



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Agreement with Moss Adams LLP for Accounting Services, not to Exceed \$35,000, and Approving Limited Waiver of Sovereign Immunity for the Same)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation 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...”; and
- WHEREAS,** The Tribe has received a substantial award of funds as provided by the Coronavirus Aid, Relief, and Economic Security Act of 2020 (“CARES Act” and “CRF Funds”); and
- WHEREAS,** To assist in making determinations about allowable expenditures of CRF Funds, and how the funds can be best utilized, the Tribal Treasurer has recommended that the Tribe avail itself of the consulting services Moss Adams LLP, one of the world’s largest accounting firms; and
- WHEREAS,** Under the provisions of the attached professional services agreement, including the Scope of Work (attached and incorporated herein), Moss Adams will consult with the Tribe regarding Section 5001 of the CARES Act, including providing routine consulting, review of specific projects to determine CRF eligibility, and perform data mining operations on Tribal enterprises, including Hon-Dah Casino Resort, to determine additional possible uses for CRF funds; and
- WHEREAS,** Moss Adams estimates the cost of the project to be about \$35,000.00; and
- WHEREAS,** The draft professional services agreement requires a limited waiver of the Tribe’s sovereign immunity, authorizing binding arbitration, and suit in Tribal court to enforce any judgments obtained through arbitration; and
- WHEREAS,** The Council finds that approving the draft professional services agreement between the Tribe and Moss Adams LLP, including the Scope of Work and the Limited Waiver of the Tribe’s sovereign immunity will help the Tribe and Tribal Enterprises to utilize the CARES Act CRF funds in the most effective ways, and is in the best interests of the Tribe and its members.

Resolution No. 07-2020-162

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the attached professional services agreement between the Tribe and Moss Adams LLP, including the Scope of Work and the limited waiver of the Tribe's sovereign immunity from suit.

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 **JULY 22, 2020** duly adopted by a vote of **TEN** for, **ZERO** against, and **ONE** 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

8/18/2020

Date



Doreen T. Numkena, Tribal Secretary

8-19-2020

Date