



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Directing Use of the Tribe's American Rescue Plan Act Coronavirus State Fiscal Relief Fund Monies for Other Tribal Entities Employee Bonuses)

- 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 at Section 1(k) that the Council shall exercise the power "[t]o appropriate tribal funds for tribal purposes and to expend such funds in accordance with an annual budget"; and
- WHEREAS,** The Tribe has received monies from the American Rescue Plan Act ("ARPA") Coronavirus State Fiscal Recovery Fund ("FRF"); and
- WHEREAS,** On July 8, 2022, the Council enacted Resolution No. 06-2022-170 allocating \$15 million of the Tribe's FRF monies "to assist in meeting current and future payroll obligations for the next year"; and
- WHEREAS,** The Council finds that the \$15 million allocated for payroll expenses uses the portion of the Tribe's monies that are permitted to be used under ARPA "for the provision of government services to the extent of the reduction in revenue of such ... Tribal government due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the ... Tribal government prior to the emergency"; and
- WHEREAS,** The U.S. Department of the Treasury stated in its *Coronavirus State and Local Fiscal Recovery Funds Final Rule: Frequently Asked Questions* (updated July 27, 2022), that FRF-funded government services "generally include any service traditionally provided by a government unless Treasury has stated otherwise"; and
- WHEREAS,** The Council finds that year-end bonuses for government employees are an expenditure traditionally provided by governments as part of their payroll expenditures and nowhere has Treasury prohibited funding this expenditure as a government service; and
- WHEREAS,** The Council awarded all tribal employees a \$1,000 bonus and now finds it in the best interest of the Tribe to use a portion of the \$15 million in FRF monies allocated to payroll expenses to provide a year-end bonus to the employees of Sunrise Ski Resort, Hon-Dah Resort Casino, the White Mountain Apache Timber Company, and the White Mountain Apache Housing Authority, including their force account employees ("Tribal Entities") in recognition of their service and dedication during difficult times.

Resolution No. 12-2022-298B

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that a \$1,000 bonus shall be paid to employees of the above referenced Tribal Entities using money the Tribe received from the American Rescue Plan Act Coronavirus State Fiscal Recovery Fund and which the Tribe allocated to payroll expenses in Resolution No. 06-2022-170.

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 Chairman, or in his 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 9, 2022 duly adopted by a vote of EIGHT 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez
Kasey Velasquez, Chairman

12-14-22
Date

Vaneysa Johnson
Vaneysa Johnson, Tribal Secretary

12/14/2022
Date