



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Ratifying the Amendment to the 2021 Amended and Restated Tribal-State Gaming Compact)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power “[t]o represent the tribe and act in all matters that concern the welfare of the Tribe, and to make decision not inconsistent with or contrary to this constitution”; and
- WHEREAS,** In 2003, the Tribe entered into the Arizona Tribal-State Gaming Compact with the State of Arizona after the passage of the gaming initiative, Proposition 202, codified in part, at A.R.S. 5-601.02 (“2003 Compact”); and
- WHEREAS,** The Tribe was an active participant in the coalition negotiating the new gaming compact, with a delegation consisting of 5 Tribal Councilmembers, the Tribe’s Attorney General, and Hon-Dah management (“WMAT Gaming Group”); and
- WHEREAS,** On October 30, 2020, the Tribal Council passed Resolution No. 10-2020-258 “Ratifying the 2020 Tribal-State Gaming Compact”; and
- WHEREAS,** As negotiations between the tribes and the State continued into 2021, the Tribal Council ratified the Amended and Restated Compact (“Compact”) between the State of Arizona and the White Mountain Apache Tribe via Tribal Council Resolution No. 02-2021-36 on February 23, 2021; and
- WHEREAS,** While the White Mountain Apache Tribe, along with other Arizona tribes and the State of Arizona, signed the Compact in early 2021, the Yavapai Prescott Indian Tribe (“Yavapai Prescott”) did not sign the Compact nor did they participate in negotiations; however, they did file a lawsuit against the State of Arizona in opposition to the negotiated Arizona Tribal-State Gaming Compact; and
- WHEREAS,** The court in the aforementioned lawsuit issued an Order of Stay to allow the parties to negotiate a settlement that necessitated discussions with the signatory tribes to the Compact. A large majority of the signatory tribes have reached an agreement with the Yavapai Prescott Indian Tribe in order for them to also become a signatory to the Compact; and

Resolution No. 12-2021-271

WHEREAS, The Gaming Regulatory Subcommittee, which includes tribal legal counsel, lobbyists, advisors, and representatives, has continued working on the Compact's appendices, and so is able to add revisions to incorporate the appendices and Yavapai Prescott Indian Tribe into a single Compact amendment for the purpose of efficiency and in order to prevent multiple amendments; and

WHEREAS, Understanding the importance of gaming to the Tribe, the Tribal Council finds that ratifying the Amendment to the 2021 Amended and Restated Tribal State Gaming Compact, including the section clarifying the definition of "Event Wagering" and the Yavapai-Prescott attachment, both as presented, is in the best interest of the Tribe and its members.

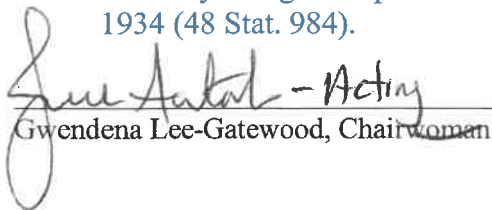
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby ratifies the Amendment to the 2021 Amended and Restated Tribal-State Gaming Compact, with the referenced Attachment 9, provided that the final version is substantially consistent with the draft presented this day.

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 15, 2022** duly adopted by a vote of **NINE** 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

12-21-21
Date


Doreen T. Numkena, Tribal Secretary

12-21-2021
Date