



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Limited Waiver of the Tribe's Sovereign Immunity and Authorizing the Tribe to Enter a Placement Agreement with the Hualapai Indian Tribe for Juvenile Detention Services)

- 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, "[t]o negotiate, make and perform contracts and agreements of every description, not inconsistent with federal law or this constitution, with any person, association or corporation..."; and
- WHEREAS,** The Tribe is in need of Juvenile Detention Services due to recent actions and inactions of the Bureau of Indian Affairs Office of Justice Services ("BIA-OJS"); and
- WHEREAS,** BIA-OJS remains responsible for all federal programs, functions, services, and activities not otherwise contracted by the Tribe, pursuant to a Public Law 93-638 self-determination contracts, including but not limited to juvenile detention services; and
- WHEREAS,** To meet the immediate public safety needs of the community, the Tribe requires a contract for juvenile detention services; and
- WHEREAS,** The Hualapai Tribe has a juvenile detention facility that it will make beds available to the Tribe pursuant to the Placement Agreement, attached hereto and incorporated by reference, which has been reviewed by the Tribe's Office of the Attorney General; and
- WHEREAS,** The Placement Agreement requires a limited waiver of sovereign immunity for the Tribe to be able to consent and agree to be subject to the civil jurisdiction of the Hualapai Tribe and the Hualapai Tribe's Court; and
- WHEREAS,** The Council finds that approving this limited waiver of immunity will enable the Tribe to contract with the Hualapai Tribe for the juvenile detention needs of the community, and is therefore in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and approves the Placement Agreement, as attached, between the Tribe and the Hualapai Tribe for juvenile detention services.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that a limited waiver of the Tribe's sovereign immunity, for the purposes of Hualapai tribal jurisdiction, pursuant to the Placement Agreement, 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.

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 SEPTEMBER 11, 2024 duly adopted by a vote of NINE 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).

<u>Kasey Velasquez</u>	<u>9-11-24</u>	<u>Vaneya Johnson</u>	<u>9/11/2024</u>
Kasey Velasquez, Chairman	Date	Vaneya Johnson, Tribal Secretary	Date