



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing and Directing the White Mountain Apache Tribal Broadband Project to Prepare and Circulate a Request for Proposal for Contractor to Implement the National Telecommunications and Information Administration Tribal Broadband Connectivity Program Grant)

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 at Article IV, Section 1(b), “[t]o negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law of this constitution, with any person, association, or corporation...”; and

WHEREAS, The Tribe has received funding from the National Telecommunications and Information Administration (“NTIA”) Tribal Broadband Connectivity Program (“TBCP”) to deploy broadband infrastructure on the Fort Apache Indian Reservation; and

WHEREAS, The Tribe’s NTIA TBCP application contemplated entering a partnership with Commnet of Arizona, LLC (“Commnet”) to carry out the work under the grant, but the Tribe has been unable to reach agreement with Commnet regarding appropriate contract terms and other matters; and

WHEREAS, The Tribal Council recognizes the urgent connectivity needs of the Tribe’s departments and its members, and finds it in the best interests of the Tribe to move forward with seeking other potential partners to carry out the work under the NTIA TBCP grant.

NOW THEREFORE BE IT RESOLVED, by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the White Mountain Apache Tribal Broadband Project Team to prepare and circulate, consistent with any applicable Tribal or Federal procurement requirements, a request for proposals (“RFP”) for contractors interested in implementing the Tribe’s NTIA TBCP award.

BE IT FURTHER RESOLVED, by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the White Mountain Apache Tribal Broadband Project Team to make any necessary or appropriate changes to the Tribe’s NTIA TBCP grant to carry out this Resolution.

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.

Resolution No. 11-2023-245

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 NOVEMBER 01, 2023 duly adopted by a vote of TEN 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 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

11/13/23
Date

Vaneysa Johnson
Vaneysa Johnson, Tribal Secretary

11/14/2023
Date