



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## (Approving a Benefit-Credit Agreement with Utah Municipal Power Agency for the Tribe's CRSP Allocation)

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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, not inconsistent with Federal law or this constitution with any person, association, or corporation, with any municipality or any county..."; and

**WHEREAS,** In 2004, the White Mountain Apache Tribe began receiving its Colorado River Storage Project ("CRSP") hydroelectric allocation through an agreement with the U.S. Department of Energy; and

**WHEREAS,** Because the Tribe could not utilize that electricity itself, it partnered with a utility that wanted to receive and use the allocation in exchange for a benefit payment to the Tribe; and

**WHEREAS,** The Tribe does not operate a power company, and so it remains unable to receive the electricity for itself on-Reservation; and

**WHEREAS,** The Utah Municipal Power Agency ("UMPA") has approached the Tribe and proposed an agreement whereby the Tribe would transfer its CRSP allocation to UMPA in exchange for monthly credit payments; and

**WHEREAS,** The Tribe has negotiated and reviewed the UMPA proposal and understands that it will offer monthly credit payments to the Tribe with a reasonable expectation of continuity; and

**WHEREAS,** The Council has reviewed the UMPA proposal and finds that approving it will help the Tribe continue to make beneficial use of its CRSP allocation, 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 execution of a CRSP benefit-credit agreement with the Utah Municipal Power Agency.


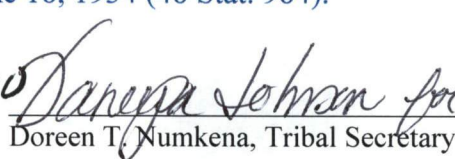
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Chairwoman or in her absence, the Vice-Chairman, to execute any and all documents needed for this purpose, with the assistance of the Tribal Attorney General's office.

**Resolution No. 05-2020-94**

**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.

The foregoing resolution was on MAY 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).

	<u>05/12/20</u>		<u>5/12/2020</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date