



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing the Tribe to Join *Arizona Free Enterprise Club v. Fontes* to Support the Continued Use of Drop Boxes in Arizona, and Approving the Legal Representation Agreement between the Tribe and Native American Rights Fund)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation 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 in Article IV, Section 1(d), “[t]o employ legal counsel”; and

WHEREAS, The Council engages the services of special legal counsel from time to time to represent the Tribe in specialized areas, including, but not limited to, water rights, pension, and other litigation matters; and

WHEREAS, The Native American Rights Fund (“NARF”) seeks to represent the Tribe pro bono as an intervenor defendant in *Arizona Free Enterprise Club v. Fontes*, No. S-1300-CV-202300872, a lawsuit filed in the Yavapai County Superior Court challenging the use of drop boxes for voters to return their early ballots (“Lawsuit”); and

WHEREAS, The Council has reviewed the November 19, 2023 Memorandum presented by NARF and concludes that seeking to intervene in the Lawsuit as a defendant and that approving NARF’s Legal Services Agreement to facilitate the same is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribe is hereby authorized to seek to intervene as a defendant in *Arizona Free Enterprise Club v. Fontes*, in order to protect the Tribe’s members’ continued use of drop boxes.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Legal Representation Agreement between the White Mountain Apache Tribe and NARF is hereby approved.

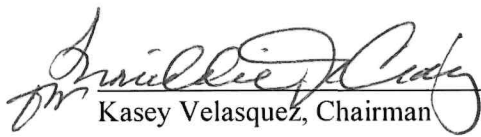
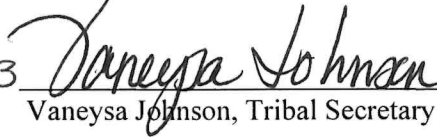
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

Resolution No. 11-2023-254

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 **NOVEMBER 20, 2023** duly adopted by a vote of **SEVEN** for, **ONE** 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).

	<u>12.05.2023</u>		<u>12/05/2023</u>
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, Tribal Secretary	Date