design, including renewable and microgrid projects; and

WHEREAS, Schneider Electric representatives have visited the Tribe and toured portions of the FAIR on two occasions in 2019; and

WHEREAS, Schneider has offered to perform a level of energy data and related study review at no cost to the Tribe; and

WHEREAS, The Tribe will benefit from executing a non-disclosure agreement (“NDA”) with Schneider for this purpose; and

WHEREAS, The Tribal Attorney General’s Office has negotiated the terms of an NDA (attached and incorporated herein) that Schneider has also accepted; and

WHEREAS, The Council finds that approving the NDA will enable the Tribe to safely proceed with the proposed energy savings analysis, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the attached non-disclosure agreement between the Tribe and Schneider Electric regarding data to be collected as part of an energy savings and efficiency analysis.

Resolution No. 12-2019-243

BE IT FURTHER RESOLVED that the Tribal Council of the White Mountain Apache Tribe hereby authorizes the Chairwoman or her designee to execute the attached non-disclosure agreement, consistent with the scope of this Resolution.

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 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 the Chairwoman, or in her 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 4, 2019** duly adopted by a vote of **EIGHT** 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).

 12/12/19
Gwendena Lee-Gatewood, Chairwoman Date

 12/13/19
Doreen T. Numkena, Tribal Secretary Date