



# **WHITE MOUNTAIN APACHE TRIBE**

A Sovereign Tribal Nation

**(Approving Renewal of the Cooperative Agreement between the Tribe and the Arizona Department of Forestry and Fire Management and Approving Limited Waiver of Immunity to Allow for Arbitration)**

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- 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 of every description... with the State of Arizona for rendition of public services”; and
- WHEREAS,** By Resolution No. 10-90-235, the Tribe designated the White Mountain Apache Fire & Rescue Department (“WMAFR”) as the Tribe’s official fire department; and
- WHEREAS,** WMAFR is responsible for safe and efficient community fire protection services, including fire prevention, fire suppression, and rescue services within the Fort Apache Indian Reservation (“Reservation”); and
- WHEREAS,** The Reservation is located within, and surrounded by, forested areas, and the majority of the Tribe’s communities are located within wildland urban interfaces (“WUI”); and
- WHEREAS,** WMAFR personnel and resources comply with National Wildland Coordinating Group (“NWCG”) standards, which enables WMAFR to fight wildland and WUI fires; and
- WHEREAS,** WMAFR has a long history of being a cooperating agency with the Arizona Department of Forestry and Fire Management (“ADFFM”), which enables WMAFR to have qualified personnel and resources dispatched to fires within Arizona and beyond for which the WMAFR is reimbursed for all personnel and resources used; and
- WHEREAS,** These fire assignments provide not only much needed additional revenue for the WMAFR, but also the opportunity to receive additional training and experience for its personnel, and to assist other entities within Arizona and beyond; and
- WHEREAS,** The ADFFM requires all cooperators to enter into a cooperative agreement (“Cooperative Agreement”) with ADFFM (attached and incorporated herein) prior to submitting a Cooperative Fire Rate Agreement (attached and incorporated herein) by which the cooperator also agrees to the 2020 General Provisions (attached and incorporated herein) and make any amendment changes related to equipment cost correction and contact name

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changes (attached and incorporated herein).

**WHEREAS,** The Cooperative Agreement does not commit the Tribe to expend personnel or resources if they are needed on the Reservation and can be cancelled by either party at any time, but does require a limited waiver of the Tribe's sovereign immunity to permit arbitration under A.R.S. 12-1518 ; and

**WHEREAS,** The Council finds that approving a renewal of the Cooperative Agreement will promote training and provide funding for the WMAFR, 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 approves renewal of the attached Cooperative Agreement between the Tribe and the Arizona Department of Forestry and Fire Management, including the limited waiver of immunity and any needed amendments related to equipment cost correction and contact name changes, and execution of the Cooperative Fire Rate Agreement.

**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 **APRIL 8, 2020** 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).



Gwendena Lee-Gatewood, Chairwoman

Date

4/9/2020



Doreen T. Numkena, Tribal Secretary

Date