



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Authorizing Limited Waiver of the Tribe’s Sovereign Immunity for Hon-Dah Resort Casino to Consent to California Jurisdiction Regarding a Performance Contract with Top Ten Inc.)**

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**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...”; and

**WHEREAS,** Hon-Dah Resort-Casino (“Hon-Dah”) is a wholly-owned economic enterprise of the Tribe; and

**WHEREAS,** Hon-Dah plans to hire musician Don Felder, through his management company Top Ten Inc. to perform at an event; and

**WHEREAS,** The Performance Rider, which is incorporated into the entirety of the contract, provides, in part, “The State or Federal courts located in Los Angeles County, California shall have exclusive jurisdiction over any disputes arising hereunder and the parties hereto agree to submit to the jurisdiction of these courts” (see Performance Contract and Rider, attached and incorporated herein); and

**WHEREAS,** For Hon-Dah to submit to the jurisdiction of a state or federal court requires a limited waiver of the Tribe’s sovereign immunity, by resolution; and

**WHEREAS,** Hon-Dah management, this day, requests authorization to execute the Performance Contract in its entirety, including the limited waiver as to the Courts of California only, which must be fully executed by March 20; and

**WHEREAS,** Council has considered Hon-Dah’s request and finds that authorizing the required limited waiver of immunity will enable this event to occur, and is in the best interests of the Tribe and its members; and

**WHEREAS,** Given the urgency of the situation, the Tribal Council further finds that this needs to be considered and made outside of its regularly scheduled meeting; and

**WHEREAS,** The Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution; (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally; (3) no signature means that the respective Tribal Council

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member is against this Resolution, and; (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that Hon-Dah Resort Casino is hereby authorized to execute the attached Performance Contract and Rider, with a limited waiver of Hon-Dah's sovereign immunity, only to the extent required to consent to choice of California law and the jurisdiction of the California court, limited to disputes arising under the attached contract.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

**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 MARCH 21, 2023 duly adopted by a vote of 7 for, 0 against, and 0 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 3.21.23 Vaneysa Johnson 3.21.23  
Kasey Velasquez, Chairman Date Vaneysa Johnson, Tribal Secretary Date

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Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution Initiated the 21<sup>st</sup> day of MARCH, 2023.

Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

Kasey Velasquez 3.21.23 DDA TCS Initials  
Kasey Velasquez  
Tribal Chairman  
Date Signed

Jerome Kasey, III 21 MAR 23 DDA TCS Initials  
Jerome Kasey, III  
Vice Chairman  
Date Signed

Arnold Beach, Sr. March 21, 2023 DDA TCS Initials  
Arnold Beach, Sr.  
District I Council Member  
Date Signed

\_\_\_\_\_  
Travis J. Tessay, Sr.  
District I Council Member  
Date Signed \_\_\_\_\_ TCS Initials

Jerold Altaha 3-21-23 DDA TCS Initials  
Jerold Altaha  
District II Council Member  
Date Signed

Renaldo Dazen 21 Mar 23 DDA TCS Initials  
Renaldo Dazen  
District II Council Member  
Date Signed

\_\_\_\_\_  
Aubrey Aday, Sr.  
District III Council Member  
Date Signed \_\_\_\_\_ TCS Initials

Annette Tenjieth. 3-21-23 DDA TCS Initials  
Annette Tenjieth.  
District III Council Member  
Date Signed

\_\_\_\_\_  
Gary Alchesay  
District IV Council Member  
Date Signed \_\_\_\_\_ TCS Initials

\_\_\_\_\_  
Mariddie Craig  
District IV Council Member  
Date Signed \_\_\_\_\_ TCS Initials

Verna Westover 3-21-2023 DDA TCS Initials  
Verna Westover  
District IV Council Member  
Date Signed

**ATTEST:**

Vanessa Johnson  
Vanessa Johnson, Tribal Council Secretary

Mar. 21, 2023  
Date Signed