



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Use of the Tribe’s American Rescue Plan Act Coronavirus State Fiscal Relief Fund Monies for Tribal, Enterprise, and Grant-Funded 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 decisions 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, thereby 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 are a permissible use 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 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 Tribal and grant-funded employees in recognition of their service and dedication during difficult times; and
- WHEREAS,** Given the urgency of payroll obligations, the Tribal Council further finds that the year-end bonus needs to be considered and made outside of its regularly scheduled meeting; and
- WHEREAS,** The Tribal 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

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Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (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 it hereby approves a \$1,000 bonus to be paid to Tribal, Enterprise, and grant-funded employees who are active in the ADP system and excludes those grant-funded programs that already received a bonus as it is already appropriated in their program budget; using appropriated funds 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 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 **DECEMBER 18, 2023** duly adopted by a vote of 6 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
Kasey Velasquez, Chairman

12.18.2023
Date

Vaneysa Johnson
Vaneysa Johnson, Tribal Secretary

12/18/2023
Date

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Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution
Initiated the 18TH day of DECEMBER, 2023. Presented Personally by Tribal Council

Secretary (TCS)-Indicated by Initials

Kasey Velasquez 12.18.2023 ij TCS Initials
Kasey Velasquez
Tribal Chairman

Jerome Kasey, III
Vice Chairman

Date Signed

TCS Initials

Arnold Beach, Sr. Dec. 18, 2023 ij TCS Initials
Arnold Beach, Sr.
District I Council Member

Travis J. Tessay, Sr.
District I Council Member

Date Signed

TCS Initials

Jerold Altaha
District II Council Member

Date Signed

TCS Initials

Renaldo Dazen 18 Dec 2023 ij TCS Initials
Renaldo Dazen
District II Council Member

Aubrey Aday, Sr.
District III Council Member

Date Signed

TCS Initials

Annette Tenijieth.
District III Council Member

Date Signed

TCS Initials

Gary Achesay 12-18-2023 ij TCS Initials
Gary Achesay
District IV Council Member

Mariddie Craig 12.18.2023 ij TCS Initials
Mariddie Craig
District IV Council Member

Verna Westover 12/18/2023 ij TCS Initials
Verna Westover
District IV Council Member

ATTEST:

Taneyia Johnson
Taneyia Johnson, Tribal Council Secretary

12/18/2023
Date Signed